

Religion

COMMENTARY

OPERATION RESTORATION: THE DELICATE DANCE OF CHRISTIAN CONCILIATION

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INTRODUCTION

“If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over. But if he will not listen, take one or two others along, so that every matter may be established by the testimony of two or three witnesses. If he refuses to listen to them, tell it to the church; and if he refuses to listen even to the church, treat him as you would a pagan or a tax collector.

“I tell you the truth, whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven.

“Again, I tell you that if two of you on earth agree about anything you ask for, it will be done for you by my Father in heaven. For where two or three come together in my name, there am I with them.”¹

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¹ Matthew 18:15-20.

Disagreements are as old as the Bible.² They occur in the home, the workplace and in the Christian Church.³ This paper aims to provide an overview of the dispute resolution process called Christian conciliation. It describes the history of Christian conciliation, its variance with “ordinary” conciliation⁴, and two ways it has been applied. It then discusses some of the benefits, obstacles and limitations of Christian conciliation and gives examples of how this type of dispute resolution is applied to church discipline and marriage breakdown scenarios. Finally, this paper delves into the future of Christian conciliation as a method of resolving disputes.

I. BACKGROUND

In the early 1980s, Christian Conciliation Service (“CCS”) chapters were established across the United States by attorneys involved in the U.S.-based Christian Legal Society (“CLS”)^{5,6}. Peacemaker Ministries was founded in 1982 under the auspices of the Christian Legal Society, which helped to establish many similar ministries throughout the United States. In 1987, many of these conciliation ministries joined together to form the Association of Christian Conciliation Services (“ACCS”), which was designed to coordinate national networking, education, and conciliation activities. From 1989 to 1993, Peacemaker Ministries served as the national headquarters for the ACCS. To improve the efficiency of the national ministry, the ACCS merged into Peacemaker Ministries in 1993.⁷ One of these individuals was a lawyer named Laurence Eck who practiced in Albuquerque, New Mexico. He established the first CCS chapter and, with support from the 1982 CLS annual conference, founded CCS chapters around the United States.⁸ By 1987 there were 25 active chapters affiliated with CLS.

² For the purposes of this paper, the King James Version of the Holy Bible will be used.

³ As used in this paper, the term “Christian Church” includes both Catholic and Protestant denominations.

⁴ “Ordinary” conciliation is not meant in a demeaning sense. Rather, it is to distinguish the dispute resolution used in a myriad of settings from one that is used primarily in churches and other religious organizations.

⁵ See Christian Legal Society, at www.christianlegalsociety.org. The Canadian counterpart to the Christian Legal Society is Christian Legal Fellowship, at <http://www.christianlegalfellowship.org>.

⁶ Glenn G. Waddell & Judith M. Keegan, *Christian Conciliation: An Alternative to “Ordinary” ADR*, 29 CUMB. L. REV. 583 at 585 (1998).

⁷ See Peacemaker Ministries, <http://www.hispeace.org>.

⁸ *Id.*

In 1989, ACCS's national office moved to Billings, Montana, where ACCS began to produce model conciliation procedures and training materials. Key among them was the *Rules of Procedure for Christian Conciliation* and the Conciliator Training Program. In 1991, Ken Sande, the president of ACCS, and Executive Director of the Institute for Christian Conciliation, published the acclaimed book on biblical conflict resolution, *The Peacemaker: A Biblical Guide to Resolving Conflict*, which created national exposure for Christian conciliation.⁹ In 1993, the ACCS Board of Directors agreed to merge with the Institute for Christian Conciliation, which became the national organization for Christian dispute resolution.

II. COMPARING CHRISTIAN CONCILIATION WITH CONCILIATION

The Book of *I Corinthians*, in the *New Testament* urged Christians of the early Church to avoid lawsuits:

*Dare any of you, having a matter against another, go to law before the unjust, and not before the saints?*¹⁰

Christian conciliation is “a process for reconciling people and resolving disputes out of court in a biblical manner.”¹¹ The process is a type of alternative dispute resolution (ADR). However, its main characteristic is “the preeminence of the Bible as a standard of conduct for not only the participants, but also the conciliators.”¹² The following table illustrates some commonalities and distinctions between “ordinary” conciliation and Christian conciliation:

⁹ Waddell & Keegan, *supra* note 6 at 586.

¹⁰ I Corinthians 6:1.

¹¹ Help Ministries, *Conciliation Services*, www.hm.org/concil.htm (last updated Nov. 1, 2002).

¹² Waddell & Keegan, *supra* note 6, at 591.

| Table 1: Comparative Chart¹³ “Ordinary” Conciliation and Christian Conciliation | |
|--|--|
| <i>“Ordinary” Conciliation</i> | <i>Christian Conciliation</i> |
| <ul style="list-style-type: none"> • Definition: <ul style="list-style-type: none"> • Conciliation “is mediator activities that minimize[] unnecessary conflict and build a positive psychological relationship between disputing parties” • Conciliation is “the psychological component of mediation, in which the third party attempts to create an atmosphere of trust and cooperation that promotes positive relationships and is conducive to negotiations”¹⁴ | <ul style="list-style-type: none"> • Definition: <ul style="list-style-type: none"> • Christian conciliation is a process for reconciling people and resolving disputes out of courts in a biblical manner • The process is conciliatory rather than adversarial in nature; it encourages honest communication and reasonable cooperation rather than unnecessary contention and advocacy (the Institute of Christian Conciliation) |
| <ul style="list-style-type: none"> • Purpose and Goals: <ol style="list-style-type: none"> 1. Identifying perceptions held by a party <ul style="list-style-type: none"> • Strong emotions • Misconceptions or stereotypes held by one or more parties about the other or the issues in dispute • Legitimacy problems • Lack of trust • Poor communication 2. Assessing whether the perceptions appear to be accurate 3. Determining whether the perceptions are hindering or furthering a productive substantive, procedural, or emotional settlement. 4. Assisting parties in revising their perception of other disputants when they have characterized the disputants with stereotypes or other image distortions and minimizing the negative impacts of such misperceptions¹⁵ | <ul style="list-style-type: none"> • Purpose and Goals: <ol style="list-style-type: none"> 1. Glorifying God by helping people to resolve disputes in a conciliatory rather than an adversarial manner. 2. Facilitating the resolution of substantive issues by reconciling those who have been alienated by conflict and helping them learn how to change their attitudes and behavior to avoid similar conflicts in the future. |

¹³ *Id.*

¹⁴ CHRISTOPHER W. MOORE, *THE MEDIATION PROCESS: PRACTICAL STRATEGIES FOR RESOLVING CONFLICT* 161 (4th ed. 1996).

¹⁵ *Id.* at 169.

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| <ul style="list-style-type: none"> • Provision of Services: 1. trained professional mediators 2. mediation services 3. lawyers 4. arbitrators skilled in the particular field, i.e. union disputes | <ul style="list-style-type: none"> • Provisions of Services: 1. volunteers 2. a local church 3. a professional mediator 4. an established conciliation ministry, such as the ICC or a Certified Christian Conciliator |
| <ul style="list-style-type: none"> • characteristics of conciliator:¹⁶ 1. must be credible, neutral, impartial and independent 2. patience 3. physical endurance 4. personality probing skills | <ul style="list-style-type: none"> • characteristics of Christian conciliator: 1. must be credible, neutral, impartial, and independent 2. must be church members in good standing 3. must be representative of the membership served¹⁷ • characteristics of panel: 1. may consist of either one or three persons 2. must be selected by each party with both panelists selecting the third person who will serve as moderator 3. must be agreed upon by all parties in dispute |

III. PEACEMAKER MINISTRIES' APPROACH

Peacemaker Ministries¹⁸ is one of, if not the only, leading Christian conciliation organizations in North America. The Institute for Christian Conciliation is a division of Peacemaker Ministries, which trains conciliators and provides conciliation services to churches and other organizations.¹⁹ Ken Sande, President of Peacemaker Ministries believes that the organization aims to “equip and assist Christians and their churches to respond to conflict biblically.”²⁰

¹⁶ *Id.* at 356.

¹⁷ Waddell & Keegan, *supra* note 6, at 585.

¹⁸ See Appendix A for a list of Christian organizations that provide conciliation services.

¹⁹ Peacemaker Ministries, *supra* note 7.

²⁰ KEN SANDE, MANAGING CONFLICT IN YOUR CHURCH, A SEMINAR FOR PASTORS AND CHURCH LEADERS – Resolving conflict biblically and reducing legal liability in the local church. (Billings, MT: Peacemaker Ministries, 1999).

Peacemaker Ministries notes three distinct principles of Christian conciliation:

- The centrality of Christ: Peace can only be found through Jesus Christ, so incorporating the Gospel is critical to conciliation.²¹
- The church's role: Peacemaking is a central ministry of the church, not reserved for mediators and lawyers. However, most churches are not equipped to offer conflict management in specialized areas like patent and trademark conflicts.
- The need for counseling: Destructive conflict has its roots in people's hearts. By dealing with root problems, like greed, and encouraging obedience to the Gospel, counseling can prevent future conflicts.

The first way to resolve conflict using Christian conciliation is through informal discussions between the affected parties. Thus, Peacemaker Ministries spends approximately 90% of its time responding to calls for advice on how to deal with disputes. Before moving into conciliation, it is valuable to ask the parties a number of questions about the efforts they have made, if any, to resolve their dispute: "What have you done to resolve this yourself? Is this dispute so serious that it cannot be overlooked? Have you talked privately to the other person? Have you tried negotiating?"²² Often the parties to a dispute have not done much to bring it to a close themselves.

If informal methods of encouraging the parties to resolve a dispute on their own do not work, it may be necessary to offer formal conciliation options. Thus, Peacemaker Ministries also offers dispute resolution through mediation.²³

Mediators in Christian conciliation, like mediators generally, are not judges or decision makers. They are facilitators. They ask questions, make suggestions, confront each party as appropriate, and try to help the parties come up with their own solutions. To earn a passport to enter into disputants' lives, the parties must feel that they can trust the mediator, believe that he or she cares about them, and can help them resolve their dispute.²⁴

²¹ *Id.*

²² *Id.*

²³ Peacemaker Ministries, *supra* note 7.

²⁴ *Id.*

Christian conciliation offers parties three types of satisfaction: (a) process satisfaction, (b) personal satisfaction, and (c) product satisfaction.²⁵ Satisfaction with the process is achieved by letting the parties have the opportunity to be heard and tell their story. Personal satisfaction is achieved by expressing their feelings. When parties have both process and personal satisfaction, they are likely to be satisfied with the “product” — i.e., the resolution. It is believed that disputing parties are happier with a solution that they have personally created.²⁶ Christian conciliation allows for party-crafted solutions, aided by conciliators who are religious people.²⁷

Peacemaker Ministries has created the Slippery Slope²⁸ teaching model to illustrate resolution of conflict through biblical “peacemaking.” It addresses three types of responses to conflict, including escape, attack, and conciliation, and the resulting consequences when using these responses.²⁹ In short, escape responses are described as being commonly used by people who are more interested in avoiding or getting away from a conflict than resolving it. Attack responses are characterized as often used by people who are more interested in winning a conflict than in preserving a relationship. Conciliation responses are based on the premise that a true peacemaker is guided, motivated, and empowered by the gospel according to the Scriptures. The six responses found on the top portion of the slippery slope are directed at finding a just and mutually agreeable solution to a conflict, which may be divided into the categories of personal peacemaking responses and assisted responses.

The “Peacemaker’s Pledge” states the four “G” principles by which to respond to conflict:³⁰

Glorify God — Instead of focusing on our own desires or dwelling on what others may do, we will rejoice in the Lord and bring him praise by depending on his forgiveness, wisdom, power, and love, as we seek to faithfully obey his commands and maintain a loving, merciful, and forgiving attitude.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Peacemaker Ministries, *supra* note 7.

²⁸ See Appendix C.

²⁹ *Id.*

³⁰ *Id.*

Get the Log out of Your Own Eye — Instead of blaming others for a conflict or resisting correction, we will trust in God’s mercy and take responsibility for our own contribution to conflicts—confessing our sins to those we have wronged, asking God to help us change any attitudes and habits that lead to conflict, and seeking to repair any harm we have caused.

Gently Restore — Instead of pretending that conflict doesn’t exist or talking about others behind their backs, we will overlook minor offenses or we will talk personally and graciously with those whose offenses seem too serious to overlook, seeking to restore them rather than condemn them. When a conflict with a Christian brother or sister cannot be resolved in private, we will ask others in the body of Christ to help us settle the matter in a biblical manner.

Go and be reconciled — Instead of accepting premature compromise or allowing relationships to wither, we will actively pursue genuine peace and reconciliation—forgiving others as God, for Christ’s sake, has forgiven us, and seeking just and mutually beneficial solutions to our differences.

Sidebar

Peacemaker Ministries has a counterpart in South Africa called Christian Dispute Resolutions (CDR). CDR conciliators are trained by Peacemaker Ministries and must adhere to its *Standards of Conduct* of the *Institute for Christian Conciliation*. CDR provides Christian conflict counseling, mediation arbitration and training in the areas of business disputes (i.e., contracts and debts), claims for damages, ministry conflicts and church divisions, wills and inheritances, and labor disputes.

IV. HELP MINISTRIES’ APPROACH

Help Ministries³¹ is one of a number of U.S. based organizations that provides ministry assistance churches and para-church ministries, in this case, to independent Bible and Baptist churches, and church related ministries, including the provision of Conciliation Services. Help Ministries outlines a five-step process for approaching conflicts in a biblical manner that should be implemented when dealing with disputes:

³¹ See Help Ministries, www.hm.org.

1. Approach Conflicts Perceptibly — *Use the principal of discernment vs. judgment and decide whether to cover the offense in love* (1 Peter 4:8), *or confront the offense in love* (Ephesians 4:15).
2. Approach Conflicts Privately — *“If your brother trespasses against you, go and tell him his fault between you and him alone”* (Matthew 18:15).
3. Approach Conflicts Persuasively — *“If he does not hear you, then take with you one or two more that in the mouth of two or three witnesses every word may be established”* (Matthew 18:6).
4. Approach Conflicts Publicly — *“If he shall neglect to hear them, tell it to the church”* (Matthew 18:17).
5. Approach Conflicts Persistently — *“If he neglect to hear the church, let him be unto you as an heathen man (unbeliever) and a publican”* (Matthew 18:17).

Help Ministries provides its Christian conciliation services in order to provide training, resources, and assistance in resolving conflicts biblically. Help Ministries relies heavily on the literal translation of the Scriptural guidelines for conciliation found in the Book of Matthew in the New Testament. The conciliation services provided by Help Ministries as one of its many services offered to churches and para-church ministries is indicative of the growth and understanding of the realities of carrying on Christian ministries in what is becoming a litigious society. Although ministries focus on the dissemination of the Gospel, it is no longer possible to assume that disputes in the church will not arise, and that if they do, that the solution can necessarily be obtained solely through a few pastoral counseling sessions.

V. BENEFITS OF CHRISTIAN CONCILIATION

A. Reduced Burden on Courts and Cost and Time Benefits

The court system is overloaded with cases that take time to prepare for and present. It currently takes months, if not years, for a court case to come to trial. Alternative dispute resolution lessens the bottleneck in the judicial system by settling disputes outside of the courtroom. The time involved in

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negotiated and mediated disputes is less than in litigation because time constraints can be imposed on the processes.

In the Christian conciliation context, costs are less than in litigation, even though there may be a filing fee and mediator compensation. For example, Peacemaker Ministries has a filing fee of \$175 and its staff mediators charge \$175 per hour for cases outside of Montana.³² However, some Christian conciliators may be pastors or lay members the church who facilitate dispute resolution as part of their ministry.

In addition, it is not crucial to have legal representation in Christian conciliation. Churches have an interest in achieving a speedy, thorough, and lasting resolution of disputes because it is not helpful to have dissension in the midst of a congregation while they are all gathered together.

B. Preserving the Parties' Relationship

Lawsuits can become extremely contentious because of the nature of the adversarial system, which pits plaintiff against defendant. Conciliation offers a different system, one that is more cooperative than adversarial. Christian conciliation works to preserve the integrity of all parties affected by a particular dispute. It applies what the Bible says about love, forgiveness and the "golden rule" of treating others as one would want to be treated oneself. It suggests that behavior can be changed *without* devastating either party. Tools used to facilitate resolution include confidentiality, bringing out each party's positive characteristics, and generating potential solutions that would ensure that the relationship is totally mended, i.e., the parties involved could work together on a future church program. Thus, healing is the true mandate in Christian conciliation.

C. Effect on the Church

The general public maintains a tenuous relationship with the court system, highly appreciating it when justice seems to have been served, despising it when a judgment deemed unfair is meted out. The same sorts of opinions can apply to Christian conciliation, as its use can both strengthen and destroy the reputation of the church in question. For this

³² Peacemaker Ministries, Getting Outside Conciliation Assistance, www.hispeace.org/html/getic.htm?pfriend=Yes (last updated Nov. 1, 2002).

reason, decisions made in the conciliation process must be Biblically-based, while also not derogating from the generally held legal principles that shape and run our society. Thus, it is more likely that faith in the Christian conciliation process will be preserved, if, for example, the societal expectation that an abuser be punished by incarceration is not ignored by a church.

VI. TEACHING CHRISTIAN CONCILIATION AT CHURCHES

Peacemaking principles can and should be taught to church congregations. Congregational members can become an instrument of change in this direction. They should secure the support of the church leadership. Since church leaders may not be aware of peacemaking and Christian conciliation practices, they may need information explaining them. Videos and brochures are available from Peacemaker Ministries for this purpose. Church leaders can also be encouraged to attend a Peacemaker Ministries' annual conference.

Legally, churches that decide to support a Christian conciliation process must update their bylaws. Churches that decide to provide some governing guidelines may be apprehensive about getting involved in their members' disagreements, so a change in the bylaws, approved at a members' meeting, could "reduce . . . liability exposure."³³

Once on board, the church should enroll people who display a gift for conciliation in a conciliation program. Highly competent members can also consider becoming Certified Christian Conciliators.³⁴ This will also help ease the load off of the senior church leadership.

While churches may be ready to diffuse any conflict that arises, some situations may require outside assistance. This is where trained, professional conciliators come in to perform church conflict intervention.

VII. ARBITRATION

Some churches are offering binding arbitration along with conciliation. The Office of Human Relations of the Seventh-day Adventist Church has developed a Local Church Process for Conciliation and Dispute Resolution,

³³ *Id.*

³⁴ *Id.*

which involves arbitration.³⁵ The process was developed in order to provide a means of resolving disputes between church members, lay members and church leaders, churches and their employees, church organizations, and/or conferences and/or institutions.³⁶

This process is considered quasi-legal, as the disputing parties meet voluntarily with one or more arbitrators.³⁷ The expectation is that “all grievances [will] be resolved at the level where they arose. Thus, in general, local church disputes will be resolved under the jurisdiction of that church.”³⁸

To initiate the Conciliation and Dispute Resolution Process at the local church level, the grievant must provide a written letter requesting binding arbitration to the local church pastor or church board. The pastor or board should respond to the letter in approximately 15 days after receipt, enclosing arbitration forms for the grievant. After the forms have been signed and returned to the pastor or board, the pastor or board then (a) presents the arbitration request and initiation forms to the local conference secretary for appropriate action (covered by *Church Manual* policies). The conference secretary subsequently develops an arbitration agreement with the grievant, selects the arbitrator(s), and sets the date, time, and place for the arbitration hearing, which should take in one day or less.³⁹

The Seventh-day Adventist Church excludes certain types of disputes from its arbitration process, including disputes involving:

- (1) insurance or self-insurance claims in excess of \$50,000 or where the General Conference Adventist Risk Management service has no claims management authority;
- (2) the boundaries and ownership of real property;
- (3) marriage;
- (4) custody of minor children;
- (5) estate matters;
- (6) debt collection matters;
- (7) claims against the government or law enforcement agencies;
- (8) specific theological questions;

³⁵ North American Division of the Seventh-day Adventist Church, Office of Human Relations, *Conciliation and Dispute Resolution – Local Church Process (Binding Arbitration – NAD Policy B-90)*, www.nadadventist.org/humanrelations/resolution/ (last updated Jan 1, 1999).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

- (9) questions of church discipline and the transfer or reinstatement of membership (Covered by *Church Manual* policies); or,
- (10) church elections.⁴⁰

The Seventh-day Adventist Church has also set up dispute resolution procedures for its Local Conference, Union Conference, and Divisions.⁴¹

VIII. ENFORCEABILITY OF CHRISTIAN CONCILIATION CLAUSES

Christian conciliation clauses are not very different from ordinary conciliation clauses, save the references to adhere to biblically sound rules. The conciliation clause of the *Institute of Christian Conciliation* shows provides:

The parties to this agreement are Christians and believe that the Bible commands them to make every effort to live at peace and resolve disputes with each other in private or within the Christian church (see Matthew 18:15-20; I Corinthians 6:1-8). Therefore, the parties agree that any claim or dispute arising from or related to this agreement, including those based on statute, shall be settled by biblically based mediation and, if necessary, legally binding arbitration in accordance with the *Rules of Procedure for Christian Conciliation* of the Institute for Christian Conciliation. Judgment upon an arbitration award may be entered in any court otherwise having jurisdiction. The parties understand that these methods shall be the sole remedy for any controversy or claim arising out of this agreement and expressly waive their right to file a lawsuit in any civil court against one another for such disputes, except to enforce an arbitration decision.⁴²

Christian conciliation clauses can be inserted into any type of written agreement to ensure that a future conflict will be resolved by conciliation and not by the court system. One court has addressed the enforceability of conciliation clauses where a party thereto sought to litigate the dispute instead.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Guidelines for Christian Conciliation* (Peacemaker Ministries, 2002), <http://www.hispeace.org>.

Encore Productions v. PromiseKeepers,⁴³ the only case on point, held that the conciliation clause was enforceable. The parties to this dispute had a short version of the standard Institute for Christian conciliation clause in their contract. When Encore sued PromiseKeepers, a Christian men's organization, for breach of contract and other claims in federal district court, PromiseKeepers moved to dismiss because of the conciliation clause. The court granted PromiseKeepers' motion to dismiss for a number of reasons. First, under federal common law on arbitrability, an arbitration clause survives the termination of a contract unless there is clear evidence to the contrary.⁴⁴ Second, the broad "arising from or related to" language in the conciliation clause covered all of Encore Production's claims against PromiseKeepers.⁴⁵ Third, the parties' contractual agreement that Colorado law governs interpretation of the contract meant only that the arbitrator, consistent with ICC Rule 42, must fashion a remedy consistent with Colorado law.⁴⁶ Fourth, the arbitration agreement was enforceable as a secular contract right, even though it may have involved a "religious tribunal."⁴⁷ Finally, the court held that compelling Christian conciliation did not violate Encore Production's rights to free exercise of religion under the First Amendment.⁴⁸

This decision is very important to the future of Christian conciliation, as it addressed Encore Productions objections to the religious nature of this type of conciliation, and created a number of important principles relating to Christian conciliation.⁴⁹

IX. CHRISTIAN CONCILIATION AND CHURCH DISCIPLINE

At odds with Christian conciliation is the difficult affair of church discipline. Church discipline "is one of the ways in which Christians, clergy and laity alike, show the love of Christ to those who have lapsed into some sin or error that might pull them from the side of the Saviour."⁵⁰ It is defined as:

⁴³ 53 F. Supp. 2d 1101 (D. Colo. 1999) [hereinafter *PromiseKeepers*].

⁴⁴ *Id.* at 1108.

⁴⁵ *Id.* at 1109.

⁴⁶ *Id.* at 1111.

⁴⁷ *Id.* at 1112.

⁴⁸ *Id.* at 1113.

⁴⁹ Guidelines for Christian Conciliation, *supra* note 43.

⁵⁰ "Church Discipline in the Christian Congregation: A Report of the Commission on Theology and Church Relations of the Lutheran Church-Missouri Synod," <http://www.lcms.org/>.

*the redemptive process ordained by God, taught by Jesus Christ, and practiced by the apostles, whereby for the glory of God, the exaltation of the name of Jesus Christ, the protection and well-being of the congregation, and the good of this own soul, a disciple who has begun a path of sinful disregard for his covenant commitment might be brought to repentance [and faith in the gospel, Mark 1:14-15], rescued from his sin, restored to fellowship with Christ, and reconciled to the ministry of the Church.*⁵¹

The writings of the Anabaptist⁵² church give clues as to the practice of church discipline and its nexus with Christian conciliation. Menno Simons wrote:

It is evident that a congregation or church cannot continue in the salutary doctrine and in a blameless and pious life without the proper use of discipline. Even as a city without a wall and gates, or a field without an enclosure or fence, or a house without walls and doors, so is also a church without the true apostolic exclusion.⁵³

If a church wants to both correct inappropriate behavior *and* maintain a loving, Christian relationship with parishioner, it can use Christian conciliation to mend the hostility, embarrassment, and confusion that often accompany church discipline. The object of conciliation is restoration so that the relationship between the church and the member may heal and continue after discipline.

X. CHRISTIAN CONCILIATION AND MARRIAGE

Marriage is fast becoming a purely civil matter, as its definition and determination is controlled by the state. However, the Bible has much to say about the institution of marriage, how to prepare for it and its characteristics.

⁵¹ David A. Sims, *Reclaiming the Church's Jurisdiction over Marriage – Use of the Christian Marriage Covenant*, www.hispeace.org/html/artic15.htm?pfriend=Yes (last updated Nov. 25, 2002).

⁵² “The group, hunted and persecuted at first in Europe, was mockingly called ‘Anabaptist’ because of their rejection of infant baptism and the practice of believers’ baptism. Later they were called ‘Mennonite’ [Anabaptists] because of the spiritual leadership of Menno Simmons... Faithful Mennonite [Anabaptists] believe that no person can be accepted by God except through confessing His Son, Jesus Christ, as master, and trusting Him as Savior from sin.” Christian Light Publications, *What is an Anabaptist?*, www.anabaptists.org/history/what.html (last updated Nov. 30, 2002).

⁵³ Anabaptists.org website, *Mennonites in Europe*, www.anabaptists.org/writings/excerpts/meneu-2.html (last visited Nov. 30, 2002). In the early days of the denomination, the Anabaptists were divided as to how the Church should correct wayward members’ behavior.

The *Christian Marriage Covenant*,⁵⁴ created by Peacemaker Ministries, tries to bring the church back to the role of helping to resolve marital disputes before they escalate. Spouses who sign the *Christian Marriage Covenant* agree to seek Christian conciliation in a church or other reasonable venue in the event of a marital breakdown. This takes marital counseling to a different level, as both non-binding mediation and binding arbitration will be applied as the marriage conciliation process takes place.

XI. POSSIBLE OBSTACLES

*A prudent man sees danger and takes refuge, but the simple keep going and suffer for it.*⁵⁵

*The men of Issachar . . . understood the times and knew what Israel should do.*⁵⁶

*Be as shrewd as snakes and as innocent as doves.*⁵⁷

Although churches that implement a church conciliation provision into their bylaws should use the process as much as possible, so as to create some consistency, there are some types of disputes that are not suited to the process.

As the *Local Church Process* of the Seventh-day Adventist Church has noted, there are a number of issues that pastors, laypeople, and even Certified Christian Conciliators should not get involved in. These include disputes that are highly legalistic.

In cases involving alleged physical or sexual abuse by a church member or intra-family dysfunction, the church leadership has a fiduciary duty to report such alleged misconduct to the authorities, especially in the case of minor children pursuant to the provisions encapsulated in child protection legislation in Canada. Both the clergy and laity may be tempted to resolve the situation through informal means. But the church, like any other person or organization, has an obligation to follow the law, whether or not it contravenes church policy on dispute resolution.

⁵⁴ See Appendix D.

⁵⁵ Proverbs 22:3.

⁵⁶ I Chronicles 12:32.

⁵⁷ Matthew 10:16.

Second, there will be cases where church members are not going to emerge from the conflicts as friends. This is a fact that the church must accept.

Third, as previously noted, there is a lot of work to be done in the area of training and exposure to Christian conciliation principles. Many organizations that provide mediation and arbitration training but apart from Peacemaker Ministries, very few organizations can train churches to resolve conflict Biblically, or step in and do so if the institution itself cannot.

CONCLUSION

The dynamics of church interaction have changed along with the structure and place of the Christian Church in society. Today, many churches in Canada, the United States, and other parts of the world, boast congregations that number in the hundreds and even thousands. Christian people with different ethnic backgrounds and value systems mingle as they gather to worship. While this diversity is a plus, it can also become the platform for conflict in the church setting.

Once a church changes its bylaws in order to implement a conciliation system, many, if not all church programs and processes will have to be modified in some way. To avoid having church employment contracts covered by the Christian conciliation clause, each employment contract should contain a dispute resolution clause describing the process by which employee-employer disputes will be handled.

Considering the impact that the adversarial system can have on plaintiffs and defendants, Christians can find comfort in knowing that there is a substitute that not only avoids the judicial process, but respects, defends, and integrates their religious belief system.

Appendix A

Christian Counseling Organizations

Arizona Baptist Children's Services (ABCS)

Bible Related Ministries

Catholic Social Service of Central and Northern Arizona

Christian Family Care Agency

Christian Living Center (CLC), Inc.

Delaware Valley Christian Conciliation Services

Episkopeo Ministries

First Institutional Baptist Church Support Groups

Help Ministries

Peace Facilitating Ministries

Peacemaker Ministries

Phoenix Interfaith Counseling Support Groups

Resources for Resolving Conflict

Restoration Ministries

Valley Presbyterian Support Groups

Appendix B*

The Peacemaker's Pledge

A Commitment to Biblical Conflict Resolution

As people reconciled to God by the death and resurrection of Jesus Christ, we believe that we are called to respond to conflict in a way that is remarkably different from the way the world deals with conflict.¹ We also believe that conflict provides opportunities to glorify God, serve other people, and grow to be like Christ.² Therefore, in response to God's love and in reliance on his grace, we commit ourselves to respond to conflict according to the following principles:

Glorify God — Instead of focusing on our own desires or dwelling on what others may do, we will rejoice in the Lord and bring him praise by depending on his forgiveness, wisdom, power, and love, as we seek to faithfully obey his commands and maintain a loving, merciful, and forgiving attitude.³

Get the Log out of Your Own Eye — Instead of blaming others for a conflict or resisting correction, we will trust in God's mercy and take responsibility for our own contribution to conflicts—confessing our sins to those we have wronged, asking God to help us change any attitudes and habits that lead to conflict, and seeking to repair any harm we have caused.⁴

Gently Restore — Instead of pretending that conflict doesn't exist or talking about others behind their backs, we will overlook minor offenses or we will talk personally and graciously with those whose offenses seem too serious to overlook, seeking to restore them rather than condemn them. When a conflict with a Christian

* Adopted from *The Peacemaker: A Biblical Guide to Resolving Personal Conflict*, Ken Sande, 1997.

¹ Matt. 5:9; Luke 6:27-36; Gal. 5:19-26.

² Rom. 8:28-29; 1 Cor. 10:31-11:1; James 1:2-4.

³ Ps. 37:1-6; Mark 11:25; John 14:15; Rom. 12:17-21; 1 Cor. 10:31; Phil. 4:2-9; Col. 3:1-4; James 3:17-18; 4:1-3; 1 Peter 2:12.

⁴ Prov. 28:13; Matt. 7:3-5; Luke 19:8; Col. 3:5-14; 1 John 1:8-9.

brother or sister cannot be resolved in private, we will ask others in the body of Christ to help us settle the matter in a biblical manner.⁵

Go and be reconciled — Instead of accepting premature compromise or allowing relationships to wither, we will actively pursue genuine peace and reconciliation—forgiving others as God, for Christ’s sake, has forgiven us, and seeking just and mutually beneficial solutions to our differences.⁶

By God’s grace, we will apply these principles as a matter of stewardship, realizing that conflict is an assignment, not an accident. We will remember that success in God’s eyes is not a matter of specific results, but of faithful, dependent obedience. And we will pray that our service as peacemakers will bring praise to our Lord and lead others to know His infinite love.⁷

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⁵ Prov. 19:11; Matt. 18:15-20; 1 Cor. 6:1-8; Gal. 6:1-2; Eph. 4:29; 2 Tim. 2:24-26; James 5:9.

⁶ Matt. 5:23-24; 6:12; 7:12; Eph. 4:1-3, 32; Phil. 2:3-4.

⁷ Matt. 25:14-21; John 13:34-35; Rom. 12:18; 1 Peter 2:19; 4:19.

Appendix C*

The Slippery Slope

Staying on Top of Conflict

Conflict can make life very awkward. It often catches us off guard and leads us to say and do things we later regret. When someone offends us, we often react without thinking. Soon it is as if we are sliding down a slippery slope and things are going from bad to worse. As the illustration shows, this slippery slope can drop off in two directions.

*Escape Responses*

The three responses found on the left side of the slippery slope are commonly used by people who are more interested in avoiding or getting away from a conflict than resolving it.

Denial—One way to escape from a conflict is to pretend that no problem exists. Another way is to refuse to do what should be done to resolve a conflict properly. These responses bring only temporary relief and usually make matters worse (see 1 Sam. 2:22-25).

* Adopted from *The Peacemaker: A Biblical Guide to Resolving Personal Conflict*, Ken Sande, 1997.

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Flight—Another way to escape from a conflict is to run away. This may take the form of ending a friendship, quitting a job, filing for divorce, or leaving a church. Flight may be legitimate in extreme situations (see 1 Sam. 19:9-10), but in most cases it only postpones a proper solution to the problem (see Gen. 16:6-8).

Suicide—When people lose all hope of resolving a conflict, they may seek to escape the situation (or make a desperate cry for help) by attempting to take their own lives. Suicide is never a right way to deal with conflict (see Matt. 27:1-5).

Attack Responses

The three responses found on the right side of the slippery slope are often used by people who are more interested in winning a conflict than in preserving a relationship.

Assault—Some people try to overcome an opponent by using various forms of force or intimidation, such as verbal attacks (including gossip and slander), physical violence, or efforts to damage a person financially or professionally (see Acts 6:8-15). Such conduct usually escalates conflict.

Litigation—Although some conflicts may legitimately be taken before a civil judge (see Acts 24:1-26:32; Rom. 13:1-5), lawsuits usually damage relationships, diminish our Christian witness, and often fail to achieve complete justice. This is why Christians are commanded to make every effort to settle their differences within the church rather than the civil courts (see Matt. 5:25-26; 1 Cor. 6:1-8).

Murder—In extreme cases, people may be so desperate to win a dispute that they will try to kill those who oppose them (see Acts 7:54-58). While most people would not actually kill someone, we should never forget that we stand guilty of murder in God's eyes when we harbor anger or contempt in our hearts toward others (see 1 John 3:15; Matt. 5:21-22).

Conciliation Responses

The Gospel Is the Key to Peace. A true peacemaker is guided, motivated, and empowered by the gospel, the good news that God has forgiven all our

sins and made peace with us through the death and resurrection of his Son (Col. 1:19-20). Through Christ he has also enabled us to break the habit of escaping from conflict or attacking others, and he has empowered us to become peacemakers who can promote genuine justice and reconciliation (Col. 3:12-14).

The six responses found on the top portion of the slippery slope are directed at finding a just and mutually agreeable solution to a conflict. These responses may be divided into two categories: personal peacemaking responses and assisted responses:

Personal peacemaking responses are carried out in private between the parties themselves. Although it is appropriate for one or both parties to seek advice on how to implement these responses, they should normally try to resolve their differences one-on-one before asking others to intervene in the dispute.

Overlook an offense—Many disputes are so insignificant that they should be resolved by quietly and deliberately overlooking an offense. *“A man’s wisdom gives him patience; it is to his glory to overlook an offense”* (Prov. 19:11). Overlooking an offense is a form of forgiveness, and involves a deliberate decision not to talk about it, dwell on it, or let it grow into pent-up bitterness or anger.

Reconciliation—If an offense is too serious to overlook or has damaged our relationship, we need to resolve personal or relational issues through confession, loving correction, and forgiveness. *“[I]f your brother has something against you ... go and be reconciled”* (Matt. 5:23-24). *“Brothers, if someone is caught in a sin, you who are spiritual should restore him gently”* (Gal. 6:1; see Matt. 18:15). *“Forgive as the Lord forgave you”* (Col. 3:13).

Negotiation—Even if we successfully resolve *relational* issues, we may still need to work through *material* issues related to money, property, or other rights. This should be done through a cooperative bargaining process in which you and the other person seek to reach a settlement that satisfies the legitimate needs of each side. *“Each of you should look not only to your own interests, but also to the interests of others”* (Phil. 2:4).

If the parties cannot resolve a dispute through personal peacemaking, they should pursue one of the *assisted responses*. This will require that they seek help from other people in their church or community.

Mediation—If two people cannot reach an agreement in private, they should ask one or more objective outside people to meet with them to help them communicate more effectively and explore possible solutions. *“If he will not listen [to you], take one or two others along”* (Matt. 18:16). These mediators may ask questions and give advice, but they have no authority to force you to accept a particular solution.

Arbitration—When you and an opponent cannot come to a voluntary agreement on a material issue, you may appoint one or more arbitrators to listen to your arguments and render a binding decision to settle the issue. *“If you have disputes about such matters, appoint as judges even men of little account in the church”* (1 Cor. 6:4).

Accountability—If a person who professes to be a Christian refuses to be reconciled and do what is right, Jesus commands his or her church leaders to formally intervene to hold him or her accountable to Scripture and to promote repentance, justice, and forgiveness: *“If he refuses to listen [to others], tell it to the church”* (Matt. 18:17).

Appendix D*

Four Distinctions/Convictions of Peacemaker® Ministries

The Centrality of Christ – We believe that genuine peace between people can be found only through Jesus Christ. Therefore, we encourage people in conflict to believe the gospel and trust in Christ, and to faithfully rely on the promises and obey the commands that he has given to us in Scripture (see John 14:27; 2 Cor. 5:18-19; Col. 3:15-16; 2 Tim. 3:16).

The Responsibility of the Church – We believe that peacemaking is an essential ministry of the local church, not a task reserved for professional mediators or lawyers. Therefore, we encourage Christians to take unresolved conflicts to their church families, which are called by God to restore peace by promoting biblical justice and reconciliation (see Matt. 18:17; 1 Cor. 6:4; Eph. 3:10; Heb. 13:17).

The Necessity of Biblical Counseling – We believe that destructive conflict comes from desires that battle within people's hearts. Therefore, we do not merely try to resolve surface issues. We also counsel parties to find their fulfillment in Christ, renounce sinful desires and actions that have contributed to conflict, and seek genuine reconciliation with others (see James 4:1-3; Gal. 2:20; Prov. 28:13; Rom. 15:14).

The Comprehensiveness of God's Word – We believe that God's Word is totally authoritative and completely sufficient for all aspects of life, and that his peacemaking commands and promises apply to every conflict a Christian can encounter. Therefore, we work across the entire spectrum of conflict, helping people to resolve everything from school-yard quarrels to family disputes, business conflicts, congregational divisions, and multi-million dollar lawsuits (see 2 Tim. 3:16-17).

* Adopted from *The Peacemaker: A Biblical Guide to Resolving Personal Conflict*, Ken Sande, 1997.

Appendix E***The Christian Marriage Covenant****Our Marriage Covenant**

Believing that God, in His wisdom and providence, has ordained and establishes human marriage as a covenant relationship intended to reflect the eternal marriage covenant established through the death, burial, and Resurrection of His Son with His Church, and therefore believing that human marriage is a sacred and lifelong promise, reflecting our unconditional love for one another, and believing that God intends for the human marriage covenant to reflect His promise never to leave us or forsake us because of what He has done for us through His Son, Jesus Christ, we, the undersigned husband and wife, male and female, as an image of God, do hereby affirm and reaffirm our solemn pledge to fulfill our marriage vows, so help us God; we furthermore pledge to exalt the sacred nature, glory and permanence of God's eternal marriage covenant in His Son with the Church through our marriage, by calling others to honor and fulfill their marriage vows; and we, upon full and informed consent and with full knowledge and understanding of this covenant and with the intent to enter into and be bound by the terms of this covenant, hereby irrevocably covenant and consent to submit any marital dispute we may have that we cannot resolve and any question concerning whether our marriage should be dissolved to the peacemaking process, including non-binding Christian mediation and, if necessary, binding arbitration, in accordance with the Rules of Procedure of the Institute for Christian Conciliation, a division of Peacemaker Ministries, and under the jurisdiction of our local church of which we are members, or if not members of a local church then under the jurisdiction of any church to which we can agree, but in any event if we cannot reach agreement as to a church for such purposes, then we consent and agree to submit to the peacemaking process as provided in the Rules of Procedure of the Institute for Christian Conciliation, a division of Peacemaker Ministries, to and including binding arbitration of all matters pertaining to our marriage and family, believing that any and all marital and family disputes and issues involve deeply important religious questions that should be resolved by Christians

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according to the standards set forth in the Holy Bible, and therefore we do both hereby agree to be bound by any arbitration decision as to any such dispute or issues concerning our marriage and family, which is made in accordance with the Rules of Procedure of the Institute for Christian Conciliation, a division of Peacemaker Ministries.

In the presence of God and these witnesses, and by a holy covenant, I,

Husband's Name

joyfully receive you as God's perfect gift for me, to have and to hold from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, to love you, to honor you, to cherish you and protect you, forsaking all others as long as we both shall live.

Husband's Signature

In the presence of God and these witnesses, and by a holy covenant, I,

Wife's Name

joyfully receive you as God's perfect gift for me, to have and to hold from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, to love you, to honor you, to respect you, forsaking all others as long as we both shall live.

Wife's Signature

Witnessed this ____ day of _____, by

Witness

Witness

Unless the Lord builds the house, the builders labor in vain. -Psalm 127:1

Author's Caveat/Disclaimer:

Biblical Basis - We believe that the Bible provides thorough guidance and instruction for faith and life. Therefore, we base this proposal for a marriage covenant with a binding arbitration clause on scriptural principles rather than those of secular psychology or psychiatry. (For a description of the principles we embrace, see question 20 in Part I of the Guidelines for Christian Conciliation produced by the Institute for Christian Conciliation, a division of Peacemaker Ministries, www.Peacemaker.net).

Not Legal Advice or Representation - Although this proposal for a marriage covenant with a binding arbitration clause may be used to resolve a legal dispute between as husband and wife, even so, reliance upon or utilization of the proposed covenant is not legal advice or legal advocacy one would receive if he/she hired a personal attorney. Therefore, if you are concerned about your legal rights, you should consult with an independent attorney who is competent and able to advise you in regard to use of the covenant. Laws related to the legal effect of arbitration clauses vary from state to state. Therefore, the proposed marriage covenant with binding arbitration clause might not satisfy the legal requirements in all states. Moreover, it is provided and proposed here with the understanding that neither the author nor the publisher is engaged in rendering legal or other professional advice. Therefore, before utilizing, proposing the use of, or executing any such covenant, you should consult with an attorney to see how the law in your state would apply to it and, if necessary, how it should be modified to comply with the law of your state.

This marriage clause was prepared by David A. Sims, J.D., M.A.T.S. Mr. Sims is licensed to practice law in the State of Florida and is manager of the biblical-theological content at FamilyLife (www.FamilyLife.com), and special assistant to Dennis Rainey, executive director of FamilyLife and radio host of "FamilyLife Today," and Bob Lepine, director of broadcasting and communications of FamilyLife and radio co-host of "FamilyLife Today." FamilyLife is the world's leader in marriage conference ministry. Mr. Sims is currently engaged in research doctoral studies in theology at the University of Durham in Durham, England. His study at Durham is focused on the theology of the family, with a proposed thesis on the theology of children. Previously, Mr. Sims practiced domestic relations law and represented hundreds of Christians and their children both as legal counsel and as court appointed guardian ad litem in all types of family relations litigation. He earned a masters of arts in theological studies from Reformed Theological Seminary in Orlando, Florida, in 1994, completed masters of divinity equivalency studies at Southern Seminary in May 2000 and was accepted into Southern's research doctoral program in Fall 2000. He can be reached at dsims@familylife.com or (501) 228-2570. Please feel free to contact Mr. Sims should you have any questions about this marriage covenant.