

***'I SAY, NOT THE LORD': PERSONAL OPINION,  
APOSTOLIC AUTHORITY AND THE DEVELOPMENT  
OF EARLY CHRISTIAN HALAKAH***

By Peter Richardson

Of all of the attempts - whether direct or indirect - to deal with the question of apostolic authority, none gives as many indications of a sensitivity to the problem posed by personal opinion as 1 Corinthians 7. An assertion of authority is, of course, always open to the interpretation that it is merely a dressed up or aggressive form of opinion; especially is this possible in a situation of hostility. It comes as no surprise, then, that it should be 1 Corinthians that gives interpreters of early Christianity the best example of what seems to be a careful distinction between opinion and authoritative utterance, for the Corinthian setting is fraught with tension. Likewise it is no surprise that the same letter is sprinkled with numerous indications of hostility towards Paul.

The subject matter of chapter 7 is sexual relationships, and it is possible that in part this subject matter accounts for the distinctions that are made. It is the contention of this paper, however, that the form of the distinctions is important, indeed essential, to a proper understanding of this chapter. It will be argued that Paul is engaged in developing *halakah*, and therefore that any approach which is satisfied merely with the contrast between opinion and authority cannot explain

1. Delivered in New Orleans, on November 20, 1978. It was also distributed at the same time for use in the Consultation on Pauline Ethics in the Society of Biblical Literature. I am grateful to the comments made on those two occasions, and for the stimulus then provided for its publication now, in a revised form, for a wider audience.

the curious pattern of statements./2/ This pattern may be laid out simply as follows:

- 'I say this by way of concession, not of command' (v. 6)
- '... I give charge, not I but the Lord ...' (v. 10)
- '... I say, not the Lord ...' (v. 12)
- 'This is my rule in all the churches' (v. 17)
- '... I have no command of the Lord, but I give my opinion ...' (v. 25)
- 'I think ...' (v. 26)
- 'I say this for your own benefit, not to lay any restraint upon you (v. 35)
- 'But in my judgement ... And I think that I have the Spirit of God' (v. 40)

Those are the most obvious statements; a few others in the same chapter could also be included. The effect created in someone reading the chapter for the first time is bound to be that this is a writer who is aware of his authority, who carefully spells out the sources of that authority, and who is self-conscious about his own role in giving authoritative advice./3/ At first there seems

2. See Robert E. Picirilli, 'Pauline Hesitation in 1 Corinthians 7: A Solution?' (privately circulated), who is responding to earlier suggestions by J. L. Sproull. In a different vein, A. T. Hanson, *Studies in Paul's Technique and Theology* (Grand Rapids: Eerdmans, 1974) 206ff, argues that Paul does not employ *halakah* in the strict sense of the word, because rabbinic *halakah* 'did not coincide with the needs of the Christian community'.
3. See Jürgen Roloff, *Apostolat-Verkündigung-Kirche* (Gütersloh, 1965) especially pp. 83-97. It will become apparent in the end that I disagree with his careful distinction between three levels of authority.

an indication of self-doubt; perhaps even uncertainty, in these careful distinctions. Before I finish I will say something about the implications of Paul's comments for the development of a view of biblical authority, though the burden of my paper is not to try to solve that problem.<sup>4</sup> But the basic question is a disarmingly simple one: what gives rise to the unusual character of this chapter?

*I. A Sketch of Other Pauline Examples*

Similar distinctions occur occasionally in other parts of the Pauline collection. All the important instances are to be found, as one would on *a priori* grounds imagine, in paraenetic material. This is not especially remarkable, but it is a first clue; ethical instruction is the context in which such distinctions are made. Let me illustrate briefly:

(1) There is a somewhat similar pattern of distinctions in 1 Corinthians 9:8-18, when Paul discusses the apostolic right - or is it an obligation? - to live by the gospel if one proclaims the gospel (9:14).<sup>5</sup> He contrasts human authority to the law of Moses (9:8, 9), and alongside both he places the Lord's command. He discusses his own practice and also his right to engage in the practice commanded by the Lord. But at the same time he is unashamed of his intention to follow a practice at variance with that command. As David Dungan has pointed out, there is a close similarity between the way a command of the Lord is overturned in 1 Corinthians 9:14 and in 1 Corinthians 7:10. In each case what is attributed to the Lord is in some way negated, but more about that later.

4. C. H. Dodd, *The Authority of the Bible* (New York: Harper, 1929 [r.p. 1958]) 15-16: 'Paul sometimes claims to speak the word of the Lord, but at other times "gives his opinion" quite tentatively'. For Dodd this is indicative of the fact that the 'Bible itself does not make any claim to infallible authority' (p. 15).
5. See David L. Dungan, *The Sayings of Jesus in the Churches of Paul* (Philadelphia: Fortress, 1971).

(2) A second passage, remarkably similar in approach, is found in 2 Corinthians 8:8-15, dealing with money problems. Here there stand together the statement 'I say this not as a command . . . ' (v. 8), an appeal to the Lord Jesus Christ and the character of his life (v. 9), a further statement 'And in this matter I give my advice' (v. 10), an apologetic 'I do not mean that others should be eased and you burdened . . . ' (v. 13), and an appeal to Scripture (v. 15).

(3) In 1 Thessalonians there are two interesting but much less distinct reflections of this awareness of authority. Immediately following an exhortation to live worthy lives (2:11-12), Paul refers to the word of God as distinct from the word of men (2:13), and then speaks of his audience as imitators of the churches of God in Judea (2:14). Later, he comments on the tradition of how to walk (4:1), refers to the commands he gave through the Lord Jesus (4:2), and claims that disregard of his advice is disregard not of man but of God, who gives his Holy Spirit (4:8). He goes on, in the eschatological section, to refer to a word of the Lord (4:15) concerning the fate of believers still alive at the end.

(4) An unrelieved assertion of authority may be found in 2 Thessalonians 3 where, in rapid succession, Paul refers to his commands four times (in verses 4, 6, 10, 12) and by implication several other times (as when he demands obedience in 3:14): All of this follows closely after Paul's prayer that 'the word of the Lord may speed on and triumph' (3:1).

Such a rehearsal demonstrates, first, that though distinctions similar to 1 Corinthians 7 are not absent from the rest of the Pauline collection, they are only infrequently made with a similar degree of clarity. Secondly, the paucity of these references raises a preliminary doubt about the correctness of identifying the contrast between opinion and authoritative command as basic to the passage. And thirdly, our brief resumé allows us to identify a number of issues worthy of more careful attention: (i) Paul's relation to the Jesus tradition; (ii) the prophetic genesis of words of the Lord; (iii) the development of church custom; (iv) Paul's enunciation of his own *halakah*.

### III. *Paul's Relation to the Jesus Tradition*

Paul is extremely conscious of his role as an apostle (notice the agony of 2 Corinthians 3, the debates alluded to in Galatians 1-2) and the problems underlying the writing of 1 Corinthians). A recent study on apostolic authority by John Schütz/<sup>6/</sup> has discussed the legitimacy of an apostle and the relation between tradition and gospel.<sup>7/</sup> He concludes that an apostle's legitimacy 'lies in the combination of his calling to preach the gospel and his being granted a resurrection vision, but for Paul his authority has as its starting point the call to preach' (p. 281). The apostle is not 'the guarantor of the tradition' but 'a manifestation or illustration of the truth of the gospel' (p. 112). Schütz insists, in distinction from Birger Gerhardsson, <sup>8/</sup> who stresses the authoritative delivery of gospel tradition through apostles and eye-witnesses, that Paul refuses to erect any canon of legitimacy (p. 204). Apostleship is founded, not on one's role as a guarantor of tradition nor on one's role, to use Gerhardsson's image, as a developer of a talmud based on the mishnah of tradition,<sup>9/</sup> but on being in Christ.

Schütz' corrective is necessary. Nevertheless, Paul does not start *de novo*. Though he may not be a guarantor of the tradition he does know traditions of the Lord, and uses them as major turning points or fundamental data in

6. John Howard Schütz, *Paul and the Anatomy of Apostolic Authority* (SNTS Monograph Series 26. Cambridge: University Press, 1975).
7. See also J. D. G. Dunn, *Jesus and the Spirit* (Philadelphia: Westminster, 1975) 271-80; J. D. G. Dunn, *Unity and Diversity in the New Testament* (London: SCM, 1977) chapter 4; W. Schmithals, *The Office of Apostle in the Early Church* (Nashville: Abingdon, 1969) Part One.
8. Birger Gerhardsson, *Memory and Manuscript: Oral Tradition and Written Transmission in Rabbinic Judaism and Early Christianity* (Lund: C. W. K. Gleerup, 1961).
9. *Op. cit.* 295, 302. See also the criticism of G. Widengren, 'Tradition and Literature in Early Judaism and in the Early Church', *Numen* 10 (1963) 42-83, especially p. 80.

his argument./10/ He also cites, alongside appeals to tradition, words of the Lord in a few cases. It is still a matter of debate whether his use of *Herrenworte* is simply another part of the total stock of early Christian tradition to which he has access, or is based upon charismatic insight or utterances. In either case, we may assume that there are traditions about Jesus to which Paul had access./11/ and which he quotes when it suits his purpose./12/

### III. *The Prophetic Genesis of Words of the Lord*

In a recently published paper/13/ James Dunn has dealt sensitively and carefully with the question of prophetic 'I' sayings, claiming that 1 Corinthians 7:10 is a saying of the earthly Jesus, a part of the tradition about Jesus. This is an attractive view, and one that I should

10. Generally this reliance upon tradition is signalled by παραλαμβάνω/παράδοσις terminology, as in 1 Cor. 11:2 (on women); 11:23 (on the Lord's Supper); 15:1ff (on the resurrection); Gal. 1:9ff (on the gospel); 1 Thes. 2:13ff; 4:1; 2 Thes. 3:6.
11. We should not consider these cases 'unavoidable concessions to tradition' as A. Schweitzer does in *The Mysticism of Paul the Apostle* (London: Black, 1953 [r.p. of 1931]) 174.
12. On this generally, see W. D. Davies, *The Setting of the Sermon on the Mount* (Cambridge: University Press, 1964) 341-66; U. Wilckens, 'Tradition de Jésus et Kerygme du Christ', *RHPR* 47 (1967) 1-20; L. Cerfaux, 'La Tradition selon s. Paul' in *Recueil Lucien Cerfaux* (Gembloux, 1954) 253-63; D. M. Stanley, 'Pauline Allusions to the Sayings of Jesus', *CBQ* 23 (1961) 26-39; W. Schrage, *Die konkreten Einzelgebote in der paulinischen Paränese* (1961); and K. Wegenast, *Das Verständnis der Tradition bei Paulus und den Deuteropaulinen* (WMANT 8. Neukirchen, 1962).
13. J. D. G. Dunn, 'Prophetic "I"-sayings and the Jesus Tradition: the Importance of Testing Prophetic Utterances within Early Christianity', *NTS* 24 (1977/8) 175-198.

like to be able to accept without reservation; it is a view which is supported by the synoptic utterances parallel to 1 Corinthians 7:10./14/ There may, however, be reason to retain a distinction between 'traditions' and 'words of the Lord'. The following may be support for such a view: first, the term Lord is most naturally used of the ascended Jesus/15/; second, there is a neat and well maintained distinction between the standard terminology for 'tradition' and the 'Lord's-saying' material; and, third, where material parallel to gospel material is to be found in Paul, it does not use the language of command, as Lord's-saying material does./16/ Hence, though it flies in the face of the majority opinion, I am, attracted to the view of Oscar Cullmann that 1 Corinthians 7:10 points 'to the exalted Lord as the real author of the whole tradition'./17/

14. On the relation to the synoptic sayings see D. L. Dungan, *The Sayings of Jesus*, Part I, and David R. Catchpole, 'The Synoptic Divorce Material as a Tradition-Historical Problem', *BJRL* 57.1 (1974) 92-127.
15. That 'Lord' can, on occasion, refer to the earthly Jesus is certainly true, as in 1 Cor. 9:15.
16. I am indebted for this point to Ulrich Luz, *Das Geschichtverständnis des Paulus* (Beitrag zur evangelischen Theologie, 49. München: Kaiser, 1968) 327. He notes also that the formula ἐν λόγῳ κυρίου is found in the Septuagint where it refers to prophetic speech (p. 328).
17. O. Cullmann, 'The Tradition', in *The Early Church*, ed. A. J. B. Higgins (London: SCM Press, 1956) 59-99, especially pp. 68ff. He combines this emphasis with a stress on the historical Jesus. Also important is L. Cerfaux, 'La Tradition selon saint Paul' in *Recueil Lucien Cerfaux* I (Gembloux, 1954) 253-63, especially on the vocabulary used by Paul. See also R. Bultmann, 'Paul' in *Existence and Faith* (London: Collins, 1960 [= 'Paulus' RGG<sup>2</sup>]) 144; cf. H. Conzelmann, *1 Corinthians* (Philadelphia: Fortress, 1975) 120: 'The regulation given by the historical Jesus is also that of the exalted Lord: it is a supra-temporal command.'

A contrary judgement on that question would not materially affect the main point at this stage of the discussion: there is an important distinction between what the Lord says, or indeed does not say, and what Paul says. Whether Paul is drawing on a word of the risen Lord through his own charismatic insight or another prophet's, or whether he is drawing on oral tradition, it still is clear that what is learned from that source is to be kept discrete from what he himself thinks. The Lord speaks, and Paul speaks. When Paul speaks, he is presupposing his apostolic authority. The phrase λέγω ἐγώ, οὐχ ὁ κύριος of v. 12, together with verses 6, 8, 10, 25, 32, 35, 40, to name only some instances, is clear evidence of the apostolic ἐγώ.<sup>18/</sup>

But what force are we to give to this? Before turning to the halakic features of the passage, I want briefly to say something about church custom.

#### IV. *The Development of Church Custom*

Given Paul's concern for his position with respect to the church in Corinth, it is surprising to find that he refers to the practice of other churches to settle Corinthian controversies. Church custom has not been a well studied phenomenon, but that Paul relies on it, and in some cases rather petulantly, seems clear.

Two obvious examples will suffice: at the conclusion of a laboured defence of the custom of women's being veiled during participation in worship services Paul says, 'if any one is disposed to be contentious, we recognize no other practice (συνήθειαν)/<sup>19/</sup>, nor do the churches of God' (1 Cor. 11:16). In a similar vein he begins his comments on women keeping silent in churches with the phrase 'as in all the churches of the saints . . .' (1 Cor. 14:33b). With these two examples we may compare Paul's statement in 1 Corinthians 7:17: 'this is my rule in all the churches'.

18. See E. Stauffer, *TDNT* II, 343ff, on ἐγώ, especially p. 356.
19. Only three times in the NT: 1 Cor. 8:7; 11:16; John 18:39. It is used once as a loanword in rabbinic literature, see S. Krauss, 377, 611, and Jastrow, 966 (*Gen. R.* 50:4).

By the mid-fifties of the first century the gradual development of church custom was beginning to serve a need in the Churches for the settling of differences over Christian behaviour. We cannot outline the content of these customs nor describe exactly how they came to be developed, though it seems likely that some will have been based on the Jesus tradition, some based on statements from charismatics, and other parts may well be the product of Christian *midrash*.

The surprise - or should I say only my surprise - at finding Paul using customary material should not be glossed over too quickly. We are used to thinking of Paul as a splendid solitary figure, the bearer of a high degree of authority, independent in his judgements and refined in his arguments. It comes as a shock to hear Paul settling a question authoritatively by appeal to custom. It may be possible to argue that the custom in question is Paul's own custom. But I wonder. In fact 1 Corinthians 7:17 actually says 'and so I direct in all the churches', and it is left unstated whether Paul is directing them to do something that arises from his own wishes or from the wishes of others./20/

It is an attractive possibility that Paul is appealing to customs derived neither from his own insights nor in his own churches but rather to customs which have developed through others' preaching in the homeland of early Christianity. In support of that view, I notice the use of the expression 'the churches of God in Christ Jesus which are in Judea' (1 Thes. 2:14), 'the churches of Christ in Judea' (Gal. 1:22), and the terminology in Romans 16:4 ('churches of the gentiles') and 16:16

20. Διατάσσομαι, see Bauer-Arndt-Gingrich, *s.v.*, which suggests that the absolute use, as here, should be translated 'I make this rule in all the churches'; *cf.* G. Delling in *TDNT* VIII, 34ff, 'διατάσσεσθαι is obviously part of the apostolic office'. However in each case in Paul, with the possible exception of 1 Cor. 9:14 where the Lord is the subject, it has a somewhat softened sense. Here the sense may be that Paul has expected of the church behaviour already laid down elsewhere. *Cf.* also 1 Cor. 11:34; 16:1; Gal. 3:19; Tit. 1:5.

('churches of Christ').<sup>21/</sup> This need not be pressed, but it is possible that Paul, when appealing to the custom of the churches of God, and when asking that no offence be given to the church of God (1 Cor. 10:32) has in mind especially those customs which have developed in Palestine. Such a hypothesis would help to account both for the combative tone in the appeal to these customs in 1 Corinthians 11:16 and 14:33b, and for the tension between Paul's description of women's roles and the actual level of female participation in the Corinthian church.

#### V. *Paul's Own HALAKAH*

In his ethical advice, then, as represented in 1 Corinthians 7, Paul draws on Jesus traditions/charismatic words, and church custom. The major influence, however, is his rabbinic method/<sup>22/</sup>, developing rules for behaviour in a way closely akin to the evolution of rabbinic *halakah*. His midrashic exposition of torah (as in 1 Corinthians 10:1-22, 2 Corinthians 3, Galatians 3, Romans 4) has been carefully investigated/<sup>23/</sup>, and the results of those investigations have long been accepted. But his halakic discussions have not been so carefully studied, though 1 Corinthians 7 has been suggested as a case where 'the procedure followed by Paul when delivering decisions of halakic nature to his churches is set out with exemplary

21. Cf. also 1 Cor. 10:32; 11:22.

22. The term rabbinic is used here for convenience. It is of course true that its primary reference to post-Jamnian Judaism makes it slightly suspect. But insofar as the dominant Pharisaic school was the raw material out of which later rabbinic Judaism was hewn, it is not entirely inappropriate. The attempt by Morton Smith (as in 'A Comparison of Early Christian and Early Rabbinic Tradition', *JBL* 82 (1963) 169-76) to separate the two is not persuasive.

23. E. E. Ellis, *Paul's Use of the Old Testament* (Edinburgh: Oliver and Boyd, 1957) and in numerous other papers. See also Otto Michel, *Paulus and seine Bibel* (BFCT 18. Gütersloh, 1929 [r.p. Darmstadt: Wissenschaftliche Buchgesellschaft, 1972]); L. Goppelt, *Typos* (BFCT 43. Gütersloh, 1939 [r.p. Darmstadt: Wissenschaftliche Buchgesellschaft, 1969]); R. N. Longenecker, *Biblical Exegesis in the Apostolic Period* (Grand Rapids: Eerdmans, 1975).

clarity'.<sup>24</sup> X am going to describe rabbinic notions of authority (*reshuth*) though not without some diffidence because of my own partial knowledge of the nature of the material.<sup>25</sup>

The rabbis make decisions in a legal context.<sup>26</sup> Appeal is made in the first place to written *torah* as a source for legal decisions. Though this appeal may not always clinch the matter, it frequently forms the basis for a decision. Paul uses a similar method numerous times, as in the standard expression γέγραπται, and the like, and in the less frequent but more pointed expressions such as ἐν γὰρ τῷ Μωϋσέως νόμῳ γέγραπται (1 Cor. 9:9). In both rabbinic and early Christian circles, appeal to *torah* is considered fundamental as a source of authority or as a point of departure.<sup>27</sup>

But halakic exposition goes much beyond the adducing of written *torah*; it includes also oral *torah* and custom. With respect to oral law, as Gerhardsson points out,<sup>28</sup>

24. Gerhardsson, *Memory*, 311; see also Ellis, *Paul's Use*, 46, note 7; H.-J. Schoepsq *Paul* (London: Lutterworth, 1961) 56; W. D. Davies, *Paul and Rabbinic Judaism* (London: SPCK, 1962) 144.
25. I am here greatly indebted to my Research Assistant, Mr. Martin Shukster, whose knowledge of this material makes up for many of the gaps in mine.
26. See S. Zeitlin, 'The Halaka: Introduction to Tannaitic Jurisprudence', *JQR* n.s. 39 (1948) 1-40; he divides the sources of Law into 1. written *torah*; 2. halakah consisting of customs (*minhag*) and oral law; 3. *gezerah*, a decree usually negative; 4. *takkanah*, a decree usually positive; 5. *sig*, the fence around the Law to protect it.
27. An unusual case of this is found in the passage already mentioned in 1 Cor. 14:34, where Paul appeals to custom and then 'the law'. Usually he does not appeal to the Law as such (no doubt because of his polemic against 'law') but to Scripture. See on this general question, however, C. H. Dodd, "'Ἐννομος Χριστοῦ" in *More New Testament Studies* (Manchester: University Press, 1968) 134-48.
28. Gerhardsson, *Memory*, 254ff and *passim*.

it is important to distinguish between 'a former "legislative" act' and one which is still to be decided. In the former case the expression used is שמעתי ('I have heard') and in the latter case לא-שמעתי ('I have not heard')./29/ When, in 1 Corinthians 7:10, Paul appeals to the Lord's word as distinct from his own, and in verses 12 and 25 to his own word as distinct from the Lord's, the difference is closely parallel to the distinction between a legislation whose support is clear and one which is still to be decided or for which the support is not clear. Jesus is the source of the one and Paul the source of the other. The use Paul makes of the words of the Lord, and no doubt also of the traditions about Jesus as described above, is to be understood as a part of his general approach to oral law, as a part of his halakah. It is existing legislation./30/

There is, however, another side to this. Halakic scholars issue *takkanoth*, directives that have the force of law./31/ A *takkanah* is independent of and subordinate to written law, generally positive, and intended to fill a gap or to amend existing *halakah*. Most important,

29. See W. Bacher, *Die exegetische Terminologie der jüdischen Traditionsliteratur* (Leipzig, 1899 (vol. 1905 (vol. II)); esp. vol. I, 189ff. A colleague, Professor Alan Segal, has pointed out to me in a private communication that 'usually לא-שמעתי/שמעתי is used to extend the passage by means of a biblical support (or mishnah) . . . So לא-שמעתי should mean, I don't yet know the derivation of the law. It is not necessarily true that the law hasn't been decided; rather it may be that the practice is already clear, only its biblical support or mishnaic support is not clear. It may be that it existed and was known as *minhag* but someone desired to know its halakic roots.
30. There is a sense, then, in which Jesus is the author of a new Torah, as David Daube proposes; see *JTS* 39 (1938) 45ff; cf. also W. D. Davies, *Paul and Rabbinic Judaism*, 140-144.
31. See art. 'Takkanot', *Encyclopedia Judaica*, vol. 15 cols. 712ff; S. Ochser, art. 'Takkanah', *Jewish Encyclopedia*, vol. II, 669-676; S. Zeitlin, 'Takkanot Ezra', *JQR* 8 (1917-18) 61-74; J. Neusner, 'Studies of the Takkanot of Yavneh', *HTR* 63 (1970) 183-198.

*takkanoth* usually relax a law. A *takkanah* is rarely explained, just as in certain parts of 1 Corinthians 7 directives are given with relatively little discussion of the grounds for them. Perhaps the clearest example of this is in 1 Corinthians 7:6ff where Paul explicitly provides a ruling, in his own name, as a concession to his congregation's inability to follow the strictest line.<sup>32/</sup> With this we may readily compare the approach in verses 8ff, ('it is well for them to remain as I am myself, but if they cannot . . .'), and verses 25ff where, even in the context of impending eschatological distress, concessions are possible.

We should also distinguish between *takkanoth* and *gezeroth*, though the line is blurred. As a rule a *gezerah* is negative and *ad hoc*, designed to deal with a temporary problem which, when it ends, will lead to the abandoning of the *gezerah*. Such a negative and non-concessive approach may be found in 1 Corinthians 7:18: 'do not remove the marks [of circumcision] . . . do not be circumcised'. The reason for this is that the present time is temporary only and will soon pass.<sup>33/</sup>

We can go still further. Rabbis could appeal to custom - *minhag*.<sup>34/</sup> Sometimes this custom, having been accepted in practice, in time becomes binding and assumes the force of *halakah*; sometimes the custom is binding on one locality but not on another. Custom can be the decisive factor in a case of disputed opinions, or in addition to existing *halakah*, or the basis for

32. For a somewhat different interpretation, see David Daube, 'Concessions to Sinfulness in Jewish Law', *JJS* 10 (1959) 1-13.
33. Closely related to *gezerah* is *syag*, the fence around the law. With respect to 1 Corinthians 8 one could cite Hillel who said, against Shammai, that fowl and cheese were not to be eaten but also that fowl and cheese were not to be on the table together lest their presence tempt the weak to sin (*M. Hullin* 8:1). The *syag* is a secondary piece of legislation, designed to supplement and protect the law, so that it will be properly carried out; *cf. Pirke Aboth* I.1.
34. See M. Elon, art. 'Minhag', *Encyclopedia Judaica*, vol. 12, cols. 4-25; J. H. Greenstone, 'Custom', *Jewish Encyclopedia*, vol. IV, 395-398.

establishing a new norm in contradiction to existing *halakah*.<sup>35/</sup> Generally that norm will make the law more severe through added prohibitions. I have already referred in passing to church custom as a part of Paul's ethical arsenal. To those comments can now be added the observation that church customs should be understood within a rabbinic framework as sources of *halakah*. In each of the ethical examples cited earlier (especially those in 1 Corinthians 11:16 and 14:33b) the appeal to custom is, as in the use of *minhag*, aimed at greater strictness rather than a loosening.

Such a cursory review can only hint at the possibilities inherent in a comparison between rabbinic halakic developments and Pauline approaches to the laying down of behavioural norms for his congregations. Perhaps the hints are sufficient to allow a slightly more coherent look at 1 Corinthians 7, singling out those features which can be better understood on the basis of Paul's practice as a rabbinic authority.

Before doing that, one brief parenthesis is in order. In Judaism these halakic discussions would normally, though I think not always, take place in a legal or quasi-legal setting.<sup>36/</sup> In the case of a letter such as 1 Corinthians Paul is obviously acting on his own, not in a 'court' setting. Does this factor undercut the comparison? I think not. In the first place, Paul's view of his own authority allows him (maybe even prompts

35. Elon, 'Minhag'. It is worth noting that in the same article it is held that 'halakhic scholars maintained that in practice the diversity of customs might lead to division and strife and therefore laid down that a person should follow no custom but that of the place where he finds himself at any given time, if to do otherwise might lead to dispute' (p. 24). The presupposition of this is that different sub-groups in Judaism had different customs. This fact is suggestive for an understanding of early Christian conflicts; see also, without the advantage of this insight, my article 'Pauline Inconsistency', *NTS* 26 (1979/80) 347-362.
36. See Gerhardsson, *Memory*, 245-61, for an attempt to understand Acts 15 in this way.

him) to assume that in his dealings with his own churches he can 'lay down the law'. But further, he seems to think in terms of a kind of spiritual proxy. The best example of this is 1 Corinthians 5:1-5, where he has in mind the reading of his letter in the church setting, perhaps even in a near legal sense. So he says 'but I, being absent in body but present in spirit, have already given judgement', and he proceeds to dictate the appropriate verdict to them for their ratification when assembled as a community.<sup>37</sup> This strong indication of a quasi-legal apostolic activity mitigates the difficulties inherent in interpreting 1 Corinthians 7 in a similarly quasi-legal (but individualistic) fashion.

#### VI. *The Argument in 1 Corinthians 7*

For some reason Paul does not rely at all upon, nor even allude to, the Hebrew Scriptures in chapter 7. Even such an obvious reference as 'the two shall become one flesh' does not appear.<sup>38</sup> Thus, one of the fundamental authorities he frequently uses is absent; there is no midrashic exegesis, not even a mixture of arguments drawn from Scripture, from nature, and from reason as, for example, in chapter 11.<sup>39</sup>

Second, Paul has woven his comments on male/female relationships round the notion of mutuality. The chapter can be set out in parallel columns, with those things which are said about males being balanced by what is said about females, though from time to time he makes comments applicable to both. The sense of mutuality, evident simply in the structure, is a basic datum.

37. See E. Käsemann, 'Sentences of Holy Law in the New Testament', *New Testament Questions of Today* (London: SCM, 1969) 66-81, especially pp. 70ff.
38. See M. Lebrion, 'Genesis 2:24 as the Basis for Divorce in Halakah and NT', *ZAW* 72 (1960) 263-7. The fact is that Gen. 2:24 is not cited in this context at all, though it does appear at 1 Cor. 6:16.
39. See O. Michel, *Paulus und seine Bibel*, 162ff, especially his observations on the alternation of proofs from various sources.

Third, it is evident that Paul is replying to a situation already-existing in Corinth. This situation is a result of his previous contacts with the church,<sup>40/</sup> not only of his original preaching and teaching there but also of the subsequent developments that took place, especially when he left,<sup>41/</sup> and also as a result of the earlier letter.

We may now proceed to note some of the important sections in this chapter:

(a) The Corinthians and Paul have already discussed sexual ethics (*cf.* 1 Cor. 5:9) and that discussion has been summarized in the Corinthians' letter to Paul by the phrase which stands over chapter 7: 'it is well for man not to touch a woman'.<sup>42/</sup> To this phrase Paul now adds a series of concessions (vv. 2-5) predicated upon the temptation to immorality, and perhaps even referring back to the Corinthians' immorality (1 Cor. 5:1-13; 6:9-20). These concessions all relax the rigorous proposition which introduces the chapter as a whole, and are summarized in Paul's statement in verse 6: 'I say this by way of concession, not by command'.<sup>43/</sup> Even verse 7 is concessive, allowing for divergent practices based on different *charismata*. The point is that the Corinthian summary (that it is fitting for men and women not to have sexual relations) acts as a premise for the halakic discussion which follows. Paul agrees in principles as he does elsewhere (*cf.* 1 Cor. 6:12, 13; 8:1; 10:23), but adds his own lenient contributions to the discussion.<sup>44/</sup> All of this material constitutes a series

40. See John C. Hurd Jr., *The Origin of 1 Corinthians* (New York: Seabury, 1965); *cf.* also Alfred Schreiber, *Die Gemeinde in Korinth* (NTA 12. Münster: Aschendorff, 1977) from a sociological perspective.
41. See especially Schreiber, *Die Gemeinde in Korinth*, chapter IV.
42. On καλόν, see J. Weiss, *Der erste Korintherbrief* (KEK9. Göttingen, 1910) 170-1. *Cf.* also 1 Cor. 7:8, 25; 9:15.
43. See H. Lietzmann, *An die Korinther I/II* (HNT 95. Tübingen: J. C. B. Mohr, 1969) *ad loc.*, for the translation 'concession'.
44. Especially 7:4b, which goes much beyond acceptable Jewish views.

of *takkanoth* related to the original proposition (and presupposing Paul's rabbinic halakic authority). The *takkanoth* are intended to solve a local problem in a lenient fashion, when neither a scriptural nor a previous oral tradition suffices. The reason there is no previous opinion is, of course, that the same acute ethical problems have not previously been resolved in the context of the near end. It is that which has given rise to the problem, and in that context Paul the Rabbi issues his directives - *takkanoth*.

(b) Such leniency applies not only to the married (vv. 2-7) but to the unmarried and widows (vv. 8-9), so that all of verses 1-9 is bracketed by the proposition 'it is well for a man not to touch a woman' at the beginning and the advice at the end: 'it is well to remain as I am myself'. All of verses 1-9 presupposes Paul's authority to relax the more rigorous course of behaviour which, either because of the shortness of time or because of his own example,<sup>45</sup> might seem to be expected of Christians.<sup>46</sup>

(c) In verses 10ff another approach is taken. When Paul says, 'To the married I give orders, not I but the Lord', he identifies this as a command (παράγγελλω), in contrast to verse 6. In identifying this as the Lord's command, he is selfconsciously drawing upon a previous legislative act, an existing oral tradition: שמעתי. The matter of divorce is already decided: a wife should not separate (χωρισθῆναι), a husband should not divorce (ἀφιέναι).<sup>47</sup> Curiously, however, between these two complementary statements Paul inserts yet another concession: 'but if she does separate . . .'. Dungan has emphasized the peculiarity of this exemption. Given the paucity of citations of the Lord's words in Paul, the citation and then modification of one of them is startling. You must not separate, says the Lord; but if

45. Gerhardsson, *Memory*, 259, has underlined the importance of a rabbi's example.
46. Not only might this rigorous behaviour be expected of Christians; some within Corinth are obviously arguing for this behaviour as an essential ethical standard for all.
47. See David Daube, *The New Testament and Rabbinic Judaism* (London: Athlone Press, 1956) 362ff.

you do separate, remain single or be reconciled, says Paul. And if, as is likely, this is directed to those within the church (as the address of verse 12 'to the rest' implies) it is doubly strange./48/ So Paul cites a word of the Lord, orders obedience to it, and immediately allows an exception to it against the clear intent of both what the Lord says and what Paul himself commands. /49/

In verse 12 he goes on to say 'I have not heard' (לֹא־שָׁמַעְתִּי). In the case of mixed marriages, of course, the situation is sufficiently new that no fixed *halakah* has been developed. Thus Paul gives his own ruling, again relatively open and lenient, and allows for a variety of individual conclusions (vv. 12-16). More *takkanoth* have been issued.

In all of verses 1-16 the aim is the same. Paul develops *halakoth* to deal with the problems of the present situation: the delay of the *parousia*, immorality, sexual tension, separations, unbelief, children's status. In every case Paul's *halakah* is lenient, constructive, and concessive. Only in this context can Paul's exemption from the Lord's command in verse 10 be understood./50/

48. See D. L. Balch, 'Backgrounds of 1 Corinthians vii; Sayings of the Lord in Q', *NTS* 18 (1971/2) 351-358, who argues that Paul interprets the divorce saying in the same way Luke did, because his opponents were influenced by Q-theology. See also C. F. D. Moule, 'The Use of Parables and Sayings as Illustrative Material in Early Christian Catechesis', *JTS* 3 (1952) 75-9.
49. See H.-J. Schoeps, *Paul*, 56; he refers to 1 Cor. 7: 10 and 9:14 as two *halakah* decisions of Jesus which are 'of small importance' and 'burdensome'. But he dismisses the real question too lightly by such phrases. G. E. Ladd, *A Theology of the New Testament* (Grand Rapids: Eerdmans, 1974) 379, refers to Paul's near arrogance in placing his own authority on a level with that of the Lord.
50. See also David Daube, *The New Testament and Rabbinic Judaism*, 55ff: 'Quite often, as in this instance [*Mekh. Exod.* 20:12], the interpretation introduced by "I hear", "I might understand", is primitive, narrow, literal, compared with that accepted in its stead'. This allowance for the non-literal helps to understand Paul's procedure here.

(d) Closely related to this is the appeal to *minhag* in verse 17 ('and so I give orders in all the churches') and the following exemplifications of that (vv. 17-24). The leniency allowed by Paul in verses 1-16, when dealing with sexually-charged circumstances, is not always appropriate. As with *minhag* generally, Paul's appeal to it here indicated a restriction, a tightening of practice: 'each is to walk (note the resonance with  $\text{לָךְ}$ , 'to walk')I as the Lord has apportioned' (7:17). So the circumcised are to remain circumcised, the uncircumcised are to remain uncircumcised, the slave can stay as a slave./51/

(e) Paul now turns to the problems upsetting unmarried women and again says  $\text{לֹא שָׁמַעְתִּי}$ : 'I have not heard'. Neither existing oral *halakah* nor *minhag* solves these issues, and so he issues his own *takkanoth*, once again predicated upon what is 'fitting' (v. 25, cf. vv. 1 and 8)./52/ He refers for the first time explicitly to the present distress (v. 26) as the reason for remaining in one's existing state, whether married or single. But he proceeds immediately to allow a major concession: if the unmarried male or female marries, it is not sin. Paul summarizes his concessive *takkanoth* in this case in the phrase  $\epsilon\gamma\omega\ \delta\epsilon\ \acute{\upsilon}\mu\acute{\omega}\nu\ \phi\epsilon\acute{\iota}\delta\omicron\mu\alpha\iota$ : 'As for me, I am sparing you' (v. 28).

(f) Following his interpretation of the situation of unmarried women, he reinforces the sense of immediacy ( $\text{το\text{u}\text{t}\text{o}\ \delta\acute{\epsilon}\ \phi\eta\mu\iota}$ , v. 29) in a series of neat clauses, ending with the assertion that the form of this world is passing away (v. 31). So he wants them all to be free from care (vv. 32-34), a goal he summarizes in verse 35: 'I say this for your own benefit, not to lay a restraint upon you.' These are all non-halakic statements, yet it is remarkable how consistently concessive all this is. Even when the very difficult verses 36-38 are reached (and we are again in the midst of halakic developments) the emphasis continues to be concessive: 'let him do what

51. This controtrersial verse (7:21) is a problem. See S. Scott Bartchy, *First Century Slavery and I Corinthians 7:21* (SBL piss. Series 11. Missoula: SBL, 1973). On my showing, it is more likely to argue for remaining a slave, unless  $\alpha\lambda\lambda\acute{\alpha}$  should be given its full force (*op. cit.* 177ff).

52. See Michel, *Paulus*, 170ff.

he wishes' (v. 36), 'He shall do well' (v. 37), 'he does better' (v. 38), 'she is free to marry' (v. 39). The cumulative force of Paul's *takkanoth* is again solely in the direction of leniency. When the conclusion is reached in verse 40, Paul offers a very restrained opinion, and claims very gently to have the Spirit of God.

To conclude, the chapter in its entirety is a halakic exposition, predicated on the claim that it is good not to touch a woman. Paul makes a rabbinic distinction between previous oral tradition, which might be claimed to have settled a matter, and still undecided matters; but he relativizes even the previous tradition in a way consistent with the rest of the chapter. The *takkanoth* of chapter 7 all show a surprising degree of leniency in the Corinthian situation. In spite of the known difficulties, Paul makes concessions and allows for individual decisions about behaviour.<sup>53</sup> Behind chapter 7 must be presupposed a group asserting a very strict standard of sexual abstinence, a norm which Paul consistently undermines. He does this not by rabbinic biblical exegesis, though that approach was presumably available to him, but by rabbinic development of *halakoth*. The whole chapter functions as *halakah*, but lenient *halakah*. The attempt to distinguish between what is more and what is less authoritative - which was the starting point of the study - fails.

## VII. HALAKAH and the Hermeneutical Problem

That conclusion was unexpected. I had been fascinated by the care and precision with which Paul seemed to distinguish between levels of authority. I had thought that in such distinctions lay some clue to Paul's notions of authority. I did not find what I expected to find, and what I anticipated saying about authority cannot therefore be grounded on the distinction between apostolic authority and personal opinion, nor indeed on the distinction between what the Lord says and what Paul merely opines.<sup>54</sup>

53. Barty, *First Century Slavery*, speaks of the prevalence of 'exceptions' in the argument of 1 Corinthians 7 (pp. 161-72). The notion of 'concessions' is similar but, I believe, more correct.

54. Contra Dunn, 'Prophetic "I" - sayings', 180, and many others.

However, something may still be said, even if briefly, based on 1 Corinthians 7. *First*, Paul assumes a kind of authority for himself - an apostolic authority - which includes the possibility of developing *halakah*. This apostolic ἐξουσία, however, has several sides: it contains within it the right to command, yet even when commanding it is lenient. And even when Paul distinguishes between the Lord's and his own authority, he allows the believer ethical 'room' to decide on the degree to which the *halakah* is appropriate and supportable. This is not a generally accepted view of Paul's ethic.

*Second*, we are used to thinking of Scripture as decisive, yet in the case we have examined Paul eschews the use of Scripture to ground his *halakah*. Admittedly, his subject matter is difficult and the Corinthian situation tense. Still, he replaces an appeal to or midrashic exposition of Scripture by another rabbinic type of authority.

*Third*, not only does Paul take a lenient line in his arguments, but he actually seems to relativize a command of the Lord. As Dungan has shown he does this again in 1 Corinthians 9:14, and the cumulative force of these two instances, so close together, reinforces his audacity. It is worth noting, though only as a passing aside, that he completes his discussion of apostolic rights in 1 Corinthians 9 with the strongest assertion one could imagine ('all things to all men') of a relativized ethical stance (1 Corinthians 9:19-22).<sup>55</sup> This accommodatory stance is present in 1 Corinthians 7.<sup>56</sup>

*Fourth*, my suggestion at the beginning that Paul was self-conscious in his expression of opinion, concession, command and so on now needs an explanation. It occurs not because he assumes different levels of authority, nor because he is establishing *halakah*, nor even because he is altering the rigour of the Lord's command, but

55. See my article, 'Pauline Inconsistency', *NTS* (26 (1979/80) 47-362, and my 'Accommodation Ethics' (together with Paul Gooch), *Tyndale Bulletin* 29 (1978) 89-142.
56. Such a view militates against the acceptance of Dodd's view, "Ἐννομοῦς Χριστοῦ", about the existence of a substantial law of Christ.

because, in a very troubled situation, his *halakah* is more lenient than that of his opponents and is, therefore, open to easy misconstruction.

*Fifth*, Paul should be seen as developing *halakah* in a way similar to the rabbis. This means that, to some extent at least, he has a positive view of torah. Tempting as it is to view him as an antinomian, it is perhaps better to understand him as a 'neonomian'<sup>57</sup>, though such a description would need to be understood loosely enough to allow for an important place for the Holy Spirit.

*Finally*, Paul's willingness to go beyond his oral *torah* (the Lord's command) and in effect to come close to negating a prohibition by allowing what the command prohibits (and in 1 Corinthians 9:14 disavowing what the command requires), poses a very perplexing problem. It is not, perhaps, entirely dissimilar to what is found in other parts of the New Testament. In the Antitheses in the Sermon on the Mount, the controversy of Mark 7, the Apostolic Council, and other parts of the Pauline paraenesis, the intention of the Law is sometimes deepened, sometimes altered, sometimes relaxed. The question is a hermeneutical one: which parts are thus amended, strengthened or relativized? and where? and why? and when?

The evidence of 1 Corinthians 7 raises the problem. It also points towards a solution: 'the form of this world is passing away', 'I say this for your own benefit . . . for good order and undivided devotion to the Lord', 'and I think I have the Spirit of God'. Paul's hermeneutic was based on his perception of spiritual insight, aimed at an undivided response to the Lord, in an interim time when the urgency of imitating Christ took precedence over a rigorous pursuit of the law.

57. The term 'neonomian' was used by Stephen Katz in a seminar in the Graduate Centre for Religious Studies in 1979.