

Paul's Literal Interpretation of 'Do not muzzle the ox'¹

Summary

Paul appears to use an allegorical method to interpret the Old Testament on a few occasions. All of these have been shown to be typological or literal interpretations, except for his teaching from the text "Do not muzzle the ox" which he interprets as "Do not neglect to pay Christian ministers". However, in the eyes of a first century Jew this is a literal interpretation because it was assumed that wherever the Law said an "ox", it meant any kind of animal or human servant. This means that Paul no-where used the allegorical method.

Does Paul use Allegory?

Paul uses typology to interpret the Old Testament on many occasions, but he also appears to use allegory on a few occasions. Others have shown that his apparent allegories are either typology or literal interpretations, with the one exception of the text "Do not muzzle the ox". I will argue that this too is a literal interpretation.

The difference between these three methods of interpretation can be illustrated by one of the texts where Paul appears to interpret allegorically:

"the rock which followed - which was Christ" (1 Cor.10:4).

A typological interpretation of "the rock which followed" would argue from a comparison between the Rock and Christ, eg: Just as God cared for the Israelites by providing water from a miraculous Rock which followed them, in the same way God cares for his church by providing refreshment from Christ, who is always with us. This is based on the assumption that God works in similar ways in similar situations, and that Scripture is likely to highlight these similarities.

An allegorical interpretation would argue from a spiritual or hidden equivalence between the rock and Christ, eg: When Scripture tells us that the Rock followed Israel through the Wilderness, it also teaches us that Christ keeps especially close to the believer when he travels through times of spiritual dryness. This is based on the assumption that Scripture has hidden truths which can be fathomed by the initiate or a spiritually minded person.

A literal interpretation would argue from an actual equivalence between the Rock and Christ, eg: The Rock was a pre-incarnate appearance of Christ who followed Israel in this guise through Wilderness and provided water when they needed it. This is based

¹ This is adapted from 1 Corinthians 9.9-11: A Literal Interpretation of 'Do Not Muzzle The Ox' (NTS 38, 1992, 554-565).

on the strange fact that the same Rock was reported in more than one place - at Sinai (Ex.17:6), at Kadesh (Num.20:11), and perhaps also at Beer (Num.21:16-18)².

At first glance Paul appears to imply an allegorical equivalence, because he says “The Rock was Christ”. But comparisons with traditional Jewish interpretations suggest that Paul had a literal equivalence in mind. Traditional Jewish sources preserve all three types of interpretation.

A typological interpretation:

“Wherever Israel may turn, God will go with her in order to provide water for his people”³.

An allegorical interpretation:

“The Rock of flint is the Wisdom of God from which he feeds the souls that love him”⁴.

A literal interpretation:

“the living well... which had been hidden... which was dug by the fathers of the world, Abraham, Isaac and Jacob, the princes who were of old”⁵.

The last interpretation literally identifies the rock with a well which the Patriarchs had dug and which had remained hidden in the mean time. This interpretation developed into a detailed legend about a well in the shape of a rock which followed Israel through the wilderness. Although it is unlikely that Paul referred to this legend,⁶ it is likely that Paul had something like this in mind when he says that the Rock “followed them”.

A literal acceptance of the Old Testament text entailed belief that the Rock moved, because it was reported in more than one place. The modern reader would assume that the two place names indicated an error of some kind or that there were two similar rocks, but an ancient reader would assume that this pointed to a great miracle. This, together with the fact that the Rock was identified with Wisdom⁷ and with God⁸,

² Rabbinic literature preserves legends which link this well with the Rock. This is seen most fully in t.Suk.3:11 and NumR.1:2. These probably represent a later development, but the concept of a Rock which followed Israel through the wilderness is attested to by the first century author Pseudo-Philo (*Biblical Antiquities* 10:7 “a well of water followed them” and 1:15 “the water of Mara followed them in the desert 40 years).

³ Mekh.Ex. 17:6. This is a relatively late source which preserves some early traditions. It is impossible to decide if this tradition dates back to the first century.

⁴ Philo Leg Alleg. 2:21. See also Wisdom of Sol. 2:4 where Wisdom is associated with the giving of “water out of a flinty rock”.

⁵ Tg.Onk Num.21:18. This is a late collection of Targum interpretations which can contain early material. It is likely that this interpretation is relatively early because the Well Midrash at Qumran (CD.6:3ff) appears to be a response to it. The main thrust of the Qumran exposition is to identify the “princes” who dug the well, and the main point of the Targum story is that these princes were the Patriarchs.

⁶ It was probably not fully developed till after Paul, and many details would not fit in with Paul’s interpretation. See E.E. Ellis “A Note on First Corinthians 10:4”, *JBL* 76 (1957) 53-56.

⁷ See note 4

⁸ God is frequently called the Rock in the Old Testament - eg Gen.49:24; Deut.32:4, 15, 18, 30, 31; Ps.18:31; 62:2; 78:35; 89:26; 95:1.

made a literal theophany seem logical and inevitable to a first century mind. A Literal interpretation is also suggested by Paul's use of the past tense when he says "the Rock *was* Christ" instead of "the Rock *is* Christ" which would be expected in an allegory.⁹ For these reasons most commentators accept that Paul used a literal interpretation of the Rock texts, although his idea of 'literal' may be very different from ours.

Another text which appears to be allegory is Gal 4.22—31, which Paul himself called 'allegorizing'. However, several commentators have pointed out that this is actually a complex typology and not an allegory in a strict sense.¹⁰ This is not too surprising, because allegory had not yet become popular in rabbinic Judaism in which Paul claims to have been trained. By the first century it was very popular in Alexandria, where it is exemplified by Philo, and it was starting to appear in Qumran and other sectarian literature. But allegory did not infiltrate rabbinic Judaism till after 70 A.D.¹¹ and did not have much influence till Akiva in the mid second century. In Gal.4 Paul may have been trying to show that he could compete with the likes of Apollus, whose Alexandrian style of teaching seemed to impress so many people (Acts 18:24; 1 Cor.3).

However, concerning 1 Cor 9.9-11¹² there is general agreement that Paul is interpreting allegorically. Hanson admits: 'it is technically allegory, for there is no integral connection between a clergyman and an ox'.¹³ Even Jeremias, who regards Paul as conforming to Hillelite exegesis in every other instance, regards 1 Cor.9.9—11 as an example of Hellenistic Jewish allegory.¹⁴ Fee disputes that allegory is the correct term,¹⁵ arguing that 'Paul does not speak to what the law *originally meant*, . . . [but] what it *means*, that is, with its *application* to their present situation' (his italics). Like Lenski¹⁶ and others he suggests that Paul has derived a general principle from the law, but he does not present a convincing methodology by which Paul did this

⁹ See e.g Robertson & Plummer, *ICC I Corinthians* ad loc., and Fee *NIC I Corinthians* ad loc.

¹⁰ A.T. Hanson, *Studies in Paul's Technique and Theology* (London: SPCK, 1974) 161. F. F. Bruce, 'Abraham Had Two Sons — a Study in Pauline Hermeneutics', *New Testament Studies — Essays in Honor of Ray Summers in his Sixty Fifth Year* (ed. H. L. Drumwright and C. Vaughan: Waco, Texas; Baylor University, 1975) 71-83; 83. O. Michel, *Paulus und seine Bibel* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1972) 110. Goppelt *Typos: The Typological Interpretation of the Old Testament in the New* (E.T. by Donald H. Madvig, Grand Rapids: Eerdmans) 139.

¹¹ In my survey of early rabbinic exegesis, of the approximately one hundred examples of exegesis which could be dated before 70 CE, not one used allegory, or even attempted to interpret anything other than the plain meaning of the text - see D. Instone Brewer, *Techniques and Assumptions in Jewish Exegesis before 70 CE* (Tübingen: J. C. B. Mohr [Paul Siebeck] 1992).

¹² Other important studies not otherwise cited include: J. T. Noonan, Jr, 'The Muzzled Ox', *JQR* 70 (1980) 172-5; G. M. Lee, 'Studies in Texts: 1 Corinthians 9.9-10', *Theology* 71 (1968) 122-3.

¹³ A. T. Hanson, *The Living Utterances of God: The New Testament Exegesis of the Old* (London: Darton, Longman and Todd, 1983) 136.

¹⁴ J. Jeremias, 'Paulus als Hillelit', *Neotestamentica et Semitica: Studies in Honor of Matthew Black* (ed. E. Ellis and M. Wilcox; Edinburgh: T & T Clark, 1969) 88-94: 89.

¹⁵ G. D. Fee, *The First Epistle to the Corinthians* (New International Commentary on the New Testament; Grand Rapids: Eerdmans, 1987) 407.

¹⁶ R. C. H. Lenski, *The Interpretation of St. Paul's First and Second Epistles to the Corinthians* (Minneapolis, Minn.: Augsburg, 1937) 361-2.

except to say that it is ‘analogical’.¹⁷ Kaiser claims that Paul’s interpretation is literal, saying that Paul did not ‘resort’ to allegory, because his interpretation was already implicit in Deut 25.4,¹⁸ though he too fails to present Paul’s methodology.

Paul’s interpretation of muzzling the ox

In 1 Cor.9:9-11, Paul cited his text, then presents an exegesis with four stages:

In the Law of Moses it is written: You shall not muzzle a threshing ox.

- 1) Is God concerned with oxen? [No]
- 2) Is it not surely/altogether (*pantw*¹⁹) said for us? [Yes]
- 3) Certainly it was written for us because:

*He who ploughs should plough in hope,
and he who threshes [should thresh] in hope that he will partake.*

- 4) If we sowed spiritual things for you, much more should we reap material things from you.

Paul used the timeless technique of arguing from what is accepted towards that which he wished to prove. Stages 1—3 all have parallels in rabbinic legislation and would have met with approval. Point 4 is the conclusion when these are accepted.

1) *Does the provision ‘do not muzzle the ox demonstrate God’s great love for oxen?*

Any rabbinic Jew would immediately answer ‘No: it states a command which we should obey’.

In the early days of synagogue worship, before the wording of the services had a fixed form, there was need of guidelines concerning what could and could not be included in prayers. One of these guidelines was: ‘If a man said [in his prayer]: “To a bird’s nest do Thy mercies extend” (cf. Deut 22.7) . . . they put him to silence.’²⁰ It was forbidden to praise God for his compassion to animals as demonstrated in the Torah, in case it was felt that this detracted from the literal observance of the decree.²¹ The Law was not given to display God’s character but to be obeyed.

¹⁷ G. D. Fee, *1 Corinthians*, 408.

¹⁸ W. C. Kaiser, Jr, ‘The Current Crisis in Exegesis and the Apostolic use of Deuteronomy 25.4 in 1 Corinthians 9.8-10’, *JETS* 21 (1973) 3—18.

¹⁹ H. St. J. Thackeray pointed out (in *The Relation of St. Paul to Contemporary Jewish Thought* [London & New York: Macmillan, 1900] 194) that *pantw* could be translated ‘surely’, as in the Vulgate (*utique* instead of *omnino*). He claimed that Paul used *pantw* in this sense in every instance except 1 Cor 9.22. Although he may have spoiled his case by over-stating it, this is a valuable suggestion which has been taken up by many scholars. It is especially valuable because it appears to remove the implication that Paul is denying the plain meaning of the text. However, it still leaves the question as to why Paul wrote in such a dangerously ambiguous manner. In the present exegesis, *pantw* can be read as either ‘surely’ or ‘altogether’

²⁰ m.Ber. 5.3; m.Meg. 4.9

²¹ The most likely reason for this is ‘because he presents the measures taken by the Holy One, blessed be He, as springing from compassion, whereas they are but decrees’ (*b.Ber.* 33b; cf. *y.Ber.* 5.3).

Although Philo and Josephus cited the law of not muzzling the ox as an example of the humane character of the Law,²² this was for teaching Gentiles. Gentiles were entitled to an explanation, but as far as an Israelite was concerned, it was sufficient that God had ordained it.²³

Therefore Paul can ask: *Does this decree demonstrate that God cares for oxen?* and be confident that the answer is No. However there is still the doubt nagging in the back of the mind of even a faithful Jew: If God did not give this decree for the sake of oxen, then why did He give it?

2) *Is the decree not altogether for man's benefit?*

A rabbinic Jew would answer: Yes, the whole Law is given for man to obey, and to receive blessing through that obedience. This blessing would not be a reward for obedience, but the blessing of knowing that they had obeyed God. It was the hypocrites who obeyed the Law in order to receive reward or to escape punishment.²⁴ Paul does not mean to deny the literal observance of this Law, because his continuing argument will depend on its literal interpretation. But he points out, as any Jew would have done, that the law was not written for the ox to obey, but for man, and although this obedience would benefit the ox, this was insignificant compared to the benefit for the man who obeyed it.

In the age of Animal Rights and Environmental Politics this understanding is difficult to appreciate. However, older commentators had no difficulty. For example Henry Alford argued in a very similar vein,²⁵ (his italics):

Every duty of *humanity* has for its ultimate ground, not the mere welfare of the animal concerned, but its welfare *in that system of which MAN is the head*: and therefore *man's* welfare. The good done to many's immortal spirit by acts of humanity and justice, infinitely outweighs the mere physical comfort of a brute which perishes.

This attitude does not betray insensitivity towards animals, but a realistic approach to the Law. It is written for those who can read it, as Philo says: 'The Law does not prescribe for unreasoning creatures, but for those who have mind and reason.'²⁶ Luther puts it characteristically bluntly: 'Oxen cannot read.'²⁷ The decree is given altogether for man's benefit, who is far more important than an ox. Man benefits by obeying God, but as Paul (and the rabbis) go on to argue, man also benefits along with the ox by having the right to eat from the produce he labours over.

3) *Certainly it was written for us because: A labourer may partake of crops he ploughs or threshes.*

This is almost a paraphrase of a verse of Mishnah:

²² Philo *Virt.* 145—6; Jos. *Ant.* 4.233 [8.21]

²³ This is seen in the different reply which Yohanan b. Zakkai (late 1st cent.) gives to his disciples and to a Gentile concerning the Red Heifer (*Pesikta Rabbati* 14; *Num.Rab.* 19.8).

²⁴ *y.Ber.* 9.7 14b

²⁵ H. Alford, *The Greek Testament* (Chicago: Moody, 1958) 2.544.

²⁶ *Spec.Leg.* 1.260

²⁷ Quoted in Lenski, 361.

These may eat [of the crop in which they labour] by virtue of what is enjoined in the Law: he who labours on what is still growing after the work is finished [i.e. from ploughing to reaping], and he who labours on what is already gathered before the work is finished [i.e. threshing]. (*m.B.Mes.* 7.2)

It seems likely that Paul had this specific ruling in mind, though in his day it would have existed as oral law, rather than written tradition. His paraphrase divides up the ruling into the same two categories and in the same order: first labourers working on crops which are planted (ploughing), and then labourers working on crops no longer planted (threshing). He therefore appears to be quoting or referring to a well known oral ruling. He preceded the quotation with a OJti which might be regarded as *recitativum*,²⁸ rather than with “it is written” which would have been normal for a written source.

Paul appears to emphasise the link between human labourers and oxen by naming the two activities in which both men and oxen are involved: ploughing and threshing.²⁹ This is similar to the way in which a scriptural foundation was found for this ruling, which is recorded by later rabbis in the Talmud. First they found the reason why an ox has these rights and then why men also have these rights.³⁰ Although the Talmudic exegesis was probably added far later than the original ruling in Mishnah, it is likely that this was a traditional exegesis. The Mishnah states that this ruling (unlike a great number of rulings) was based on the written Law, so an exegesis did exist to substantiate the ruling though, as usual, Mishnah omits this exegesis. This conforms to the style of early exegeses. It depends only on the plain meaning of the text and uses a common early argument called *Kal vaHomer*, ‘from minor and major’ (“if this major thing is allowed, then surely this minor thing is allowed as well”). There therefore is no reason to believe that this is not the exegesis envisaged by the Mishnah.

Stages 1—3 in Paul’s exegesis have merely stated what was orthodox rabbinic thought. God’s Law is not to be used as a demonstration of His mercy to animals - it

²⁸ Weiss and then Conzelmann argued that the OJti of v. 10 is *recitativum* and that the rest of the verse is a quotation from an apocryphon. Most replied, like Robertson and Plummer that ‘this is a most improbable construction: there is no such Scripture. It is unlikely that Paul knew this mishnah in any written form (except as private notes), so this is not true *recitativum* linked with *ejgraph* but the construction does suggest that his readers would recognise the citation. J. Weiss, *Der Erste Korintherbrief* (Göttingen: Vandenhoeck & Ruprecht, 1910) 237. H. Conzelmann, *I Corinthians* (Hermeneia; Philadelphia: Fortress, 1975) 155.A. Robertson and A. Plummer, *A Critical and Exegetical Commentary on the First Epistle of St. Paul to the Corinthians* (The International Critical Commentary; Edinburgh: T & T Clark, 1914) 185.

²⁹ See Philo *Virt.* 145 [271]

³⁰ The ruling states that a labourer may eat any crop which a) is still planted, and b) is no longer planted. The Talmudic commentary discusses this at length (*b.B.Mes.* 87a—91b). Both halves of the ruling are derived from scripture and they are each applied to both human labourers and animal labourers. First, the ruling that a human labourer may eat from a crop which is still planted is derived simply from Deut 23.25—6 and then discussed (*b.B.Mes.* 87a—88b). Secondly, it is assumed from Deut 25.4 that an animal may eat from a crop which is no longer planted. Then the Talmud continues: ‘We now know that man [may eat when employed upon] what is attached to the soil, and an ox of what is detached; whence do we know that man may eat of what is detached?’ They cannot find a separate scripture so they argue by *Kal vaHomer*: ‘It follows a *minori*, from an ox: if an ox, which does not eat of what is attached, may nevertheless eat of what is detached, then a man, who may eat of what is attached, may surely eat of what is detached!’

is to be obeyed. The Law was written not for animals, but for man to obey. Obedience to a decree showing mercy to animals actually benefits the obedient man far more than the animal. But a human labourer also benefits from the law forbidding muzzling of oxen, because he too may eat from grain he threshes.

4) *If we worked on a spiritual crop, much more should we partake from a material crop.*

This is another *Kal vaHomer* argument: If a labourer may eat of a valuable crop he is working on, then surely he is allowed to eat from a less valuable crop instead.

This is Paul's only new argument, and it is unanswerable. He has used the same exegetical technique accepted before at stage 3, and based it on the same texts. The technique of *Kal vaHomer*, unlike some other exegetical techniques, could be used to derive a new legal ruling which had all the force of the original written Law, and used properly was virtually unquestionable. The only way in which his opponents could challenge Paul's argument would be to demonstrate some difference between the labour which Paul did and the labour intimated by Deut 23.25—6 or Deut 25.4. Perhaps Paul had this defence in mind when he already established the similarity of the ministry to agricultural labouring at 1 Cor 3.5—8.

In this exegesis, Paul has derived from the Law the right of a Christian worker to wages. He has based this on a literal interpretation of Deut 25.4 and on the contemporary understanding of the term 'ox' in the Law as a reference to all types of labourer, human and animal.

Possible objections

There are three main objections to this exegesis which must be dealt with:

- 1) There are parallel texts in Philo and Aristeas which suggest that Paul is arguing for the use of allegory.
- 2) The rabbinic material is much later than Paul.
- 3) The exegesis ignores or goes beyond the plain meaning of Deut.25.4.

The texts in Philo and Aristeas which are often cited as parallels to 'Does God care about oxen' are:

Philo *Somn.* 1.93 [re. Exod 22.26—7]:

Do not those who feel that the Lawgiver feels all this concern about a cloak deserve, if not reproach, at least a reminder in such terms as 'What are you saying, good sirs? Does the Creator and Ruler of the universe speak of Himself as compassionate in regard to so trifling a matter as a garment not returned to a debtor by a lender of money?'

Aristeas 144:

Do not take the contemptible view that Moses enacted this legislation because of an excessive preoccupation with mice and weasels or suchlike creatures.

Philo and Aristeas go on to explain the allegorical meaning of the cloak and of weasels. Their attitude is similar to the modern legal maxim *de minimis non curat lex*

- the law takes no notice of trifles. If such trifles are present in the perfect Law, then there must be some hidden meaning.

However, for the rabbis there was no matter too trifling for God, and if he decreed it, one should obey it, even if no reason could be found. Paul cannot have meant to imply that the literal meaning should be abandoned, because he depended on the literal meaning to prove that men, who were included in the term 'oxen', should also be allowed to share the crop they laboured in.

A more likely understanding of Paul's phrase is, as argued above, that the Law was written to benefit *man*, who obeys it. The man who, through obedience, shows mercy, gains far more than the one receiving the mercy.

The second objection, about the use of late rabbinic sources in NT studies is a frequent and usually valid complaint. The dating of rabbinic material is still an inexact art, and the only safe route is to find validation in several different types of material, preferably including the LXX, Philo, Josephus, or possibly the Targumim. In most cases this is impossible, because unless the matter is frequently discussed it is unlikely that enough sources will have survived.

The key discussion linking Deut 25.4 with a human labourer occurs only once as an anonymous exegesis in the Talmud.³¹ It is likely, as argued above, that this is an accurate reflection of the exegesis referred to in the earlier Mishnah passage, but this mishnaic ruling is also very difficult to date.

However, it is not necessary to show that Paul was alluding to this particular rabbinic ruling. It is only necessary to show that Paul's argument would be understood by contemporary Jews and that he was arguing in a way that would be acceptable to them. The fact that other Jews used very similar arguments suggests that this was so.

"Ox" includes all animal and human servants

The most important factor which underlies this argument in both Paul and in the Mishnah/Talmud is the equivalence of the rights of human servants and oxen. It was generally in the Jewish world that decrees which referred to an ox could be applied directly to a human servant.

There are two examples of this equivalence in exegeses which can, relatively securely, be dated before 70 CE.

An event happened when a slave of King Yannai killed a man. Simeon b.Shetah said to the Sages: Place your eyes on him and let him be judged. They sent to him: Your slave killed a man. He delivered him [the slave] to them. They sent to him: Come here yourself likewise. Torah says: *And warning is given to its owner* [Exod 21.29] - the owner of the ox must come and stand with his ox. (*b.Sanh.* 19ab).

When the king sent his guilty servant to stand trial, Simeon sent a message that the king should come and stand with his 'ox' (i.e. his servant), as the Torah demanded

³¹ *b.B.Mes.* 88b

(Exod 21.29). This can be dated early because Josephus records the same event, although there are important differences in his account.³²

The second example is a dispute between the Pharisees and the Sadducees. These disputes can generally be dated before 70 A.D. because the Sadducees lost virtually all their influence after the destruction of Jerusalem.³³

The Sadducees say: We protest against you Pharisees, for you say: My ox or my ass which has caused damage is liable [for compensation - Exod 21.29—32], but my male or female slave which caused damage is not liable. Why is it that for my ox or my ass, for which I am not liable for commandments concerning them, I am liable for damages, but my male or female slave for whom I am liable for commandments concerning them [e.g. Exod 21.20,26—27], is it not logical that I am liable for damages? The Pharisees say: No, If you say [this] concerning my ox or my ass which have no understanding, will you say it concerning my male and female slaves which have understanding? If I anger them, they will go and burn the grain stack of another and I will be liable for compensation. (*m. Yad.* 4.7).

The argument concerns whether or not a master is liable for damage done by a servant. The details of the argument is not important here,³⁴ but it is significant that both Pharisees and Sadducees assumed the equivalence of ‘ox’ and ‘servant’. The Sadducean argument depended on this equivalence, but they did not feel any need to substantiate it. The Pharisees did not dispute it, and even carried it further.

This debate represents just one of the multitude of debates which must have occurred concerning these verses, because a large body of the law of tort is based on the equivalence of a man with a dangerous ox. The Mishnah tractate *Baba Qamma* (which deals with tort) starts with a definition of damages according to the four categories of damage dealt with in Scripture, the first of which is the Ox.³⁵ This tractate is based on the same assumption as found in the Pharisee-Sadducee debate, that an ox which is known to be dangerous is equivalent to a human,³⁶ but not an ox which has previously been thought to be safe (for which no damages were liable - Exod 21. 28). This assumption is not explained or justified anywhere. It seems that ‘ox’ was regarded as a standard legal term for a servant or labourer of any species.

³² He records that ‘Sameas stood up to King Herod after Herod’s soldiers had slaughtered some untried bandits’ (*Jos. Ant.* 14.168—76 [9.4]). Although Josephus does not record that Herod first sent a soldier to stand trial, he does describe how Herod then brought with him a large band of soldiers into court. Both the Talmud and Josephus record how the rest of the Sanhedrin were cowed into submission, and all but Simeon/Sameas were subsequently killed (cf. *Ant.* 15.2—4 [1.1]). The record in the Talmud is clearly not as old as the event, because enough time has elapsed for Herod to be confused with Alexander Yannaeus, who also had conflicts with the Sanhedrin. However, the core of the story is accurate, and the exegesis is unlikely to have been added later because it is integral to the story.

³³ This exegesis is unlikely to be a later invention by the Pharisees, because they only just come out on top, mainly by having the last word. The exegetical argument of *Kal vaHomer* used by the Sadducees is well constructed and based on the context of the main text, but the rebuttal by the Pharisees is based mainly on pragmatic issues.

³⁴ For a detailed analysis of the argument see my *Techniques and Assumptions* 94-95

³⁵ The four are: ‘the ox [Exod 21.28—32,35—6], the pit [Exod 21.33—4], the tooth [which eats — Exod 22.4(5)] and the fire [Exod 22.5(6)]’.

³⁶ *m.B.Qam.* 3.8

Even in the earliest strata of this tractate there is no interest in proving this equivalence, though exceptions to this general rule are noted.³⁷

This equivalence of oxen and humans is also assumed in debates which involve the decree prohibiting muzzling. A wife was accused of stealing grain from her husband because she ate some grain which she was grinding, and R. Joseph (3rd cent.) defended her by saying: 'The ox eats of his threshing'.³⁸ Another woman, who was a childless widow, was being forced into a levirate marriage to her dead husband's brother, who was ugly or poor or both. R. Eliezer b. Azariah (end 1st cent.) said that she should not be 'muzzled' - i.e. gagged, or prevented from expressing her dissent from the marriage.³⁹ This exegesis is probably much older, because the LXX and Targums allude to it.⁴⁰

The third objection, that Paul's exegesis goes beyond the plain meaning of the text, is true only for the modern reader.⁴¹ As far as Paul's contemporaries were concerned, an 'ox' in scripture implied any labourer, of any species of animal, including human.

With our historico-critical approach it is clear to us that the author of Exod 21 did not have in his mind the vast body of tort which was finally derived from it. The Book of the Covenant was certainly not written with the assumption that 'ox' meant anything other than 'ox'.

However, for Paul's contemporaries, the Torah was given by God to Moses. It was the perfect Law, capable of ruling on every aspect of human life and in which every decree was perfectly interrelated with every other decree. They assumed that if the ox was named in a decree while other animals were not specified, this did not mean that the Law had forgotten or neglected the others. Therefore, they reasoned that "ox" must be shorthand for "animal and human servants". This is similar to the way in which modern case law derives rulings from cases which are not identical but which are similar in significant details.

This equivalence of 'ox' with all labourers is not just a legal nicety, but lies at the core of the Jewish understanding of their Law. Even when Josephus is speaking about the literal significance to oxen of the ruling 'do not muzzle', he calls oxen 'our fellow labourers' *suneirgasmenou*.⁴²

³⁷ *m.B.Qam.* 3.10; 8.2

³⁸ *b. Git.* 62a

³⁹ *b.Mak.* 23a; *b.Yebam.* 4a. This argument is based on the exegetical technique *Samuk*, i.e. exegesis together with the neighbouring ruling, which in this case concerns levirate marriages (Deut 25.5—6). L. Ginzberg ('Allegorical Interpretation') and Bonsirven (*Exegèse Rabbinique*, 227-8) argued that Paul could have derived his ruling in 1 Cor 9.9-11 from this exegesis alone.

⁴⁰ The LXX translates using *fimow* which is to 'gag' generally, instead of *chmow* which Paul used and which means more specifically to muzzle. The better MS evidence for *fimwsei* is outweighed by the likelihood that *khmwsei* would have been absorbed from the LXX. The Jerusalem and Palestinian Targumim read: 'You shall not muzzle the mouth of the ox in the time of his treading out; nor the wife of the [deceased] brother, who would be mated with one smitten with an ulcer, and who is poorly related, shalt thou tie up with him.'

⁴¹ Cf. M. D. Hooker, 'Beyond the Things That Are Written? St Paul's Use of Scripture', *NTS* 27 (1980-1) 295-309: 305.

⁴² *Ant.* 4.233 (8.21)

In conclusion, the understanding that ‘ox’ in Scripture implied all labouring species was already well established by the time of Paul. It was a founding principle in the law of tort, and it is assumed in many other individual debates. Most significantly it is assumed by both sides in a Pharisee-Sadducee debate and by an exegesis dependent on Deut 25.4 which is witnessed to by the Targumim and possibly the LXX.

This exegesis is unique among Paul’s exegeses, but not because it is an example of allegory as others have argued. It is unique because it is the time when Paul derives a new law from Scripture. New laws or *halakot* are very common in rabbinic Judaism, but this is the only occasion when we see it in the writings of Paul. Here he mustered all his legal expertise, using legal terminology, quoting legal rulings, and employing legal exegetical techniques that a contemporary rabbi would have been proud of.⁴³ He prefaced this exegesis with ‘as it is written in the Law of Moses’ - a unique introductory formula for Paul.⁴⁴

This exegesis represents a new halakah derived by Paul from the Torah in a thoroughly rabbinic way, which makes it all the more striking when he does not ask the Corinthians to obey it. E. P. Sanders pointed out that ‘Paul as a rule does not cite commandments . . . and *then* say that they should be obeyed.’⁴⁵ Paul has argued like a Jewish legal expert, but he does not apply his conclusions like one. He has derived a ruling which carries all the force of the written Law, but he does not demand obedience. He preached freedom from the Law, so although he has demonstrated his rights under the Law, he does not claim them.

⁴³ D. Cohn-Sherbok, who regarded Paul’s exegeses as thoroughly Pharisaic, said that nevertheless ‘certain aspects of rabbinic exegesis, such as the expansion of Scriptural law, are absent from the epistles’ - ‘Paul and Rabbinic Exegesis’, *SJT* 35 (1982) 117-32: 132. If my conclusions are correct, Paul is thoroughly Pharisaic in this respect too.

⁴⁴ The exactly equivalent phrase ככתוב בתורה משה occurs in rabbinic sources, e.g. *b.Yoma* 35b, 66a.

⁴⁵ E. P. Sanders, *Paul, the Law and the Jewish People* (London: SCM, 1985) 107.