

'APPOINT THE DESPISED AS JUDGES!'

(1 CORINTHIANS 6:4)

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Summary

The most recent critical editions of the New Testament along with a majority of modern commentators do not believe the apostle Paul calls for the appointment of Christian arbiters in 1 Corinthians 6:4. Drawing attention to the cultural and legal situation of Corinth, and to certain features of Greek grammar, this essay argues that Paul indeed calls for the 'despised' Christians in Corinth to be made arbiters should lawsuits arise.

I. Introduction

The verb καθίζω ('to appoint') in 1 Corinthians 6:4b can be understood in three ways. First, it could be an indicative mood verb in a *question*. If so, Paul is asking, 'Are you appointing as judges those despised in the church?' (so RSV, NASB, NKJV, New Living Translation). Second, it could be an indicative mood verb in a *statement*. If so, Paul is observing that the Corinthians 'are appointing as judges those despised in the church' (so JB, Die Bibel, NJB). Three, if it is an *imperative* mood verb, Paul is commanding, 'Appoint as judges those despised in the church!' (so KJV, NIV). Most modern commentators and translations take the verb to be in the indicative mood¹; most of

¹For example, see C.K. Barrett, *A Commentary on the First Epistle to the Corinthians* (HNTC; New York: Harper & Row, 1968) 137; H. Conzelmann, *1 Corinthians* (Hermeneia; trans. J.W. Leitch; Philadelphia: Fortress, 1975) 103; F. Lang, *Die Briefe an die Korinther* (NTD 7; Göttingen: Vandenhoeck & Ruprecht, 1986) 76-77; G.D. Fee, *The First Epistle to the Corinthians* (NICNT; Grand Rapids: Eerdmans, 1987) 235-36; so also W. Schrage, *Der erste Brief an die Korinther 1. Teilband 1Kor 1,1-6,11* (EKKNT; Neukirchen: Benziger, 1991) 412; S.J. Kistemaker, *Exposition of the First Epistle to the Corinthians*

the ancient commentators and translations along with many older commentators understood it as imperative.² With scholars throughout the centuries so evenly divided on the issue, perhaps we are to agree with Archibald Robertson who as long ago as 1911 concluded, 'We must be content to leave the question open'.³

Given that most of the Greek New Testaments (along with the majority of modern translations and commentators that do not take the verb as imperative) consider it to be part of a question, the present study will examine these two predominant options: is the verb *καθίζετε* in 1 Corinthians 6:4b an indicative mood verb in a question or an imperative mood verb in a command?

In revisiting the issue here, two features of the text not normally discussed will be given special consideration. One of these is Paul's use of the particle *ἐάν* + subjunctive mood verb construction. An understanding of this construction will shed light on Paul's use of *καθίζετε* in 1 Corinthians 6:4b. A second element to be considered afresh is how taking *καθίζετε* as imperative might further Paul's rhetorical strategy in the passage. It is proposed to argue here that the cumulative evidence falls decisively on the side of those who take *καθίζετε* as imperative.

(NTC; Grand Rapids: Baker, 1993) 182; C. Blomberg, *1 Corinthians* (The NIV Application Commentary; Grand Rapids: Zondervan, 1994) 117.

²Vulgate, Peschetta, Chrysostum, Theodoret, Eramus, Beza, Calvin, Grotius, Bengel, Wetstein, Hofmann. This summary comes from H.A.W. Meyer's *Handbuch über den ersten Brief an die Korinther* (Kritisch exegetischer Kommentar über das Neue Testament; 6th ed.; Göttingen: Vandenhoeck und Ruprecht, 1881) 150-51. See also C.J. Ellicott's *St. Paul's First Epistle to the Corinthians, with a Critical and Grammatical Commentary* (London: Longmans, Green, and Co.; 1887) 95-97, and F. Godet's *Commentary on St. Paul's First Epistle to the Corinthians* (Clark's Foreign Theological Library, New Series 27; trans. A. Cusin; Edinburgh: T & T Clark, n.d.) 289-91.

³*A Critical and Exegetical Commentary on the First Epistle of St Paul to the Corinthians* (ICC; 2nd ed.; Edinburgh: T & T Clark, n.d.) 114.

II. The Context of the Passage

1 Corinthians 6:4 is located in the midst of a pointed attack by the apostle Paul on the practices of some in the Christian congregation in Corinth who were taking one another to secular civil courts in order to settle issues of relatively minor importance (1 Cor. 6:1-2). Recent work on 1 Corinthians has stressed the Roman legal and cultural background of Corinth.⁴ This background is important in assessing Paul's comments and his probable reasons for making them. Citing the work of classical scholars, Bruce Winter has argued persuasively that in all likelihood the lawsuits mentioned by Paul would have particularly involved the elite members of the congregation.⁵ He further notes that for Paul one of the most objectionable elements to the Corinthians' practice of suing one another would have been the level of personal hostility that such lawsuits customarily aroused.⁶ Lawsuits were typically initiated not merely to resolve legitimate grievances but also to further the social status of the litigants, and this 'progress' was made only at the expense of one's opponent. This was hardly the sort of behaviour that would result in the edification of the church or place it in a distinctively positive light in the wider community.

Understanding the structure of the passage may also be useful in determining how *καθίζετε* should be interpreted. As to the structure of 1 Corinthians 6:1-6, if we take *καθίζετε* to be an indicative/interrogative, the passage would flow in the following manner: a series of five questions (vv. 1, 2a, 2b, 3, 4) is followed by a single statement (v. 5a), followed by two further questions (vv. 5b, 6). The other possibility is that *καθίζετε* is imperatival, in which case the passage would flow

⁴E.g., A.D. Clarke, *Secular and Christian Leadership in Corinth. A Socio-Historical and Exegetical Study of 1 Corinthians 1-6* (AGJU 18; eds. Martin Hengel et al.; Leiden: Brill, 1993); B.W. Winter, 'Homosexual Terminology in 1 Corinthians 6:9: The Roman Context and the Greek Loan-Word', in *Interpreting the Bible. Essays in Honour of David Wright* (ed. A.N.R. Lane; Leicester: Intervarsity; 1997) 275-79.

⁵*Seek the Welfare of the City. Christians as Benefactors and Citizens* (Grand Rapids: Eerdmans, 1994) 107-109 and footnotes.

⁶*Ibid.*, 113-15.

in this manner: a series of four questions (vv. 1, 2a, 2b, 3) is disrupted by an imperative (v. 4), then followed by the brief statement (v. 5a), then followed by two more questions (vv. 5b, 6). We move on now to consider the arguments for taking καθίζετε as indicative and imperative, respectively.

III. The Meaning of καθίζετε

If the verb καθίζετε is indicative/interrogative in 1 Corinthians 6:4b, then Paul asks the question, 'Are you appointing those despised in the church as judges?' He knows the answer to his question, of course, because he has already made plain his disapproval of their acts (vv. 1-3).

Taking the verb as indicative/interrogative has many points to commend it. First, in New Testament Greek a verb at the end of a sentence tends to be in the indicative rather than imperative mood; hence this interpretation is fully consistent with what is typically true in New Testament Greek syntax with respect to word order. Second, it is consistent with the flow of the larger passage (1 Cor. 6:1-6) in which Paul has asked a number of pointed, rhetorical questions. To take the verb as indicative simply adds another rhetorical question to Paul's series of questions and forms a nicely balanced pair with the preceding material.⁷ Third, taking the verb as indicative/interrogative solves the apparent difficulty of Paul referring to Christians by the disparaging phrase 'the despised' (τοὺς ἐξουθενημένους, v. 4). It is often argued that Paul would not have spoken of Christians in this way, least of all in Corinth, because to do so might have added fuel to the fire of those in the congregation who insisted on regarding themselves as the elite—the very thing that was dividing the church at Corinth and which occasioned this letter (*cf.* 1 Cor. 1:10ff.)!

Weighty as these arguments are, even those scholars who take καθίζετε as indicative/interrogative admit that their position has its weaknesses. I would argue that the weaknesses are even greater than they imagine. Five crucial weaknesses can be cited. In addition to weighing against the view that καθίζετε

⁷Fee, *First Corinthians*, 235.

is indicative, these weaknesses also support the view that the verb can and ought to be understood as imperative.

First, the argument that καθίζετε ought to be taken as in the indicative mood because of its location in the penultimate slot in the sentence is not convincing. Gordon Fee thinks the argument from word order is strong enough to characterise the difficulty of holding other views 'insuperable'.⁸ Although it is true that imperatives typically occur early in a Greek clause, it is not the case that they rarely occur as the last element in a sentence. Within the Pauline corpus, we may note that the imperative is the final element in the sentence at Romans 12:14; 1 Corinthians 4:16; 7:21; 10:31; 11:33; 14:20; 16:1,13; Galatians 5:1; Ephesians 5:11; Philippians 4:4; Colossians 3:15; 1 Thessalonians 5:22; 1 Timothy 4:11; 5:22; 6:2; and Philemon 18.

Furthermore, Paul may have placed καθίζετε last in this sentence for emphasis. In principle this would not be unusual in the present passage, since it is widely recognised that the passage is laden with Pauline rhetoric. Verse 4 begins with a dependent clause ('if then you have ordinary cases'), and within the main clause that follows it, the accusative case 'those who are despised' (τοὺς ἐξουθενημένους) is placed first, possibly to stress whom it is that Paul wants appointed as arbiters.⁹ The demonstrative pronoun 'these' (τούτους) that stands in apposition to 'those who are despised' then precedes the imperative verb. Paul employs a similar construction in Philippians 4:8: 'Finally, brothers, what things are true, what things are honourable, what things are righteous, what things are pure, what things are lovely, what things are admirable—if anything is excellent or praiseworthy—think about these things (ταῦτα λογίζεσθε).'¹⁰ Here, as in 1 Corinthians 6:4b, an accusative plural pronoun precedes an imperative verb, the verb being the last element in the sentence. Here, as in 1

⁸*Ibid.*

⁹That Paul might have in mind the appointment of arbiters is argued by Winter (*Seek the Welfare of the City*, 116).

¹⁰On the structure of the passage, see G.D. Fee, *Paul's Letter to the Philippians* (NICNT; Grand Rapids: Eerdmans, 1995) 413-14, and P.T. O'Brien, *Commentary on Philippians* (NIGTC; Grand Rapids: Eerdmans, 1991) 507.

Corinthians 6:4b, the grammatical construction serves to emphasise the elements of the list which precede the verb. To sum up: while the placement of the imperative as the last element of the sentence is unusual, it is by no means unique and cannot, therefore, be decisive in determining what mood the verb καθίζετε is in.

Second, the argument concerning the rhetorical flow of the passage is not decisive. If καθίζετε is indicative, then in 1 Corinthians 6:1-4 there are five rhetorical questions prior to the short statement of verse 5a. If καθίζετε is imperative, there are four rhetorical questions prior to a command (in 4b) and the short statement of 5a. The series of questions is interrupted after either four or five of them, however one understands καθίζετε—and the difference between the two does not seem so great as to be able to characterise the former as rhetorically consistent and the latter as less so.

A third problem concerns the legal background of Corinth: the Corinthian church was in no position to appoint judges in secular courts. The verb καθίζετε can be translated in a variety of ways: cause to sit down, appoint, install, sit down, live.¹¹ It is the context which confers on it the judicial sense of 'appoint as judge'.¹² The context here is a legal one (note the terms πᾶγμα ἔχων, κρίνω, κριτηρίων ἐλαχίστων and κριτήρια in vv. 1-7). If we take the verb as in the indicative, Paul wonders aloud that the Corinthians are appointing (as judges) those who are despised. But could the church in fact appoint judges?

The Roman Corinth of Paul's day was situated in Achaia, a senatorial province.¹³ It was ruled by an appointed

¹¹BAGD, 389-391; also *A Greek English Lexicon* (compiled by H.G. Liddell and R. Scott; revised by H.S. Jones; Oxford: Clarendon, 1968) 854; J.H. Moulton and G. Milligan, *The Vocabulary of the Greek Testament. Illustrated from the Papyri and other non-literary sources* (Grand Rapids: Eerdmans, 1982) 312.

¹²Fee has anticipated this objection by noting that the verb can mean 'to sit for a judgement, or make a ruling' (*First Corinthians*, 236; so also Schrage, *Der erste Brief an die Korinther*, 412). However, it is difficult to see how that rendering could fit the present context, since the verb is second person plural and τοὺς ἐξουθενημένους is the object of the verb.

¹³J. Murphy-O'Connor, 'Corinth', in *The Anchor Bible Dictionary* (ed. D.N. Freeman *et al.*; Winona Lake: Eisenbrauns, 1992) 1:1136-37.

proconsul together with two annually elected magistrates, two *aediles* and members of the city senate.¹⁴ These officials, rather than a separately existing judiciary, would have handled judicial duties in the city.¹⁵ From the evidence of the book of Acts it is most unlikely that the Christian church would have had a significant role in the appointment of judges in Achaia (Acts 18:12ff.) or anywhere else, for that matter.

But should we see the verb *καθίζετε* as referring to the appointment of arbiters¹⁶ and imagine that Paul is saying that this has already taken place? This is unlikely for the simple fact that Paul seems to envisage a situation where believers are going to open court with one another (*κρίνεσθαι ἐπὶ τῶν ἀδίκων*, v. 1). The legal situation of Corinth argues against taking *καθίζετε* as indicative.

A fourth problem with taking *καθίζετε* as indicative is the identity of 'those who are despised in the church' (τοὺς ἐξουθενημένους ἐν τῇ ἐκκλησίᾳ, 6:4). For Paul to characterise non-believers in this way would have been problematic.¹⁷

The verb 'despise' (*ἐξουθενέω*, or *ἐξουδενέω*) connotes harsh criticism or rough treatment (Rom. 14:10; 2 Cor. 10:10; Lk. 18:9; 23:11). It appears twice in 1 Corinthians: in the passage under discussion, and in 1 Corinthians 1:28, where Paul uses it to describe some in the Corinthian congregation whom God chose to save in spite of their apparently low status (they are contrasted with the wise, well-born and powerful, 1 Cor. 1:26-29). But in 1 Corinthians 6:4, it is said, the term is derogatory and refers to secular judges. This is unlikely for several reasons. First, where the term is elsewhere used in 1 Corinthians it refers to those whom God has chosen (1 Cor. 1:28). Second, it would

¹⁴D.W. Engels, *Roman Corinth. An Alternative Model for the Classical City* (Chicago: University of Chicago Press, 1990) 17-19.

¹⁵The Roman proconsul would have handled criminal matters, the magistrates would have been responsible for civil ones (Engels, *Roman Corinth*, 18).

¹⁶The view that *καθίζετε* refers to arbiters has been argued elsewhere and will be adopted here (see footnote 10 above and the literature cited there).

¹⁷Fee and others have noted that for Paul to label believers as τοὺς ἐξουθενημένους would have had the serious consequence of undermining his attempt to develop unity in the church in Corinth. This difficulty will be considered presently.

be odd for Paul to speak of non-believers in this way, that is, with an apparently disparaging term, in the present context. Earlier Paul urged the Corinthians not to judge those outside the church (τοὺς ἔξω, 1 Cor. 5:12-13).¹⁸ Elsewhere, Paul commanded respect for those in authority (Rom. 13:7). However, in 1 Corinthians 6:4b Paul speaks of 'those who are despised *in* the church'. While it is possible to take ἐν τῇ ἐκκλησίᾳ as denoting agency ('those despised *by* the church'),¹⁹ this is not the way the phrase is normally used by Paul. The phrase ἐν τῇ ἐκκλησίᾳ appears nine times in the New Testament, seven times in Pauline literature (Acts 7:38; 11:26; 1 Cor. 6:4; 7:17; 12:28; 14:34; 2 Cor. 8:1; Eph. 3:21; 2 Thess. 1:4). In each of these occurrences (apart from 1 Cor. 6:4) the preposition must be understood as having a locative sense; in no occurrence does it have the sense of agency. In the one other occurrence of the verb 'despise' (ἐξουθενέω) in the passive voice with a preposition in the New Testament, the sense of agency is communicated by the preposition ὑπό (Acts 4:11). The point is this: if Paul really meant to say the judges were despised by the church (agency), why did Paul not use ὑπό rather than ἐν? The only other use of the term ἐξουθενέω in 1 Corinthians clearly points to certain Christians as 'those who are despised'. To sum up: on the basis of its prior application to Christians and the normal meaning of the phrase ἐν τῇ ἐκκλησίᾳ in Paul, it is unlikely that Paul refers to secular judges when he speaks of 'the despised' in 1 Corinthians 6:4. But what about the argument that Paul simply would not have used this divisive term to refer to believers in Corinth?

This objection presupposes that the term is unequivocally derogatory and that Paul could not have used it without fracturing the unity he sought to establish. The term does appear to be derogatory—but it is not clear that it is Paul's term for people; in fact, it might be a phrase of his opponents

¹⁸This first came to my attention in Ellicott's *St. Paul's First Epistle to the Corinthians*, 97.

¹⁹Some grammarians use the label 'instrumental' rather than 'agency' (e.g., BAGD, 260). D. Wallace argues that the preposition ἐν is very rarely used to express personal agency (*Greek Grammar Beyond the Basics. An Exegetical Syntax of the New Testament* [Grand Rapids: Zondervan, 1996] 372-75).

which he employs rhetorically to argue against them.²⁰ How he does this will be discussed later.

Finally, if Paul were making an observation about a situation that he knew or believed was true, we would have expected him to employ an εἰ rather than ἐάν, plus an indicative mood verb construction in the protasis.²¹ This is the customary way in New Testament Greek of expressing a condition that is assumed to be true. Since Paul clearly knows that lawsuits were taking place (vv. 1-7), here we should have expected εἰ ἔχετε. If, on the other hand, Paul were giving instructions about events that might possibly occur in the future, *i.e.*, further lawsuits in Corinth, the ἐάν + subjunctive mood verb construction would have suited his purposes perfectly, since the particle ἐάν is consistently used with subjunctive mood verbs to describe an action or situation that is hypothetical in nature. The action may be more or less probable, but it remains hypothetical. So why would Paul use ἐάν ἔχητε in 4a? Because he refers not to past actions but to possible future ones; and should these occur he has a solution: appoint those despised in the church as arbiters. Greek grammar favours taking καθίζετε as imperative.

We have already seen the outlines of the argument in favour of taking καθίζετε as imperative. It remains for us to clarify, restate and set them in the context of Paul's pastoral concerns for the church at Corinth.

Elite members of the church at Corinth (in the language of 1 Cor. 1:26, the 'wise', 'powerful', and 'well-bred') were suing one another in order to further their own social status. As common as the practice might have been in secular Corinth, Paul rejects it as having a deleterious effect on the reputation and unity of the church. Paul did not assume that his outrage at the lawsuits would end them; indeed, some may have been rooted in legitimate grievances, so he offered a remedial course of action for those lawsuits that involved legitimate but minor grievances. In accordance with accepted norms in Roman

²⁰This would not be unusual for Paul—note his employment of Corinthian phrases elsewhere (*i.e.*, πάντα μοι ἔξεστιν, 1 Cor. 6:12ff.).

²¹See the discussion of conditional clauses in Wallace, *Greek Grammar Beyond the Basics*, 679-702.

jurisprudence, Paul called for the appointment of arbiters who would help settle the disputes should they arise ('If then you have such cases...', 6.4). Because he knew the elite could bribe secular judges and perhaps because he knew these lawsuits involved a desire to further social status (and in fact were brought before magistrates with considerable social status themselves), Paul commanded that 'the despised' be appointed as arbiters (καθίζετε). These were members of the congregation (ἐν τῇ ἐκκλησίᾳ), albeit those whose social status stood in contrast to those typically involved in litigation (see 1 Cor. 1:26-28). They would be capable of settling small matters, Paul argued, because like other believers their future involved a grand exercise of judicial authority (judging angels, vv. 2-3). They might also be capable of rendering judgement if they were spiritual people (1 Cor. 2:15). The very appointment of 'the despised' as arbiters might do a great deal to discourage lawsuits among the elite, for there would probably be very little to gain in the way of status if a mere 'despised one', rather than a socially esteemed magistrate, were to be the arbiter of the dispute.

IV. Conclusion

Many of the problems encountered in the church at Corinth and mentioned in the early chapters of 1 Corinthians were related to issues of social status and the tension between social status as defined by secular Corinth and the new status of being 'spiritual' and 'in Christ' as defined by the gospel. In the area of lawsuits, Paul sought to remedy the situation and thus save the reputation of the church by taking minor lawsuits out of the secular arena and placing them under the umbrella of the church by the use of Christian arbiters. He commands their appointment: καθίζετε is imperative, not indicative.²²

²²I offer a special word of thanks to Dr. Frank Thielman of Beeson Divinity School who read and critiqued an earlier version of this essay.