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**May a Christian  
Go to Court ?**



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**Ergänzungen zur Ethik**

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## May a Christian Go to Court?

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Is the use of some kind of conflict resolution tied to legal process sensible and justified (e.g., witnesses, defence, judges, independent appraisers, mediators, legal transcripts)? Many Christians object, at least in theory, to going to court or to using the methods of a constitutional state. They object all the more that Christians go to court against each other or use the methods of the constitutional state in connection with Christian activities or churches.

In the following I would like to initially show how Paul, as a matter of course, utilised the legal process of his day and age. Thereafter, by means of 1 Corinthians 6, I would like to show that Paul is also acquainted with an inner-church legal process.

In looking at 1 Corinthians 6, one of most commonly used arguments against the use of legal means among Christians will also be addressed. In addition to 1 Corinthians 6, there are above all two statements by Jesus in the Sermon on the Mount which serve as arguments for the view that a Christian is not allowed to take legal action. For this reason they, too, should be more closely examined in connection with 1 Corinthians 6.

### *Paul Makes Use of Law and Legal Process!*

When Peter (1 Peter 3: 15–17) calls upon Christians to always be ready to „give an answer” (Gk. *apologia*), this applies first of all in court. This is due to the fact that *apologia* is the classical technical term for a plea, or speech for the defence, before a court. For this reason Peter wishes that Christians see that they will be accused, because otherwise the courts will really get them. Christians should have a clean conscience. If they do evil, then the state is the servant of God in order to lawfully punish Christians. There is not a trace of a thought in either case that it is basically questionable as to whether a state is a constitutional state and has a court system, or whether Christians are accused of something by other Christians of the state or they themselves file suit.

The Book of Acts reports to us a wide variety of collisions that the Apostles and Evangelists had with courts and judges. Acts also presents the defences made by the Apostles and Evangelists in front of courts. Nowhere is there a hint that they should have remained silent. When Peter and John were put in

prison by the Sanhedrin (Acts 4:1–22), they answered the finding in front of the court (Acts 4:19–20). The same thing (Acts 5:29–32) happened with the second arrest (Acts 5:27–42), although this infuriated the judge (Acts 5:33). The indictment, imprisonment, and stoning of Stephen are presented in detail (Acts 6:8–8:2), the largest part of the report being taken up with the longest address in the New Testament, that is, Stephen's defence before the court (Acts 7: 1–53). Stephen's defence becomes an indictment against the judge and also causes great anger (Acts 7:54).

Whether only Jews were involved in the first persecution of Paul and Barnabas in Pisidian Antioch (Acts 13:45–52) or whether they also called upon the Romans for help is an open question. It is also an open question as to whether Paul's words against the Jews (Acts 13:46–47) constituted a defence, or apology, before the court. In any case, both Paul and Barnabas were driven away and moved on to Iconium. They also were persecuted in Iconium, from which they fled (Acts 14:1–7). In Philippi the Jews again instigated a persecution by the Romans, this time for financial reasons (Acts 16:16–40). After their supernatural release and the conversion of the 'jailer,' Paul sees to it that their wrongful torture and confinement (Acts 16:21–23), which is an insult to a Roman citizen, is fully retracted (Acts 16:35–40). With this he no doubt wanted to benefit the jailer or the newly started church and his/her reputation. Paul says: „They beat us publicly with-

out a trial, even though we are Roman citizens, and threw us into prison. And now do they want to get rid of us quietly? No! Let them come themselves and escort us out“ (Acts 16:37). Paul's famous speech at the meeting of the Areopagus is, of course, not held in the confines of a court case, but it is nonetheless to be understood as an apology or defence before the city leaders.

From Athens Paul travelled on to Corinth, where the Jews accused him in front of the Proconsul Gallio (Acts 18:12–17). Paul wanted to offer a defence. However, the Roman judge let him go since no offence against Roman law was at issue (Acts 18:14). Admittedly Paul did not intervene when out of anger the Jews struck one of their own in his presence. In Ephesus Paul was also driven out after Demetrius – again for financial reasons – instigated an uprising against him (Acts 19:23–40). Due to the fact that there was no true charge, all participants were in danger vis-à-vis the Romans (Acts 19:40). Paul travelled on (Acts 20:1).

The last eight chapters of the Book of Acts almost completely revolve around Paul's unlawful capture and his defence before various Roman judges. Upon Paul's arrest in Jerusalem (Acts 21:27–23:22), the Jews first beat Paul. They stopped when the Roman army intervened (Acts 21:32). Paul expressly asked the officer twice for the opportunity to give a defence (Acts 21:37,39). The officer granted Paul's request after questioning him. His defence (Acts 22:1–21) caused an uproar (Acts 22:22), such that

the officer had Paul taken away. When Paul had been bound in preparation for a flogging, he called upon his rights as a Roman citizen: „Is it legal for you to flog a Roman citizen who hasn't even been found guilty?“ (Acts 22:25; comp. 27–28). This prevented the flogging. On the following day, Paul wanted to begin his defence in front of the Sanhedrin (Acts 23:1). However, the High Priest had him struck on the mouth (Acts 23:2), whereupon Paul denied him his office and protested sharply in charging him as follows: „God will strike you, you whitewashed wall! You sit there to judge me according to the law, yet you yourself violate the law by commanding that I be struck!“ (Acts 23:3). On account of the murderous conspiracy, Paul was placed under the protection of 200 Roman soldiers and was brought to Caesarea to the Roman Governor Felix with a letter explaining the situation (Acts 23:25–33). The legal seesaw between Felix, his successor Festus, and Herod Agrippa II is described in detail (Acts 24–26), whereby Paul's repeated, new defences play a central role (Acts 24:10–21, 24–25; 25:8, 10–11; 26:1–29). Since Paul was to be taken back to Jerusalem, he makes his appeal to be held over for the Emperor's decision (Acts 25:11,21). In the end, Agrippa is of the opinion that Paul could have been set free (Acts 26:32) had he not 'called upon' the Emperor (Acts 25:25). At this point Paul could be viewed as having possibly miscalculated the use of legal means. This is, however, not to say that his means would have been inadmissible.

A description of Paul's transport as a prisoner across the Mediterranean to Rome follows (Acts 27: 1–28, 16). Having only been in Rome a short time, Paul calls the leaders of the Jews, who know nothing about the situation, to see him. To begin with, he defends himself for having appealed to Caesar as a Jew (Acts 28:19) as a way to preliminarily work against the charges of the Jews in Jerusalem (Acts 28:17–28) and to wait on his trial (Acts 28:30–31).

One pundit of Roman history, the British scholar Adrian N. Sherwin-White, by the way meticulously demonstrated that the author of the Book of Acts had exact and detailed, specialised knowledge of Roman law and the state system. In Sherwin-White's classic *Roman Society and Roman Law in the New Testament*<sup>1</sup>, which has been reprinted numerous times, Sherwin-White also demonstrated that the author reliably passed down the historical particulars relating to Paul's cases and 'quasi-cases' as well as the official designations of the respective participants. Sherwin-White and William M. Ramsay have clearly shown that Luke himself correctly renders titles, ranks, and other Roman terminology, also in cases where they were only used for a short time and in a geographically limited manner. Luke always gets the situation right with respect to the correct time and place,<sup>2</sup> at least where this can be verified. In Acts 13:7, for example, Luke names the proconsul, Sergius Paulus (*anthypatos*). This is correct, since Cyprus was a senatorial province in 47 A.D. The designation would have been

incorrect for an earlier or a later time.<sup>3</sup> In Acts 23:34–35 Felix is prepared to listen to Paul’s case after he hears that Paul is from Cilicia. It was only at this time that Cilicia was a part of the province of Syria that was subject to Felix. Beginning in 69 A.D., Cilicia was its own province, and Paul would have been transferred there to the governor if this had occurred at such time.<sup>4</sup> At that time, such details were only accessible via firsthand experience or via witnesses. It was not as it is today, where after the event such details could be checked and reconstructed in archives and literature. With recourse to the investigations by Sherwin-White, R.P.C. Hanson writes the following: “The accumulation of facts strongly suggests that in the Book of Acts we are dealing with an author who lived during the first and not the second century; additionally, that namely at least parts of his narrative stand in a close relationship to a certain slice of history, from approximately 41 A.D. until approximately 70 A.D. It can be isolated to the time of the end of Claudius’ rule and the beginning of Nero’s rule. It appears probable that he had something of a close relationship to this period of time, either through sources or through personal experience. This conclusion is imposed upon us by the facts of the case.”<sup>5</sup>

### *Inner-Church Legal Process (with Particular Attention to First I Corinthians 6)*

The highest level of church discipline,<sup>6</sup> that is, holding discussions with others and exclusion (Matthew 18:14–17), requires an orderly, inner-church legal process. This means there should also be trustworthy judges, a clear and recognisable system, witnesses, and the opportunity to appeal.

In a church discipline proceeding against an elder, this is explicit: „Do not entertain an accusation against an elder unless it is brought by two or three witnesses. Those who sin are to be rebuked publicly, so that the others may take warning. I charge you, in sight of God and Christ Jesus and the elect angels, to keep these instructions without partiality, and to do nothing out of favouritism” (1 Timothy 5:19–21).

As in a court case that takes place outside of the church, what one is dealing with here is an „accusation” and not wild rumours or suspicions. There have to be, as in the case of court proceedings outside the church, and on the basis of Old Testament provisions, „two or three witnesses” available. In addition, the judgment should be carried out in a manner that is impartial (or „without partiality”) and is not reached „with favouritism.” The Old Testament principle is termed „without respect to persons.”

The New Testament not only has an inner-church legal process for questions of church discipline, but one for disputes between Christians in general.

Thus, one can read in 1 Corinthians 6:1–11: „If any of you has a dispute with another, do you dare to take it before the ungodly for judgment instead of before the Lord’s people? Or do you not know that the Lord’s people will judge the world? And if you are to judge the world, are you not competent to judge trivial cases? Do you not know that we will judge angels? How much more the things of this life! Therefore, if you have disputes about such matters, do you ask for a ruling from those whose way of life is scorned in the church? I say this to shame you. Is it possible that there is nobody among you wise enough to judge a dispute between believers? But instead, one brother goes to law against another—and this in front of unbelievers! The very fact that you have lawsuits among you means you have been completely defeated already. Why not rather be wronged? Why not rather be cheated? Instead, you yourselves cheat and do wrong, and you do this to your brothers and sisters. Or do you not know that wrongdoers will not inherit the kingdom of God? Do not be deceived: Neither the sexually immoral nor idolaters nor adulterers nor male prostitutes nor practicing homosexuals nor thieves nor the greedy nor drunkards nor slanderers nor swindlers will inherit the kingdom of God. And that is what some of you were. But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God.”

*First Corinthians 6:1–11* has often been used to teach that Christians are

not allowed to go to court. Surely the Old Testament as well as the Sermon on the Mount teach that Christians should rather waive their rights (see below regarding the Sermon on the Mount), be it whether one cannot foresee the outcome of a court proceeding, the dispute is not worth it, or one would rather allow himself to be disadvantaged. First Corinthians 6:1–11 does not teach, however, that Christians may not take court action. There are two points to take into account:

1. The context speaks to a case where both of the parties in the legal suit are members of the church. If one of the two parties in the dispute does not belong to the church, the church is not in a position to be able to rule over the situation. (The church can, however, judge the behaviour of the Christian who is a party to the dispute, up to the point of church discipline.) „What business is it of mine to judge those outside the church? Are you not to judge those inside? God will judge those outside.” (1 Corinthians 5:12–13a). The court of secular authority, in this case the Romans, should be avoided because it is „ungodly” (1 Corinthians 6:1). Ungodly, worldly courts should even be avoided where this entails a personal sacrificial loss (Matthew 5:40). Only when a church member is declared to be a „pagan or a tax collector” can he be brought before a secular court.<sup>7</sup> At this point, Paul assesses secular

courts rather negatively. On the basis of the sinfulness of man, he anticipates much injustice in legal process. He does not indeed hold Christians to be sinless, but he nonetheless believes that there are enough wise and just judges in the church. Today often the exact opposite opinion is held. Secular courts, in the eyes of many Christians, have a better standing than do the correction procedures found within the church, the more so as scarcely anyone in the church would know how to apply God's just laws, and for that reason, just, wise men in our churches are largely absent. Incidentally, it should be pointed out that Paul, the author of 1 Corinthians 6, had to go before court on numerous occasions, as we have already seen in much detail.

2. If both parties belong to the church, they should not bring their dispute before a secular court because an inner-church court is significantly more just. The alternative to a secular court is not the absence of legal action. Rather, it is court via those people who in any event will at one point judge the entire world. Christians should not have their legal disputes with other Christians before secular courts but rather before wise men in the church.

„Historically the command can be derived from Judaism.”<sup>8</sup> The Old Testament not only has the secular death penalty but also exclusion from the

church and pursuit of an inner-church manner of legal process. As a result, the following is found in Psalm 1:5: „Therefore the wicked will not stand in the judgment, nor sinners in the assembly of the righteous.” Regarding the covenantal decision in Ezra 10:3 to no longer marry foreign women, in Ezra 10:8 we read the following: „Anyone who failed to appear within three days would forfeit all his property, in accordance with the decision of the officials and elders, and would himself be expelled from the assembly of the exiles.”

That the church can pronounce judgments and impose punishment becomes increasingly clear in the New Testament. Paul writes in this connection to Timothy: „Preach the Word; be prepared in season and out of season; correct, rebuke and encourage—with great patience and careful instruction” (2 Timothy 4:2).

The early church<sup>9</sup> also acted according to the command in 1 Corinthians 6:1–11. „Since the Roman state religion, that is also to say the municipal or provincial cults, pervaded the entire dispensation of justice, from New Testament times onward the ancient church began to develop its own legal arbitration, which beginning in 318 A.D. Constantine officially recognised for civil disputes. . . . The highest goal of this court of arbitration was not to find and dispense justice but rather, according upon the admonition of the Apostle, to achieve reconciliation among the disputants by waiving one's rights.”<sup>10</sup>



It was only after Christianity was raised to a state religion and this manner of legal process officially recognised that, contrary to the biblical notion, this manner of legal process could also be called upon in the case where one party was not in agreement to do so or was not a Christian. At this point, the sense of not going before secular courts lapsed.<sup>11</sup> Until the fourth century, this manner of legal process was conducted by a court that was internal to the church. After the political turn, however, the church courts were recognised as an official court<sup>12</sup>, such that in the end invoking this court was possible as long as one of the parties so desired.<sup>13</sup>

The inner-church manner of legal process nevertheless continued to be a component of many churches. Predominantly free churches and pietism found 1 Corinthians 6:1–11 difficult. Lucas Fischer writes: „ . . . whoever expects a changed and profound understanding of our text in the interpretation and practice of pietism will find himself disappointed.”<sup>14</sup>

In pietism one finds in the interpretations of 1 Corinthians 6:1–11 no word referring to the state or to an internal church court. Rather, one only finds calls to not quarrel.<sup>15</sup> The examples of Johann Albrecht Bengel and John Wesley demonstrate this.<sup>16</sup> The biblical text was ‘privatised’ in pietism, as is the case with many other biblical statements.

The more unjust the legislation in a country becomes in biblical terms and the more unjust court decisions are, the more necessary it is to have an inner-

church legal process in order to resolve disputes between Christians. In this way, an awareness is also maintained that the church has clear standards for making judgment in the Word and law of God. The church has to continually ask herself how God would like decisions to be made, and in this manner, she must learn to differentiate God’s judgment from the judgment of anti-Christian states. In addition, an inner-church legal process is an example for the state, because the church demonstrates the results which follow when God’s laws are employed.

A missing inner-church method of legal process in most of the churches in the world has hollowed out the Christian sense of legal consciousness and has largely hushed Christian critique of state legislation and legal process. The church itself no longer knows how it would have to decide in God’s name. It is only seldom that the church has the required wise men who can bring order into the lives of other Christians.

### *Does the Sermon on the Mount Teach Us to Waive Legal and Defence Rights?*

#### **Reconciliation Instead of Court Cases in the Sermon on the Mount**

„You have heard that it was said to the people long ago, ‘Do not murder, and anyone who murders will be subject to judgment.’ But I tell you that anyone who is angry with his brother will be subject to judgment. Again, anyone who

says to his brother, 'Raca,' is answerable to the Sanhedrin. But anyone who says, 'You fool!' will be in danger of the fire of hell. Therefore, if you are offering your gift at the altar and there remember that your brother has something against you, leave your gift there in front of the altar. First go and be reconciled to your brother; then come and offer your gift. Settle matters quickly with your adversary who is taking you to court. Do it while you are still with him on the way, or he may hand you over to the judge, and the judge may hand you over to the officer, and you may be thrown into prison. I tell you the truth, you will not get out until you have paid the last penny" (Matthew 5:21–26).

Many commentators think that at this point Jesus tightens and internalises the commandment against murder by forbidding unfounded anger expressed in swearwords toward another. However, a one-sided exegesis of the Old Testament law, that only observed actions, was a mistake of the teachers of the law like some Pharisees or Sadducees. In fact, the Old Testament itself differentiates clearly between sin and planning sin, condemning thereby an evil plan and the internal sin, as explicitly as does the New Testament. In the entire Old Testament, it is never a question of purely external fulfilment of the commandments. Rather, the OT always has to do with serving God with his or her entire heart.<sup>17</sup> Just as internal lust is the activator for adultery (see the next section), anger in the Old Testament is the activator for murder: Rage plans mur-

der (Esther 5:9), anger is cruel (Proverbs 27:4a), fury pursues his brother with a sword (Amos 1:11), in anger men are killed (Genesis 49:6–7; Deuteronomy 19:6), and „a king's wrath is a messenger of death" (Proverbs 16:14a), to mention only a few examples.

When Jesus calls upon people to first reconcile and then to go before God, that is by all means nothing new. The idea that reconciliation and love are practical consequences of repentance is found in the Old Testament. Old Testament sacrifices did not magically have an automatic effect. Rather, they presupposed the correct internal attitude.

The call to reconciliation in the Sermon on the Mount does not, however, replace state authority. State authority has to administer justice without respect to persons.<sup>18</sup> Reconciliation should take place on the way to court (Matthew 5:25). Similarly, one reads in Proverbs 17:14: „. . . drop the matter before a dispute breaks out" and in Proverbs 25:8: „do not bring hastily to court for what will you do in the end if your neighbour puts you to shame?" This is also clear from the parallels in Luke 12:57–59: „Why don't you judge for yourselves what is right? As you are going with your adversary to the magistrate, try hard to be reconciled to him on the way, or he may drag you off to the judge, and the judge turn you over to the officer, and the officer throw you into prison. I tell you, you will not get out until you have paid the last penny."

### ‘The Thing with the Cheek’ in the Sermon on the Mount

„You have heard that it was said, ‘Eye for eye, and tooth for tooth.’ But I tell you, do not resist an evil person. If someone strikes you on the right cheek, turn to him the other also. And if someone wants to sue you and take your tunic, let him have your cloak as well. If someone forces you to go one mile, go with him two miles. Give to the one who asks you, and do not turn away from the one who wants to borrow from you” (Matthew 5:38–42).

Here Jesus quotes the so-called *lex talionis* or *ius talionis*<sup>19</sup> However, Jesus is not concerned with contrasting the Old Testament’s „eye for eye, tooth for tooth” with love in the New Testament as much as this is ingrained as a formulation for the entire brutality of past times in the consciousness of large segments of the population. The Pharisees and teachers of the law, whom Jesus was addressing, derived the general right of revenge from this phrase, also including private vengeance.<sup>20</sup> But is this understanding to be found in the Old Testament itself?

There is no doubt that in the Old Testament the state has the right to mete out just punishment and exercise vengeance. In the Old Testament, the legal tenet „eye for eye, tooth for tooth” (Exodus 21:23–25, Leviticus 24:19–21; Deuteronomy 19:21) applies, which „is not, for instance, a rule for a person’s behaviour towards another person but rather only with respect to the dispensation of justice . . .”<sup>21</sup>

*Lex talionis* is a legal tenet which 1) expresses in the form of a byword that every wrongdoing deserves just punishment. However, at the same time 2) it has a restrictive function, since according to it the penalty may never be more weighty than the deed (the principle of proportionality). And 3) as a general rule, it was not employed in a literal fashion, such that as punishment someone would have lost his eye or tooth,<sup>22</sup> especially since the word ‘for,’ translated from the Hebrew word ‘tachat’<sup>23</sup>, actually means ‘instead of.’ That means that it should actually read „eye instead of eye.”<sup>24</sup> As a general rule, this legal tenet limited the level of punishment to compensation in financial or similar terms. On the basis of the same legal tenet, a slave also had to be set free if the master hit a male or female slave in the eye and destroyed it or knocked out the tooth of a male or female slave (Exodus 21:26–27; comp 21:23–25). In a few limited cases, however, the punishment corresponded directly with the wrongdoing. This was the case with murder (if there were witnesses), in which the death penalty applied and for which reason the wording „life for life” (Exodus 21:23) is used (comp. 1 Samuel 15:33). That „fracture for fracture, eye for eye, tooth for tooth” (Leviticus 24:20) was not literally carried out is shown, for instance, in Leviticus 24:17–21. For the life of an animal, for example, one had to „make restitution” with another animal or like consideration („life for life,” Leviticus 24:18). The longest version of *lex talionis* is found in Exodus 21:23–25: „. . .

you are to take life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise.”

This type of ‘vengeance’ is nowhere rescinded in the New Testament. In Romans 13:4 the authorities remain “. . . God’s servant, an agent of wrath to bring punishment on the wrongdoer.” The authorities have this position, although Paul just a few verses later speaks about the commandment to love (Romans 13:8–10). The state has to judge impartially and administer justice without respect to persons. In our text, Jesus does not at all touch upon this duty of the state. Rather, he presupposes it by mentioning a legal suit (Matthew 5:40), as he earlier does with a reference in Matthew 5:25 („judge,” „officer,” „prison”).

From this, however, there is no law of private vengeance that can be derived. David did not kill Saul in spite of the injustice suffered and in spite of the favourable opportunities he had (1 Samuel 24:4–8; 1 Samuel 26:7–12). The Old Testament points this out numerous times. Instead of this, it is considered as a virtue to pacify in the case of a dispute (Proverbs 15:18) and prior to a lawsuit to achieve reconciliation (Proverbs 17:14). One should not repay evil (Proverbs 20:22), and there should be no joy over the fall of an enemy (Proverbs 24: 17–19). „Do not seek revenge . . . but love your neighbour as yourself (Leviticus 19:18). This applies not only with respect to Israelites but also to non-Israelites:<sup>25</sup> „The alien living

with you must be treated as one of your native-born. Love him as yourself . . . (Leviticus 19:34).

The statement in Matthew 5:39 to „not resist an evil person . . .” is often understood to mean that Christians are principally not to defend themselves against evil, as if every attempt at self-defence, which the Old Testament allows,<sup>26</sup> were forbidden. For a start, the demand from Jesus presupposes that the Christian differentiates between good and evil. What is at issue here is in no manner an ethical indifference with respect to whatever happens. In addition, there are two significant limitations regarding the prohibition against resistance:

1. David Hill has made reference to the fact that the word for *resist* (Gk. *anthistemi*) can generally mean ‘resist’ or ‘take actions against someone,’ but that here the legal meaning captured in rabbinic writings is to be accepted and that legal resistance is at issue.<sup>27</sup> The statements of Jesus would in such case be that a Christian should not seek justice upon the legal tenet of *lex talionis* but rather let injustice be done to him. For the sake of peace, a Christian is not in the position to waive a court case. Rather, a Christian has to allow even that which is unrightfully demanded of him to a greater extent than required.
2. Even so we are still talking about the question of what is meant here by the word evil. Naturally, not every type of evil is meant at this point.

Otherwise the Christian could not even resist the evil in him- or herself. It has to do with the evil that is described in more detail in Matthew 5:39–41. This is to say that it is evil in the form of insults, false demands, and coercion to which a person is subjected.

A person can understand evil here in the sense of „the evil one” or „evil.” Theodor Zahn assumes that „the evil one” could only mean the devil.<sup>28</sup> Christians, however, are to expressly resist the devil (1Peter 5:9; James 4:7; Ephesians 6:11–17). David Hill rightly represents the viewpoint that „the evil one” meant here is the legal opponent and that „evil” refers to the legal dispute, such that the question of the translation as a person or a thing in the final instance would be immaterial.<sup>29</sup>

To be hit with the back of the left hand on „the right cheek” (Matthew 5:39) was an enormous insult. A Christian, however, lets himself be insulted twice rather than going to court on account of it. This is also well- founded

in the Old Testament. In Isaiah 50:6 the coming Messiah reports that he did not resist the disgrace of being slapped. Rather, he offered his cheeks<sup>30</sup>, and Lamentations 3:30 calls for the following: „Let him offer his cheek to one who would strike him, and let him be filled with disgrace.”

### Conclusion

Attempting arbitration, mediation, and, yes, reconciliation is biblical and, as far as Christians are concerned, should always be prior to a course of action that involves legal means of the state. An individual’s readiness to receive the short end of the stick should always be present. Reason demands that one be in the clear that legal means often, but not always, can lead to a desired clarification of the situation.

All of these reminders of mitigation do not set aside the necessity for law and lawful procedure. It is not an antithetical matter but a question of complementarity.

# Annotations

## Anmerkungen

<sup>1</sup> Adrian N. Sherwin-White. *Roman Society and Roman Law in the New Testament*. Oxford: Clarendon Press, 1963. pp. 48–185 (reprint, e.g., Grand Rapids (MI): Baker, 1978; 1992); comp. the appeal to law for Roman citizens in the earlier work Adrian N. Sherwin-White. *Roman Citizenship*. Oxford: Clarendon Press, 1939.

<sup>2</sup> This is compiled in an impressive manner in F. F. Bruce. *The Acts of the Apostles*. London: IVP, 1952<sup>2</sup> (reprint 1976). pp. 15–16; Edward M. Blaiklock. „The Acts of the Apostles as a Document of First-Century History”. pp. 41–54 in: W. Ward Gasque, Ralph P. Martin (Hg.). *Apostolic History and the Gospel: Biblical and Historical Essays* presented to F.F. Bruce on his 60th Birthday. Grand Rapids (MI), Wm. B. Eerdmans, 1970. pp. 46–50; W. Ward Gasque. „The Book of Acts and History”. pp. 54–71 in: Robert. A. Guelich (Hg.) *Unity and Diversity in New Testament Theology: Festschrift für George. E. Ladd*. Grand Rapids (MI): W. B. Eerdmans, 1978. pp. 54–58; Donald Guthrie. *New Testament Introduction*. London: IVP, 1970. p. 354.

<sup>3</sup> W. Ward Gasque. „The Book of Acts and History”. Op. cit., p. 55.

<sup>4</sup> Adrian N. Sherwin-White. *Roman Society and Roman Law in the New Testament*. Op. cit., pp. 55–57.

<sup>5</sup> R. P. C. Hanson. *The Acts*. The New Clarendon Bible. Oxford : Clarendon Press, 1967; Everett F. Harrison. *New Testament Introduction*. Grand Rapids (MI): Wm B. Eerdmans, 1971<sup>2</sup>. p. 249.

<sup>6</sup> In this connection, see the more extensive section 57 in my *Ethik*. Vol. 5. (3<sup>rd</sup> edition. 2003).

<sup>7</sup> Also in Rousas J. Rushdoony. *Institutes of Biblical Law*. Phillipsburg (NJ): Presbyterian & Reformed, 1973, p. 741.

<sup>8</sup> Lukas Vischer. *Die Auslegungsgeschichte von 1Kor 6,1–11*. Beiträge zur Geschichte der neutestamentlichen Exegese I. J. C. B. Mohr: Tübingen, 1955. p. 8.

<sup>9</sup> Comp. the history of interpretation and application of 1 Corinthians 6:1–11 Elisabeth Herrmann. *Ecclesia in Res Publica*. Europäisches Forum 2. Peter Lang: Frankfurt, 1980. p. 72–92 und Lukas Vischer. *Die Auslegungsgeschichte von 1Kor 6,1–11*. Op. cit. According to *ibid.* p. 6, the biggest exegetical problem in the history of the church is the question of who the unjust in 1 Corinthians 6:4 are. In my view, there is no question that secular judges are meant.

<sup>10</sup> Rudolf Freudenberger. „Noster municipatus in caelis’ (Tertullian de corona 13,4): Der Weg der Alten Kirche zwischen Verweigerung und Anpassung gegenüber Staat und Gesellschaft“. *Theologische Beiträge* 14 (1983) 6: 275–286, here p. 281–282. Freudenberger assumes that in 1 Corinthians 6:1ff Paul sees the adjudication of the Jewish Diaspora as an „emergency decree.” In my view, this does not fit with the circumstances which Paul gives in 1 Corinthians 6:1ff as a comprehensive theological justification for inner-church legal practise.

<sup>11</sup> Text of acknowledgement from 318 A.D. in Volkmar Keil (Ed.). *Quellenammlung zur Religionspolitik Konstantins des Großen*. Texte zur Forschung 54. Wissenschaftliche Buchgesellschaft: Darmstadt, 1989. p. 146–148; comp. Rudolf Freudenberger. „Noster municipatus in caelis’. Op. cit. p. 282.

<sup>12</sup> Lukas Vischer. *Die Auslegungsgeschichte von 1Kor 6,1–11*. Op. cit. p. 29–30.

<sup>13</sup> *Ibid.*, p. 31.

<sup>14</sup> *Ibid.*, p. 89.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*, pp. 90–91.

<sup>17</sup> Particularly also according to Walter C. Kaiser. *Toward Rediscovering the Old Testament*. Zondervan: Grand Rapids (MI), 1987. p. 128–133.

<sup>18</sup> Comp. to this rather Reformed view of the same statement from a Lutheran point of view in Detlef Löhde. *Bergpredigt und weltliche Ord-*

nung. Verlag der Lutherischen Buchhandlung H. Harms: Groß Oesingen, 1985. 14 p.

<sup>19</sup> Lat. ‚lex‘ = law; ‚ius‘ = justice; ‚talio‘ = retribution, corresponding punishment.

<sup>20</sup> Eugen Hühn. *Die alttestamentlichen Citate und Reminiscenzen im Neuen Testament*. J. C. B. Mohr: Tübingen, 1900. p. 8–9 clearly demonstrates that the Pharisees incorrectly took a judgment made by a judge and conferred it upon private life; he demonstrate further that at the beginning of the section Jesus was not actually quoting the Old Testament but rather the interpretation of the Pharisees and, however, astonishingly draws no further conclusions.

<sup>21</sup> Martin Noth, quoted according to Johann Jakob Stamm. „Der Weltfriede im Alten Testament“. pp. 7–64 in: Johann Jakob Stamm, Hans Bietenhard. *Der Weltfriede im Alten und Neuen Testament*. Zwingli Verlag: Zürich, 1959, here p. 26.

<sup>22</sup> Also according to Walter C. Kaiser. *Towards Old Testament Ethics*. Op. cit. pp. 72–73; Walter C. Kaiser. *Hard Sayings of the Old Testament*. InterVarsity Press: Downers Grove (IL), 1988. pp. 72–74; Pinchas Lapide. *Die Bergpredigt*. Op. cit. pp. 133–135.

<sup>23</sup> In Exodus 21:23–25; Leviticus 24:20. In Deuteronomy 19:21 there is merely the preposition ‚be.‘

<sup>24</sup> Particularly according to B[enno] Jacob. *Auge um Auge: Eine Untersuchung zum Alten und Neuen Testament*. Philo Verlag: Berlin, 1929; comp. Roland Gradwohl. „Auge um Auge?“. *Friede über Israel: Zeitschrift für Kirche und Judentum* 78 (1995) 2: 53–56. In Abraham’s offering a ram is sacrificed „instead of“ (Hebrew, tachar’) Isaac (Genesis 22:13).

<sup>25</sup> Ernst Jenni. „hb/lieben“. p. 60–73 in: Ernst Jenni, Claus Westermann (ed.). *Theologisches Handwörterbuch zum Alten Testament*. vol. 1. Chr. Kaiser: München & Theologischer Verlag: Zürich, 1978, here column 68 significantly holds from a historico-critical point of view that Leviticus 19:18 is an addition, because he cannot conceive of the idea that the commandment to love was not only referring to Israelites.

<sup>26</sup> Comp. this justification in Section 61.2 of my *Ethik*. vol. 6. 3<sup>rd</sup> edition. 2003.

<sup>27</sup> David Hill. *The Gospel of Matthew. The New Century Bible Commentary*. Wm. B. Eerdmans: Grand Rapids (MI); Marshall, Morgan & Scott: London, 1972. p. 127.

<sup>28</sup> Theodor Zahn. *Das Evangelium nach Matthäus*. Op. cit., p. 250.

<sup>29</sup> David Hill. *The Gospel of Matthew*. Op. cit., p. 127.

<sup>30</sup> Pinchas Lapide refers to this. *Die Bergpredigt*. Op. cit., p. 128.

## The Author

### Über den Autor



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