

The Church as a Court: the Requirement for “Two or Three Witnesses”

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Abstract

The Church in the New Testament is described with various images, and this article argues that one image that is implicitly present in the New Testament is the Church as a “court” or a “community of trial.” First, this can be argued because the God of the Bible – YHWH - is Creator, King, and Judge. That means that YHWH’s community is responsible, per YHWH’s revelation, to maintain the purity of its members in all aspects of life. Second, in the New Testament, we find examples where the Church functions as a court. However, the question is, does the biblical requirement for “two or three witnesses” also support the claim that the Church should function as a court?

The purpose of this article is to identify places where the biblical command about “two or three witnesses appear,” to trace its development and to see what role and place it plays in the Church. By doing so, we would demonstrate that the presence of this stipulation in the New Testament is additional proof that we should sometimes view the Church as a “court.” The first part of the article explains that the context for the concept of witness is the Mosaic covenant and underlying assumption that governs the command about “two and three witnesses.” The second part analyzes the appearance of “two or three witnesses” in the Old Testament. In the third part, we will argue that the Church is truly a community of trial. We will so argue by observing selected examples from the New Testament where the Church functions as a court, and by tracking the development of the requirement about “two or three witnesses” in the New Testament. Based on this research, we will end by offering a reflection and a conclusion.

Keywords: *Church, court, “two or three witnesses,” judgment, revelation, theocracy*

Introduction

In the Bible, YHWH is presented in many ways. Among various descriptions and images, he is presented as the Creator, King, and Judge. The fact that he created something means that he rules above it, and as a ruler, he has a right to judge. This description is important when we talk about “the community of God.” As we follow the story of the Old Testament Israel in the Bible, this community created by YHWH’s election and shaped by YHWH’s revelation, was also a community of judgment: the community was responsible, per YHWH’s revelation, for maintaining the purity of its members in all aspects of life. Sometimes that means that this community had to conduct hearings and trials and execute judgments. And as part of those trials, they called witnesses to testify. These witnesses appeared in various contexts (legal, religious, and social), they could be personal or impersonal and they could perform many functions and offer their testimony in various ways. One of their functions was to be part of the trial process, which required a plurality of witnesses to make the verdict valid, as expressed in the common reference to “two or three witnesses” being required.¹ The requirement for “two or three witnesses” then transfers to the New Testament, where the Church is also, like the Old Testament Israel, a community of judgment and discipline.

The purpose of this article is to identify places where the biblical requirement for “two or three witnesses” appears, to trace its development, and to see what role it plays in the Church. In doing so, we will show that the presence of this requirement in the New Testament is additional proof that the Church is responsible for maintaining purity and guiding its members through moral and religious issues. Otherwise, this command is pointless and useless. Accordingly, to the standard images of the Church in the New Testament, we should add an additional image: the Church as a “court” or “community of trial.”

1 Plurality of witnesses is not always synonymous with “two or three witnesses,” because the Bible can speak about witnesses without specifically mention the expression “two or three witnesses.” However, in this article we will focus only on plurality of witnesses in connection with the stated expression. For example, we will not mention false witnesses that appeared on Jesus’ trial and testify falsely against him (Matt 26:59, 60, 62, 65; 27:13; Mark 14:55, 56, 57, 59, 60, 63; Luke 22:71; John 18:23); false witnesses that appeared at the disciples’ trials (Acts 6:13; 7:58); multiple witnesses in general (1 Tim 6:12; 2 Tim 2:2); texts like Revelation 11:3 that mentions “two witnesses;” puzzling texts such as 1 John 5:6-10 that mentions “three witnesses;” or texts such as Romans 8:16 and 9:1 that reflect the idea of plurality of witnesses but do not contain the phrase “two or three witnesses.”

This topic is important because as the “spirit of time” with its emphasis on religious, moral, and ethical ambivalence and tolerance prevails in the world, the Church is called to stand firm of YHWH’s revelation and impact the world around it. Since the influence of the Church comes from its purity and holiness, the need for just and holy judgment is ever more obvious. Any kind of compromise diminishes the ability of the Church to be “the salt and light of the world.”

1. Underlying Assumption

Before we analyze the commandment about “two or three witnesses” we need to understand that this command is part of a larger system of commandments that we call Mosaic or Sinaitic covenant. By delivering them from Egypt and before they entered the Promised Land, YHWH led Israel to the desert and made with them a covenant. By entering this covenant, the Israelites did not become “saved.” But since they had been already saved and being his people or chosen community, YHWH made with them a covenant and gave them Torah, so that they could become a community of people that would put YHWH on display to the world (Exod 19:1-6; 1 Pet 2:4-10). This mediatory priestly role meant that Israel was obligated to reflect YHWH’s holiness and character in every area of their existence, and one part of that task included the concept of witness.

The underlying assumption that governs the stipulation about “two or three witnesses” is the assumption that witnesses must speak the truth in order the secure justice. Hence, the Old Testament contains commands that prohibit giving false testimony:

“You shall not bear false witness against your neighbor” (Exod 20:16, NRSV).

“You shall not spread a false report. You shall not join hands with the wicked to act as a malicious witness. You shall not follow a majority in wrongdoing; when you bear witness in a lawsuit, you shall not side with the majority so as to pervert justice; nor shall you be partial to the poor in a lawsuit” (Exod 23:1-3, NRSV).

“You shall not give false testimony against your neighbor” (Deut 5:20, NRSV).

In Exodus 20:16, the text describes a person who *‘ānāh* (אָנָה) “testifies, answers” *ḥērēākā* (חֵרְעָכָא) “against his neighbor” as *‘ēd šāqer* (עֵד שָׂקֵר) “false witness.” Although the usual meaning of *‘ānāh* (אָנָה) is “to reply, answer,” in this context the meaning of *‘ānāh* (אָנָה) is “testify.”² The noun *rēa* (רֵעַ) “neighbor,” according to

2 Hamilton (2011, 326) explains that the phrase *‘ānāh + bə* (אָנָה + בֵּ) (“testify against”) without *bə* would mean “to respond, answer,” but with this preposition it means “to respond as a witness,” that is, “testify.” Although in some occasions *‘ānāh + bə* (אָנָה + בֵּ) means “testify for” (Gen 30:33), more often it means “testify against” (1 Sam 12:3; 2 Sam 1:16; Job 15:6; Isa 3:9; 59:12; Jer 14:7; Mic 6:3).

John I. Durham (1998, 296), in the OT refers always to a person with whom one stands in a reciprocal relationship, but in this legal context, it refers to a fellow member of the covenant community. The false witness is described as *‘ēd šāqer* since the emphasis is not on a person who speaks lies, but on a description of a person as a lying person who speaks. A literal translation would be: “Do not answer/testify as a false witness against your neighbor.”

Exodus 23:1a begins with the expression, *lō’ tīśśā’ šēma’ šāw’* (לֹא תִשֶׂא שְׁמַע שָׂוֵה) “You will not spread a false report” with the verb *nāsā’* (נָסָא) “lift up, to raise.” In using the verb *nāsā’* (נָסָא) “to lift up” and not the usual *‘ānāh* (עָנָה) + *bə* (בְּ) “testify against,” Wells (2004, 137) sees the desire to incorporate other types of false testimony and not only a false accusation. *šēma’ šāw’* (שְׁמַע שָׂוֵה) can be translated as “vain report” (Bailey 2007, 254) or “baseless rumor,” since this text speaks not only about “unjustified comments or criticism but a positive accusation that a crime has been committed which has no foundation in known fact” (Clements 1972, 148). Exodus 23:1b continues with, *’al-tāšet yādəkā im-rāsā’* (אַל תִּשֶׂת יָדְךָ עִם רֵעֲךָ) with the verb *šīt* (שִׂית) “to put, to place,” which can be translated as “you will not place your hand with a wicked person.” In this instance, the expression *’al-tāšet yādəkā* (אַל תִּשֶׂת יָדְךָ) “do not join hand” is an idiom for “cooperate with” or “give aid to, help,” implying the possibility of two or more people in collaboration making a false accusation against someone, or falsely denying a correct accusation. The precise meaning of “placing hand with a wicked” is explained with *lihyōt ‘ēd hāmās* (לִיהְיֹת עֵד חָמָס) “to be a witness of violence,” which refers to a false accusation that such a witness is trying to do violence to another using the justice system (Wells 2004, 137).

In Deuteronomy 5:20, the verb that describes the activity of witnessing is *‘ānāh* (עָנָה) “to reply” and while in Exodus 20:16 prohibition is against the testimony that is *šāqer* (שָׂקֵר) “false, deceptive,” here the prohibited testimony is described as *šāw’* (שָׂוֵה) “empty, worthless, in vain.” But *šāw’* (שָׂוֵה) modifies the noun *‘ēd* (עֵד) and not the verb *‘ānāh* (עָנָה). Hence, a better translation is “lying witness” referring to the person, instead of “false testimony” referring to the content of speech. *šāw’* (שָׂוֵה) signifies that the accuser has no valid or substantial grounds for his claims, and therefore, the accused person is accused falsely (Merrill 1994, 155).

Being an “honest” or “truthful” witness was important because, in the legal context, the accused person had a right to confront his/her accuser and give evidence of his/her innocence, since usually the accused person was faced with someone who either saw or heard of the person’s guilt. However, in such judicial procedures, a single witness was not adequate for personal testimony against anyone (Deut 17:6; 19:15). This principle was incorporated into Jewish Law and reiterated in the New Testament (cf. Matt 18:16; 2 Cor 13:1). This requirement served as a safeguard against false testimonies and false witnesses, and if the testimony of

an accuser was found to be false, that person was subjected to the punishment he had sought to have executed on the defendant (Deut 19:16-21) (Vine, Unger and White 1996, 292). The seriousness of false accusations is huge because, as Craigie (1976, 162) reminds us, the evidence given against the defendant in a case will determine his future, so potentially the future of some person could be determined based on “nothing.”

2. “Two or Three Witnesses” in the Old Testament

The command about “two or three witnesses” appears in the legal context in the Old Testament. The first example comes from Deuteronomy 17:2-7 where the text deals with a person who has done *’et-hāra* (אֶת-הָרָע) “what is evil,” which is defined as a violation of the first commandment not to worship other gods. Deuteronomy 17:3 reveals that the accused party had broken the covenant by *’āḥad* (עָבַד) “serving” and *ḥāwāh* (חָוָה) “worshiping” other gods such as the sun, moon, and stars. Merrill (1994, 260–261) observes that the responsibility for investigating rumors of such disloyalty to the covenant rested upon the community, which is seen from the fact that throughout the passage the singular pronoun “you” is used. In Deuteronomy 17:6, the noun *’ēdīm* (עֵדִים) “witnesses” appears twice in the expression “two witnesses or three witnesses” and noun *’ēd* (עֵד) “witness” once. The activity of witnesses is described with expression *’al-pī* (עַל-פִּי) “on the mouth,” which imply that their testimony is primarily verbal. But to safeguard against injustice on the part of dishonest or mistaken witnesses, at a minimum the testimony of two witnesses was required. Also, public officials were charged to investigate thoroughly the accusation (v. 4), since “the person shall not be put to death on the testimony of a single witness” (Christensen 2001, 369–370). If the community determined that an abomination had occurred in Israel, witnesses were primarily responsible for the execution of the sentence (it is not mentioned who is responsible for reaching the verdict), and this time other parts of the human body come into play: *yād* (יָד) “hand.” The “witnesses” *’ēdīm* (עֵדִים) must by their “hand” (singular) put the guilty person to death (Deut 17:7). So, we have this connection between “mouth” and “hand” where “mouth” is used to testify, and “hand” is used to carry out the sentence.

The second example comes from Deuteronomy 19:15-21. In Deuteronomy 19:15, the noun *’ēd* (עֵד) appears once, and *’ēdīm* (עֵדִים) twice. The verse begins with the prohibition, “One witness will not rise,” and the activity of *’ēd* (עֵד) is described with a verb *qūm* (קָם) “to rise.” A noun *’ēdīm* (עֵדִים) “witnesses” appears twice in the same expression as in Deuteronomy 17:6 (“two witnesses or three witnesses”), but with one difference: in Deuteronomy 17:6 a sufficient number of witnesses was needed to execute proper punishment, but in Deuteronomy

19:15, a sufficient number of witnesses is needed to reach *dābār* (דָּבָר) “word” or in this case “verdict.” As in Deuteronomy 17:6, the expression *‘al-pî* (עַל-פִּי) “on the mouth” appears, emphasizing the verbal activity of witnesses.

Deuteronomy 19:16 discusses the situation when a false witness appears in the court. Such a witness *‘ēd* (עֵד) is described with the noun *hāmās* (חַמָּס) “violence, wrong,” and the activities of such witness are described with two verbs *qûm* (קָוַם) “to rise” and *‘ānāh* (עָנָה) “to answer.” And that such activities are pointed toward accusation or witnessing against is supported by the presence of expression *bā’îš* (בְּאִישׁ) “against man.” In Deuteronomy 19:18, “If the witness is a false witness” noun *‘ēd* (עֵד) appears twice. The first time it is modified with a noun *šeqer* (שֶׁקֶר) “deception, lie, falsehood,” creating the expression “false” or “lying” witness. The second time *‘ēd* (עֵד) is brought in connection with the activity of speaking *‘ānāh* (עָנָה) “to answer,” but such speech is qualified again with *šeqer* (שֶׁקֶר) thus creating an expression “answered/testified falsely” *hā’āhîw* (בְּאִחֵיו) “against his brother.”

The fact that the false witness in Deuteronomy 19:16 is described as *hāmās* (חַמָּס) and in Deut. 19:18 as *šeqer* (שֶׁקֶר), for Wells, this means that such a person is not just a person who gives a testimony “against” someone, to confirm accuser’s accusation, but the accuser himself. The person described as “false” or “malicious witness” (Person A) in v. 16 is the one who testifies falsely against another person (Person B) and 19:18-19 says that the court has determined that Person A is a false witness. Accordingly, Person A must be punished with the same punishment that he was attempting to impose upon Person B. From here, Wells (2004, 46) argues that Person A is someone who has an agenda to see Person B punished with a particular punishment and is not some merely disinterested third party in the case. If Wells is correct, that means that “witness” in this case stands for “accuser.”

3. The Church as a Community of Judgment

As we come to the New Testament, we find out that the community of Jews and Gentiles called “the Church” is a continuation of the community described by Hebrew word *qāhāl* (קָהָל) gathered around the Jewish Messiah Jesus, is also a “community of trial” responsible for discipline and judgment of its members in religious, moral and ethical issues. So, we can view the Church as some sort of a “court” responsible for keeping the standards of God’s revelation and implementing its commands and principles into its life, work and existence, and exclude those who refuse to submit to that revelation. Here, we will observe few NT texts that confirm the image of the Church as a court. Then we will observe the usage of the expression “two or three witnesses” in the New Testament, to see whether this expression confirms our idea that the Church is a court or community of trial.

3.1. *The Church as a Court*

Speaking of this subject, David W. T. Brattston (2018, 6) observes that texts such as Matthew 18:15-17; 1 Corinthians 6:1-5 and 2 Corinthians 13:1 demonstrate that the Church itself had its system of courts and trials. According to him, texts that speak about "do not judge" (Matt 7:1; Luke 6:37; Rom 14:13; 1 Cor 4:5; Jam 4:11) do not mean "do not judge," but what they forbid is an individual taking judgment into his or her hands and privately condemning or punishing the actions of another without the safeguards built into the courts for a full and fair hearing.

With that in mind, let us observe the situation in the Corinthian church. Focusing on the verb *krinō*, William D. Mounce (2006, 371) observes that one of its usages is in the context of the law court:

Paul views the church as a human court charged with policing its own spiritual issues (1 Cor. 5). In the case where a young Christian man is involved in an illicit sexual relationship, Paul says, "I have already judged him who has so committed this" (v. 3). While he calls for the expulsion of this man four times in thirteen verses, he is chiefly concerned with his restoration, since the ultimate day of judgment is coming (v. 5). Paul also indicates his right and the church's to carry out such action (vv. 12-13).

Mounce (2006, 371) furthermore explains that in the next chapter Paul speaks against the error of one Christian's suing another in a pagan law court (6:1-11). Instead, settling an issue among themselves or suffering injustice are the only two options Paul is offering to them (6:4-7). Accordingly, Paul views the church in Corinth as a place that will deliver the just verdict among the parties in conflict.

But the church in Corinth is not the only place where we can find other examples where the Church was responsible for maintaining and keeping standards of YHWH's revelation, whether in religious or moral issues. Acts 6 addresses this topic. The church in Jerusalem was faced with the problem of distribution of assistance: "In those days when the number of disciples was increasing, the Hellenistic Jews among them complained against the Hebraic Jews because their widows were being overlooked in the daily distribution of food" (Acts 6:1, NIV). Here we have a dispute between church members with a specific charge which could potentially divide the church between Hellenistic and Hebraic Jews. To prevent this division, the Twelve gathered all the disciples together and proposed a "solution" or *λόγος* which was accepted by all (Acts 6:2-6). The text does not mention witnesses, but obviously, a hearing was held and the decision was made that was then mandatory for all. As J. B. Polhill (1992, 180-181) notices, the apostles assumed leadership in this process, but the problem involved the entire congregation; and the apostles wanted total participation in its resolution, so the final approval of the plan and selection of the seven was made by congregational decision.

In Acts 15, we see another problem that could potentially have divided the Church: what to do with Gentile believers who accept Jesus, the Jewish Messiah.

“When they came to Jerusalem, they were welcomed by the church and the apostles and elders, to whom they reported everything God had done through them. Then some of the believers who belonged to the party of the Pharisees stood up and said, “The Gentiles must be circumcised and required to keep the law of Moses.” The apostles and elders met to consider this question” (Acts 15:4-6, NIV). Even though the council’s decision can be interpreted differently, in whichever way we understand this text, one thing is clear: a major religious issue was discussed and decided upon, and a verdict was published to other churches (Acts 15:22-23).³ Thus Wright (2008, 45) concludes that “James solution was both theological – salvific, by grace; and social – how to live together: the double principle of no needful circumcision on the one hand and no needless offense on the other,” to which Melba Padilla Maggay (2017, 98) adds that “This was subsequently written down and formalized into a ruling.”⁴

In Galatians, we also find two examples where the Church needed to function as a court and judge the actions of its members. First, Paul writes in chapter 2 about how he confronted Peter and others who were misleading the church. Even though we might be tempted to view this dispute between Paul and Peter as the dispute between two individuals,⁵ the matter is more complex. For Paul, the truth of the Gospel was at stake (Gal 2:14). So, this public argument between Paul and Peter was not a personal grudge or power struggle. The images Paul evokes by the language of Gal 2:11 are important: κατὰ πρόσωπον αὐτῷ ἀντέστην ὅτι κατεγνωσμένος ἦν = “to the face I stood up against him, because he was blameworthy” (YLT) or “I opposed him to his face, because he stood condemned” (NIV). “To stand against,” “to the face,” “condemned” are all the language of a witness who brings a charge against someone on a trial. As David Spell (2006, 52) notices, in this instance, Paul blames Peter by saying “he was clearly in the wrong,” because Peter violated a fundamental truth of the gospel that the Jerusalem council agreed upon (if the event from Gal 2 happened *after* the council). Peter also

3 Rius-Camps and Read-Heimerdinger (2007, 11) notice that in Acts 15 in codex Bezae, the meeting in Jerusalem in Acts is more of a trial than a council, held for the purpose of judging Paul and Barnabas concerning their acceptance of Gentiles into the Church without circumcision. To see the text of Acts 15 in the codex Bezae, see: <http://www.bible-researcher.com/bezae-acts.html>.

4 Speaking about the lasting significance of the four prohibitions in Acts 15 given to the gentile believers, Elena Helen Butova (2016, 84) argues that we should view them in relation to “natural law” or “creation theology.” Namely: “Identification of the creation theology in the writings of Luke suggests that the early church understood the universal significance of the creation motifs and could employ them in forming a decree of universal significance, which regulated the life of Christians in non-Jewish cultural contexts.”

5 In Acts 15:36-41 we have a dispute between Paul and Barnabas. However, unlike dispute in Galatians 2, this dispute was personal.

acted against his conscience, the clear revelation that he received in Acts 10, and against his past custom in Antioch.

The second example comes from Galatians 6:1 where Paul writes: “Brothers and sisters, if someone is caught in a sin, you who live by the Spirit should restore that person gently.” This time, the problem is an individual who needs to be corrected. B. J. Oropeza (2012, 31–32) notes:

For those believers who have been overtaken by any sin related to the vices in 5:19-21, there is potential recovery in 6:1. The trespass (παράπτωμα) in 6:1 is considered by Paul as a sin or an immoral act... Those who operate in the fruit of the Spirit (i.e., the “spiritual”) are to restore such individuals... If the person were to continue in the vice, the outcome would be their exclusion from God’s kingdom (Gal 5:21; 6:7-8); hence, such a person may be considered either an apostate via immorality or headed towards apostasy if not restored... Paul does not specify if such an individual is still meeting with the congregation or stopped coming to the gathering. His words would seem to be valid in either case. Paul does not mention whether his opponents could be restored from their false teachings; he focuses instead on the recovery of the congregation members from moral failure.

These examples demonstrate that we should view the Church in the New Testament as a court, a community of trial or judgment. This is true whether facing the shortcomings of individuals (1 Cor 5; Gal 6), practical problems (Acts 6), or theological truths (Acts 15; Gal 2); the Church is called to keep and protect or expose and condemn all that goes against the standard of YHWH’s revelation.

3.2. “Two or Three Witnesses” in the New Testament

The requirement of “two or three witnesses” in the New Testament is further evidence that we can view the Church as a court. While the requirement is repeated in the New Testament, its usage differs in that it now applies to Jesus’ community, which does not qualify as a theocracy (YHWH’s rule over a specific geographic area) in the sense that Old Testament Israel did.

This requirement is first found in Matthew 18:16, which that speaks about church discipline in a case where one believer (the offender) sins against another believer (the offended): ἐὰν δὲ μὴ ἀκούσῃ, παράλαβε μετὰ σοῦ ἕτι ἓνα ἢ δύο, ἵνα ἐπὶ στόματος δύο μαρτύρων ἢ τριῶν σταθῇ πᾶν ῥῆμα, “But if you are not listened to, take one or two others along with you, so that every word may be confirmed by the evidence of two or three witnesses” (NRSV). As part of the rebuke, the offended party is required to bring “two or three witnesses” (μάρτυς) with him. It is not clear whether these witnesses are witnesses to the rebuke or eyewitnesses to the transgression. If to the rebuke, then these witnesses are... invited to sit with two people who are seeking to settle a personal or private sin... that the witnesses did not themselves see. They become witnesses through this procedure” (Knight

1992, 235). Interestingly, the “mouths” of the witnesses are prominent as in the Old Testament. Hence, ἵνα ἐπὶ στόματος or “on the mouth” of two witnesses or three, πᾶν ῥῆμα (which the NRSV reads as “every word,” and the NIV as “every matter”) must be established. Possible interpretations of ῥῆμα are a) the charge brought against the brother or; b) the discussion (everything that is said) between parties. The second interpretation is probably correct because the witnesses’ presence protects the sinner on one hand (the offended may well be wrong), and (on the other hand) the witnesses can confirm everything that was said (Newman and Stine 1992, 571).

The second example comes from John 8:17. Jesus there tells the Pharisees, “In your own Law it is written that the testimony of two witnesses is true” (NIV). In John 8:13, the Pharisees repeat what Jesus already confirmed in John 5:31, that the testimony of a single witness is not valid. Jesus’ mention of ἡ μαρτυρία μου “my testimony” in John 8:14 is a reference to his claim that if he testifies about himself, his testimony is “true” due to his knowledge of the facts. In John 8:17 Jesus confirms again that, according to the standards of the Law, his testimony is valid because the Lawgiver (Father) testifies for Jesus also. We must note here that the matter is not a criminal case, where judgment must be established by a minimum of two witnesses (cf. Num 35:30; Deut 17:6; 19:15, etc.). This case depends rather on the general legal principle that a case could be settled based on the congruent testimony of two or more persons (Ridderbos 1997, 296). Keener (2012, 741–742) rightly notices that if Jesus is who he claims, his claim is hardly restricted by the Law. However, Jesus appeals to the highest possible witness alongside himself, namely his Father. Interestingly, Jesus says ὅτι δύο ἀνθρώπων ἡ μαρτυρία ἀληθῆς ἐστὶν “that the testimony of two men [witnesses] is true.” In addition to the fact that the text here mentions the testimony “of two men,” (ἄνθρωποι), whereas Deuteronomy reads “of two witnesses” (μάρτυρες),⁶ and the fact that one of the two witnesses may be testifying in his case (Lenski 1961, 605), the question is how to understand that the testimony of two men equals ἀληθῆς “truth”? We know, for example, that, two false witnesses can agree to speak a lie (cf. 1 Kgs 21:10-13). This is not stating universally that the witness of two witnesses in agreement guarantees truth. Rather the principle is that two witnesses are needed to uphold the validity of a claim and that their testimony would be admitted as “true” or “fact.”

The next two examples deal with the command of “two or three witnesses” in Paul’s writings. In 2 Corinthians 13:1, Paul introduces a citation from Deuteronomy 19:15⁷ ἐπὶ στόματος δύο μαρτύρων καὶ τριῶν σταθήσεται πᾶν ῥῆμα, “Every

6 Which might be intentional change to point out the difference between testimonies of two people (witnesses), and, in this case, two divine persons: Jesus and his Father.

7 “Paul’s citation is essentially the same as the LXX of Deut. 19:15, the only differences being that the LXX repeats ἐπὶ στόματος between καὶ and τριῶν and repeats μαρτύρων after τριῶν”

matter must be established by the testimony of two or three witnesses” (NRSV). This stipulation is distinct from Roman and Greek law since neither rejected the validity of a single witness (Harris 2005, 906). The expression ἐπὶ στόματος, which means “on the mouth,” should be read as “on the basis of (verbal) testimony or evidence.” Such *evidence* must come from a minimum of two or three witnesses (there is likely no upper limit) so that πᾶν ῥῆμα must be established. While ῥῆμα denotes spoken word, here it translates the Hebrew term *dābār* and refers to a subject spoken about (πρᾶγμα). Thus, ῥῆμα should be understood as “matter, issue,” or in a specific legal sense, “case, charge” (Harris 2005, 907). By ῥῆμα, Paul is probably referring to the matters he mentioned in 2 Corinthians 12:20-21. The identity of the two or three witnesses can be understood in various ways: 1) Paul speaks in general terms about legal procedures he would apply during his formal inquiry into the charges made against him or into the Corinthians’ offenses (cf. 12:20-21) that required discipline. This view implies that Paul will hold court and, on the testimony of two or three witnesses, convict and punish the offenders. 2) “Two witnesses” are the two warnings (προεῖρηκα καὶ προλέγω) in 2 Corinthians 13:2 which Paul gave to the church. Now, when he comes for the third time, he will take action against those who continued in sin. Or the warnings could be 1 Corinthians 4:21, the second visit and the severe letter, and the third visit mentioned in 2 Corinthians 13:2. Accordingly, the warnings function as testimonies that would later be sufficient to indict the offenders. This would be something similar to Exodus 21:29, where a past warning or warnings serve as a basis for conviction. 3) The three witnesses are Paul’s two previous and one future visit to Corinth. His next visit will be the third and decisive witness against the troublemakers. But that would mean that Paul is taking the Deuteronomic legal principle which speaks about people and applies it to visitations and accompanying warnings (Harris 2005, 906–908).

1 Timothy 5:19 describes the bringing of accusations against a presbyter: κατὰ πρεσβυτέρου κατηγορίαν μὴ παραδέχου, ἐκτὸς εἰ μὴ⁸ ἐπὶ δύο ἢ τριῶν μαρτύρων “Never accept any accusation against an elder except on the evidence of two or three witnesses.” (NRSV). Preposition ἐπὶ means “on the basis of,” i.e., “on the evidence of,” rather than “before” in the sense of “in the presence of,” since such meaning is also present in similar passages like Matthew 18:16; 2 Corinthians 13:1 (Knight 1992, 235). Unlike the parallel references to Deuteronomy 19:15 in Matthew 18:16 and 2 Corinthians 13:1, 1 Timothy 5:19 does not use στόμα, but this does not indicate that Paul is not thinking here about “spoken testimony.”

(Harris 2005, 906–907). Hence, LXX reads: ἐπὶ στόματος δύο μαρτύρων καὶ ἐπὶ στόματος τριῶν μαρτύρων στήσεται πᾶν ῥῆμα.

8 “ἐκτὸς εἰ μὴ” (a combination of ἐκτὸς and εἰ μὴ; 1 Cor. 14:5; 15:2) is a double (pleonastic) form of negation in postclassical Greek (BAGD s.v. ἐκτός) and means ‘unless’ or ‘except’ (Knight 1992, 235).

Once again, we see an application of Deuteronomy 19:15 in the context of church discipline, but unlike Matthew 18:16, in both 2 Corinthians 13:1 and here (1 Tim 5:19) we are not given any clear procedure nor can we easily pinpoint the role and function of such witnesses. For example, a) are we dealing here (and in 2 Cor 13:1) with the sin of one person against another, or just sin in general? b) do we need to follow the procedure of Matthew 18:16 or not? c) are the witnesses in 1 Timothy 5:19 witnesses of the offense who also bring the charge against presbyter, or are they just verifying an accusation that may come from only one individual? The answers to these questions affect the way we understand the concept of witness in this verse.

The final example comes from Hebrews 10:28 ἀθετήσας τις νόμον Μωϋσέως χωρὶς οἰκτιρμῶν ἐπὶ δυσὶν ἢ τρισὶν μάρτυσιν ἀποθνήσκει “Anyone who has violated the Law of Moses dies without mercy ‘on the testimony of two or three witnesses” (NRSV). In Hebrews 10:28, the author discusses the severe punishment or fate of those who rejected the Mosaic Law, and then in Hebrews 10:29, he compares that punishment with the punishment of those who reject Jesus. The background for this usage is texts from Deuteronomy 17:6; 19:15 and Numbers 35:20. Deuteronomy 17:6 is the closest in wording to Hebrews, and also relevant due to its reference to apostasy (Deut 17:2f.). Deuteronomy 19:15 is also relevant to the argument of Hebrews since it follows a passage distinguishing sins of ignorance (Deut 19:4) from deliberate sins (Deut 19:11) sins (Ellingworth 1993, 537). Lane (1998, 293) explains that Hebrews 10:28 combines two texts. The first is Deuteronomy 17:2-7, which prescribed the death penalty for idolatry provided that the offense could be proven by two or three witnesses. The second is Deuteronomy 13:8 which says that the offender must be put to death “without pity.” In Hebrews, however, they are brought up only in the comparison of the severity of punishment. The death penalty for violations of the Law of Moses was possible on the testimony of witnesses. Yet, when the author in Hebrews 10:29 says that those who neglect or reject the salvation offered in the gospel deserve *so much worse* punishment, we only know that the punishment is χειρῶν “worse;” the witness motif is lost. But we may assume that the “worse punishment” requires witnesses as well.

Reflection and Conclusion

Israel as a theocracy had a responsibility to implement YHWH’s standard in every area of their existence (personal, family, social life, etc.). Even though we can talk about the religious, legal, and social context of Israel’s life and existence, being a theocracy, all areas of life were “religious.” Accordingly, one could be punished for crimes against other human beings or for “religious” crimes such as worshipping other gods, and all these cases were processed in court. In either case, the testi-

mony of a single witness was not enough to convict the accused and a plurality of witnesses was needed to establish the verdict *for* (defense) or *against* (accusation) someone. The purpose of "two or three witnesses" was to secure just verdicts, but practice showed that even this rule could be manipulated (cf. 1 Kgs 21). If two or three people would agree to falsify their testimony, more than likely, their testimony would be accepted as valid, and an innocent person would be punished (Stuart 2006, 524). Hence, this rule was not always able to produce and secure justice, even though it was one of the ways to secure the validity of a witness's testimony.

When we discussed plurality of witnesses in the New Testament, we did not discuss examples where multiple witnesses are present, but only those texts that specifically mention "two or three witnesses." Based on this analysis we can say that the New Testament develops the command about the need for "two or three witnesses." First, even though, strictly speaking, the commandment about "two or three witnesses" in the Old Testament occurs in legal contexts and witnesses can testify about various types of crimes, the situation is somewhat different in the New Testament. Although Jesus' community is not a theocracy as Israel was, the New Testament repeats Old Testament commands prohibiting false witnesses and affirms the need for "two or three witnesses" to establish the verdict.

Second, the New Testament *mostly* cites this requirement in the context of conflict inside the church community, be it doctrinal or ethical (Matt 18:16; 2 Cor 13:1; 1 Tim 5:19). The New Testament also appeals to the requirement as a principle or methodology for use in support of religious claims and convictions (John 8:17; Heb 10:28-29). Since this requirement is also implicitly present in the NT (e.g., Rom 9:1; 1 Thess 2:10; 1 John 5; Rev 11:3, etc.), the question is whether this requirement should be viewed as a "command" in the New Testament, or has it become a "principle" that can be applied in various ways and contexts.

Based on all of this we can say that the requirement for "two or three" witnesses in the Old Testament is a *command* that was used in legal or court settings to establish verdicts for various types of crimes. In the New Testament, outside of theocratic contexts, this stipulation was used primarily in church settings to address various ethical or doctrinal conflicts or problems among believers. Accordingly, the New Testament views support the claim that the church should function in a quasi-legal way under certain circumstances. The need for the plurality of witnesses remains, but witnesses do not have the power to execute punishment, nor does the New Testament describe or prescribe punishment for false witnesses. When this requirement is used in religious debates toward those who are not members of the same faith community, it becomes a principle that is used to uphold the validity of one's religious claims.

Hence, we can say that the biblical requirement for "two or three witnesses" develops from command to principle, and that change is primarily a result of the

change of context: from strict Old Testament theocracy to the church community of Jesus' followers where standards of life outside the community are not defined by YHWH and where the environment is hostile toward the community.

Accordingly, the Church today must apply this requirement in handling its internal affairs, while at the same time recognizing that strict application of that requirement as defined in the Old Testament is impossible. This is supported by the biblical view of the Church as a court, where the standards of YHWH's revelation are upheld and stood for. This court is governed by a constitution, laws, and regulations that are not man-made, nor necessarily man-pleasing, and not motivated by any interest except the glory of YHWH. Then and only then will the Church be able to hallow God's name. After all, one day all our judgments will be subjected to the final judgment of the one who is the Creator, King, and Judge.

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Crkva kao sud: zapovijed o potrebi „dvojice ili trojice svjedoka“

Sažetak

U Novome zavjetu, Crkva je opisana raznim slikama, a ovaj članak ukazuje na to kako jedna od slika Crkve, koja je implicitno prisutna u Novome zavjetu, jest slika Crkve kao „suda“ ili „zajednice suđenja“. To se može tvrditi zbog toga što, prije svega, Jahve – Bog Biblije – je Stvoritelj, Kralj i Sudac. To znači kako je Jahvina zajednica, u skladu s Njegovim otkrivenjem, dužna održavati čistoću svojih članova u svim aspektima života. Drugo, u Novome zavjetu nalazimo primjere gdje Crkva funkcionira kao sud. No pitanje je podržava li biblijska zapovijed o „dvama ili trima svjedocima“ također tvrdnju da bi Crkva trebala djelovati kao sud?

Svrha je ovog članka identificirati mjesta na kojima se pojavljuje zapovijed o „dvama ili trima svjedocima“, pratiti njezin razvoj i vidjeti kakvu ulogu i mjesto ima u Crkvi. Time bismo pokazali da je prisutnost ove odredbe u Novom zavjetu dodatni dokaz kako bismo na Crkvu ponekad trebali gledati kao na „sud“. Prvi dio članka objašnjava kako je kontekst za koncept svjedočenja Mojsijev savez te on ujedno predstavlja i temeljnu postavku koja upravlja zapovijedi o „dvama ili trima svjedocima“. Drugi dio članka analizira pojavu i korištenje ove zapovijedi u Starome zavjetu. Treći dio članka utvrđuje kako je Crkva uistinu zajednica koja sudi i ta se tvrdnja temelji na promatranju odabranih primjera iz Novog zavjeta koji nam pokazuju da Crkva ponekad djeluje kao sud te praćenjem razvoja odredbe o „dvama ili trima svjedocima“ u Novom zavjetu. Na kraju, na temelju poduzetog istraživanja, članak završava refleksijom i zaključkom.