

10-25-25 Message to Roeh Israel Abilene – *Noach* (rest)  
Torah Portion: Genesis 6:9 – 11:32  
Haftarah: Isaiah 54:1 – 55:5  
Suggested Acheron K'tuvim: Matt 18:15-20

## **Biblical Dispute Resolution 19 – The Decision Tree 3 – Second Conversation**

**Central question: The first conversation didn't work out well, what is the next step?**

We are this week in the second parasha of the Torah, beginning with the flood, and Noah's family. Its name comes from the ninth word in English, and the third word in the original Hebrew.

Gen 6:9-12

9 These are the records of the generations of Noah. Noah was a righteous man, blameless in his time; Noah walked with God. 10 And Noah became the father of three sons: Shem, Ham, and Japheth. 11 Now the earth was corrupt in the sight of God, and the earth was filled with violence. 12 And God looked on the earth, and behold, it was corrupt; for all flesh had corrupted their way upon the earth.

9 אלה תולדת נח נח איש צדיק תמים הנה  
 These are the generations of Noah: Noah: a man just perfect and was  
 428 9999 8435 5146 5146 582 6662 9999 8549 1961

בדורתיו את האלהים התהלך נח  
 in his generations, with God. walked and Noah  
 1755 854 430 9999 5146

10 ויולד נח שלשה בנים את שם את חם ואת יפת:  
 And begat Noah three sons, sons, Shem, Ham, and Japheth.  
 3205 5146 7969 1121 853 8035 853 2526 853 3315

11 ותשחת הארץ לפני האלהים ותמלא ותשחת הארץ חמס:  
 also was corrupt The earth before God, and was filled with violence. the earth  
 7843 776 6440 430 4390 776 2555

12 וירא אלהים את הארץ והנה נשחתה כי השחית  
 And looked upon God the earth, and, behold, it was corrupt; for had corrupted  
 7200 430 853 776 2009 7843 3588 7843

כל בשר את דרכו על הארץ:  
 all flesh with his way upon the earth.  
 3605 1320 853 1870 5921 776

We are continuing in our series regarding Biblical Dispute Resolution.

In our last lesson, we continued through the decision tree all the way down to the point where we decided with the help of the Spirit, not to simply “let it go” in love and forgiveness,<sup>1</sup> but we needed to have a conversation for unity and righteousness sake.

We outlined a number of possible outcomes of this first conversation. Two of which were good.

<sup>1</sup> 1 Peter 4:8-9, Ps 133, Eph 4:1-4, and Col 3:12-15

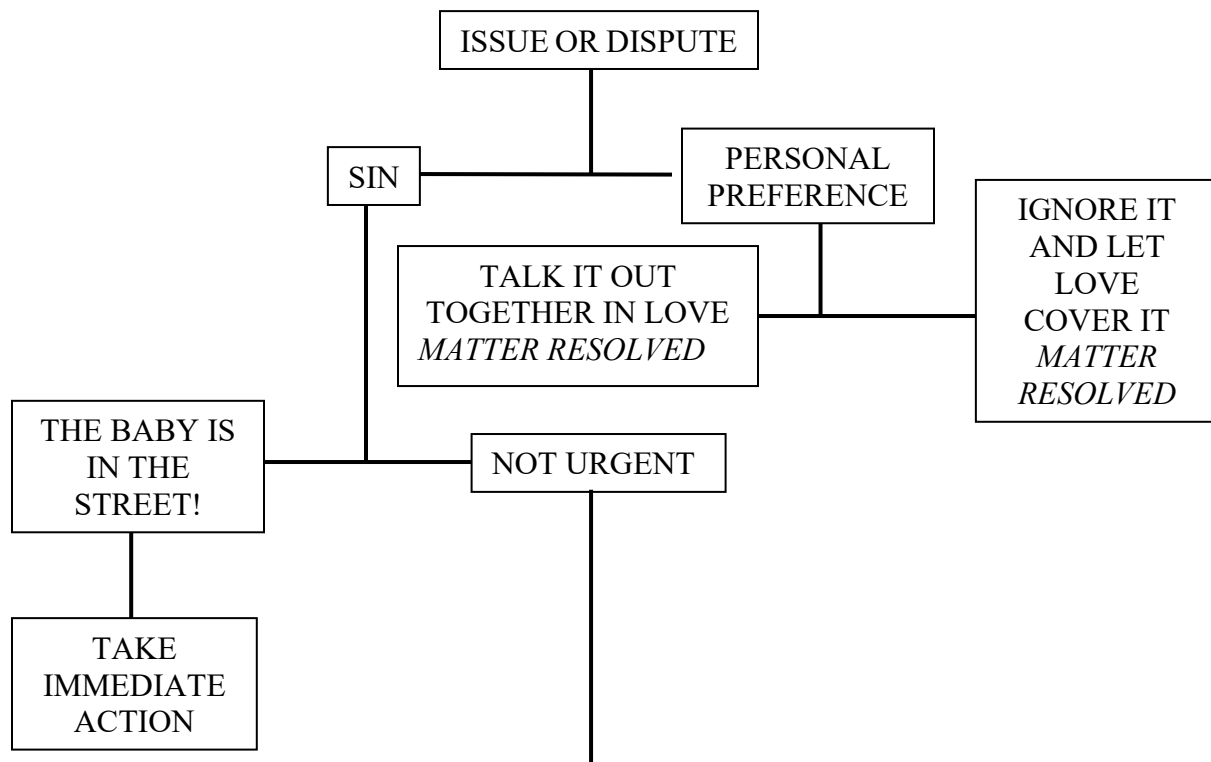
1. The person corrects certain facts, you agree to the correction, and you determine that these new facts are not consistent with sin.
2. The person agrees to all the essential facts, and admits sin.

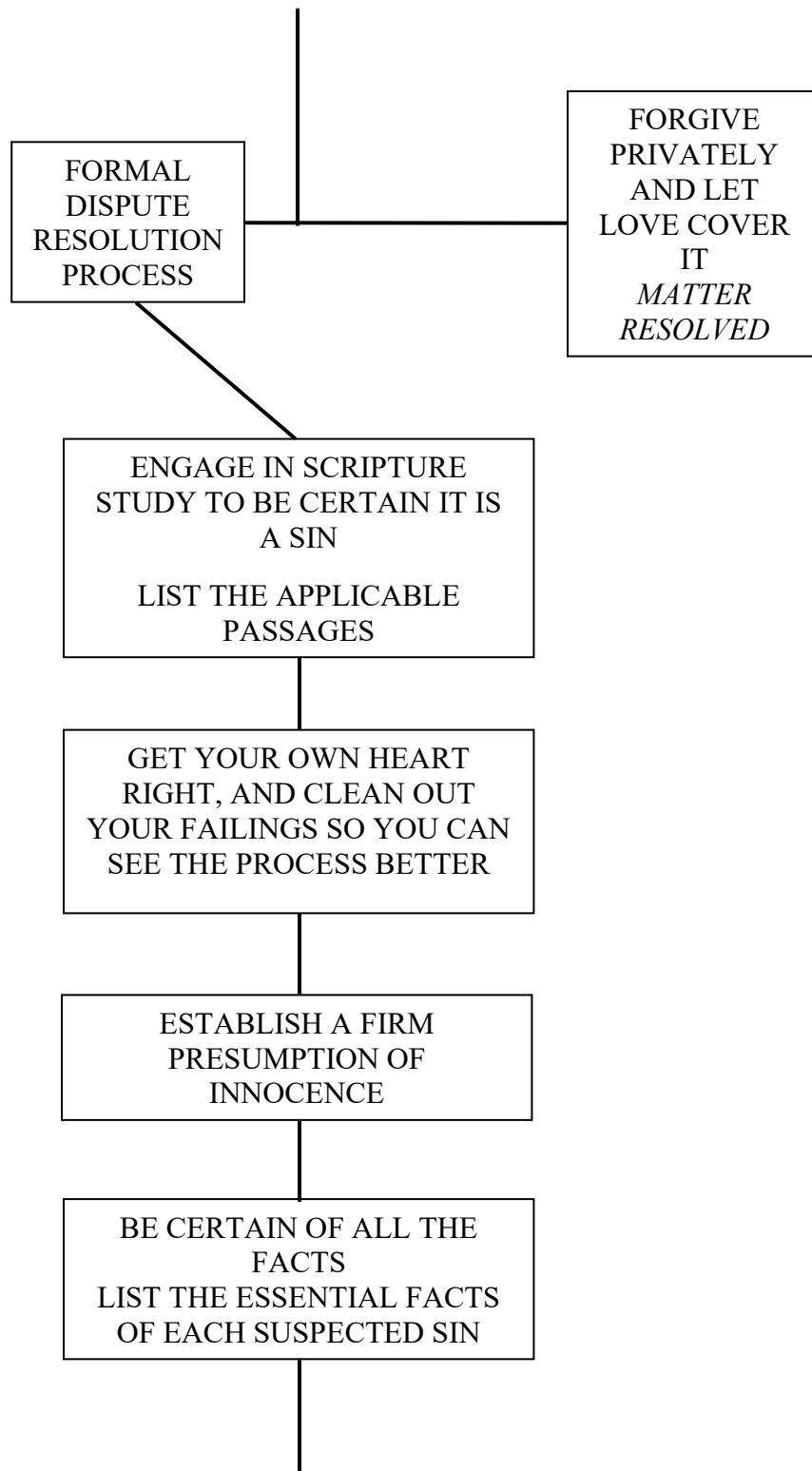
In the first instance, you received more knowledge and understanding of the facts, and came to the conclusion that there is no sin involved. This conversation puts your heart, and the heart of the other person, at ease regarding the situation.

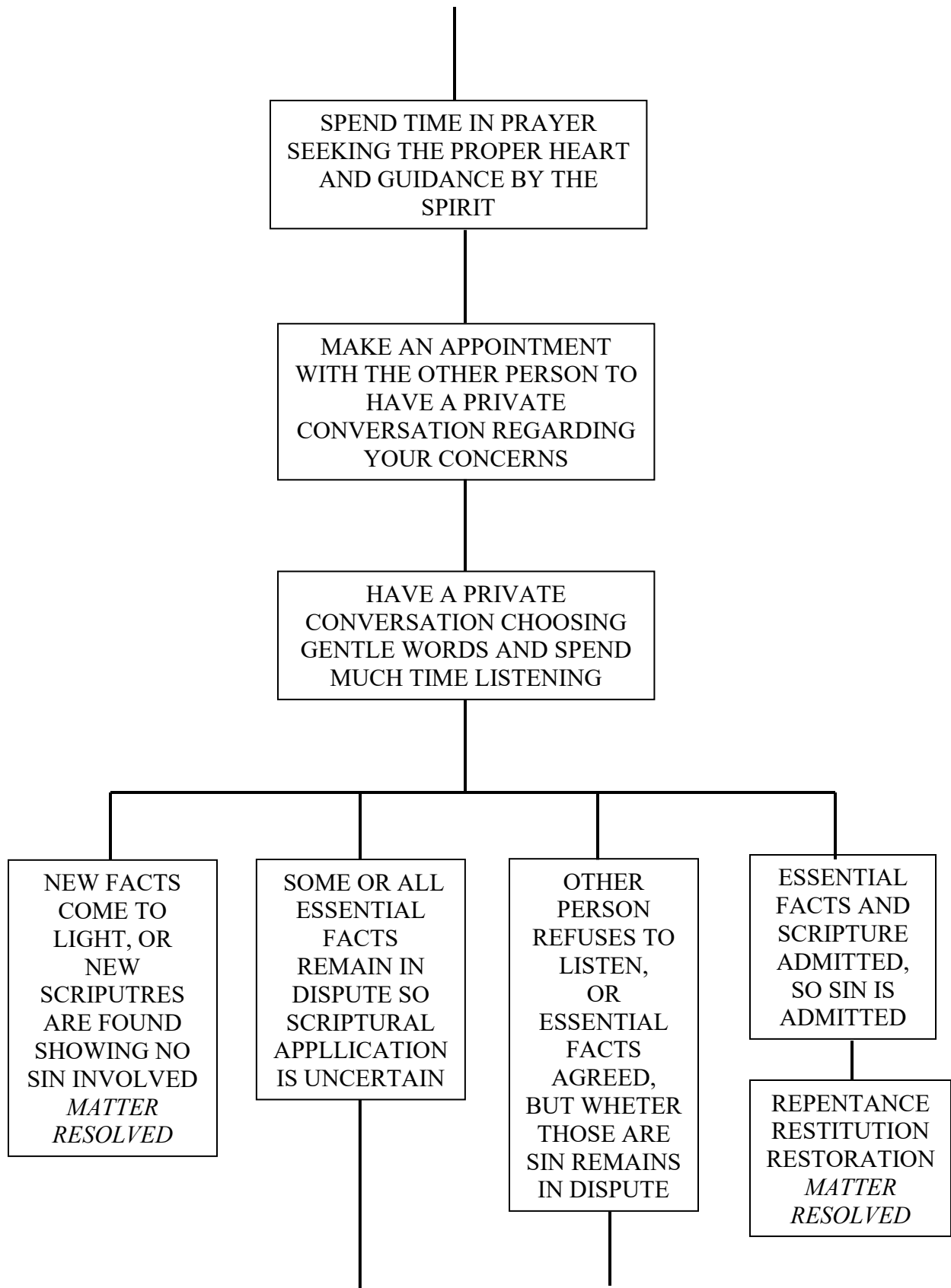
That situation might alert the person you have spoken to that others in the community might have the same misgivings about his actions, and he might wish to make some sort of public declaration of the additional (or changed) facts which others might have used to support a private conclusion of sin. You should offer support in this effort, if needed.

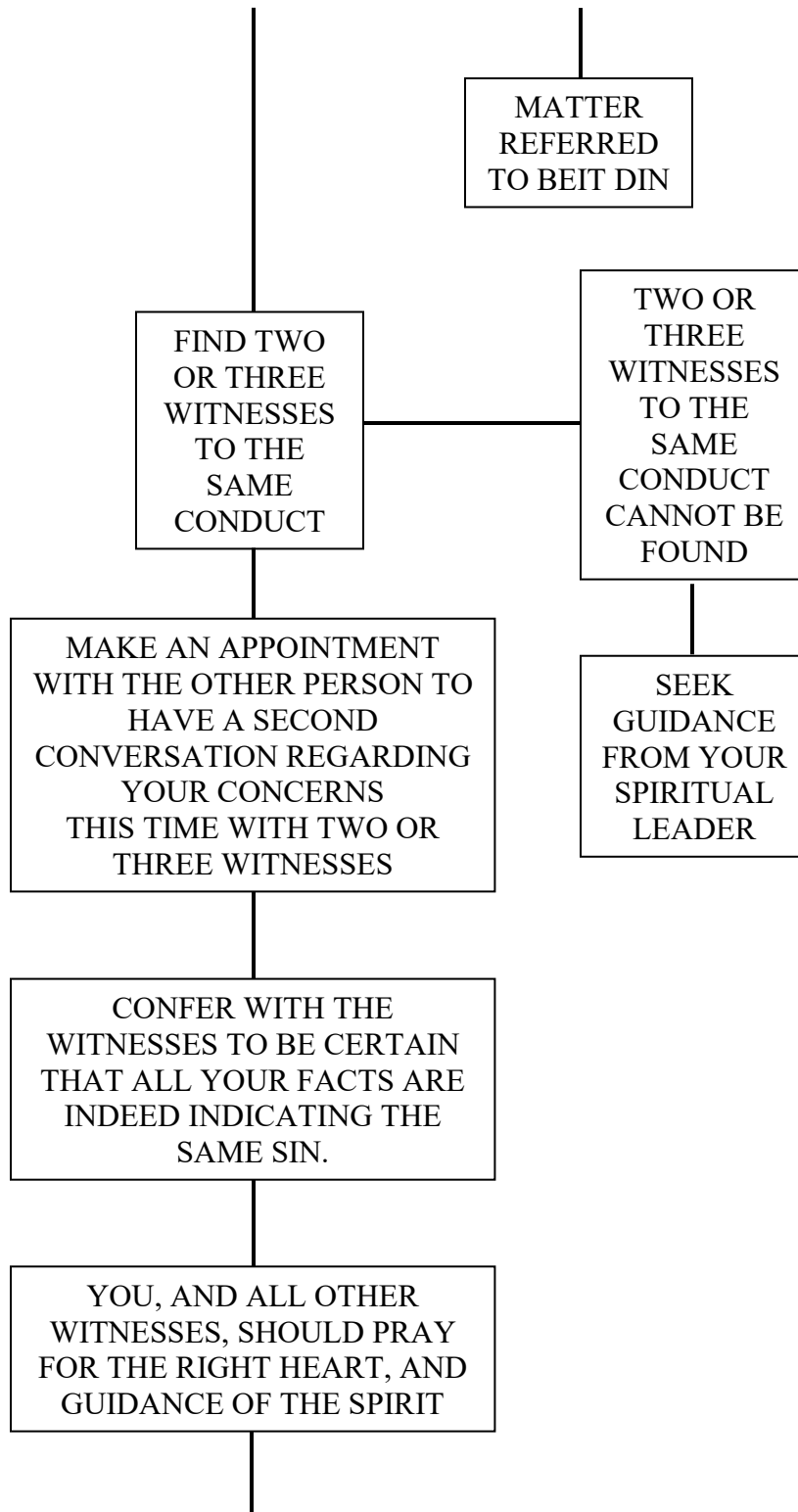
In the second instance, the person who has just admitted sin should take the next steps. The first is to express regret for his actions (or inaction). His next step would be to consult Scripture regarding what restitution (and any associated penalty) should be paid. If Scripture is not specific on this matter, the two should consider jointly consulting with their spiritual leader as to what should be done to make things right.

The one who has sinned should certainly ask the one sinned against, “What do I need to do to make it right?” This is an essential step in healing the wound, and in restoring fellowship. The response to that question must not be one of vengeance, or unreasonable demands. But should be a good-faith statement of what is needful to restore that which was damaged or lost. Again, this conversation must be bathed in love and mutual respect. Then the one who has sinned must follow-through with the actions needed to make things right, under the supervision of the one who has confronted the sin, or the spiritual leader, or both. Once this part of the process has been accomplished, there should be a mutual declaration of success, so that there is no question remaining.











HAVE ANOTHER PRIVATE  
CONVERSATION, EACH  
WITNESS CHOOSING GENTLE  
WORDS AND SPEND MUCH  
TIME LISTENING

Last time we listed a number of possible outcomes of the initial conversation. Two of those led to a resolution of the matter, and the others did not.

When the facts are not agreed, and thus the application of the Scripture defining sin are not clearly implicated, the matter remains unresolved and we must take next steps.

If the other person either will not engage in a productive conversation at all, or admits all the essential facts, but still denies that such constitutes sin, then the next step is to convene a Beit Din. We will discuss this process later.

If the other person denies all or some of the essential facts that are necessary to constitute that sin, then the Scriptural application is still uncertain. First, the facts must be clearly established. That leads to the next step that we as individuals must take.

The next step is also found in Yeshua's summary of the process.

Matt 18:16-17

"But if he does not listen to you, take one or two more with you, so that by the mouth of two or three witnesses every fact may be confirmed.

The instruction by Yeshua should not literally be read as the person "did not listen" to you. This idiom suggests that the matter is unresolved factually and legally, and thus an other step in the process is needed.

Yeshua was restating the same requirement expressed in Deuteronomy 19.

Deuteronomy 19:15

15 "A single witness shall not rise up against a man on account of any iniquity or any sin which he has committed; on the evidence of two or three witnesses a matter shall be confirmed.

G-d has followed His own judicial system, as well, and requires two witnesses:

Deut 30:19-20

19 I call heaven and earth to witness against you today, that I have set before you life and death, the blessing and the curse. So choose life in order that you may live, you and your descendants, 20 by loving the Lord your God, by obeying His voice, and by holding fast to Him; for this is your life and the length of your days, that you may live in the land which the Lord swore to your fathers, to Abraham, Isaac, and Jacob, to give them."

I have seen some confusion among people trying to implement the "witnesses" step of dispute resolution. Some have suggested that the witnesses need not be actual witnesses to the conduct involved, but rather are witnesses *to the event of the second conversation*. That, in my opinion, misses the point of the second conversation entirely, and conflates two separate functions of witnesses.

There is a good summary of the differences between attesting witnesses and fact (or testifying) witnesses presented in *The Kehod Chummash: A Chasidic Commentary* on Deuteronomy 19:15. It says,

The testimony of two witnesses: There are two types of witnesses in Jewish law: attesting witnesses, who must be present when a particular legal procedure occurs in order for it to be considered legally valid; and testifying witnesses, whose purpose is to testify in court that they have witnessed some act, thereby substantiating its factualness. An example of the first type of witnesses is those who must be present at a wedding ceremony or at divorce proceedings in order for these to be valid; an example of the second type of witnesses is the case described in this verse: witnesses to a crime.

Thus, the implication of the words “the matter must be confirmed” in this verse changes subtly when applied to either of these two types of witnesses. In the first case, they mean “the procedure will be considered legally valid”; in the second case, they mean “the act will be considered to have happened.”

Thus, it is important that the “two or three witnesses” who come forward in the dispute resolution process at this stage be fact witnesses, who can

offer testimony to the other person affirming he engaged in the prohibited conduct (or failed to engage in required conduct) as suggested.

How do you find such witnesses? If the sin was committed in your presence, and in the presence of others, then you already know others who are witnesses, and you simply need to contact them to see if they are willing to come forward.

Be prepared that some might not wish to do so. Sadly, so many people in today's congregations are so conflict-averse that they will refuse to confront anyone with anything they consider hurtful. They fear an argument. These often leave a congregation without even telling anyone why they are leaving, and thus defeat the goal of unity of the body. This lifestyle is contrary to Scripture, for we are not to live in fear, and further, we are to call one another to account for sin.<sup>2</sup> But be ready for many to live in fear and refuse to be witnesses.

If the sinful conduct occurred and only you observed it, then there is still a chance for accountability. People who are engaged in sin, often have a pattern of that same sin. There are in some cases others in the congregation who have been witnesses to (or victims of) this sinful behavior before, and they can serve as witnesses.

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<sup>2</sup> Luke 12:4-8, Mathew 18:15

What if you cannot find one or two other witnesses to the same facts constituting sin? My recommendation is to take the matter to your spiritual leader and confide in him what has happened, and where you are stuck in the process. You might discover that there have been others who have experienced the same behavior, and you have not known of it. In fact, if they have carried out the biblical dispute resolution process properly, you would not know of it. But it is more likely that your spiritual leader does know of those instances, and so you might be able to enlist his assistance in gathering more witnesses for your second conversation.

Let's assume that you have been able to find two or three witnesses to the same facts which you believe constitute sin in the other person, and you have done that without conducting *loshan hara*, then you are ready to go forward to the second step in the process.

It is important that you confer with the witnesses to be certain that each of you are ready to testify to the same facts, which support the same accusation of sin. If any witness does not have testimony of those facts, then he should not be a witness in this conversation. This is not a time for people to air separate unresolved grievances, just because the same party is involved on the other side.

If the sin involves a pattern of sinful actions, the witnesses may be able to offer testimony of the pattern, rather than the specific event which led to the first conversation you had with the other person. They should be able to say, “That also happened to me...” and give details in the second conversation.

It is not disqualifying that all witnesses did not see the particular event that began the process with you. But it is far better if the other witnesses did witness the events of the behavior which you particularly have experienced. In this way, it is harder for the one accused to deny the truth of the one instance. When witnesses come forward regarding a pattern of behavior, it is easier for the one accused of sin to discredit each individual set of facts.

Once all the witnesses are on the same page, each should spend more time in prayer. The focus should remain on assuring our hearts are cleaned out enough to see how to do this process properly, and that it be saturated with love.

Make an appointment once again with the other person, and again tell them that you wish to discuss the same matter as last time, but this time with more fact witnesses. Be prepared that the other person might now refuse to have a second conversation. At this point, that other person

might realize that he cannot argue or deny sufficiently at this stage to get out of the accountability that might be coming. If that is the case, he will make some excuse as to why he can't meet with you again, or will put you off over and over. That should tell you all you need to know about his motivations.

If he does agree to meet with you, it is best that you and the other witnesses arrive separately at the meeting place – which should once again be a private, neutral location. Arriving as a group is easily interpreted as an “ambush.”

As the meeting begins, you can use your notes from the last meeting to refresh the recollection of the admitted facts, and disputed facts. You can suggest that if all facts are proved as true, then certain Scriptural passages are invoked. You need not seek agreement on this, as it should have been already agreed between you and the other person at the last meeting.

Then you can state a disputed fact, and ask if either of the witnesses has any knowledge regarding such fact that he wishes to offer. You can do that with all the witnesses, and each of the disputed facts, one by one. As a witness affirms a fact you can put a mark by that fact. If the other witness confirms the same fact, put a second mark, indicating it is

established as true. Remember that you are also a witness to the same fact and can be counted among the “witnesses.”

It is not uncommon for a person to repress memories of sinful actions they have committed, so be prepared for the other person to be somewhat taken aback by the statements of the other witnesses, as they present their testimony. They might begin by even denying, or at least minimizing, the factual statements. Be prepared that the other person might even accuse one or more of the witnesses of collusion, and fabrication. If that happens, you need not proceed further in this step, but should go on to the next one.

Assuming the other person allows the testimony to continue unabated, once all the disputed facts are established as true, then you can once again state the Scripture passages which are implicated by those facts. Then it is proper to see what the other person’s thoughts are.

You can say, “Now, you have seen that [two or three] witnesses have come forward to confirm to you the facts I previously presented are true. You have heard me restate the Scriptures that I think apply to those facts and declare them to be sinful. What are your thoughts now? This question should be delivered gently, and with as much love as you can muster.

If the other person is rightly convicted of his sin, then you can expect to see something in the other person's actions which reflect that truth. If so, then the next steps by the other person are repentance, restitution, and restoration. If the sin was a public one, then the repentance declaration by the other person should likewise be public. The congregation should then rally-around the repentant one and show that person support for his actions of restitution and restoration.

If the other person denies the facts as presented by all the witnesses, or still denies the application of Scripture condemning these facts as sin, you must then adjourn the meeting without rancor or further accusation, and go on to the next step in the process.

If this happens, you must guard your heart not to be snippy or unkind to the other person at this stage. You can judge his actions in what you believe to be an improper denial, but you are not free to scorn him at this time. Allow the process to play its way out.

We will elaborate on that next step in the next session.