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ARTICLE

First Corinthians 6.1–6: Roman Court or Private Arbitration?

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Abstract

First Corinthians 6.1–6 is consistently read as a Pauline criticism directed against members of the Pauline *ekklēsia* in Corinth, taking each other to Roman courts. I argue that this understanding of 1 Cor 6.1–6 is implausible in light of practices of Roman law in the provinces and in the colonies. Within a formal court procedure, the Corinthians would not have had the freedom to appoint their own judges, as Paul's language implies. I suggest instead that it is private arbitration which Paul criticises. Papyri dealing with private arbitration and mediation support this reading. Much of Paul's legal terminology in the passage is found in these papyri, making private arbitration a highly plausible suggestion. The suggested reading points to the community's good social ties with the pagan population in the city. It also depicts Paul as working within the framework of Roman law rather than against it. The article exemplifies the benefits of integrating up-to-date studies of Roman law in New Testament Studies.

Keywords: Paul; First Corinthians; *ekklēsia*; Roman Law; Private Arbitration; Provinces; Papyri

1. Introduction

In 1 Cor 6.1–11, Paul is arguing against litigation in legal avenues outside the *ekklēsia*,[1] and advocates an internal ecclesiastical system for settling disputes. This Pauline passage played an important role in the formation of the ecclesiastical jurisdiction, which operated alongside the existing civil legal system, with increasing independence and power, in the Late Roman Empire.[2] From antiquity up until our times, not least among modern scholars, Paul has been consistently understood as arguing against members of the *ekklēsia* taking each other to Roman courts. This understanding of 1 Cor 6.1–11 has had major historical, legal and theological implications.

[1] To avoid the controversy over the use of the terms 'Church' and 'Christians,' I use in this article *ekklēsia* and its 'members' respectively when referring to the addressees of First Corinthians. See Paula Fredriksen, *Paul The Pagan's Apostle* (New Haven: Yale University Press, 2017) 230 n. 43.

[2] *Did. apost.* 2.45–53 (chapter XI); *Const. ap.* 2.45–6. John C. Lamoreaux, 'Episcopal Courts in Late Antiquity', *JECS* 3 (1995) 143–67; Noel Lenski, 'Evidence for the *Audientia episcopalis* in the New Letters of Augustine', *Law, Society and Authority in Late Antiquity* (ed. Ralph W. Mathisen; Oxford: Oxford University Press, 2001) 83–97; Caroline Humfress, 'Forensic Expertise and the Development of Early "Canon Law"', *Orthodoxy and the Courts in Late Antiquity* (Oxford: Oxford University Press, 2007) 196–214, https://doi.org/10.1093/acprof:oso/9780198208419.003.008.

In this paper, I argue that this traditional understanding of 1 Cor 6.1–6 is implausible in light of practices of Roman law in the provinces and in the colonies.[3] I point instead to an alternative reading of the passage, suggested by Reginald H. Fuller back in 1986, but generally ignored since. Instead of litigation in official Roman courts, I argue that it is private arbitration which Paul criticises.[4] According to this reading, Paul's main objection is the identity of the arbiter.[5] While Paul demands that the arbiter be a member of the *ekklēsia*, the members of the community themselves appear to have preferred someone from outside.[6]

I start with a close reading of 1 Cor 6.1–6, highlighting the legal terminology, and with definitions of the legal procedures under discussion. The argument itself consists of two parts. First, after reviewing the scholarship maintaining the conventional reading of the passage, I point out the difficulties with this reading. In the second part, I bring evidence from legal documents from Roman Egypt that deal with private arbitration and mediation and use terminology very similar to that found in 1 Cor 6.1–6. These documents, I argue, support Fuller's alternative reading of the Pauline passage. I wrap up the discussion with some implications my suggested reading has for New Testament and Pauline Studies. What might seem like a minor revision, in fact, has important implications, both for our understanding of the social and legal context of the Pauline community and with regard to the major legal and theological impact the traditional reading had historically.

2. First Corinthians 6.1-6: The Text

Carefully reading through the passage, I start with marking the legal terminology in use and discerning what is clear and what requires further investigation:

> 1 Τολμᾷ τις ὑμῶν *πρᾶγμα* ἔχων πρὸς τὸν ἕτερον *κρίνεσθαι* ἐπὶ τῶν ἀδίκων καὶ οὐχὶ ἐπὶ τῶν ἁγίων; 2 ἢ οὐκ οἴδατε ὅτι οἱ ἅγιοι τὸν κόσμον κρινοῦσιν; καὶ εἰ ἐν ὑμῖν κρίνεται ὁ κόσμος, ἀνάξιοί ἐστε κριτηρίων ἐλαχίστων; 3 οὐκ οἴδατε ὅτι ἀγγέλους κρινοῦμεν, μήτι γε βιωτικά; 4 βιωτικὰ μὲν οὖν κριτήρια ἐὰν ἔχητε, τοὺς ἐξουθενημένους ἐν τῇ ἐκκλησίᾳ, τούτους καθίζετε;
>
> 5 πρὸς ἐντροπὴν ὑμῖν λέγω. οὕτως οὐκ ἔνι ἐν ὑμῖν οὐδεὶς *σοφός*, ὃς δυνήσεται *διακρῖναι ἀνὰ μέσον* τοῦ ἀδελφοῦ αὐτοῦ; 6 ἀλλ' ἀδελφὸς μετὰ ἀδελφοῦ *κρίνεται* καὶ τοῦτο ἐπὶ ἀπίστων;[7]

[3] I focus here on the first six verses of Chapter 6, containing Paul's first argument against litigation among *ekklēsia* members. In the second argument (1 Cor 6.7–11), he criticises the fact that the Corinthians have disputes in the first place. Moreover, I assume, with most commentators, that the passage refers to civil cases, not criminal ones. See Archibald Robertson and Alfred Plummer, *A Critical and Exegetical Commentary on the First Epistle of St Paul to The Corinthians* (2nd ed.; Edinburgh: T&T Clark, 1914) 110; Anthony C. Thiselton, *The First Epistle to the Corinthians: A Commentary on the Greek Text* (Grand Rapids: Wm. B. Eerdmans Publishing, 2000) 419; Gordon D. Fee, *The First Epistle to the Corinthians* (Grand Rapids: Willian B. Eardmans Publishing Company, 1987) 228; Raymond F. Collins, *First Corinthians* (Collegeville: The Liturgical Press, 1999) 225; Joseph A. Fitzmyer, *First Corinthians: A New Translation with Introduction and Commentary* (New Haven: Yale University Press, 2008) 248. For Roman criminal law, see *Dig.* 47–49; Andrew Lintott, 'Crime and Punishment', *The Cambridge Companion to Roman Law* (ed. David Johnston; Cambridge: Cambridge University Press, 2015) 301–31; Andrew Riggsby, 'Public and Private Criminal Law', *The Oxford Handbook of Roman Law and Society* (ed. Paul J. du Plessis, Clifford Ando, and Kaius Tuori; Oxford: Oxford University Press, 2016) 310–21.

[4] Reginald H. Fuller, 'First Corinthians 6:1–11: An Exegetical Paper', *Ex Audit* 2 (1986) 96–104.

[5] Erich Dinkler, 'Zum Problem Der Ethik Bei Paulus: Rechtsnahme Und Rechtsverzicht (1. Kor. 6, 1—11)', *ZTK* 49 (1952) 167–200, at 171–2, recognised this, without making the important distinction between judge and arbiter.

[6] 1 Cor 6.1, 6.

[7] *Novum Testamentum Graece*, Nestle-Aland, 28th ed. (=NA[28]), italics mine.

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> 1 How dare any of you, having *a legal action* against another, *be judged* in front of the unjust and not in front of the saints? 2 For do you not know that the saints will judge the world? And if the world is judged by you, are you not worthy of the smallest judgments? 3 Do you not know that we will judge angels, let alone the matters of this life? 4 But whenever you have judgments of matters of this life, those counted as nothing[8] in the assembly, these you appoint as judges? 5 I speak to your shame. So, is there no one *wise* among you, who could judge thereupon as *intermediate* of his brother?[9] 6 instead, a brother is being judged with a brother, and this before unbelievers![10] (1 Cor 1.1-6).[11]

This much is clear from these verses: Paul criticises a certain legal action carried out by the Corinthian community (vv. 1, 6) on eschatological grounds (vv. 2–3). The contrast between οἱ ἄδικοι and οἱ ἅγιοι is important. Paul's objection is to *the identity* of the judges, not to the practice itself.[12] In verses 2–3, Paul shows, on eschatological grounds, that οἱ ἅγιοι are worthy of judging cases between members of the community.[13]

Verse 4, a crucial verse for our subject of investigation, has been read either as an interrogative or an imperative. According to these readings, respectively, Paul is either sarcastically questioning (i.e., criticising) the Corinthians' current appointment of judges or instructing them to appoint their judges from within a particular group[14] of people.[15]

Without assuming to settle the matter myself, I would like to argue that *either way*, whether read as an interrogative ('those counted as nothing in the assembly, these you appoint as judges?!'), or an imperative ('those counted as nothing in the assembly, these you are to appoint as judges'), Paul *assumes* the appointment of judges/arbiters. His contention is only with the identity of these – they should, in his view, be chosen only from within the community.

When read as an interrogative, this assumption is clear – Paul responds to an existing practice of appointing judges. Read as an imperative, we must pay closer attention to Paul's language. Brent Kinman, who developed a full argument in favour of an imperative reading, notes that the location of the verb καθίζετε at the end of the sentence is odd: 'imperatives typically occur early in a Greek clause'.[16] The reason is one of emphasis:

[8] Following the translations of Charles Kingsley Barrett, *A Commentary on The First Epistle to the Corinthians* (New York: Harper & Row, 1968) 135; Fitzmyer, *First Corinthians*, 253, and the parallelism of the term with τὰ μὴ ὄντα (1 Cor 1.28).

[9] I use definition 3.b of μέσος in H.G. Liddell, R. Scott, and H.S. Jones, A *Greek-English Lexicon* (Oxford: Clarendon Press, 1940) http://stephanus.tlg.uci.edu/lsj/#eid=1 (=LSJ): 'inter-mediate, freq. c. gen' (s.v). The phrase can also be translated 'judge between his brother'. The singular ἀδελφοῦ is consistent in the MSS (NA[28], 527). For discussions of the difficulty with the genitive singular in this context, see G. M. Lee, '1 Corinthians vi. 5', *ExpTim* 79 (1968) 310; Jeffrey Kloha, '1 Corinthians 6:5: A Proposal', *NovT* 46 (2004) 132–42.

[10] Or: unreliable [people].

[11] All translations are mine, unless stated otherwise.

[12] Paul does argue against litigation in general, in 1 Cor 6.7–8. This strengthens the claim that in 1 Cor 6.1–6 he is *not* arguing against the practice itself.

[13] Paul is employing *argumentum a fortiori*, similar to the rabbinic hermeneutic principle קל וחומר ('mild and severe') – since the saints will judge the angels, how much more worthy are they to judge regular human cases.

[14] The identity of 'those counted as nothing in the assembly' (τοὺς ἐξουθενημένους ἐν τῇ ἐκκλησίᾳ) has also been subject to debate. See Brent Kinman, '"Appoint the Despised as Judges!" (1 Cor 6:4)', *TynBul* 48 (1997) 345–54, at 351–2; Fee, *The First Epistle to the Corinthians*, 236; Thiselton, *The First Epistle to the Corinthians,* 431–3; Fitzmyer, *First Corinthians*, 253.

[15] Fuller, 'First Corinthians 6:1-11', 100; Kinman, '"Appoint the Despised as Judges!"', 350–1. See also Thiselton, *The First Epistle to the Corinthians,* 433, for a response to Kinman's argument, and Dinkler, 'Zum Problem Der Ethik Bei Paulus', 171, for another rejection of the imperative option.

[16] Kinman, "Appoint the Despised as Judges!", 349.

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Paul emphasises the identity of the appointed ones but assumes the action of appointment itself.[17]

The important thing to notice in verse 4 is that Paul unambiguously refers to the appointment of judges by the Corinthians. The following will demonstrate that historically, the most likely legal context for this practice is private arbitration.

In verses 5–6, Paul resumes his criticism of the present practice, in a variation of his argument in verses 1–3: The members of the Corinthian *ekklēsia* should not be taking their cases before people outside the community,[18] the community members are more than worthy and capable.

The words in italics – πρᾶγμα, κρίνω, σοφός, διακρίνω, ἀνὰ μέσον – are legal terms which, while perfectly intelligible in the context of court trial, also appear in documents dealing with private arbitration. Considering this fact, the assumption that Paul is referring to official courts becomes a question: What legal practice is Paul criticising in this passage? In order to answer this question, we need to inquire after the precise legal procedures that would have been available in mid-first century Roman Corinth.

3. Legal Mechanisms in Roman Corinth

The Greek city of Corinth was sacked by Mummius in 146 BCE. The city was rebuilt as a Roman colony by Julius Caesar in 44 BCE.[19] Politically, the colony was organised on the basis of an assembly of citizen voters and annually elected magistrates – two *duoviri* and two aediles. One of the main duties of these magistrates was to act as chief justices.[20] The inhabitants of the city would most likely be either Roman citizens or *Latini coloniarii* – a status inferior to that of citizens but higher than the *peregrini* (foreigners).[21]

Upon founding a colony, its settlers would receive a *lex coloniae* which established the laws of that colony. Since we do not have the Corinthian *lex coloniae*, the most relevant source is Caesar's 'Urso Charter' (*lex coloniae Iuliae Genetivae*), the only extant colonial *lex*.[22] Unfortunately, a large section on jurisdiction is apparently missing, and the extant

[17] First Cor 10.31 is a good example of this rhetorical device: 'So whether you eat or drink or do anything, do all to the glory of God (πάντα εἰς δόξαν θεοῦ ποιεῖτε)'. The innovative element of the imperative is not the verb, ποιεῖτε, since that's already a given. Paul's point is that they do all εἰς δόξαν θεοῦ. See other Pauline examples in Kinman, "Appoint the Despised as Judges!", 349.

[18] The prohibition against turning to gentile courts appears also in rabbinic literature: *Mekilta de-Rabbi Ishmael*, Neziqin 1 (ed. Lauterbach 3:1–3); b. Gittin 88b. Yair Furstenberg, 'The Rabbinic Movement from Pharisees to Provincial Jurists', *Journal for the Study of Judaism* 54 (2023) 1–43, at 24, doi: https://doi.org/10.1163/15700631-bja10070. Furstenberg finds similar prohibitions in earlier forms of Judaism: ibid., 34 n. 138.

[19] John H. Kent, *Corinth Volume 8 Part 3: the Inscriptions 1926-1950* (Princeton: The American School of Classical Studies at Athens, 1966) 17; Benjamin W. Millis, 'The Local Magistrates and Elite of Roman Corinth', *Corinth in Contrast: Studies in Inequality* (eds. Steven J. Friesen, Sarah A. James, and Daniel N. Schowalter; Leiden: Brill, 2014) 38–53, at 38; Lina Girdvainyte, 'Law and Citizenship in Roman Achaia: Continuity and Change', *Law in the Roman Provinces* (eds. Kimberley Czajkowski, Benedikt Eckhardt, and Meret Strothmann; Oxford: Oxford University Press, 2020) 210–42, at 210, https://doi.org/10.1093/oso/9780198844082.003.0012.

[20] Kent, *Corinth: The Inscriptions*, 23–7.

[21] John Richardson, 'Roman Law in The Provinces', *The Cambridge Companion to Roman Law* (ed. David Johnston; Cambridge: Cambridge University Press, 2015) 45–58, at 49; Andrew Borkowski and Paul du Plessis, *Textbook on Roman Law* (5th ed. Oxford: Oxford University Press, 2015) 109–10; See A.T. Fear, 'Cives Latini, Servi Publici and the Lex Irnitana', *RIDA* 37 (1990) 149–66, for the question whether the Latin status existed in the Imperial period. Whatever their status, the law applied to all inhabitants of the colony or *municipia*, as chapters 93–4 of the *lex Irnitana* make clear: J. González and M.H. Crawford, 'The Lex Irnitana', *JRS* 76 (1986) 147–243, at 180, 198–9.

[22] Kent, *Corinth: The Inscriptions*, 23 n. 17; Amanda J. Coles, *Roman Colonies in Republic and Empire* (Leiden: Brill, 2020) 61–3.

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chapters do not deal directly with the appointment of judges.[23] However, most scholars agree that the *lex* is close enough to the Flavian Municipal Laws, allowing us to draw on them, with due caution, for our understanding of the legal situation in Caesar's colonies.[24] Since the Flavian *lex Irnitana* contains a most detailed account of the appointment of judges, I use it here as a reference in describing what is most likely to have been the situation in Corinth.[25]

The formulary system would have been the procedure in use in civil cases. In this procedure, the plaintiff and the defendant would appear before the magistrate for a preliminary hearing, in which they agreed on a *formula* – a standardised written pleading. After the preliminary hearing, the case was decided in a trial before a judge (*apud iudicem*).[26] Of importance for our discussion is the appointment of the judge.

Chapter 84 of the *Lex Irnitana* makes it clear that only the *duumvir* or aedile in charge of a jurisdiction has the right of appointing a judge or an arbiter.[27] The process of appointment is then elaborated: The plaintiff and the defendant are the ones choosing their judge (chapter 87, lines 30–48), but they are limited in their choice to a pre-existing panel of judges, selected by the magistrate (chapter 86, lines 43–17). Moreover, the appointment itself is done by the magistrate (chapter 87, lines 48–49).[28] In short, while according to the formulary system the plaintiff and the defendant do choose the judge for their case, they have limited leeway in doing so, and they are not the ones formally appointing their judge.

Apart from this formal legal procedure available, inhabitants of the Roman empire, Corinth included, had other quasi-legal means for settling disputes, such as private arbitration and mediation. Leanne Bablitz describes private arbitration as a method of conflict resolution in which 'the two parties ask a third party to hear their sides and make a decision which they will obey'.[29] Józef Modrzejewski names two fundamental characteristics of private arbitration: First, an agreement between the parties on an arbiter, an agreement which included their obligation to abide by this arbiter's decision. Second, the consent of the nominated arbiter. These agreements were often recorded in writing, even in two copies.[30]

Mediation, another mechanism available in antiquity for those wishing to avoid a court trial, was even less formal and binding than arbitration. The mediator, like the arbiter, is invited to the task by the disputing parties, but unlike the arbiter, his decision is not binding, it is merely advisory.[31]

[23] See M.H. Crawford, et al. *Roman Statutes* (2 vols; London: Institute of Classical Studies, 1996) 1.398, 406–7, 426–7.

[24] Crawford, *Roman Statutes*, 1.397; Coles, *Roman Colonies*, 63.

[25] While this is the most plausible scenario, it cannot be proven with certainty.

[26] Gaius, *Inst.* 4.30–68. Francis de Zulueta, *The Institutes of Gaius* (2 vols; Oxford: Clarendon Press, 1946) 2.226–7, 251; Borkowski, *Textbook on Roman Law*, 73–7; Ernest Metzger, 'Litigation', *The Cambridge Companion to Roman Law* (ed. David Johnston; Cambridge: Cambridge University Press, 2015) 272–98, at 283–7.

[27] González, 'The Lex Irnitana', 175–6, 195.

[28] Alan Rodger, 'The Lex Irnitana and Procedure in the Civil Courts', *JRS* 81 (1991) 74–90, at 76–8. Choosing a judge from outside the panel is possible, but since it is mentioned towards the end of chapter 87 (lines 43–8), it seems to have been an exception.

[29] Leanne Bablitz, 'Roman Courts and Private Arbitration', in *The Oxford Handbook of Roman Law and Society*, (ed. Paul J. du Plessis, Clifford Ando, and Kaius Tuori; Oxford: Oxford University Press, 2016) 234–44, at 235. The most comprehensive study on Roman private arbitration remains Karl H. Ziegler, *Das Private Schiedsgericht im Antiken Römischen Recht* (Munich: C. H. Beck'sche Verlagsbuchhandlung, 1971).

[30] Józef Modrzejewski, 'Private arbitration in the law of Greco-Roman Egypt', *The Journal of Juristic Papyrology* 6 (1952) 239–56 at 240–1.

[31] Traianos Gagos and Peter van Minnen, *Settling a Dispute: Toward a Legal Anthropology of Late Antique Egypt* (Ann Arbor: University of Michigan Press, 1994) 32.

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We can now formulate our question thus: Is Paul criticising the members of the Corinthian community for taking each other to the official Roman courts (i.e., for litigating according to the formulary system) or for bringing their disputes before arbiters from outside the community? As mentioned above, the majority view supports the former.

4. Review of Scholarship in Support of Litigation in Courts

Most commentaries on First Corinthians take it as a given that Paul condemns the practice of going to a Roman court. Archibald Robertson and Alfred Plummer, in their 1911 commentary, give the passage the title 'Litigation Before Heathen Courts'.[32] After translating the passage,[33] Robertson and Plummer open their commentary with the words: 'The subject of going to law before heathen tribunals is linked...'[34] That this is in fact the subject of the passage is assumed, not argued. Charles Kingsley Barrett, Carl Holladay, Hans Conzelmann, and Joseph A. Fitzmyer follow suit.[35]

Gordon D. Fee goes so far as to identify the official institution Paul is referring to: 'Man B took Man A before the civil magistrates at the *bēma* ("judgment seat"), which was publicly located in the heart of the marketplace.'[36] Raymond F. Collins describes with greater accuracy the legal situation in Roman Corinth.[37] He, too, understands Paul as condemning the practice of going to civil courts in Corinth: '"Before [=in the presence of] unjust persons" (*epi tōn adikōn*) suggests an appeal to the courts'.[38]

Anthony C. Thiselton quotes Fuller,[39] but says nothing of the latter's suggestion that 'the (Gentile) Christians were resorting to their pagan neighbours (not officially appointed judges) and inviting them to act as arbitrators'.[40] He rather keeps with the traditional understanding of the passage, as his translation of 1 Cor 6.1 clearly demonstrates: 'If one of you has a case against another, dare that one seek judgment *at a court* where there is questionable justice, *rather than arbitration* before God's people?'[41]

Craig S. Keener mentions the option of arbitration, but seems to be mixing various Roman legal procedures, especially arbitration and adjudication. 'The Corinthian Christians,' he writes, 'bring their own spiritual "siblings" ... to secular courts for arbitration'. He does not elaborate on what arbitration in court looks like.[42]

To the best of my knowledge, Andreas Lindemann is the only commentator who entertains private arbitration as a real possibility.[43] Lindemann's comment is significant, but is

[32] Robertson and Plummer, *A Critical and Exegetical Commentary*, 108.

[33] Notably, they freely translate ἐπὶ τῶν ἀδίκων as 'before a heathen tribunal'. Ibid., 109.

[34] Ibid., 109–110.

[35] Barrett, *A Commentary*, 135; Carl Holladay, *The First Letter of Paul to the Corinthians* (Austin: Sweet Publishing Company, 1979) 78, 80; Hans Conzelmann, *1 Corinthians* (Hermeneia; Philadelphia: Fortress Press 1975) 104–5; Fitzmyer, *First Corinthians*, 248.

[36] Fee, *The First Epistle to the Corinthians*, 228–9.

[37] Collins, *First Corinthians,* 226.

[38] Ibid, 231. See also 224, 228. Collins comments on καθίζετε: 'The term is used in a technical sense where it has reference to the judicial *bēma*, the elevated bench of the magistrate' (ibid., 232).

[39] Thiselton, *The First Epistle to the Corinthians,* 429.

[40] Fuller, 'First Corinthians 6:1-11', 100.

[41] Thiselton, *The First Epistle to the Corinthians,* 418, italics mine.

[42] Craig S. Keener, *1-2 Corinthians* (Cambridge: Cambridge University Press, 2005) 52–3. Cf. Bablitz, 'Roman Courts and Private Arbitration', 235–8. In the second stage of the official procedures (*legis actiones* and the formulary system), a lawsuit would be handed either to an *iudex* or an *arbiter*. The arbiter was specialised in the matter at hand and would be sought when a professional decision was required. See Adolf Berger, *Encyclopedic Dictionary of Roman Law* (Philadelphia: The American Philosophical Society, 1953. Repr. 1991) 365. However, Metzger, 'Litigation', 283 notes, 'By the end of the republic the distinction between the two was all but lost'. This kind of official arbitration is different than private arbitration discussed in this paper.

[43] Andreas Lindemann, *Der erste Korintherbrief* (Tubingen: Mohr Siebeck, 2000) 141.

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mentioned only briefly in an excursus following his main commentary on 1 Cor 6.1–11. The general impression one gets from these commentaries is that not much attention is paid to the matter, and the traditional reading remains unchallenged.

Unlike the commentaries, several studies devoted to 1 Cor 6.1–11 do pay close attention to the Corinthian practice Paul is condemning. Since the second half of the twentieth century, it has even been suggested that Paul proposes private arbitration as an alternative, but it remains the general view that the practice he condemns is adjudication in court.[44] Lloyd A. Lewis even suggests that Paul's alternative is to establish Christian courts, parallel institutions to those of the state.[45]

Kinman entertains the option that Paul is condemning the appointment of arbiters, but rejects it as 'unlikely for the simple fact that Paul seems to envisage a situation where believers are going to open court with one another (κρίνεσθαι ἐπί των αδίκων, v.1)'.[46] Kinman interprets κρίνεσθαι in 1 Cor 6.1 as 'going to open court' (that is, secular courts)[47] and therefore, rules out the option of arbitration. However, his assumption that κρίνω must refer to official courts only is unwarranted, nor does Kinman support it with any evidence. As we shall see, the verb κρίνω appears also in the context of arbitration.[48]

5. The Difficulties with the Traditional Reading

The view that Paul censures his addressees for taking each other to the official Roman courts remains the prevailing one. It nevertheless has some major difficulties in light of our current understanding of the function of Roman law in the eastern Greek provinces and colonies. These understandings, I argue, make it impossible to read Paul's words in the way they are so often read, as referring to colonial or provincial courts.

I have described above what was likely the procedure in use in a Roman court at Corinth. We have seen that while the parties did choose their judge, they had limited freedom within the strict procedure, administrated throughout by the magistrate. We have also seen that Paul is implying great freedom on the parties' part. Assuming their freedom to *appoint* as their judge *whoever* they will, Paul rebukes them for choosing people from

[44] Dinkler, 'Zum Problem Der Ethik Bei Paulus', 187; Gerd Theissen, *The Social Setting of Pauline Christianity: Essays on Corinth* (ed. John H. Schütz; Philadelphia: Fortress Press, 1982) 97; Peter Richardson, 'Judgment in Sexual Matters in 1 Corinthians 6:1-11', *Novum Testamentum* 25.1 (1983) 37–58, at 40, 53; Alan C. Mitchell, 'I Corinthians 6: 1-11: Group Boundaries and the Courts of Corinth', PhD diss., Yale University, 1986, esp. 1, 206; V. George Shillington, 'People of God in the Courts of the World: A Study of 1 Corinthians 6:1–11', *Direction* 15.1 (1986) 40–50, at 46; Lloyd A. Lewis, 'The Law Courts in Corinth: An Experiment in the Power of Baptism', *Anglican Theological Review. Supplement Series 11* (1990) 88–98, at 89, 97; Bruce W. Winter, 'Civil Litigation in Secular Corinth and The Church', *NTS* 37 (1991) 559–72, at 560–4, 569; John K. Chow, *Patronage and Power: A Study of Social Networks in Corinth* (Sheffield: Sheffield Academic Press, 1992) 123; Alan C. Mitchell, 'Rich and Poor in the Courts of Corinth: Litigiousness and Status in 1 Corinthians 6.1–11', *NTS* 39.4 (1993) 562–86, esp. 562–3; Andrew D. Clarke, *Secular and Christian Leadership in Corinth: A Socio-Historical and Exegetical Study of 1 Corinthians 1-6* (Leiden: Brill, 1993) 59; Kinman, "Appoint the Despised as Judges!", 354; Collins, *First Corinthians*, 228, 233; Thiselton, *The First Epistle to the Corinthians*, 418, 435; Lindemann, *Der erste Korintherbrief*, 137; Charles Kevin Robertson, 'Courtroom Dramas: A Pauline Alternative for Conflict Management', *Anglican Theological Review* 89.4 (2007) 589–610, at 592; Arren B. Lawrence, 'Standing against Injustice: Reading 1 Corinthians 6:1-11 in Context', *Journal of Asian Evangelical Theology* 25.1 (2021) 33–51, at 35–6.

[45] Lewis, 'The Law Courts in Corinth', 89, 97.

[46] Kinman, "Appoint the Despised as Judges!", 351.

[47] Ibid., 350.

[48] Albert Stein, 'Wo Trugen Die korinthischen Christen Ihre Rechtshändel Aus?' *ZNW* 59 (1968) 86–90, at 88, rules out the option of private arbitration, for similar reasons: 'Unwahrscheinlich erscheint es aber auch, daß die Korinther einen Heiden als Schiedsrichter im Sinne des römischen Zivilprozeßrechtes angegangen haben sollen ... Dagegen fehlte diesem Verfahren völlig das rechtsförmliche Element, das Paulus doch offenbar voraussetzt.'

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outside the *ekklēsia* rather than insiders. How likely is it that he so vividly sketched the dual choice between οἱ ἄδικοι and οἱ ἅγιοι, having the formulary procedure in mind? Moreover, is the verb 'appoint' (καθίζετε, 1 Cor 6.4) the most fitting for the formulary procedure?[49] Would not private arbitration, with the great freedom it allowed the parties involved, make a better background for Paul's rhetoric?

While a formulary system procedure before the magistrate is the most likely official channel available at Corinth, it was not necessarily the only one. An objection to my preference of private arbitration can be made along these lines: It is true that the formulary system option is problematised by a close reading of Paul's language, but could he be referring to a different procedure? Indeed, the section on jurisdiction in the *lex Irnitana* opens with a definition of the types of cases that are under the magistrate's jurisdiction (chapter 84). Other cases would be brought before the provincial governor[50] or even before the emperor in Rome.[51]

However, these options are even less likely in light of Paul's language, since the procedure in these avenues would most likely have been the *cognitio* procedure. Alongside the formulary procedure, an alternative procedure, the *cognitio*, developed during Augustus' reign, which gradually became the common practice, especially in the provinces.[52] In this procedure, the magistrate was in charge of the entire trial. After receiving a written statement of claim from the plaintiff, he summoned the parties, conducted the investigation, and made the decision, all by himself.[53] In other words, Paul's reference to the appointment of judges is even less likely to refer to the *cognitio* procedure than it is to the formulary system.[54]

One other element of the historical situation in the provinces needs to be addressed, namely, what scholars call 'legal pluralism'.[55] Its importance in the provinces is increasingly recognised by scholars.[56] Rather than a single, top-down, purely Roman legal system, the Romans allowed, for various reasons, the co-existence of multiple legal systems and courts, from which litigants could choose the avenue that would best fit their interests.[57]

[49] ἐκλέγω, used by Paul in 1 Cor 1.27–8, would have been one alternative.

[50] Rodger, 'The Lex Irnitana and Procedure', 88; Richardson, 'Roman Law in The Provinces', 54. The governors of the Roman provinces had immense power, including judicial power, and each governor was the supreme legal authority in his province: Ari Bryen, 'Judging Empire: Courts and Culture in Rome's Eastern Provinces', *Law and History Review* 30.3 (2012) 771-811, at 775, 781; Richardson, 'Roman Law in The Provinces', 47–51. The governor would judge many cases himself, but many other cases would be heard by lower, local magistrates, acting on behalf of the governor: Bryen, 'Judging Empire', 780; Andrea Jördens, '*Aequum et iustum*: On Dealing with the Law in the Province of Egypt', *Law in the Roman Provinces* (eds. Kimberley Czajkowski, Benedikt Eckhardt and Meret Strothmann; Oxford: Oxford University Press, 2020) 19–31, at 24.

[51] Max Kaser, 'The Changing Face of Roman Jurisdiction', *Irish Jurist* 2.1 (1967) 129–43, at 139; Richardson, 'Roman Law in The Provinces', 52.

[52] Kaser, 'The Changing Face of Roman Jurisdiction', 137–40; Borkowski, *Textbook on Roman Law*, 80; Metzger, 'Litigation', 287–90.

[53] Borkowski, *Textbook on Roman Law*, 80–1.

[54] Stein, 'Wo Trugen Die korinthischen Christen', argues on this ground that the Corinthians could not have been going to the Roman courts. He offers Jewish courts as an alternative (see also n. 48 above).

[55] The term reflects a modern observation only. The Romans and their subjects never used it.

[56] Clifford Ando, 'Pluralism and Empire, from Rome to Robert Cover', *Critical Analysis of Law: An International & Interdisciplinary Law Review* 1 (2014) 1–22; Caroline Humfress, 'Thinking through legal pluralism: "Forum shopping" in the Later Roman Empire', *Law and Empire. Ideas, Practices, Actors* (eds. Jeroen Duindam et al.; Leiden: Brill, 2014) 225–50; eadem, 'Law & Custom under Rome', *Law, Custom and Justice in Late Antiquity and the Early Middle Ages. Proceedings on the 2008 Byzantium Colloquium* (ed. Alice Rio; London: Kings College London, 2011) 23–47; Girdvainyte, 'Law and Citizenship in Roman Achaia'.

[57] Humfress, 'Thinking through legal pluralism', 226, 235, 244, 250.

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Despite its status as a Roman colony, we cannot rule out with certainty the possibility that the courts in Corinth operated according to a local legal system.[58] This allegedly poses a challenge to my previous claim that the procedure in Corinth would be exclusively the Roman formulary system or *cognitio*. Could it not have been only one among many available options? One of these options may have included the appointing of a judge by the disputing parties, in which case the conventional reading of the Pauline passage would be reinforced. In order to answer this query, we need to pay close attention to the specific character of legal pluralism in the eastern provinces.

Caroline Humfress, one of the prominent advocators of the 'ground-up legal pluralism' approach, nevertheless views it as operating under the imperial superstructure, with Roman law serving and being recognised as 'the official, formal system of the central imperial power'.[59] In an article devoted to legal pluralism in the eastern provinces, she sets out to show from papyrological evidence how '"local laws" were transformed into "provincial Roman customs" in the field of private law'.[60] In other words, legal pluralism in the eastern provinces meant mainly that *local* legal *content* was acknowledged and put to use in *Roman* legal *mechanisms*. These mechanisms were, as shown above, mainly within the scope of the *cognitio* procedure, implemented by the governor and his subordinate magistrates.[61]

The famous second century CE petition of Dionysia is a case in point. Dionysia appeals to the Roman magistrate after her father attempted to force her to divorce, on grounds of Egyptian law. The papyrus drew scholars' attention because it is clear from it that the Roman authorities acknowledged Egyptian law as legally valid.[62] As Clifford Ando rightly emphasises: 'It is crucial to observe that the Roman magistrate who ordered the delay did not dispute Chaeremon's claim that Egyptian law should apply'.[63] Without diminishing the importance of this observation, I would add that it is equally crucial to observe that it is the Roman magistrate who has the final say. All petitions are addressed to him. He is the one acknowledging Egyptian law. Legal pluralism in the eastern provinces was allowed by the Roman authorities, and its application was through the official Roman legal channels.

Another aspect to be considered under the umbrella of 'legal pluralism' is the possibility that Paul refers to Jewish courts, as several commentators on 1 Cor 6.1–11 suggested.[64] However, from the scarce pieces of evidence we have on Jewish judicial autonomy in the Roman period,[65] it seems unlikely that a Jewish court operated in mid-first century Roman

[58] This is unlikely. Typically, 'free cities' (*civitates liberae*) retained their local laws, but colonies used the Roman *ius civile*. Richardson, 'Roman Law in The Provinces', 49; Girdvainyte, 'Law and Citizenship in Roman Achaia', 215.

[59] Humfress, 'Law & Custom under Rome', 39.

[60] Ibid., 40.

[61] Governors would employ special νομικοί, experts on local law, to act as their legal advisors: Jördens, '*Aequum et iustum*', 26–7; Bryen, 'Judging Empire', 795–6; Furstenberg, 'The Rabbinic Movement', 26–32.

[62] P.Oxy.2.237. English translation from Jane Rowlandson et al., *Women and Society in Greek and Roman Egypt. A Sourcebook* (Cambridge: Cambridge University Press, 1998) 184–8; Ando, 'Pluralism and Empire', 15; Humfress, 'Law & Custom under Rome', 41, n. 81.

[63] Ando, 'Pluralism and Empire', 15.

[64] Mitchell, 'I Corinthians 6: 1–11', 133. Many commentators argue that Paul's suggestion relies on the Jews' judicial autonomy. See Barrett, *A Commentary*, 135; Conzelmann, *1 Corinthians*, 104; Dinkler, 'Zum Problem Der Ethik Bei Paulus', 171; Clarke, *Secular and Christian Leadership*, 71.

[65] On the scarcity of evidence: Furstenberg, 'The Rabbinic Movement', 6, 10; Jill Harries, 'Courts and the Judicial System', in Catherine Hezser (ed.) *The Oxford Handbook of Jewish Daily Life in Roman Palestine* (Oxford: Oxford University Press, 2010) 85–101, at 85; Catherine Hezser, 'Did Palestinian rabbis know Roman law? Methodological Considerations and Case Studies', in *Legal Engagement: The Reception of Roman Law and Tribunals by Jews and Other Inhabitants of the Empire*, Katell Berthelot, Natalie B. Dohrmann, Capucine Nemo-Pekelman, eds. (Rome: Ecole Française de Rome, 2021) 303–22, at 307; Mitchell, 'I Corinthians 6: 1–11', 139.

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Corinth. We have evidence of Jewish judicial autonomy in Judea, Alexandria and Sardis only.[66] As both Alan C. Mitchell and Yair Furstenberg emphasise, we can hardly learn from one place about the legal situation elsewhere.[67] Moreover, Furstenberg writes concerning Sardis that 'the Jews' appeal for self-jurisdiction was based on the familiar Roman practice of restitution of autonomy (laws and liberty) to Greek cities …'.[68] Such autonomy was not given in Roman colonies, where Roman *ius civile* was applied.[69] It is therefore unlikely that autonomous Jewish courts existed in Corinth.

Even in the unlikely case that the Jews did have their own courts in Corinth, there is no indication that the Jewish judges were chosen by the plaintiff and the defendant as is implied in 1 Cor 6.1–6. The evidence we have on appointment of judges in Jewish communities of the time, in fact, suggests otherwise. Josephus mentions seven judges in each Judean city, which seems to be a fixed position rather that *ad hoc* appointment.[70] According to Strabo's fragment quoted by Josephus, in Alexandria the ἐθνάρχης was appointed (καθίσταται) in order to adjudicate suits (διαιτᾷ κρίσεις),[71] which also does not point to *ad hoc* selection of judges.

In Qumran, we read of ten judges, 'chosen from the congregation according to the time' (ברורים מן העדה לפי העת, CDC 14:10–14). Lawrence H. Schiffman interprets 'according to the time' to mean that the judges were chosen *ad hoc*. But, as he points out, the text in other places indicates that 'the judges were regular appointees who were available whenever cases demanded their attention'.[72] In any case, the text makes it clear that the judges are chosen from within the community, which is different from the situation that Paul describes of the appointment of judges from outside the community. The Hebrew root ב.ר.ר, to select, appears also in m.Sanh 3, to describe a process of selection of judges by the disputed parties. This, however, is the only place in rabbinic literature describing such a process.[73] However it may be understood, it is nigh impossible that this rabbinic principle was in use in first-century Roman Corinth.[74]

To sum up, the *duoviri* and aediles in Corinth applied Roman law in their judgments, and the procedure by which trials were most likely conducted was the Roman formulary system. Even in the less likely scenario – that the *duoviri* and aediles in Corinth applied local law(s) in their judgments, they had the ultimate authority, and the procedure by which trials were conducted was either the formulary system or *cognitio*, regardless of the specific laws and customs applied to individual cases. Thus, despite the legal pluralism which characterises jurisdiction in the provinces, and occasional Jewish judicial autonomy, when Paul writes about appointing a judge, it is unlikely that he has the local official courts in mind.

[66] Josephus *Ant.* 4.214–17, 287, 14.117, 143–8, 168–9, 235, 259–61. Mitchell, 'I Corinthians 6: 1–11', 147–77; Furstenberg, 'The Rabbinic Movement', 6–7, 10–12.

[67] Mitchell, 'I Corinthians 6: 1–11', 142, 188, 201–2; Furstenberg, 'The Rabbinic Movement', 10.

[68] Furstenberg, 'The Rabbinic Movement', 11. On judicial autonomy in Greek free cities, see Girdvainyte, 'Law and Citizenship in Roman Achaia', 212–15.

[69] See n. 58 above.

[70] Josephus, *Ant.* 4.214–17, 287.

[71] Josephus, *Ant.* 14.117.

[72] Lawrence H. Schiffman, *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony and the Penal Code* (Providence: Brown Judaic Studies, 2020) 23, 28–30, doi:10.1353/book.73557. If correct, this scenario resembles the panel of judges of the *Lex Irnitana* (see above).

[73] Tzvi Novick, 'The Borer Court: New Interpretations of mSan 3', *Zutot* 5 (2008) 1–8, at 3, doi: https://doi.org/10.1163/187502108785807049. Novick read this Mishnah itself in light of the *Lex Irnitana*: ibid., 6–7.

[74] Furstenberg, 'The Rabbinic Movement', argues that rabbinic literature emerged only in the second century CE, and shows that private law was hardly existent within Judaism prior to the second century.

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6. Private Arbitration: An Alternative Reading

Paul in 1 Cor 6.1–6 is objecting to the identity of the judge chosen by disputing members of the community. The nature of this objection assumes a practice of dispute settlement in which the parties have the freedom to choose and appoint the person who will make the ruling. After showing that official Roman courts in Corinth hardly fit this category, I suggest private arbitration as an alternative.

As mentioned above, Fuller made this suggestion in his exegesis of 1 Cor 6.4. Reading καθίζετε, literally meaning 'make to sit', as referring to appointment, Fuller realises that '"appoint as judge" ... would be too formal. Christians are hardly nominating pagans for a judicial office which they did not have before'. He instead suggests that 'the (Gentile) Christians were resorting to their pagan neighbours (not officially appointed judges) and inviting them to act as arbitrators'.[75] Fuller in his paper neither elaborates on private arbitration nor supports his suggestion by referring to Roman law. In what follows, I wish to present supporting evidence for the private arbitration hypothesis, which, as noted, has generally been ignored in scholarship following Fuller.

As stated in the analysis of 1 Cor 6.1–6 above, it follows from my reading that Paul's objection is not to the *practice* of settling disputes but concerns only the *identity* of the arbiter. This reading assumes that the members of the Pauline *ekklēsia* in Corinth preferred people from outside the community to act as arbiters. This assumption is plausible, as it conforms to a prevailing view that valued the neutrality and objectivity of a judge.

One practice bearing witness to this view is the institution of foreign judges (τὰ ξενικὰ δικαστήρια). As Lina Girdvainyte defines it: 'Commissions of one or more judges from one *polis* would be invited by another to decide in local cases according to the laws of the inviting city'.[76] In this practice, a desire to have an objective judge led to a preference of a judge that is unacquainted not only with the disputing parties, but with the community at large.[77]

Philo of Alexandria, Paul's older contemporary, gives expression to this view in his discussion of the good judge in the fourth book of his *De specialibus legibus*. The good judge must make every effort to ignore and forget the parties he is judging, even if they are his acquaintances.[78]

These two examples sketch a general ideal of just judgment prevailing in Paul's time: it is necessary for the judge to be impartial, preferably unknown to the disputing parties. This notion indirectly supports the assumption that the Corinthian would prefer someone from outside the community to act as arbiter. What else in 1 Cor 6.1–6 may point to private arbitration?

Literary sources and Egyptian papyri describing the practice of private arbitration and mediation show that Paul's language in the passage fits the jargon of private arbitration very well. They contain many of the legal terms that appear in 1 Cor 6.1–6, thus supporting the argument that Paul has arbitration/mediation in mind.[79]

[75] Fuller, 'First Corinthians 6:1–11', 100.

[76] Girdvainyte, 'Law and Citizenship in Roman Achaia', 216.

[77] There is a question whether this pre-Roman institution continued to be in use during the Roman period. See Girdvainyte, 'Law and Citizenship in Roman Achaia', 217.

[78] *Spec.* 4.70. Within rabbinic Judaism, a relative is disqualified from acting as judge (m.Sanh. 3.2).

[79] I believe Paul is referring in 1 Cor 6.1–6 to private arbitration rather than mediation. Still, papyri dealing with mediation are relevant for the present section for two reasons: First, we cannot rule out the possibility of mediation. Second, my point is to show that Paul's language fits an informal legal context as well as it does a formal one.

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In 1 Cor 6.5, Paul asks the Corinthians whether there is no wise (σοφός) man among them able to act as arbiter between them. In Plutarch's *Quaestionum convivialum,* Timon, Plutarch's brother, likening the arrangement of the seats of guests at dinner to private arbitration, says that he is not 'wiser (σοφώτερος) than Bias that he should become a judge (γίνεσθαι κριτής) over so many comrades and so many relatives too when Bias had refused to arbitrate (ἀπειπαμένου δίαιταν) between two of his friends'.[80] As Mitchell notes: 'Wisdom is likely to have been a quality one looked for in someone who was to mediate a dispute.'[81]

Another term is πρᾶγμα (1 Cor 6.1). In a legal context, it carries the meaning of a legal case or a lawsuit.[82] It does not necessarily refer to a trial in court, though, and can also be used for cases resolved through arbitration, as is evident from a second century CE private letter from Philadelphia, Egypt. The writer informs his brother that their case was referred to arbitration (εἰς μεσιτείαν)[83] by the centurion (ἑκατόνταρχος), and that he must appear on a certain appointed time. The affair is termed τὸ πρᾶγμα ὅλον.[84] Thus, by speaking of the Corinthians 'having lawsuits' (πρᾶγμα ἔχων), Paul does not necessarily mean going to the official courts.

In this same papyrus, the writer informs the addressee that their case 'was referred to arbitration (μεσιτείαν) by the centurion to be decided (κριθῆναι)'. Paul uses the verb κρίνω five times in 1 Cor 6.1–6, in the active and middle/passive voices.[85] While in a legal context κρίνω means generally 'to judge', our papyrus indicates that the verb can also mean an arbiter's decision.

The verb διακρίνω, appearing in the infinitive form in 1 Cor 6.5, is, according to Modrzejewski, another verb denoting the passing of sentence by the arbiter.[86] It appears in an early papyrus dated to the third century BCE, from Elephantine in Ptolemaic Egypt.[87] The fragment is an obligation made by one of the parties to abide by the decision of the arbiters, one of the two characterisations of private arbitration mentioned above: 'I shall abide (ἐμμενῶ) in [the decision] of Onnofris and Imotes, when (ἐὰν) they shall judge (διακρίνωσιν) …'.

Finally, the phrase ἀνὰ μέσον τοῦ ἀδελφοῦ αὐτοῦ (1 Cor 6.5) is worth dwelling on. It appears in the Septuagint 12 times with κρίνω[88] and twice with διακρίνω,[89] translating the Hebrew לשפוט בין לבין. Often, it is uttered by one of the disputing parties, inviting or invoking a third party to act as judge.[90] Assuming that Paul was not ignorant of these uses,[91] and in view of the practices of Roman law in first-century Corinth, described above, this phrase supports the reading that Paul is referring to private arbitration.

[80] Plutarch, *Quaest. conv.* 1.3 (Clement & Hoffleit).

[81] Mitchell, 'I Corinthians 6: 1–11', 128. Cf. Modrzejewski, 'Private arbitration', 249.

[82] LSJ, s.v, 4.

[83] BGU.7.1676. Greek amended according to the apparatus in https://papyri.info/ddbdp/bgu;7;1676?rows=3&start=1490&fl=id,title&fq=series_led_path:BGU;*;*;*&sort=series+asc,volume+asc,item+asc&p=1491&t=2824#to-app-choice11.

[84] Also Modrzejewski, 'Private arbitration', 245, 247, 250, 251.

[85] κρίνεσθαι, κρινοῦσιν, κρίνεται (bis), κρινοῦμεν.

[86] Modrzejewski, 'Private arbitration', 253.

[87] BGU.6.1465.

[88] Gen 16.5, 31.53, Num 35.24, Deut 1.16, Judg 11.27, Jdt 7.24, Ode 10.3, Mic 4.3, Isa 2.4, 5.3, Ezek 34.22.

[89] Ezek 34.17, 20.

[90] See e.g., Sara's words in Gen 16.5, and God's imperative in Isa 5.3.

[91] The argument for Paul's use of contemporary legal language does not rule out Brian S. Rosner's claim that Paul is using biblical legal terminology. Many of the 'terminological links' he finds between 1 Cor 6.1–11 and LXX Deut 1; Exod 18 overlap with the terminology discussed here. Brian S. Rosner, 'Moses Appointing Judges. An Antecedent to 1 Cor 6,1–6?', *ZNW* 82 (1990) 275–8, esp. 277. See also Robertson, 'Courtroom Dramas', 599.

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Interestingly, the phrase is very close to what appears to become a formula for mediators.[92] Four different papyri dealing with mediation, dating from the third to the fifth centuries CE, use variants of μέσος/μεταξὺ *(+ gen.)* γενόμενος to describe the mediator(s).[93] Table 1 shows these variants.

Table 1. Variants of μέσος/μεταξὺ

Papyrus	Date	Greek Text
PSI.12.1256[94]	200–65 CE	πρὸς τὴν ἐγδικίαν **φίλοι μεταξὺ γενόμενοι**
P.Haun.3.57[95]	412–5 CE	φίλοι **μεταξὺ γενάμενοι**
P.Princ.2.82[96]	481 CE	… ποιεῖν, ἅπερ ἂν **μέσοι τινὲς αὐτῶν γιγνόμενοι** δικαιώσωσιν (line 30) Μακάριος καὶ Σαβῖνος … **μέσοι αὐτῶν γεγονότες** (lines 31–32)
p.vat.aphrod.10[97]	c. 537 CE	πρὸ δίκης καὶ πρὸ διαγνωστικῶν ἀγώνων τέλος **φίλοι ἀγαθοὶ μέσοι ἡμῶν γενόμενοι** {οἵτινες} διαλαβόντες τὰ τοῦ πράγματος (lines 20–1) πρὸς τὴν κρίσιν **τῶν μέσων φίλων** (lines 30, 73–4) πρὸς τὴν δικαίαν κρίσιν **τῶν μέσων φίλων** (line 37)

While not identical to this late formula, Paul's phrasing is nevertheless strikingly similar. Together with the other evidence pointing to the context of arbitration/mediation, I believe it brings Paul's legal language ever closer to that of arbitration/mediation.

To conclude this section, we have encountered much of Paul's legal language in the context of private arbitration and mediation: σοφός, πρᾶγμα, κρίνω, διακρίνω, and the resemblance of the phrase ἀνὰ μέσον τοῦ ἀδελφοῦ αὐτοῦ to the later mediation formula. This terminological evidence suffices to support the argument that Paul's legal terminology in 1 Cor 6.1–6 makes sense in the context of private arbitration. While most of it can also make sense in the context of adjudication in court, the notion of the ability to freely appoint judges serves as the tipping point, and makes private arbitration the more probable conclusion.

7. Conclusion

In this paper I attempted to show that the traditional reading of 1 Cor 6.1–6, which understands Paul to be rebuking the members of the Pauline *ekklēsia* in Corinth for going to the official Roman courts, is implausible in light of our knowledge of practices of Roman law in the colonies and in the eastern provinces. Instead, I suggested that the passage makes

[92] 1 Cor 6.5 is considered 'extremely difficult' (Kloha, '1 Corinthians 6:5', 132). Kloha argues that the original was corrupted by *Homoioteleuton*. For a different view, see Lee, '1 Corinthians vi. 5', 310. I focus on ἀνὰ μέσον with a genitive, which no one contests.

[93] Μέσος and μεταξὺ are interchangeable in this context, as is clear from the papyri. See also Lee, '1 Corinthians vi. 5', 310; Kloha, '1 Corinthians 6:5', 133.

[94] Gagos, *Settling a Dispute,* 121.

[95] Ibid, 122.

[96] Ibid, 123.

[97] Ibid.

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perfect sense if we take Paul's words as referring to private arbitration. This reading is supported by legal papyri from Roman Egypt, dealing with private arbitration and other quasi-legal mechanisms for dispute resolution. We have encountered in these papyri most of Paul's legal terminology from 1 Cor 6.1–6, proving that it was in use not only in the context of court trial, but also in other available legal avenues, like private arbitration.

While this revision might seem like a minor, almost technical, detail, it is, in fact, significant for several reasons. First, because of the major historical impact of the traditional reading. The development of a separate ecclesiastical jurisdiction in the Late Empire depends to a large extent on the traditional reading of this Pauline ruling.

Second, the revision suggested here shows that Paul is operating within the framework of Roman law, employing its available channels and mechanisms for his purposes rather than rejecting it, as the traditional reading suggests.[98] This example points to the great benefits to be gained from an interdisciplinary approach in New Testament Studies. Integrating up-to-date studies of Roman law in New Testament research could shed new light on other New Testament passages and topics.

Finally, it reveals another dimension of the Corinthians' social ties with the rest of the city's residents.[99] While Paul wishes to keep conflicts within the community, the Corinthians themselves apparently felt comfortable to trust their fellow residents with them. This conclusion aligns with recent scholarly views of religion in antiquity in general, which emphasise interculturality and close connections between communities on the ground, in opposition to more exclusive and polemic tendencies of the rhetoric of religious elites.[100]

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[98] This point resolves a tension that exists between Paul's anti-imperial position, as emerges from the traditional reading of 1 Cor 6.1-6 and his pro-imperial position in Romans 13. According to the suggested reading, Paul is consistently supportive of the Roman regime.

[99] The legal dimension adds to other similar indications in First Corinthians. Cf. chapter 7, concerning marriage.

[100] E.g., Paula Fredriksen, 'What "parting of the ways"?: Jews, gentiles, and the ancient Mediterranean city', *The ways that never parted : Jews and Christians in late antiquity and the early Middle Ages* (eds. Adam H. Becker and Annette Y. Reed; Tübingen: Mohr Siebeck, 2003) 35–63; Jörg Rüpke, *Urban Religion. A Historical Approach to Urban Growth and Religious Change* (Berlin: De Gruyter, 2020).

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