

## 1 CORINTHIANS 9.9-11: A LITERAL INTERPRETATION

### OF 'DO NOT MUZZLE THE OX'

When Paul interprets 'Do not muzzle the ox while threshing' as 'do not neglect to pay Christian ministers' commentators have quite naturally assumed that his exegesis was allegorical. However, comparisons with contemporary rabbinic exegesis suggest that this would have been regarded as a literal interpretation of the plain meaning of the text. Even commentators who have wished to rid Paul of all allegory have concluded that here Paul *does* use allegory. A. T. Hanson,<sup>1</sup> F. F. Bruce<sup>2</sup> and O. Michel<sup>3</sup> have all argued that Gal 4.22—31 is typology, even though Paul claims that it is allegory. Hanson explains that 'his typology becomes so complicated that it is beginning to verge into allegory, but Michel simply says that Paul is mistaken. However, concerning 1 Cor 9.9—11 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',<sup>4</sup> but Paul used allegory unconsciously because 'the analogical use of [this text by the rabbis] would be more familiar than the literal.'<sup>5</sup> 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.<sup>6</sup>

Fee disputes that 'allegory is the correct term,<sup>7</sup> 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 Lenski<sup>8</sup> 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 except to say that it is 'analogical'.<sup>9</sup>

Kaiser however does claim that Paul's interpretation is literal. He says that

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<sup>1</sup> A.T. Hanson, *Studies in Paul's Technique and Theology* (London: SPCK, 1974) 161.

<sup>2</sup> 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.

<sup>3</sup> O. Michel, *Paulus und seine Bibel* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1972) 110.

<sup>4</sup> A. T. Hanson, *The Living Utterances of God: The New Testament Exegesis of the Old* (London: Darton, Longman and Todd, 1983) 136.

<sup>5</sup> Hanson, *Studies*, 166.

<sup>6</sup> 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.

<sup>7</sup> G. D. Fee, *The First Epistle to the Corinthians* (New International Commentary on the New Testament; Grand Rapids: Eerdmans, 1987) 407.

<sup>8</sup> R. C. H. Lenski, *The Interpretation of St. Paul's First and Second Epistles to the Corinthians* (Minneapolis, Minn.: Augsburg, 1937) 361-2.

<sup>9</sup> G. D. Fee, *1 Corinthians*, 408.

Paul did not ‘resort’ to allegory, because his interpretation was already implicit in Deut 25.4,<sup>10</sup> though he too fails to present Paul’s methodology. Unlike Kaiser, I would not regard it as a ‘crisis in exegesis’ if Paul did employ allegory. Allegory was a useful tool in the hands of many early Christian commentators because their congregations and opponents alike understood and accepted this method of argument. Paul too was willing to use whichever arguments his hearers would accept - so he argued from Greek poets (Acts 17), from nature (1 Cor.11.14) and from the Law. Presumably his attempt at allegory in Gal.4 was in order to impress some of his opponents there. However, the question whether Paul does or does not use allegory should not determine whether the modern exegete uses it.

Paul’s contemporaries in Alexandria were using allegory to great effect, as evidenced in Philo, and the method had been adopted by the Qumran sect, and perhaps other groups of Palestinian Jews such as the Dorshe Reshumot or Dorshe Hamurot.<sup>11</sup> However the mainstream rabbis did not use allegory till after 70 CE.<sup>12</sup> In my recent survey of early rabbinic exegesis,<sup>13</sup> 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. If allegory was absent from rabbinic exegesis, it would not be surprising to find it absent from Paul. A fresh examination of 1 Cor 9.9—11 is therefore called for.<sup>14</sup>

Paul cites 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"<sup>15</sup>) said for us? [Yes]
- 3) Certainly it was written for us because: It is right that he who ploughs should plough in hope, and he who threshes [should thresh] in hope that he will partake.

<sup>10</sup> 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.

<sup>11</sup> These are probably two names for one group which may have existed before 70 CE — see: J. Z. Lauterbach, ‘Ancient Jewish Allegorists in Talmud and Midrash’, *JQR* NS 1 (1910-11) 291-333, 503-31; I. Lévi ‘Les Dorshè Reschoumot’, *REJ* 60 (1910) 24-31; L. Ginzberg, ‘The Allegorical Interpretation of Scripture’, *On Jewish Law and Lore* (New York: KTAV, 1955) 127-50 or *JE* 1 (1901) 403-11.

<sup>12</sup> Bonsirven showed that the rabbis frequently employed allegory, but he found no examples before 70 CE and few in the 1st cent.: ‘Exégèse allégorique chez les Rabbins Tannaïtes’, *RSR* 23 (1933) 513-41, and *Exégèse Rabbinique et Exégèse Paulinienne* (Paris: Beauchesne & Sons, 1939).

<sup>13</sup> D. Instone Brewer, *Techniques and Assumptions in Jewish Exegesis before 70 CE* (Tübingen: J. C. B. Mohr [Paul Siebeck] 1992).

<sup>14</sup> 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.

<sup>15</sup> 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’.

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

Paul uses 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 consequent on them.

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. (*m.Ber.* 5.3; *m.Meg.* 4.9). 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). 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. The Law was not given to display God’s character but to be obeyed.

Although Philo and Josephus cited the law of not muzzling the ox as an example of the humane character of the Law (Philo *Virt.* 145—6; Jos. *Ant.* 4.233 [8.211]), 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. This is seen clearly when a Gentile asks Yohanan b. Zakkai (late 1st cent.) concerning the reasons for the rite of the Red Heifer (*Pesikta Rabbati* 14; *Num.Rab.* 19.8). Yohanan gives him a long explanation, likening the rite to contemporary exorcism rites. However, when his disciples question this explanation he says to them: ‘The rite of the Red Heifer is a decree of the Lord. The Holy One, blessed be He, said: “I have set down a statute, I have issued a decree. Thou art not permitted to transgress My decree.”’

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 (*y.Ber.* 9.7 14b).

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 to 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,<sup>16</sup> (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 Phulo says: 'The Law does not prescribe for unreasoning creatures, but for those who have mind and reason. (*Spec.Leg.* 1.260). Luther puts it characteristically bluntly: 'Oxen cannot read.'<sup>17</sup>

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 *m.B.Mes.* 7.2: '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].

It seems likely that Paul had this specific mishnah in mind. His paraphrase divides up the ruling into the same two categories and in the same order: labourers working on crops which are planted (ploughing), and labourers working on crops no longer planted (threshing). He therefore appears to be quoting or referring to a well known oral ruling, preceding it with a *oJti* which might be regarded as *recitativum*.

Weiss,<sup>18</sup> followed by Conzelmann,<sup>19</sup> 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.'<sup>20</sup> 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.

This mishnah states that, according to the Law, 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 applied to all types of labourers - including human

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<sup>16</sup> H. Alford, *The Greek Testament* (Chicago: Moody, 1958) 2.544.

<sup>17</sup> Quoted in Lenski, 361.

<sup>18</sup> J. Weiss, *Der Erste Korintherbrief* (Göttingen: Vandenhoeck & Ruprecht, 1910) 237.

<sup>19</sup> H. Conzelmann, *I Corinthians* (Hermeneia; Philadelphia: Fortress, 1975) 155.

<sup>20</sup> 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.

and animal.

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* - from minor to major: ‘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!’

Although the Talmudic exegesis was probably added far later than the original ruling in Mishnah, it is not merely a later scriptural justification for a traditional ruling. The Mishnah states that this ruling (unlike a great number of rulings) was based on the written Law. This exegesis in the Talmud depends mainly on the plain meaning of the text and employs *Kal vaHomer*, a very common early exegetical technique. There therefore is no reason to believe that this is not the exegesis envisaged by the Mishnah.

Paul similarly emphasises this link between human labourers and oxen by naming the two activities in which both men and oxen are involved: ploughing and threshing (as in Philo *Virt.* 145 [271]).

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 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 a reversed *Kal vaHomer* argument: If a labourer may eat of a valuable crop he is working on, much more should he be 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.

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.

1) 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.

2) 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 (*b.B.Mes.* 88b) as an anonymous exegesis. However, as argued above, it is likely that this is an accurate reflection of the exegesis mentioned, but not detailed, in *m.B.Mes.* 7.2. There are no further clues in *b.B.Mes.*, because the discussions which the exegesis inspired are all either anonymous or late.

Although the exegesis in *b.B.Mes.* 88b is difficult to date, the fact that it includes an argument in order to equate the ox and a human labourer is very significant, because such an equivalence was widely assumed from a very early

date. It was commonly accepted that decrees which referred to an ox could be applied directly to a human servant, without producing any argument to show that a human was also implied.

There are two examples of this equivalence in exegeses which can, relatively securely, be dated before 70 CE. The first concerns an event recorded also by Josephus, and the second is a debate with the Sadducees, who lost almost all their influence after 70 CE.

*b.Sanh. 19ab:*

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.

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 (Exod 21.29).

Although there are important differences, this probably records the time 'Sameas stood up to King Herod (Jos. *Ant.* 14.168—76 [9.4]) after Herod's soldiers had slaughtered some untried bandits. 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 [1.11]).

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.

*m.Yad. 4.7:*

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.

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. It is therefore likely to accurately represent a Sadducean argument during the period

before 70 CE when they were still involved in halakic disputes. The post-70 rabbis, who were overwhelmingly Pharisees, were unlikely to invent an exegesis in which they did not significantly outshine the Sadducees.

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, but 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 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 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)]'. During its discussion of 'the ox', it is evident that the same assumption is made as in the Pharisee-Sadducee debate, that an ox which is known to be dangerous is equivalent to a human (*m.B.Qam.* 3.8), but not an ox which has previously been thought to be safe (for which no damages were liable - Exod 21. 28). Nowhere is this equivalence justified, and 'ox' appears to be regarded as a standard legal term for a servant or labourer of any species. Even in the earliest state of this tractate there is no longer any interest in proving this equivalence, and only exceptions to this general rule are noted (*m.B.Qam.* 3.10; 8.2).

There are also examples of this equivalence of oxen and humans in debates which involve the decree prohibiting muzzling. One is found in the Talmudic discussion of the mishnah following the one which Paul appears to refer to, in *m.B.Mes.7.3*: R.Jose b.R.Judah (late 2nd cent.) said: '[the labourer may not eat of the crop] unless he works with his hands and feet . The Talmud (*b.B.Mes.* 91b) supplies the reason which is most likely behind this: 'He is likened to the ox.'

This decree was also applied directly to humans in the case of the wife who ate grain she was grinding. Technically she was stealing from her husband, but R. Joseph (3rd cent.) said: 'There too she finds an excuse by saying: 'The ox eats of his threshing' (*b. Git.* 62a).

More indirect applications of this ruling to humans came by the use of the exegetical technique *Samuk*, i.e. exegesis together with the neighbouring ruling, which in this case concerns levirate marriages (Deut 25.5—6). A woman who was to be joined in levirate marriage to an ugly man or a poor man should not be 'muzzled - i.e. gagged, or prevented from expressing her dissent from the marriage (*b.Mak.* 23a; *b.Yebam.* 4a).<sup>21</sup> Although this exegesis is attributed to R.Eliezer b.Azariah (end 1st cent.) it is likely to be much older because it is evident in the Jerusalem and Palestinian Targumim: '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

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<sup>21</sup> 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.



related, shalt thou tie up with him.’<sup>22</sup> The LXX may also bear influence of this exegesis because it translates using *fimow* which is to ‘gag generally, instead of *chmow* which Paul uses<sup>23</sup> and which means more specifically to muzzle.

3) The objection that Paul’s exegesis goes beyond the plain meaning of the text is true only for the modern reader.<sup>24</sup> 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. The fact that the law of not muzzling the ox stood next to the law of levirate marriage was therefore significant. The fact that the ox was named in a decree, while other animals were not specified, obviously did not mean that the Law had forgotten or neglected the others. As in modern case law, rulings concerning unspecified cases were derived from similar cases. However, this was God’s perfect Law, so the derivation of these new rulings was not regarded as the filling in of omissions, but the discovery of what was implicit in the text.

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* — *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 as an example of allegory as others have argued. It is unique as the only example of new halakah. This is the only occasion when Paul musters all his legal expertise to derive a new ruling, using arguments that a contemporary rabbi would have been proud of.

Paul must have been aware that he was using legal terminology, quoting legal rulings, and employing legal exegetical techniques, because he prefaced this exegesis with ‘as it is written in the Law of Moses’ - a unique introductory

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<sup>22</sup> J. W. Etheridge, *The Targums of Onkelos and Jonathan ben Uzziel on the Pentateuch with the Fragments of the Jerusalem Targum* (New York: KTAV, 1968) 632.

<sup>23</sup> The better MS evidence for *fimwsei* is outweighed by the likelihood that *khmwsei* would have been absorbed from the LXX.

<sup>24</sup> Cf. M. D. Hooker, ‘Beyond the Things That Are Written? St Paul’s Use of Scripture’, *NTS* 27 (1980-1) 295-309: 305.

formula for Paul.<sup>25</sup> 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'.<sup>26</sup> It appears that this exegesis is an example of such expansion but, as E. P. Sanders pointed out, 'Paul as a rule does not cite commandments . . . and *then* say that they should be obeyed.'<sup>27</sup> 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.

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.

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<sup>25</sup> The exactly equivalent phrase ככתוב בתורה משה occurs in rabbinic sources, e.g. *b.Yoma* 35b, 66a.

<sup>26</sup> D. Cohn-Sherbok, 'Paul and Rabbinic Exegesis', *SJT* 35 (1982) 117-32: 132.

<sup>27</sup> E. P. Sanders, *Paul, the Law and the Jewish People* (London: SCM, 1985) 107.