

1 Corinthians 6:1 – 8

6:1 Does any one of you, when he has a case against his neighbor, dare to go to law before the unrighteous and not before the saints?	lawsuit amongst yourselves lawsuits before unbelievers
² Or do you not know that the saints will judge the world? If the world is judged by you, are you not competent to constitute the smallest law courts?	saints will judge the world
³ Do you not know that we will judge angels? How much more matters of this life?	we will judge angels matters of this life
⁴ So if you have law courts dealing with matters of this life, do you appoint them as judges who are of no account in the church?	matters of this life you appoint others to judge?
⁵ I say this to your shame. Is it so, that there is not among you one wise man who will be able to decide between [a brother] ¹ ,	is there a saint who can decide?
⁶ but brother goes to law with brother, and that before unbelievers?	no lawsuits before unbelievers
⁷ Actually, then, it is already a defeat for you, that you have lawsuits with one another. Why not rather be wronged? Why not rather be defrauded?	
⁸ On the contrary, you yourselves wrong and defraud. You do this even to your brethren.	lawsuits amongst yourselves

Historical and Cultural Background

Court justice in Greece and Rome

- ‘Although Roman jurists strove to formulate a definition of justice that would be valid for all times and all peoples, in practice the Roman legal system, which was controlled, of course, by the upper class, reinforced the distinctions between the classes in Roman society.’² For example, Cicero (106 BC – 43 BC), a well known Roman philosopher, lawyer, orator, consul, and prose author criticized courts in the eastern Roman provinces for being open to bribery of judges, advocates, and witnesses.³

Wise and just judgment within the church

- In 1 Corinthians 4:18 – 5:13, Paul had just instructed the Corinthian Christians to treat the incestuous stepson (in the stepson-stepmother relationship) as a non-Christian for all practical purposes. That includes

¹ On the singular ‘brother’ rather than the plural, see Roy E. Ciampa and Brian S. Rosner, *The First Letter to the Corinthians*, Donald A. Carson, general editor, *Pillar New Testament Commentary Series* (Grand Rapids, MI: Erdmans, 2010), p.230 and the footnote there

² Jo-Ann Shelton, *As the Romans Did: A Sourcebook in Roman Social History* (2nd edition; New York: Oxford University Press, 1998), p.9 – 10; cited in Ciampa and Rosner, p.223, who also suggest, ‘Paul’s opposition to the use of secular courts to adjudicate between members of the body of Christ must not be taken as a condemnation of government or even secular courts in general. In Romans 13 he discusses in more sober fashion the attitude of Christians to government officials in general... 1 Corinthians 6:1 – 11 deals with the use of secular courts for civil cases between Christians. It does not concern criminal law, which in Corinth would have covered crimes such as high treason, embezzlement, bribery at elections, extortion in the provinces, forgery of wills or coins, violent offenses, and adultery... This passage could not be used, for example, to justify the covering up of child abuse or murder, even if such crimes were committed within the church fellowship.’ (p.224 – 225)

³ Cicero, *Pro Caecina*, 73, cited in Ben Witherington III, *A Week in the Life of Corinth* (Downers Grove, IL: InterVarsity Press, 2012), p.164 and Roy E. Ciampa and Brian S. Rosner, *The First Letter to the Corinthians: The Pillar New Testament Commentary* (Grand Rapids, MI: Erdmans, 2010), p.223

reaching out to him as if he were a non-Christian but regarding him as ineligible for receiving communion or serving in any kind of Christian leadership role.

- ‘The saints will judge the world... and angels’ (v.2 – 3): The prophet Daniel (Dan.7:22) envisioned that the messianic age would come with ‘the Son of Man’ ascending on the clouds to be enthroned, and ‘the Ancient of Days came and judgment was passed in favor of the saints of the Highest One, and the time arrived when the saints took possession of the kingdom’ to share in the role of judging. ‘Then the sovereignty, the dominion and the greatness of all the kingdoms under the whole heaven will be given to the people of the saints of the Highest One’ (Dan.7:27). Jesus said he shares his authority to judge with his people (Mt.19:28; Jn.5:22, 26; 2 Pet.2:4; Jude 6; Rev.20:4).
- This thought develops another theme in Israel’s history after the Exodus. God delivered the people by judging Egypt for oppression. He then shared his judicial responsibility with Moses, who then shared it with other elders in Israel (Ex.18; Dt.1:9 – 17; 16:18 – 22) and, in some regards, the whole community (Dt.13:5; 17:7; 19:19; 21:9, 21; 22:21; 24:7; cf. Judg.20:13). Sharing in God’s judicial responsibility goes back to God’s original commission to human beings to have ‘dominion’ (Gen.1:26 – 28).

Questions

1. Remind people that Paul had just written in 4:18 – 5:13 about communal responsibility and judgment entrusted to the body of Christ for matters within the body.
2. What are the reasons Paul gives for not going to court before the unbelievers?
 - a. Implicitly, he is suggesting that unbelievers' standards for judgment are arbitrary, if not outright in conflict with Christian truth. Especially if we understand the cultural context. However, there is a more serious concern...
 - b. Keeping a good reputation for God's people: to protect the honor of God's name and to win the heathen.
 - i. This is a stated concern on many occasions in both OT and NT: when Moses intercedes for the people (Ex.32:12, 25; Num.14:15 – 16; Dt.9:25 – 29), in the Prophets (Isa.52:5; Ezk.36:20), in the Wisdom writings (Pr.3:4; 22:1; 25:10; Ecc.7:1a), and in the New Testament (Rom.2:24; 1 Cor.9:12, 19 – 23).
 - ii. It's not that Paul wants these conflicts and the decisions to be *secret*. Actually, with Israel in the Old Testament, God wanted these decisions and the principles of justice behind them to be known to the nations around Israel, *publicly*. This is what Moses said to Israel: ⁵ See, I have taught you statutes and judgments just as the LORD my God commanded me, that you should do thus in the land where you are entering to possess it. ⁶ So keep and do them, for that is your wisdom and your understanding in the sight of the peoples who will hear all these statutes and say, 'Surely this great nation is a wise and understanding people.' ⁷ For what great nation is there that has a god so near to it as is the LORD our God whenever we call on Him? ⁸ Or what great nation is there that has statutes and judgments as righteous as this whole law which I am setting before you today?' (Dt.4:5 – 8) Notice the continuity between *wisdom* in Dt.4:6 and 1 Cor.6:5.
 - c. It is an occasion for demonstrating God's *wisdom*. Paul says that the church as God's new humanity will exercise judgment over angels (6:3) and have some kind of restorative justice role in the world (6:2) to come.
 - d. Because deciding between two Christians is like deciding *between a brother*. Note that this is the literal reading of v.5. It is a delicate matter, and always fraught with irony and difficulty, because it is really trying to discern what is going on between members of the same body, the body of Christ.
3. So how are we supposed to cultivate 'wisdom' as Paul infers? Study the principles embedded in the commands of God, both in creation, in Sinai, and from Jesus.
 - a. Christians had a big impact on the laws of the Roman Empire.⁴
 - i. Children: According to the Roman law the power of the father over his children was as absolute as that of the master over his slaves: it extended to their freedom and life. Emperor Theodosius declared that killing a child was one of the greatest of crimes. Cruel treatment of children was forbidden. Children could not be sold or given away to the power of others. Children sold by their father on account of poverty were to be set free. And all children exposed by their parents and fallen into servitude were to become free without exception.
 - ii. Marriage: In the ancient law of Rome the wife was, like the rest of the family, the property of the husband, who could dispose of her at will. Christians, however, attributed to women equal rights. Emperor Theodosius gave women the right of controlling their property, and to mothers the right of guardianship. Later, Emperor Justinian and Empress Theodora gave wives the right to charge their husbands of adultery and initiate divorce proceedings, and protected women from going to prison where male guards would probably rape them, made adultery not punishable by death.
 - iii. Illus: I did a lot of research on slavery and how Christians were emancipators and abolitionists starting from the beginning. They recognized the human dignity of the enslaved person, marriage between enslaved persons, granted freedom, etc. Eventually Constantine changed certain key laws about slavery: *Slavery in Christianity, Part 2: Abolitionism from the First to Fifteenth Century* found here: www.anastasiscenter.org/race-slavery-belief-systems.

⁴ The Catholic website New Advent, *Influence of the Church on Civil Law*, <http://www.newadvent.org/cathen/09066a.htm>

- b. Illus: *The Christian bishops and leaders played a big role in stabilizing Roman day to day life, for everyday people, and providing them some form of justice.* The following example of Augustine as bishop presiding over conflicts between Christians is a helpful data point: ‘Therefore, when he was importuned by Christians or by men of any sect [*cuiuscumque sectae*], he heard their cases carefully and dutifully, keeping before his eyes the remark of a certain one, who said that he preferred to hear cases between strangers rather than between friends. For of the strangers he could gain the one as a friend in whose favor the case was justly decided, whereas he would lose the one of his friends against whom judgment was passed. Though they sometimes kept him even till meal-time and sometimes he even had to fast all day, yet he always examined these cases and passed judgment on them, considering in them the value of Christian souls – in how far each had increased or decreased in faith and good works... He asked no other reward from those for whom he spent his time in this way except the Christian obedience and devotion which is due to God and man, rebuking the sinner before all, that others also might fear... When asked, he also wrote letters to diverse men concerning temporal cases. But this work which took him away from better things he regarded as a kind of conscription, for his pleasure was always in the things of God or in the exhortation or conversation of intimate brotherly friendship.’⁵ He was rather overwhelmed, and ‘wrote his letter 22 in 420 seeking clarification on how he could get a *defensor* appointed for his city, possibly as much for himself as for the people of his city.’⁶
- c. Illus: I’ve imagined the following example:

Imagine a complex scenario that would have been very likely in the early church. Let’s say a Roman Christian husband physically abuses his wife. Roman law, which granted freeborn women a remarkable level of freedom and protection, forbade the domestic abuse of freeborn women. Either husband or wife could initiate a divorce under Roman law. A woman would leave her marriage with her dowry, since under Roman law, technically she is still under the protection of her own father. But in this case, since the wife comes from a poor background (she is not a freeborn aristocrat but was formerly enslaved) and her parents have died, she has very little dowry and almost no economic support. If the husband divorces her and leaves her with nothing, would that be a form of theft? But this couple had recently professed faith in Jesus, been baptized, and joined the church. She comes to the church elders in accordance with Jesus’ instruction about church accountability in Matthew 18:15 – 20 and 1 Corinthians 6:1 – 8 and reports how she tried to work this out with her husband. He had not listened. The elders rule that although Jesus only spoke of adultery as a legitimate cause for Christian divorce in certain conversations about sex (e.g. Matthew 19:3 – 12), he would have included repeated physical abuse as a legitimate cause as well if asked. They conclude this, in part, based on how seriously God took physical abuse in the Sinaitic Law. Three times physical abuse was said to require a mark on the offender’s body of equal significance: Exodus 21:27 – 28 (although a ransom amount could be substituted); Leviticus 24:19 – 20; and Deuteronomy 19:21. In addition, the text Deuteronomy 23:15 – 16 describes the case of the runaway slave/servant who fled, ostensibly because of abuse. In that case, the Israelites were to help the fugitive with safety, provision, and permanent relocation. Whatever financial debt that the servant was trying to work off was ostensibly cancelled. Since the Sinaitic Law treated a vulnerable servant that way, the church elders reason (rightly, in my opinion) that a physically abused spouse should be treated that way all the more. They invite the Christian husband into a process with two of them. After a rather lengthy process, the husband and wife reconcile.

The Christian community there also starts reflecting on their cultural practices of dividing household wealth in the case of divorce. They note that, long before the Roman laws on women enshrined the principle, Moses protected wives through dowry laws in Exodus 22:16 – 17, where a male suitor gives a bride-price to the bride’s father who then gives it to his daughter as her own, which is the assumed context of Luke 15:8 – 10; since the gift passes through the hands of the bride’s father, it stays with the bride in the case of divorce. They further note that deliverance from slavery put everyone in Israel on equal footing in terms of social class, contrary to the strong Roman distinctions between freeborn, freedmen and women,

⁵ Possidius, *Sancti Augustini Vita* 19.2 – 6. Adapted English translation from H.T. Weiskotten, *Sancti Augustini Vita* (Princeton, 1919), p.86 – 89. Cited in Robert M. Frakes, *Contra Potentium Iniurias: The Defensor Civitatis and Late Roman Justice* (Munich: Beck, 2001), ch.7, p.195.

⁶ Frakes, p.224

and enslaved classes. Moreover, they perceive that the land practices of Israel, even though land was passed down from father to son, were fairly egalitarian by family, and this meant that even a divorced woman would be cared for economically by her family of origin in roughly the same way as within her marriage. In their reading, they struggled to translate this into a new non-Mosaic context, but they believed this impacted ideas about socio-economic class. The Roman Christian husband, seeing the concern of love behind the practice, and appreciating being in a new place intellectually, actually becomes a critic of the standard Roman practice. Just as interestingly, their non-Christian acquaintances, business associates, family members, and friends observe this play out. One was a judge in a court of Roman law, along with his wife. They decide that they too had been concerned enough about the abuse of power that they begin to question the legal status quo.

It would be years – in fact, centuries – until there was a significant enough momentum to change views of marriage and divorce rights as they were impacted by social class, and even that, only incrementally. One such moment was with Empress Theodora. The Byzantine Emperor Justinian I, in his famous code of law, still upheld the Roman *patria potesta* in name, but not entirely in substance. For his persuasive and strong-willed wife Empress Theodora successfully convinced him to change many laws concerning women. She persuaded him to pass laws outlawing forced prostitution. Many brothels were closed as a result. She started a convent called Metanoia (‘repentance’), where ex-prostitutes could live and support themselves through a legitimate trade.⁷ Theodora and Justinian expanded the rights of women in divorce laws and property ownership. She successfully advocated instating the death penalty for convicted rapists. She forbade the exposure of unwanted infants, who were mostly girls or deformed children. She extended mothers some guardianship rights over their children. She forbade the killing of a wife who committed adultery. She allowed wives to accuse their husbands of adultery.⁸

Secular sociologist Lewis Mumford, who has no interest in flattering Christian faith, begrudgingly admits, ‘What was involved in a realization of the Christian city? Nothing less, I submit, than a thoroughgoing rejection of the original basis on which the city had been founded: the renunciation of the long-maintained monopoly of power and knowledge; the reorganization of laws and property rights in the interest of justice, free from coercion, the abolition of slavery and of compulsory labor for the benefit of a ruling minority, and the elimination of gross economic inequalities between class and class. On those terms, the citizens might find on earth at least a measure of that charity and justice that were promised to them, on their repentance, in heaven. In the Christian city, one would suppose, citizens would have the opportunity to live together in brotherhood and mutual assistance, without quailing before arbitrary power, or constantly anticipating external violence and sudden death. The rejection of the old order imposed originally by the citadel was the minimal basis of Christian peace and order.’⁹

4. Does the church really do this anymore? How might this be relevant today?
 - a. Illus: Peacemaker Ministries mediates interpersonal conflicts between Christians, like in cases of divorce or employment, but going from there to more serious issues. See www.peacemaker.net.
 - b. Illus: Christians in post-conflict South Africa, Rwanda, and Uganda, which had some significant Christian populations, stepped up to provide restorative justice practices, which became the institution of the Truth and Reconciliation Commissions.
 - c. Illus: The Catholic order called the Community of Sant’Egidio is a peacemaking ministry. Here’s an example:

‘The setting is the main conference room of the Farnesina Palace, home of the Foreign Ministry of Italy in Rome, in fall 1992. Seated on a dais are Joaquim Chissano, president of Mozambique; Afonso Dhlakama, president of RENAMO (Resistencia Nacional Mocambicana), Mozambique’s insurgency movement; Emilio Colombo, Italy’s foreign minister; and other African heads of state and foreign officials. The dignitaries have just concluded an agreement to end the civil war in Mozambique, a war that lasted for sixteen years and resulted in over a million deaths.

⁷ James Allan Evans, *The Empress Theodora: Partner of Justinian* (Austin: University of Texas Press, 2002), p.31 – 32

⁸ *Ibid*, p.36 – 39

⁹ Lewis Mumford, *The City in History* (New York, NY: Harcourt Brace Jovanovich, 1961), p.317

‘Though significant for Mozambicans, the agreement was only one of several that ended civil wars at the close of the Cold War. Far more remarkable was who negotiated the agreement and how it was concluded. Seated prominently with the dignitaries were also four other people: Mario Raffaelli, an Italian member of Parliament; Don Jaime Goncalves, the Catholic archbishop of Beira, Mozambique; Professor Andrew Riccardi, president of the community of Sant’Egidio; and Don Matteo Zuppi, a priest and member of the Community of Sant’Egidio.

‘The Community of Sant’Egidio? This group was the key mediator of the peace in Mozambique. But who are they? In 1968, a year of political ferment all across Europe, a handful of students at Rome’s Virgil High School decided to put their Catholic faith into practice by gathering regularly to pray together and to befriend the city’s poorest inhabitants. During the 1970’s, their ranks grew as they expanded their work to include addicts, orphans, the handicapped, and the elderly poor and extended their network into countries like Albania, Ethiopia, Somalia, and Vietnam. The Catholic Church declared them a “public lay association” and gave them an abandoned convent in the Trastevere district in Rome, linked to the Church of Sant’Egidio (St. Giles), from which they took their name. Today the community includes over 50,000 members spread over seventy countries.

‘That Sant’Egidio mediated Mozambique’s peace agreement defies conventional wisdom. Peace agreements are supposed to be negotiated by states and international organizations that can provide material rewards and enforce the peace through security measures. To be sure, such “realist” factors mattered here: The diplomatic roles of the United States, the United Nations, and Italy were essential, as was the end of the Cold War, which dried up Soviet support for Mozambique’s Marxist government. But seasoned diplomats have observed that Sant’Egidio was indispensable. How so?

‘Consistent with its *modus operandi*, members of the Community formed a network of friendships in Mozambique during the 1970’s, one that included leaders from both sides in the civil war and Catholic Church officials, most important Bishop Jaime Goncalves. From this human infrastructure, Sant’Egidio helped to open up religious freedom for the Catholic Church in Mozambique as well as bring desperately needed economic aid to the country in the 1980s. At the end of the decade, when both sides showed an interest in a settlement, Sant’Egidio, along with leaders of the Catholic Church in Mozambique and the Mozambique Christian Council (a coalition of Protestant churches), brought the parties into nine rounds of peace negotiations, which Sant’Egidio conducted at its Trastevere headquarters between 1990 and 1992. Trastevere was itself symbolic, having been a crossroads and meeting place for members of diverse cultures from the time of the Roman Empire. It was here that the Community brought together what one diplomat has called an “idiosyncratic *bouillabaisse*” of actors, including the main disputant parties, U.N. officials, representatives of ten different governments, including Italy and the United States, as well as “Tiny” Rowland, a morale-boosting British businessman.

‘The General Peace Accord was signed on October 4, 1992 – the Feast Day of St. Francis of Assisi, a medieval saint and a great peacemaker. Unlike many other peace agreements, 43 of which relapse into violence within five years, this peace would last. Sant’Egidio remained committed to Mozambique, carrying out major projects to fight AIDS and to bring relief to victims of massive flooding there in subsequent years. On the reputation of its diplomatic work, Sant’Egidio also undertook mediation efforts in other countries around the world, including Algeria, Burundi, Congo, Guatemala, Ivory Coast, Kosovo, Liberia, and Uganda...

‘Sant’Egidio’s success also lay in the fact that it was a quintessentially institutionally independent actor. In the spirit of the Second Vatican Council’s teachings, it had no formal ties to a state and no stake in political or economic power. In the Mozambique negotiations, one of the most difficult issues in getting the parties to the table was the government of Mozambique’s unwillingness to recognize the legitimacy of the rebel movement, RENAMO, which it has previously dismissed as rogue bandits. It was only because Sant’Egidio did not carry the official authority of a sovereign state or of the U.N. that the government negotiators were willing to sit at the same table with their opponents.

‘Sant’Egidio’s political theology mattered, too. Its themes of promoting social justice and peace through direct outreach to the poor, reconciliation, and the building of friendships with political actors on all sides of a dispute arise from its interpretation of the New Testament as well as from the teachings of the Second Vatican Council of the 1960’s.’¹⁰

¹⁰ Monica Duffy Toft, Daniel Philpott, Timothy Samuel Shah, *God’s Century: Resurgent Religion and Global Politics*, New York & London: W.W. Norton & Company, p.174 – 7

- d. Illus: The Church of England is trying to care for the poor by competing against payday lenders. Poor people often get \$100 loans for an additional charge of \$17. This is exploitative, and contradicts the biblical command against interest rate lending. See <http://www.theguardian.com/world/2014/feb/23/church-credit-unions-parishes>; <http://www.theverge.com/2013/7/26/4559088/church-of-england-wonga-dispute-credit-union-investment>
5. So if you are interested in Christian restorative justice, and the biblical principles informing that vision, I would highly recommend visiting my website here: www.anastasiscenter.org/politics