

***B<sup>E</sup>RITH* AS A SOCIO-POLITICAL AND ECONOMIC  
REGULATORY MECHANISM IN ANCIENT ISRAEL AND  
TRADITIONAL ÈGBÁ-YORÙBÁ SOCIETY**

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**OLUGBEMIRO OLUSEGUN BEREKIAH  
MAT. NO. 124391**

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**AUGUST 2014**

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**BY**

**OLUGBEMIRO OLUSEGUN BEREKIAH**

**MAT. NO. 124391**

**OND,(Bida) Dip.Th, Dip.RS, B.A.HONS, M.A. (Ibadan)**

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## Abstract

*B<sup>e</sup>rith*, a concept similar to *ìmulẹ̀* among the Ègbá-Yorùbá of South-Western Nigeria, is a pact ratified by oath, binding two or more parties in a relationship of moral commitment to certain stipulations. It was used to regulate socio-political and economic life in ancient Israel. Previous studies on *B<sup>e</sup>rith* have focused on its legal aspect, neglecting its moral basis as a means of effectively regulating and controlling socio-political and economic aspects of human society in ancient Israel and its relevance to the traditional Ègbá-Yorùbá sociocultural context with shared experiences. This study, therefore, examined the effectiveness of *b<sup>e</sup>rith* as a means of regulating socio-political and economic life in ancient Israel as replicated by *ìmulẹ̀* among traditional Ègbá-Yorùbá.

The work was premised on Manus' intercultural hermeneutics which relates the Bible to African socio-cultural situations. The historical-critical method was used to analyse relevant texts (2 Kgs.22:8-23:3; Exod.20:22-23:33; Deut.6:1-28:69), taking the Leningrad Codex as the vorlage. One thousand copies of a questionnaire were purposively administered in traditional Ègbá -Yorùbá homesteads in five local government areas across Ogun and Oyo states, Nigeria. Forty key informants including The Aláké of Ègbáland, The Olórí-Pàràkòyí of Ìjẹjà, a magistrate, 22 Ègbá Chiefs, and 15 clergymen were interviewed. A focus group discussion (FGD) was held with the Aláké Regency Council in session. Observation was conducted at the traditional courts at Aké Palace and Olúwo's residence. Data generated were subjected to exegetical analysis and percentages.

Three stipulations of *b<sup>e</sup>rith* were applied in ancient Israel: the lex talionis (Exod.21:22-25), the law of restrictive royalty (Deut.17:14-15) and the law of standard metering (Deut.25:13-16). In Ègbá land, The *Ògbóni* enforced retributive justice and restricted royalty to a family while the *Pàràkòyí* enforced market standards through *ìmulẹ̀*. *B<sup>e</sup>rith* produced bonding experiences by creating artificial kinship ties, replicated in *ìmulẹ̀* as Alájòbí, and annual religious convocations (Deut.16:16), not exactly replicated in Ègbáland where *Ògbóni*, *Pàràkòyí* and *Olórógun* held religio-political meetings tri-weekly. *B<sup>e</sup>rith* bound the hitherto autonomous Israelite tribes in religious commonwealth through common allegiance to YHWH (Deut.12:5-7). In *ìmulẹ̀*, the earth stood as the common source-matter, binding 300 traditional Ègbá-Yorùbá clans under one central *Ògbóni*. *B<sup>e</sup>rith* like *ìmulẹ̀*, imposed socio-religious obligations requiring members of the commonwealth to seek each other's personal wellbeing (Deut.15:39-43), material security (Exo.23:4) and financial stability (Deut.15:7-11). About 90% of the respondents affirmed that *ìmulẹ̀* effectively regulated political and socio-economic behaviour of traditional Ègbá by fear-appeal through potent oath-taking. All the key informants agreed that perceived grievous consequences associated with breaking *ìmulẹ̀* coupled with anticipated rewards for upholding it motivated the people towards honesty in their social, political and economic activities. The FGD revealed that *ìmulẹ̀* was effective because it employed potent oath implements.

*B<sup>e</sup>rith* in ancient Israel is approximately equivalent to *ìmulẹ̀* in Ègbáland based on the shared conceptual experiences of the two societies. Thus, the effectiveness of the concept in regulating and controlling socio-political and economic activities in each case was anchored to these shared experiences.

**Key words:** B<sup>e</sup>rith, Ìmulẹ̀, Traditional Ègbá-Yorùbá society, Ancient Israel.

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## CERTIFICATION

I certify that this work was carried out by Mr. Olugbemi, O. Berekiah in the department of Religious Studies, University of Ibadan.

..... Date .....

Supervisor

O. A. Dada

B.A., M.A., Ph.D.(Ibadan)

Associate Professor, Department of Religious Studies,

University of Ibadan, Nigeria.

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## LIST OF ABBREVIATIONS

ANE	Ancient Near East
BBR	Bulletin for Biblical Research
BHS	Biblia Hebraica Stuttgartensia
CC	Covenant Code or the Book of the Covenant
CTH	Emmanuel Laroche, Catalogue des textes Hittites (Paris: Klincksieck, 1971).
D	Deuteronomic Code
DH	Deuteronomistic History
E	The Elohist Source Stratum of the Pentateuch
H	Holiness Code
J	The Yahwist Source Stratum of the Pentateuch
JBL	Journal of Biblical Literature
K	Ketibh
LH	Hamurabbi Law Code
LXX	The Septuagint
P	The Priestly Source Stratum of the Pentateuch
PMT	Protection Motivation Theory
Q	Qere
VTE	Vassal Treaty of Esarhaddon

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## TABLE OF CONTENTS

Title	Page
Abstract	i
Acknowledgements	ii
Certification	v
List of Abbreviations	vi
Table of Contents	vii
List of Tables and Figures	ix
<b>Chapter One: General Introduction</b>	<b>1</b>
1.1 Background to the study	1
1.2 Statement of the Problem	15
1.3 Objective of the Study	18
1.4 Significance of the Study	19
1.5 Scope and Delimitation	19
1.6 Research Methodology	21
1.7 Definition of Terms	24
<b>Chapter Two: Literature Review</b>	<b>26</b>
2.1 Concept, nature and form of $\tau y r I b .$ in Ancient Israel	26
2.2 $\tau y r I b$ in Ancient Israel vis-à-vis $\dot{im}\dot{u}l\dot{e}$ in indigenous Ègbá-Yorùbá culture	52
2.3 Common paradigms in Ancient Israelite concept of $\tau y r i b .$ and indigenous Ègbá-Yorùbá concept of $\dot{im}\dot{u}l\dot{e}$	54
<b>Chapter Three: Exegesis and Field Work</b>	<b>60</b>
3.1 Ancient Near Eastern background of $\tau y r i b .$	60
3.2 Translation and exegesis of selected passages from the Hebrew Bible	63
3.3 Theological formulations from the text	116
3.4 Forms of $\tau y r i b .$ in Ancient Israel interpreted from Ègbá Perspective	117

3.5 Application	118
<b>Chapter Four: Evaluative Interpretation of Deuteronomistic Concept of <i>tyrib</i> . From The Periscope of Indigenous Yorùbá Concept of <i>Ìmùlẹ̀</i></b>	
123	
4.1 Fundamental principles of the <i>tyrib</i> . concept evaluated from the perspective of Ègbá local context	123
4.2 Origin and development of the <i>tyrIB</i> . concept in Ancient Israel evaluated with indigenous Ègbá Culture	131
4.3 Application of African Intercultural Hermeneutics to the Deuteronomistic Concept of <i>tyrIB</i> . .	154
<b>Chapter Five: Social Implications of the <i>tyrIB</i> . Concept in Ancient Israel in The Context of Indigenous Ègbá-Yorùbá Culture</b>	
	159
5.1 <i>tyrIB</i> . in the pre-monarchic social structure of Ancient Israel in the light of <i>imùlẹ̀</i> in Indigenous Ègbá- Yorùbá context	159
5.2 <i>tyrIB</i> . in the political structure of united monarchical Israel	165
5.3 <i>tyrIB</i> . in the political structure of pre-exilic kingdom of Judah vis-a-vis <i>imùlẹ̀</i> elements in the confederacy of the Ègbá after settlement at Abeokuta	166
5.4 <i>tyrIB</i> . as a means of creating and maintaining social stability	169
5.5 Some aspects of human behaviour regulated through the <i>tyrIB</i> . concept in ancient Israel in the context of indigenous Ègbá culture	170
<b>Chapter Six: Conclusion and Recommendation</b>	
	178
6.1 Universal principles inherent in the <i>בְּרִית</i> concept	178

6.2 Common Paradigms in Ancient Israelite <b>בְּרִית</b> and Ègbá-Yorùbá concept of <i>imùlẹ̀</i>	186
6.3 Applicable paradigms of <b>בְּרִית</b> and <i>imùlẹ̀</i> concepts in postmodern African Society	192
6.4 Limitations of the <b>בְּרִית</b> and <i>imùlẹ̀</i> principle as a socio-political and economic regulatory mechanism	195
6.5 Conclusion	196
6.6 Recommendations	196
References	198
Appendices	225

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## LIST OF FIGURES

Fig. 3.i: A chart showing the Protection Motivation Theory	112
Fig. 5.i: A chart demonstrating the segmentary nature of Ancient Israel	184

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## CHAPTER ONE

### 1.0 INTRODUCTION

#### 1.1 Background to the study

For some time now, there has been a serious concern about the level of moral decadence in the society. This is evident in the remarks of many scholars, writers, politicians and leaders of various capacities. For example, Omoregbe remarked that all right-thinking Nigerians know that the basic problem of the nation is a moral one. According to him, 'This moral problem is the root cause of all our social, political, and economic problems'<sup>1</sup>. Abogunrin corroborated this when he observed that what we witness in the public domain testify to the degeneration of values in the society.<sup>2</sup> "Our highly treasured traditional ethical values have broken down."<sup>3</sup> The Nigerian government have responded to this situation with various initiatives, which have not provided any lasting solution. There were various campaign groups such as the 'ethical revolution', and the 'War Against Indiscipline (WAI)', which later metamorphosed into 'War Against Indiscipline and Corruption (WAIC)'. Not quite long ago, the Government inaugurated some agencies like the Economic and Financial Crime Commission (EFCC) and the Independent Corrupt Practices and related offences Commission (ICPC), to combat the problem of corruption.

In the Academic arena, many conferences, seminars and workshops produced various communiqués, suggesting solutions to the deplorable moral situation of the Nation. In 1983, the Ìbàdàn annual Religious Studies Conference<sup>4</sup> chose as its theme, "Religion and Ethical Revolution in Nigeria" while the National Association for Biblical Studies chose "Biblical Studies and Corruption in Africa"<sup>5</sup> as the theme of her 2006 conference.

However, it should be noted that the moral issue is not a new development. It is a phenomenon that many generations of people in various societies have grappled with. But the problem seems to take new dimensions in every generation. From the Biblical perspective, we can observe that the same ill plagued the Ancient Israelite society, which had to grapple afresh with this moral challenge in every generation. The

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1 J. I. Omoregbe, 2003, *Ethics -A systematic and Historical Study*, xi.

2 S. O. Abogunrin, 1986, Religion and Ethics, *Religion and Ethics in Nigeria, Ibadan Religious Studies Series No.1*. Ed. Abogunrin, S. O, 3.

3 B. G. Ogedegbe, 2007, Prophet Amos' Message on Corruption: A Challenge to Christian Leaders in Nigeria, *Biblical Studies and Corruption in Africa, Biblical Studies Series No.6*, Eds. S. O. Abogunrin, et. al. 188.

4 Significant papers from the proceedings of this conference is published in S.O. Abogunrin, Ed. 1986, *Religion and Ethics in Nigeria. Ibadan Religious Studies Series No.1*.

5 Papers presented at this conference are published in S. O. Abogunrin, et. al. Eds. 2007, *Biblical Studies and Corruption in Africa*, Biblical Studies Series No.6.

uniqueness of the Israel situation is that they seem to fall back on the same principle, the **tyrIb**. (b<sup>c</sup>rith, translated as covenant in English) concept, and attempt to tackle the moral challenge by re-applying the basic principles of this concept to fresh situations arising from a change in the socio-cultural contexts in each generation. It is hypothetically possible that there are universal principles underlying the covenant concept that can be harnessed and applied to other societies and socio-cultural contexts. But there is the need to clarify whether the covenant concept has been successful, in the Ancient Israelite case, and to what extent it is applicable in the African context.

This research sets out to investigate the principles that underlie the **tyrIb**. concept in Ancient Israel, and to see if they are applicable in indigenous African worldview; it also seeks to explore the possibility of applying these paradigms to the modern Nigerian context.

### 1.1.1 Background Knowledge of Ègbá History and indigenous culture

For convenience, we demarcated the history of the Ègbá to two periods, with the settlement at Abéòkúta about AD 1830 as the datum. We refer to the earlier periods (i.e. Before 1830) as the pre-dispersal period while we would refer to the period after the settlement at Abéòkúta as the post resettlement period.

The Ègbá is an ethnic subgroup of the Yorùbá tribe. There are three major conjectures for the meaning of the name 'Ègbá'. One version says it is derived from 'Esègbá,' the name of a notable leader of the migration<sup>6</sup>. Another probability is that it came from a derivation of the third person plural verb 'to receive' 'e gbà' that connotes open handed generosity' which was considered to be the distinguishing trait of the Ègbá people<sup>7</sup>. But Saburi Biobaku<sup>8</sup> using an analogy of the derivations of E. P. Cotton suggests a high probability that it is a contraction of 'Ègbálúgbó' meaning 'wanderers towards the forest'<sup>9</sup>, most especially that the traditional territories of the Ègbá<sup>10</sup> are

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6 The migration here refers to the first settling of the Ègbá in their various 'orílé'. According to Biobaku, many of the early Yorùbá settlements emerged from migrating groups. 'A bold hunter usually led the way and when a suitable site was struck, he founded a town. He might go back to Ile Ife for the symbol of authority which was a beaded crown" - S. O. Biobaku. 1991. *The Ègbá and Their Neighbours 1842-1872*. 2

7 S.O. Biobaku, 1991, Op.cit.3

8 Ibid.

9 E. P. Cotton, 1905, in his report on the Ègbá Boundary, linked the meaning of 'Ègbádò' a neighbouring ethnic group to the Ègbá people, to 'ègbálúwè' literally meaning 'wanderers towards the river'. Hence Biobaku conjectures that since the Ègbás migrated towards the hinterland while the 'Ègbádòs' migrated towards the Coast, Ègbá could as well have been a conflation of 'ègbálúgbó' meaning wanderers towards the forest. S. O. Biobaku, Ibid.

10 This is called 'Igbó Ègbá' or 'orílé'.

located in the hinterland<sup>11</sup>.

Sources reveal to us that the Ègbá penetrated into their original homelands<sup>12</sup> in three successive waves in the 13th or 14th Centuries.<sup>13</sup> There is no indication that their incursions into these regions involved any form of conflict or violence, probably because these places were largely unoccupied<sup>14</sup>. According to Biobaku<sup>15</sup> - “A bold hunter usually led the way and when a suitable site was struck, he founded a town.” One group settled in the north-west of Ile Ifè, and became known as the Ègbá Àgùrà<sup>16</sup> with the Àgùrà as their *Ọba*, and Ìdó as their capital town. The territory of the Ègbá Àgùrà included most of the areas now occupied by the present Òyó, Ìbàdàn and Áwé<sup>17</sup>.

Another group migrated southwards and crossed the 'Ọnà' river and became known as the Ègbá Òkè ọnà with *Ọsilè* as their *Ọba* and Òkò as their capital town. The group that later gained dominance was the Ègbá Àgbèyìn, which migrated further southwards and took border with the Ìjèbú Rémo. This group later became known as the Ègbá Aláké, and Aké became their capital city with the Aláké becoming the paramount *Ọba* of the group and later of the whole Ègbá people.

The territory of the indigenous Ègbá Federation before the dispersion is hard to establish today because many of the initial homesteads have been taken over by enemies who expelled the original Ègbá settlers during the inter-tribal wars of the early 19<sup>th</sup> century<sup>18</sup> while some have become extinct. A good example of a popular Ègbá town that was taken over by Òyó war Lords and veterans is the Ìbàdàn<sup>19</sup> town which

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11 B. Sofela. 2000, *Ègbá-Ìjèbú Relations*. 7

12 The Ègbá refer to their original settlements as their '*orílẹ'*', while some refer to the various Original Ègbá towns collectively as '*Igbó Ègbá*'.

13 S. O. Biobaku, 1932. A Historical sketch of Ègbá Authority, *Africa: Journal of International African Institute* Vol.2 No.1. 35; 1991, *The Ègbá and their Neighbour* .2;

14 On the superficial value this strikes a note of similarity with the Israelite incursion into Canaan in some waves of incursions, but the major contrast is that the Biblical picture of Israelite incursions into Canaan under Joshua shows more violence since Canaan was largely populated before the Israelites took over, unlike in the case of the Ègbá in which the region was largely unoccupied. Considering Biobaku's comment in *Ègbá and their Neighbours*, page 2, the few likely occupants were the Fon or Ègùn, who were either expelled or absorbed as various waves of the Yorùbá penetrated the tropical forest.

15 S. O. Biobaku, 1991. 2

16 This term Ègbá Àgùrà is commonly conflated into a single word 'Gbàgùrà'.

17 B. Sofela. 2000, *Ègbá-Ìjèbú Relations: A study in Conflict Resolution in Nineteenth Century Yorùbáland* . 9

18 Oral Interview with Mr. Biodun, at Ibadan, Dec.24. 2009.

19 According to Biobaku, "Ìdó", which is now part of Ibadan metropolis, was the capital town of the Ègbá Àgùrà: S. O. Biobaku. 1991. 3. Sofela and various other authorities also listed Ibadan as part of the original Ègbá forest. This refers to original Ibadan indigenous town, which had not expanded to the present territories it now covers. But Ibadan of today could be considered a mega-city, because it has expanded to include the territories of neighbouring smaller indigenous Yorùbá townships. B. Sofela. 2000. 3; J. Blair. 1937. *Intelligence Report on Abéòkúta*, 3<sup>rd</sup> December 1937. 4. Retrieved from the National Archives, Abéòkúta; W. H. Clarke. *Travels and Explorations in Yorùbáland*, xxvii; N. Adebola. 1980 *Abéòkúta :Some Historical Reflections*. 3.

has presently grown to become one of the largest cities of Africa. Earl Philips<sup>20</sup> described the Ègbá before the dispersion, as follows:

... the Ègbá were not a numerous people. And to make their situation even more precarious, the largely independent Ègbá villages were scattered through the forests tied but loosely by the federation of three Ègbá 'provinces' or 'families'<sup>21</sup>...

But though the Ègbá people were not very 'numerous', it is certain that their scattered settlements covered a vast expanse of territory, referred to as 'Igbó Ègbá' literally *Ègbá Forest*. This territory shared borders on the East with the Ìjèbú while the northern borders lies deeper into the North and included most of the areas now occupied by the present Òyó, Ìbàdàn and Áwẹ, before they were pushed southwards in the early 19th century.<sup>22</sup>

At the initial stage, according to sources, there were not less than three hundred independent towns/settlements in the various *Orílé* before the dispersion. These were organised into three major states/sections as follow: Ègbá Aláké, Ègbá Òkè-Onà and Ègbá Àgùrà.<sup>23</sup> There is an *Oba* as the head of each state. The three states were in confederation with each other, and had one paramount *Oba*, the Aláké, exercising supremacy over the others<sup>24</sup>, most probably because of prestige, accruing from his perceived direct descent from Odùduwà, the legendary father of the Yorùbá and founder of Ilé Ifẹ<sup>25</sup>.

Each indigenous Ègbá settlement had three significant political institutions. (i) The *Ògbóni*, which is more or less the state council. (ii) The *Olórógun*, which can be equated with a 'defence council' and (iii) The *Pàràkòyí* which served as the 'council for trade and commerce'. These three institutions were retained even after the resettlement at Abẹ̀òkúta.

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20 E. Philips. The Ègbá at Abẹ̀òkúta: Acculturation and Political Change, 1830- 1870, *Journal of African History*, Vol. x No. i. 117

21 By the term 'families' Philips refers to the concept of 'sister towns' by which each Ègbá sector refers to the member towns within her own sector. For example, the core of Ègbá Aláké consisted of five adjacent towns -Aké, Ìjeùn, Ìpóró, Kémta, and Ìtòkú referred to as the '*Omọ-Ìyá*', which according to Biobaku retained their premier position till date: S.O. Biobaku. 1991. 4.

22 B. Sofela. 2000. *Ègbá – Ìjèbú Relations: A study in conflict resolution in nineteenth century Yorùbáland*, 3; J. A. Atanda. 1980. *An Introduction to Yorùbá History*. 12-13.

23 A.K. Ajíṣafẹ. 1972, *Ìwé Ìtàn Abẹ̀òkúta*, 16 -19.

24 The confederacy of the Ègbá townships before the dispersal was a very loose one, having much similarities with the pre-, monarchical Israelite tribal confederacy. The major differences include the fact that the Ègbá confederacy was not a theocratic amphictyony, and that the Ègbá sister towns were first merged into three distinct states, which had their own monarch, which were then joined in confederacy with each other.

25 S.O. Biobaku. 1991 *The Ègbá and Their Neighbours*. 4; J. Blair. 1937. *Intelligence Report on Abẹ̀òkúta*. 4.



### 1.1.2 The resettlement and the emergence of Abẹ̀òkúta as Ègbá capital

The Ègbá people were dispersed from the homesteads by the inter-tribal war, which had started at the Apòmù market. The dispersal could be attributed to a breach of the *Alájobí*, portrayed by the attitude of indifference, displayed by the various indigenous Ègbá towns to the plight of their sister towns. Ajíṣafẹ́<sup>26</sup> narrated the account of the dispersal, his account can be summarised as follows:

A strife started between an Ìjẹ̀bú woman and an Òwu man at Apòmù Market, which was a major international market among the Yorùbá in those days. This strife resulted in inter-tribal war between Òwu and Ìjẹ̀bú. The Ìjẹ̀bú enlisted the Òyó and Ifẹ́ army. They needed to pass through some Ègbá townships like Ilùgùn, Ìkijà, Ìpóró and Kémta, in order to reach Òwu. The councils of these Ègbá townships summoned other Ègbá towns to arbitrate so that Òwu would not be ravaged, but the leaders of Ìjeùn and Ìkèrèkú replied that the battle would not affect them, so they showed no concern. In the course of the battle, the Òwu people turned back their enemies and pursued them as far as Ìbàdàn, which was then a township of Ègbá Àgùrá. The Ègbá of Ìbàdàn were not pleased with the victory of Òwu, because there were grudges between Ìbàdàn and Òwu, so they gave support to the enemies and called back the Ìjẹ̀bú, Òyó and Ifẹ́ armies, and with their support, Òwu was ravaged after a seven-year siege. The fugitives of Òwu determined to take vengeance on the Ègbá, and through intrigues, they gained the consent of Individual Ègbá townships, and ravaged neighbouring Ègbá townships. Furthermore, when the Ìjẹ̀bú, Òyó and Ifẹ́ coalition army vanquished Òwu, they proceeded to ravage the Ègbá townships one after the other. Meanwhile, the individual Ègbá townships had felt unconcerned for the welfare of their fellow Ègbá townships, thinking that they would be spared the devastation only to realise when it was too late, that their lack of unity would end up in near-extinction. Eventually, Ìbàdàn itself came under the rule of the enemies, and became the citadel for war veterans from the armies of Òyó, Ìjẹ̀bú, Ifẹ́, Ìjẹ̀sà, and other warlords, from where they launched attack on other Ègbá townships. This was how *Igbó Ègbá*, consisting of the various *Orilé-Ègbá* was devastated and sacked by mercenaries and Yorùbá warmongers.

Consequent upon the devastation and sack of their indigenous homesteads, the fugitives and survivors of the Ègbá gathered together and sought to make peace with their enemies, through dialogue and peaceful negotiations. The Ègbá leaders such as Lamòdi, Sódeké and some others went to settle at Ìbàdàn, with the enemy warlords

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26 A. K. Ajisafe. 1972. *Ìwé itàn Abẹ̀òkúta*. 40-50

such as Ege, the Ife general, Lakanle, an Oyo warlord, and Kalejaiye the Ijebu general, with a view to a peace conference<sup>27</sup>. Though they were now under the rule of the Oyo warlord, named Maye, they settled as a distinct colony. With Yisa as their first 'Balogun', and Deboku as their first 'Seriki'<sup>28</sup>. Lamodi later succeeded Yisa. Denlu, and subsequently, Sodeke later succeeded Deboku. At that point the coalition of warlords were discovered to be dubious in dealing with the Egbá, in that they were stealing and selling the Egbá children into slavery. This made the Egbá to resolve to flee for safety, and resettle in a peaceful location. They told Maye, the Chief of the warlords that they wanted to cross over the Ona river, to sacrifice to the deities<sup>29</sup>. Maye was suspicious and labelled them rebels, insisting that he would not let them depart, unless they consult the oracle by splitting the cola<sup>30</sup>. Losi, an Ogboni from Aké, was appointed to split the cola and by craft, he manipulated the cola to divine in favour of the Egbá. Hence, they were permitted to leave. However, Maye planned to double-cross the Egbá, just as Pharaoh pursued after the Israelites in the Biblical accounts of the Israelite exodus from Egypt. In the long run the Egbá colony was able to leave and cross the Ona River, but Lamodi, the Egbá warlord sustained serious injuries and died in the Egbá camp across the river.

Pitching their camp across the Ona River, the Egbá under the leadership of Sodeke were able to turn back the army of Maye and his confederates. They made searched for a suitable site to resettle, with a view to seeking a lasting refuge from their enemies. Their search was fruitful. They got wind of Abekuta, which was initially a hideout for three hunters.

The land of Abekuta had been a portion of the indigenous homestead of the Egbá, (*Igbó Egbá*) pertaining to the Egbá of Itokò and Ijemò. When *Orilé Itokò* was sacked, one of her *Ogboni*, 'Idowu Liperu' by name, had taken refuge with the Olubarà at *Orilé Ibarà*, but after a while, had returned to his farm settlement which is now a part of Abekuta township. With the help of the Olubarà, he built a house on the farm, and was later joined by three hunters. These hunters could not build houses, but lived under the massive Olumo Rock<sup>31</sup>. It was from this that the name 'Abekuta' was derived,

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27 B. Sofela. 2000. *Ega-Ijebu relations*. 21

28 The title '*Balogun*' meaning 'warlord' and '*Seriki*' a transliteration of the Arabic 'Sheikh' meaning in this context, 'tribal leader' were not indigenous Egbá titles, but were introduced by the Oyo warlords.

29 This feature strikes a note of similarity with the exodus of the Israelites under Moses, in which they requested to go and offer sacrifice in the wilderness. The major difference was that the case of the Egbá was not attended with extraordinary or miraculous events.

30 Splitting the cola is a popular form of divination among the Yoruba

31 The name '*Olumo*' was given to this massive rocks by the Egbá after the settlement. It is a further contraction of '*Olúwa fi mo*' which is a shortened form of '*Olúwa fi wàhàlà wa mo*' meaning, The

because the hunters would describe their home to their fellows as 'a place under the rock'. The trio were later joined by a short, lanky hunter-farmer settler named 'Adàgbà'. He was a man of valour, despite his seeming physical weakness. He became popular for turning back a band of Ọ̀yọ́ 'Onísùnmọ̀mí'<sup>32</sup> raiders on two occasions single-handed. Hence, Abẹ̀òkúta also came to be known in those days as 'Okò Adàgbà', meaning Adàgbà's farm.

When Ọ̀dẹ̀kẹ̀ and the Ègbá leaders got wind of the location, they sent for a handful of the soil of the land and consulted the oracle. The oracle forecast that they would prosper there and that they would come into alliance with the white men, through whose assistance they would overcome all their enemies. Ọ̀dẹ̀kẹ̀ commissioned a group, including Ọ̀mọ̀kun, Èdun, Lúgẹ̀yìnbo and Arúkẹ̀ to clear the route to Abẹ̀òkúta. In August, 1830<sup>33</sup>, the Ègbá refugees, under the leadership of Ọ̀dẹ̀kẹ̀, migrated to Abẹ̀òkúta where they settled on the western side of the Massive Olúmọ̀ Rock. The population of the initial settlers was soon swelled by waves of other Ègbá refugees who had been displaced by the wars. Ọ̀dẹ̀kẹ̀' s open-door policy towards immigrants also enhanced the growth of the population. They were further enhanced by the influx of Ègbá captives who had been liberated from slavery, and prior to the moment, had been resettled by the British liberators at Sierra Leone.

The Ègbá were thereby rallied to a single locality, and unity of purpose in self-defence. After a period of hardship due to shortage of food, the population became stable, grew steadily and rapidly. Their enemies continued to pummel them by raiding their farms, and kidnapping them at any affordable opportunity. The enemies who had gained foothold in Ìbàdàn were weary that the Ègbá should rally strength to regain their lost territories, while the Ìjẹ̀bú were afraid that the Ègbá would eventually wrestle from them the monopoly of trade with the coastal regions. But the Ègbá resisted all assault. Out of sheer survival instinct, and evidently by divine providence, they were able to survive the genocide. They repelled the marauding Ìjẹ̀bú, and took up arms against the neighbouring Ìjẹ̀bú towns, and subdued them. Their military image soared as they

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Lord has put an end to our troubles: J. K. Ajişafẹ. 1972. 57; Some other sources claim that the name is a derivation of "Olúwa lo mọ́" meaning 'it is the Lord that had moulded it'.

32 The 'Onísùnmọ̀mí' were bands of raiders and looters who specialise in looting the farms and homesteads of villages, and laying ambush for traders and kidnapping people on trade routes belonging to perceived enemy townships. They were not seen as thieves proper, but looters of enemy lands. These were sometimes sponsored by renowned warlords, and they often share their booties with the warlords and chieftains of their sponsor townships.

33 This date has become a memorial in Ègbá History. A centenary hall was built in Abẹ̀òkúta in commemoration of the hundredth year of settlement at Abeokuta. The date is inscribed on the dedication plaque on this hall.

discomfited the coalition army of the Ìjẹ̀bú in the Òwíwí war of 1832, capturing the seven Ìjẹ̀bú generals. They routed the Ìbàdàn army in the Àràkangá war of 1833. By 1847, the Ègbá enjoyed British missionary contact, and soon gained the friendly alliance of the British Crown, with the aid of whom they repelled the dreaded Dahomey in 1851.<sup>34</sup> Barely five decades of settlement at Abẹ̀òkúta as their common capital, the Ègbá had grown into strong and formidable military and political entity, recognised by the British Crown.

During the resettlement at Abẹ̀òkúta, the Ègbá people from the various homesteads settled in distinct groups, representing their original homesteads. Hence, in Abẹ̀òkúta there are separate wards/ sections representing Ègbá Aláké, Ègbá Àgùrá and Ègbá Òkè-Onà. The Òwu and the Ìbarà were also accepted as part of the confederacy, with their own distinct wards. Each ward is independent with its own independent political institutions, but they were all joined together in a confederation, with the Aláké as the paramount ruler.

Abẹ̀òkúta, the present capital town of the Ègbá people, has experienced tremendous demographical growth and a geographical expansion since its foundation. At present, it is not just the capital town of Ègbá people, it has become the capital city of Ogun State, Nigeria. The ancient city lies on an altitude of 159m above sea level. It is located on the Longitude 7° 15" towards the North Pole and latitude 3° 25" east of Greenwich, approximately 106 km north of Lagos, and 81km south-west of Ìbàdàn.<sup>35</sup> As at 1937, a hundred and seven years after its establishment, it has grown from a hamlet<sup>36</sup> to a town covering about 1,750sq Miles, with a population of 283,269<sup>37</sup> and by 1991, it has expanded to cover an approximate area of 57.25 sq km, with a population of about 3,740,843 as at the value of the 1991 population census.<sup>38</sup>

### 1.1.3 Ègbá Socio-political Structure

The Ègbá had evolved certain socio - political mechanisms ever before British colonisation. For convenience, I would refer to this socio political method as 'Ègbá

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34 B. Sofela. 2000. *Ègbá-Ìjẹ̀bú relations*. 20-27

35 O. O. Oyesiku and G.O. Kojeku. 1992. Abẹ̀òkúta, *Ogun State Maps*, Eds, S. O. Onakomaya. O. O. Oyesiku and F. J. Jẹgẹdẹ. 153-155; M. Okodua, O. A. Adeyeba, Y. M. Tatfeng & H. O. Okpala. 2003, Age and Sex Distribution of Intestinal Parasitic Infection among HIV Infected Subjects in Abẹ̀òkúta, Nigeria, *Online Journal of Health and Allied Schools Vol.4. No.3*.

36 E. Philip used the term 'hamlet' to describe the settlement of about three families under the crags of Olúmo Rock, when the war pressed bands of the Ègbá moved to the site. E. Philip. *Ègbá at Abẹ̀òkúta*.

37 J. Blair. 1937. District Officer, Ègbá Division, Western Province of the Nigeria Colony: *Intelligence Report on Abẹ̀òkúta 3<sup>rd</sup> December*. 3 Retrieved from the National Archives, Federal Secretariat, Abẹ̀òkúta, Wednesday 20<sup>th</sup> August 2008.

38 S. O. Akinrombi et. al Eds. 1999. *Ogun State Business Directory and Yellow Pages*. 101

indigenous statecraft'. The indigenous statecraft was practised in each of the indigenous Ègbá homesteads, before the dispersal and later in each of the wards/sections of Abẹ̀òkúta after the resettlement. The most significant characteristic of this indigenous statecraft is its ingenuous mode of separation of powers and the federal form of political formation retaining the form of confederacy which they have operated since the pre-dispersal period. This form of confederacy is similar to the pre-monarchical Israelite tribal league.

According to Abogunrin<sup>39</sup> every relationship among the Yorùbá is a covenant relationship. This is particularly true of the Ègbá people. This section seeks to clearly set out how the covenant principle is used in indigenous Ègbá statecraft, and portray in bold relief similar motifs in Ancient Israelite Statecraft.

### 1.1.3.1 Democratic confederation

Ab-initio, the Ègbá operated a confederation form of administration. According to sources, there were not less than three hundred independent towns / settlements in the various *Orílẹ̀* before the dispersion. These were organised into three major states/sections Ègbá Aláké, Ègbá Òkè-Onà and Ègbá àgùrà,<sup>40</sup> with an Oba at the head of each state. The three states also were in confederation with each other with one Oba, the Aláké, gaining supremacy over the rest, most probably because of prestige accruing from his perceived direct descent from Odùduwà, the legendary father of the Yorùbá and founder of Ile Ifẹ̀<sup>41</sup>. Even after the dispersion and resettlement at Abẹ̀òkúta, where they were joined by the Òwu, the Ègbá still maintained a strict confederation. Yémitàn aptly described the administration in these words:

...Each of the four quarters of Abẹ̀òkúta (Aké, Òkè-Onà, Gbágùrà and Òwu) ran its affairs without any meddling from the other sections. The autonomy of each quarter was strictly respected in such a way that jurisdiction did not overlap...<sup>42</sup>

Clarke also reiterated:

...small villages from various parts were formed, each preserved its own independence and was ruled by its own chief. In the process of time the people of the several towns saw it fit to merge the whole under one general government, in the name of a king or chief ruler for the purpose of better security, and to prevent petty broils and difficulties. So that the city, though now ruled by a nominal king, is

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39 S. O. Abogunrin. 1996. Covenant in the Ethical System of the Yorùbá. *Africana Marburgensia* XXIX, 1,2. 3-15.

40 A. K. Ajíṣafẹ̀. 1972. *Ìwé Itàn Abẹ̀òkúta*. 16 -19.

41 S. O. Biobaku. 1991. *The Ègbá and Their Neighbours*. 4; J. Blair: *Intelligence Report on Abẹ̀òkúta*. 4.

42 Y. Oladipo. 1998. *Àdùbí War: A Saga of Ègbá and British Administrations*. 16

virtually controlled by the several chiefs of the United Villages...<sup>43</sup>

To date, Abẹ̀òkúta is organised in wards/townships representing the original homesteads, or '*Orílẹ̀*'. All villages were grouped together under the various wards/townships such that there is no Ègbá village without a corresponding ward/township in Abẹ̀òkúta. As such, all the people of each village and their head are considered to be under the supervision of their Sectional Oba. Consequently, Each village has an '*Olórégàn*' (Literally "*head of the fields*" but sometimes interpreted as "*Forester*") representing its interests in the township council meetings.<sup>44</sup> Hence, it could be said affirmatively that the Ègbá people had a solid structure for democratic governance right from inception. Though elections were not held, the Ègbá conducted their governance procedures democratically, and it can be said that the Ègbá has a natural hatred for any form of despotism. The chiefs were seen as representatives of the various families, homesteads and sections. The motif underlying the relationship between the various homesteads and section is the same as that referred to as the "covenant of brotherhood", hence the homesteads in each section were sometimes referred to as "*Omo Ìyá*"

A similar motif in Ancient Israel is that prior to the monarchy, Israel could be seen as a tribal confederacy, with the Assembly sometimes constituted by the tribal/family heads in much the same way as the family / clan representatives constitute indigenous Ègbá Ògbóni .

### 1.1.3.2 Separation of powers

Another aspect of Ègbá indigenous statecraft is the version of 'separation of powers' practised. In the first instance, the socio - political life of the Ègbá fall naturally into three departments of government under the three categories of Chiefs. The Ògbóni wielded executive powers over political and civil decision, trade and commerce falls to the portfolio of the Pàràkòyí while the military endeavours of war and defence fall to the Olórógun / Ológun and the Oḷòdẹ groups. The most significant form of power sharing however is the practice in which certain chieftaincy titles were to be provided by particular township or sector.<sup>45</sup> By this political antique, the Ègbá ensured that various aspects of authority were supplied by various wards of the federation. Highest

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43 W. H. Clarke. 1972. *Travels and Exporations in Yorùbáland 1854 -1858*. 7-8

44 Chief A. A. Oduroye was a direct descendant of the *Olórégàn* of Kémta, which has a corresponding home base "Kémta Òke-Bodé" in Abẹ̀òkúta. In an interview he witnessed to the fact that the *Olórégàn* has to attend the council meetings at Abẹ̀òkúta every seventeen days.

45 Blair's Intelligence report on Abẹ̀òkúta gives a sample of such sectional chieftaincy allocations: J. Blair.1937. *Intelligence Report on Abẹ̀òkúta*, paragraph 96

Jurisdictive powers for each Sector / Town lies with the Township *Ọba*, but the supreme jurisdictional authority lies with the *Aláké*, with *Aké* thus becoming the supreme court of appeal in cases involving two separate townships, or in which the parties to the dispute may not be satisfied with the resolutions of their township council. However a balance of power is maintained by the *Ògbóni* who stood between the *Ọba* and the populace, curtailing despotic tendencies of the former and ensuring the submission of the latter. We would discuss this presently.

### 1.1.3.3 The *Ògbóni*

The major feature of *Ègbá* indigenous Statecraft is the *Ògbóni* Institution. According to Biobaku, the *Ègbá* brought this institution with them from *Ile Ifẹ*, but developed it to such an extent that it has become the most characteristic *Ègbá* Institution. He explained...

“...the *Ògbóni* constituted at once the civic court, the town council, and the electoral college for the selection of the *Ọba* from candidates nominated by the ruling houses. By keeping their proceedings secret and binding their members by blood oaths, the *Ògbóni* ensured solidarity for their decisions.”<sup>46</sup>

Each township had its *Ògbóni* house<sup>47</sup> and its full retinue of title holders. The three major categories of chieftains or groups which were the *Ògbóni*, the *Olórógun/Ológun*, and the *Pàràkòyí* have 'seats' in the *Ògbóni* house<sup>48</sup>. These represented three major departments of political administration of the town. The *Ògbóni* were the elder-statesmen, the *Olórógun* and *Ológun* were the war and defence chiefs while the *Pàràkòyí* were the trade and commerce chiefs.<sup>49</sup> Authority for statesmanship among the *Ègbá* people was indicated by the conferment of a chieftaincy title; hence no one could participate in any political debate without holding a title.<sup>50</sup> It was possible for a person to graduate from *Ológun / Olórógun* or from *Pàràkòyí* status to become an *Ògbóni*. This is due to the fact that the younger ones were either active in military or commercial endeavours from which they might attain leadership, and hence,

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46 Ibid

47 The *Ègbá* refer to the meeting place of the *Ogboni* as “*ile Ogboni*” meaning “*Ogboni house*”. They do not use the same designation as that of the Reformed *Ogboni Fraternity*, or the *Ogboni Aborigin*, who use the term “*ilédi*” to refer to their own meeting place.

48 Whereas the three distinct departments, *Ògbóni*, *Olórógun* and *Pàràkòyí* have specific dress codes, the top leaders of all three departments belong to the *Ògbóni* council, as the supreme council of state, and have a uniform dress code.

49 J. Blair. 1937.13-15.

50 Participant observations at 'Idi ere' Alake public complaints and grievances council at the Alake's Palace, Ake, *Abẹ̀òkúta* Monday 11<sup>th</sup> to Wednesday 13<sup>th</sup> August 2008; Oral Interview with Chief Amos Olatunji Isola Odebiyi, *Olori Parakoyi* of *Ijeja* on Tuesday 19<sup>th</sup> August 2008.

chieftaincy title. However, they might not attain seats in the Ògbóni house until they became elders, at which stage they are admitted into the state council as councillors with regards to the department in which they had been active. A good example was the “*Jagùnà*” which was an Ògbóni title for a member who had most likely been previously active as an Ológun or Olórógun. This title corresponds with ‘minister of defence’. He is the liaison officer between the state council and the active army. A notable aspect of Ògbóni which had similar motif with Ancient Israel is the “blood oaths”

The origins of the three sectors of statecraft in Ègbá land is somewhat obscure, being more or less rooted in myth and legends, but traditions relating to the Olórógun sector can be considered reliable enough.

#### **1.1.3.4 The Olórógun**

Traditions associate the origin of the Olórógun society to the organisational prowess of Líṣàbí, the celebrated liberator of the Ègbá from tributary to the *Aláàfin*. Initially, the Ègbá forest lay within the Òyó-Yorùbá Empire<sup>51</sup>, which then had a formidable army, and provided security and regional cohesiveness for the entire Yorùbá region, hence ensuring the Ègbá's safety from external aggression. As such, the Ègbá did not have any machinery for self defence against external foes, but depended on the Òyó armed forces.<sup>52</sup> As time passed on, the Òyó *Ajélé* also called '*Ìlári Aláàfin*<sup>53</sup>', degenerated into power-drunk tyrants. There was the need for forceful emancipation from the yoke of Òyó tributary. It was this military need that created the context for the rise of the Olórógun society. Under a revolutionary leader, Líṣàbí, the society started off as a 'farmers union' traditionally called *Egbé Àáró* which in Yorùbá culture, is a farmer's union ordinarily meant to provide joint and effective labour for farm work as each member takes his turn to employ the collective service of all the other members, in return for work when another's turn comes round. By sheer charisma and political wits, Líṣàbí initiated this and moulded it into a strong union of peasants, which spread and was consolidated throughout Ègbá forest. He later named the society 'Olórógun'

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51 S. O. Biobaku. 1991. 8.

52 Traditions followed by A.K. Ajíṣafé and many other sources attribute the socio-political hegemony of the Aláàfin, and the Òyó - Yorùbá over the rest of the Yorùbá to the fact that the Aláàfin was the last born, and was too young to support himself when their parents died, so the Elders sent him some gifts to sustain him. Subsequently, he outlived all his elder brothers, and according to Yorùbá custom, he should have a share in their patrimony but instead of this he asked his elder brothers successors to continue bringing the gifts their forebears have been giving on annual basis. Through this he became very wealthy and was able to sustain a formidable regular armed force. See A.K. Ajíṣafé 1972, 12-16.

53 The “*Ajélé*” or '*Ìlári*' were resident tax collectors for the Aláàfin, the ruler of the Òyó - Yorùbá Empire



society, and meeting houses were built in all the Ègbá towns. At a favourable opportunity, taking advantage of the internal crisis at Òyó which led to the demise of Basòrun Gáhà, Líṣàbí asked for his own turn of service, the slaughter of all the *Ajélé* in all the Ègbá townships and provinces. Thus, a rebellion was sparked which resulted in the total emancipation of the Ègbá from Òyó dominance. Líṣàbí became known as the liberator of the Ègbá, hence the Ègbá referred to themselves as the children of Líṣàbí-*'Ègbá omọ Líṣàbí'*. Thus they began the formidable group of warriors and warlords among Ègbá people called the Olórógun Society.

#### 1.1.3.5 The Pàràkòyí

One important feature in indigenous Ègbá townships, and in fact, all Yorùbá townships right from before the earliest historical times is the town market. The *'Alájàpá'* are the international traders, the importers and exporters, and bulk merchants that ensure the traffic of goods across township borders, while the *'Aláròóbò'* are the middlemen and retailers. In the Ègbá indigenous setting, the Pàràkòyí are somewhat like the 'guild of market chiefs'. They have the cadres of chieftains, the highest being the *'Olórí Pàràkòyí'* who is answerable to the *'Ògbóni'*, and has a seat in the township council. The *'Ìpànpá'* is the market police under the authority of the Pàràkòyí.<sup>54</sup> Hence, in the ideal situations, each standard market has a Pàràkòyí chief or agent attached to it, who is saddled with the responsibility of general oversight of the market. He enforces the state council's legislations with regards to trade and commercial activities in the market, and gives report at the Pàràkòyí meetings.

Some times during the late pre-colonial and early colonial periods, tributes and toll-fees were collected from traders and travellers at town borders as source of state revenue. This naturally falls to the jurisdiction of the Pàràkòyí. It was probably such a Pàràkòyí agent that Clarke referred to as a "custom-house officer"<sup>55</sup>

#### 1.1.4 Ìmùlẹ̀ concept as a feature of indigenous Ègbá politics

In the indigenous Ègbá-Yorùbá culture, the covenant concept permeated various spheres of life, including the political realm. Friendships were often sealed by covenant, hence we find the phrase *Òrẹ̀ ìmùlẹ̀* i.e. "covenant friends" to denote the most intimate level of friendship. The ordinary family ties are seen as a natural covenant relationship, hence we find the concept of *Alájòbí*, which can be rendered

54 Oral Interview with Chief Amos Olatunji Isola Odebiyi, Olori Parakoyi of Ijeja, Tuesday 19th August 2008.

55 W. H. Clarke. 1972. *Travels and Explorations in Yorùbá Land 1854-1858*. 11

~yxì (a; tyrIìB. "B<sup>e</sup>rit -'achim" -covenant of brotherhood". In which case, the mere natural fact of being nursed at the same breast is seen as consummating a covenant. Hence we hear of the phrase "*omọ ìyá mэта*" meaning "the three sister states" in reference to Ìṣábò, Ṣàpón and Aké.

Mere sharing of hospitality is, at times, conceived as having consummated a covenant, in the sense that the person who receives hospitality, more especially sharing in meals cooked with oil, pepper and salt, is bound to some sort of moral obligations in reciprocation of such a gesture of kindness. It must be emphasised that the obligations are moral and not legal in nature, and its constituents are not formally stipulated. Such a situation therefore generates a relationship rather than a contract. This could explain why the Òwu who were given succour by some neighbouring Ègbá during the Òwu war and settled with them at Abéòkúta were naturally absorbed into the Ègbá confederacy on settlement at Abéòkúta. Also, the Ìbarà are reckoned as part of the Ègbá confederacy. The relationship ensued because when *Orilé Ìtokò*, which was an Ègbá village, was sacked, one of her *Ògbóni*, 'Idowu Liperu' by name, had taken refuge with the Olúbarà at Orilé Ìbará, but after a while, had returned to his farm settlement which is now a part of Abéòkúta township. With the help of the Olúbarà, he built a house on the farm, where he was later joined by three hunters and afterwards by Adàgbà. It is this farm settlement that attracted the fleeing Ègbá refugees. After the settlement at Abéòkúta, the Ìbarà were reckoned to have naturally consummated a sort of natural covenant relationship which imposed an inevitable moral imperative of continuous bilateral hospitality, hence they were reckoned as sister states of the Ègbá realm. Hence, in their own understanding, the Òwu and the Ìbarà are reckoned as full-fledged Ègbá, and are called Ègbá Òwu and Ìbarà respectively. It is obvious, but amazing to the modern Yorùbá mind, that there were no legend or record of any formal ratification of covenant among the people. This is because the fact of their common fate was seen as natural and valid consummation of covenant such that there was no need for any artificial arrangement. A similar situation is reflected in ancient Israelite history. The twelve - tribe league was not a purely blood kinship. The Kenites and the mixed multitude were absorbed into the twelve tribe confederacy just by virtue of participating in the ~yxì (a; tyrIìB. ratification ritual at Sinai / Horeb. The Gibeonites too were later incorporated by virtue of their submission to Israelite suzerainty, even though this was achieved by cunning craftiness.

In the administrative structure of the states, covenant concept features

prominently. Membership of the three organs of state, the Ògbóni , Olórógun, and Pàràkòyí were confirmed by *Ìmùlẹ̀*. The members of the council had to swear the oath of allegiance to the state. This included oath not to betray state secrets, and loyalty to the state. In modern day governments, leaders of government and public office holders swear similar oaths of office. But in the indigenous Ègbá culture, the deities were often invoked as guardians of the covenants.

## 1.2 Statement of the problem

The problem of deciding and maintaining right conduct in human society is as old as humanity. In the first instance, man is a free moral being who has the capability for right or wrong, evil or good, useful or harmful action. This poses a challenge of right decision, which we would refer to as the 'ethical challenge' or 'moral challenge'. In the face of this challenge, ethical principles become valuable and indispensable to society<sup>56</sup>. In ancient Israel, as depicted in Deuteronomistic History, these ethical principles were provided by **tyrIb** . . On the other hand, indigenous African societies derive their ethical principles, in most cases, from traditional African religious and cultural experience. They employ similar paradigms as those employed in Ancient Israel, but in significantly different forms, such as *imùlẹ̀* among the Ègbá as a case study of the Yorùbá of south Western Nigeria. It is observable that the superimpositions of Western culture as well as Christian and Islamic religions on African indigenous societies seem to have destroyed the foundation of morality as practised in indigenous African societies thereby distorting the moral balance of modern African societies. This distortion of moral equilibrium is evident in the endemic nature of corruption in the nation today. Various alternative sources of ethical principles like the rule of law, and government initiatives (like ICPC and EFCC) are being experimented in the quest to regain the moral equilibrium.

However, looking at the issue from a Religious angle in socio-historical perspective, the human society is highly diversified and dynamic, such that these ethical challenges assume different dimensions, varying from one society to another, and from one generation to another. History and experience have shown that ethical principle that had previously assisted man to make right decisions, take right actions at some particular point in time, and behave in a way that was considered good on

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56 According to Ayantayo, "Ethical principles are moral rules or set of ideas which make one behave in a particular way" - J. K. Ayantayo, 2000, *Socio-Ethical Problems in Retail Business in Ibadan*, a Ph.D. Thesis in the Department of Religious Studies, University of Ibadan, 77.

specific occasions have often failed to be effective in a different context, and at a different time. The failure of such mechanisms can be attributed to the inability of the leaders of the society to identify the universal principles which underlie them, and be able to apply such principles to the changing situations and circumstances of the society. There is, therefore a need to investigate such mechanisms governing human behaviour in society, and find out the underlying principles which may be applicable to various social contexts and diverse societal situations.

Ancient Israel preserved her national history through her religious ingenuity. Anyone who studies the Old Testament could not but have a glimpse of certain aspects of Israel's early history and her social structure. This, according to McConville, is because "the truth of the scripture is bound up with its validity in its telling of history"<sup>57</sup> This means that the revelations of divine truth in the Bible unfolds gradually as the history of the people progresses, hence the record of the revealed truth is intricately bound up with the historiography<sup>58</sup>. A major religious concept in ancient Israel's history is the **tyrIb .** concept. It could be clearly discerned that the stipulations of the **tyrIb .** at Sinai / Horeb, as it is presented in the final form of the Old Testament Traditions, is a major concept in determining her social structure and in providing the norm and legislative structure for the community. In essence, it provided their national constitution, hence, this provides us with a good case study of how **tyrIb .** can be used to regulate human socio-political and economic behaviour. At the earlier stage of the history of Ancient Israel, the priests were custodians and guardians of the **tyrIb . .** As Dada rightly observed "The priests guided the people on the path of truth and justice. Besides, they also arbitrated in disputes and the high courts were

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57 G. McConville. 1997. Biblical History, *The New Bible Commentary*, D. A. Carson, et. al. Eds., 20;

58 Various authors explained this fact in different words. For example, Carson explained that God has actively intervened in the world He made in order to reveal Himself to men and women in more powerful ways... Carson, D. A. 1997, *Approaching the Bible*, *The New Bible Commentary* D. A. Carson, et. al. Eds., 1. Anderson however puts it this way "...It is sacred history, to both Jews and Christians, because in these historical experiences, as interpreted by faith, the ultimate meaning of human life is disclosed... the unique dimensions of these historical experiences is the disclosure of God's activity in events... B.W. Anderson, 1966, *The Living World of the Old Testament*, 7. Th.C. Vriezen, Explained that "...The Bible shows us how through the history of Israel, God has entered into the world as the Living God, who seeks communion with man." Th.C. Vriezen, 1970 *An Outline of Old Testament Theology* , 27. Von Rad affirmed the same fact, explaining that "...The principle of Israel's faith is grounded in a theology of History... based on historical acts..." G. Von Rad, 1975, *Old Testament Theology, Vol.1* , 106. Alberto Soggin stated it in these words -" ...it is therefore in history, that is in action, that Israel gained its religious experience." J. A. Soggin, , *Introduction to the Old Testament*, 39.

traditionally located in the Temple.”<sup>59</sup>

Another problem inherent in Biblical principles is the issue of linguistic and philosophical gap. On many occasions, the ideologies of concepts are often transformed or miss-represented in the process of translation from one language to another. In the case of **tyrIb .**, there is no single English word that can be used to capture the full implication of the term. Hence, the English word ‘covenant’ is employed as what Gerhad Von Rad referred to as “only a makeshift rendering of the Hebrew word”;<sup>60</sup> whereas in indigenous Yorùbá language, the word *ìmùlẹ̀* conveys the meaning of **tyrIb** more accurately as practiced in indigenous Ègbá-Yorùbá Context. This shows that there is a close similarity between the Ancient Israelite and the indigenous Yorùbá understanding of the Biblical concept denoted by the Hebrew word **tyrIb .** and the Yorùbá word *ìmùlẹ̀* due to shared conceptual experiences.

Moreover, the Biblical narratives show that the **tyrIb .** was accepted as the ideal concept in maintaining justice and the moral standard in the social, political and economic life of Ancient Israel. But whether or not the **tyrIb .** concept remains effective in regulating the socio-political and economic life throughout the changing social circumstances in ancient Israel is problematic. Otherwise, why was Israel portrayed as unable to fulfil the terms of the **tyrIb .** under Moses? Or does the fall of Jerusalem and the eventual exile of the tribes depict the inability of *YHWH* to fulfil the promise of the covenant? This raises further enquiries such as: What particular categories of human behaviour were regulated by **tyrIb .** in Ancient Israel? What are the principles underlying the **tyrIb .** as a framework for regulating human behaviour in ancient Israel? Was the **tyrIb .** concept effective in regulating socio-political and economic behaviour of people in Ancient Israel? What were the consequences of breaching the terms of the **tyrIb .** in Ancient Israel? What are the strengths and weaknesses of **tyrIb .** as a means of regulating socio-political

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59 A.O. Dada, 2007, Priestcraft in Ancient Israel and Contemporary Nigerian Society: The Sons of Eli and Samuel as Exemplar, S. O., Abogunrin, et. al, Eds. *Biblical Studies and Corruption in Africa, Biblical Studies Series No.6* 145.

60 G. Von Rad, 1975, 129

and economic behaviour in ancient Israel? How can the **tyrIb .** framework for regulating socio-political and economic behaviour in ancient Israel be understood in indigenous Yorùbá context? What parallels are there between **tyrIb .** in ancient Israel and *ìmùlẹ̀* in indigenous Ègbá-Yorùbá culture? Are there universal principles in the **tyrIb .** as a framework for regulating human behaviour that can be applied to solve the problem of morality in modern African societies? How can these principles be applied to the contemporary Nigerian context? The answers to these enquiries would form the thesis of this research.

### 1.3 Aim and objectives of the study

From the stand-point of Manus' intercultural hermeneutics, this research aims to engage evaluative hermeneutics in order to examine the paradigms underlying the concept of **tyrIb .** in Ancient Israel, with the periscope of indigenous African culture, and by extension, exploring how these principles can be applied to modern African Society to foster morality and improve socio-political and economic behaviour.

In order to achieve this aim, the study endeavours to carry out a critical analysis of selected Biblical passages which serves the objectives, that is: to identify the aspects of **tyrIb .** depicted by the Mosaic covenant which served the function of regulating human behaviour in ancient Israel; to identify particular categories or realms of human behaviour which they regulate, with particular attention to the social, political and economic aspects of human behaviour; and to investigate the universal principles they employ. The study also seeks to show an understanding of the indigenous African perspective on the *ìmùlẹ̀* concept with particular focus on the Ègbá-Yorùbá culture of Western Nigeria. An evaluative hermeneutic<sup>61</sup> was then carried out upon the Ancient Israelite concept of **tyrIb .** as a means of regulating socio-political and economic behaviour from an African indigenous standpoint, on the premise of Manus' intercultural hermeneutics. Evaluative hermeneutics here refers to a method in which we first attempt to deduce the socio-cultural context of the biblical text through the use

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61 According to Ukpong, the Evaluative method "is the most popular approach in studies that relate the biblical text to the African context". It involves the study of the local situation in the light of biblical witness, and the historical critical method is used in analysing the text". J. U, Ukpong, 1999, Can African Old Testament scholarship escape the historical critical approach? *Newsletter on African Old Testament Scholarship Issue 7 November 1999.*

of the Historical critical method, and then, we apply the findings to illuminate a contemporary African Situation. The intention here is to identify common paradigms underlying the concept of **tyrIb.** in Ancient Israel, as reflected in the biblical text, and *imùlẹ̀* in indigenous African culture, as exemplified in indigenous Ègbá-Yorùbá socio-political culture, and to explore the means of applying this paradigm to the modern African societies as a means of regulating socio-political and economic behaviour, and thus, fostering good morals.

The overall objective of this research is to investigate the universal dimensions of the **tyrIb.** concept and to explore the possibility of applying it to the modern African society as a means of fostering morality and combating corruption and moral decadence in the society.

#### 1.4 Significance of the study

A framework for law and order, providing the basic framework for interpersonal relationships and social actions is a necessary prerequisite for the existence and stability of any human society. This research work attempts a re-interpretation and contextual application of the **tyrIb.** concept as a means of providing such a structure in modern African societies. It is expected that this research work will contribute to learning, particularly in the realm of Biblical Studies. It seeks to advance the work of other scholars on the **tyrIb.** concept by investigating and bringing out the phenomenological dimension, the fundamental principles it employs and its ethical values.

The researcher attempts to clearly highlight the fundamental universal principle underlying the **tyrIb.** concept which can be applied to regulate human behaviour in various social contexts, not withstanding time and contextual gaps between successive generations of people; hence, the findings of this work would also be useful to the society by propounding solutions to the great problem of the moral challenge in a rapidly changing world as a tool for social *systems design*<sup>62</sup>. It would be a contribution from Biblical studies which would be useful in other fields of academic

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62 From the works of Banathy, it is deduced that system design is the discipline of devising course of actions aimed at changing existing social situations to preferred ones. It focuses on generating, organising and evaluating large number of alternatives, focusing on the best possible or most Ideal solutions to social problems. B. H. Banathy, 1997, *Designing Social Systems in a Changing World*, 11-48, 223-233.

and professional endeavours like social engineering, Social Systems Planning, Social Science, Sociology, and Management.

### 1.5 Scope and delimitations of the study

The research concentrates on the understanding of **tyrIb.** in Deuteronomistic History, that is, the books of Joshua, Judges, 1 Samuel, 2 Samuel 1 Kings, and 2 Kings, as a continuous narrative unit in harmony with the Book of Deuteronomy. The focus text is 2 Kings.22:8-23:3; but according to the principle of Hermeneutic Spiral, its meaning is illuminated with other texts that reveal the development of Ancient Israelite **tyrIb.**, until it reached the climax in the focus text. These include the Ethical Decalogue (Exodus 20:1-17; Deuteronomy 5:1-19 RSV. Deuteronomy 5:1-22); the Sinai Pericope in Exodus 24:3-8; the Covenant Code (Exodus 20:22-23:33); the Sabbath Pericope in Exodus 31:12-17; the Ritual Decalogue (Exodus 34:1,10-28<sup>63</sup>); sections of the Deuteronomic Code : Deuteronomy 4:12-14; 9:9-17; 10:1-4; 17:18; 27:1-8; 28:61-29:20 (RSV.8:61-29:21); 30:10-31:26; and sections of Deuteronomistic History (DH): Joshua 1:8; 8:30-34; 23:6-24:26; 1 Samuel 10:25; 2 Kings 11:4, 12, 17, 18; 14:6; 17:35-39 as well as some Deuteronomistic sections of Jeremiah (Jeremiah 7:9; 11:1-17; 31:31-34; 36:1-32). These texts are verified using the textual critical method.

The field work focuses on the indigenous Yorùbá culture with the Ègbá people of Abẹ̀òkúta in Ogun State of Nigeria as case study. The choice of Ègbá-Yorùbá of Ogun State as research population is motivated by the fact that the Ègbá people are among the first groups of Nigerians whose socio-political and moral lives were radically modified by the activities of Christian Missionaries, and Western civilisation. The Ègbá people pride themselves as the cradle of Christianity in Nigeria, and use the slogan 'gateway city' to praise their major town, Abẹ̀òkúta, which emerged as the final capital base of the ancient Ègbá kingdom. Before the Advent of Christianity and Western civilisation, the Ègbá people had lived as a confederation of states, and evolved a system of maintaining social balance, by making use of *ìmùlẹ̀* which is similar to the **tyrIb.** concept used in Pre-monarchical Israel, but differing in

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<sup>63</sup> Exodus 34:11-26 has been identified as a self-contained pericopy called The Ritual Decalogue, in this exegesis, the immediate verses bordering the Ritual Decalogue, i.e. Verses 10 and 28 are also considered because it is these verses that served to incorporate the Ritual Decalogue into the immediate literary context within the canon.



the fact that it made use of principles drawn from indigenous African world view. With regards to the subject of our research, this implies that it could convincingly represent the African indigenous World view, and provide us with a good terrain for evaluating the **tyrIb**. concept as a means of regulating socio-political and economic behaviour in Ancient Israel from an indigenous African Cultural periscope.

The Ègbá people are widely dispersed, having communities in the surrounding villages and towns as well as in distant places both in Nigeria and abroad. For instance, Lagos, Togo and Benin Republic have significant Yorùbá communities<sup>64</sup>, founded or chiefly populated by Ègbá along with other Yorùbá migrants. However, this research will concentrate on Abèòkúta township and some indigenous Ègbá towns and villages. This extends to cover Abèòkúta South Local Government, Abèòkúta North Local Government, Odeda Local Government, and Qbáfèmi Owódé Local Government in Ogun State, as well as Ìdó Local Government of Òyó State. The work becomes enhanced by the fact that Ègbá people dwelling in all these local government areas have a national attachment to Abèòkúta township as the city home, while their homesteads and villages may fall within other local government areas outside Abèòkúta. Hence, some of them may be contacted when they come home to Abèòkúta, particularly during festive occasions.

## **1.6 Methodology**

A variety of methods were employed in the collection and collation of data for the study. The use of various methods, perhaps, enhanced the researcher's findings. Since the Bible served as the major foundation of this research, the work is predominantly an exegetical exploration; hence Intercultural Hermeneutics<sup>65</sup> was employed as the interpretive model while the evaluative method was utilized as an exegetical framework. This method, as Ukpong observed, “involves the study of the local situation in the light of witness, and the historical-critical method is used in

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<sup>64</sup> Adamo confirms that the Yorùbá people of Nigeria are one of the largest nations on the face of the African continent and that they live in Western Nigeria, Republic of Benin and Togo. D. T. Adamo, 2005, *Reading and Interpreting the Bible in African Indigenous Churches*, 9. But it is a notable fact that many of these Yorùbá colonies outside Western Nigeria were pioneered by, or mostly populated by Ègbá migrants.

<sup>65</sup> Chibueze explained that Intercultural Hermeneutics involves the process of bringing African cultures, and equally non-African cultures, to the understanding of Africans and non-Africans in such a way that they would be in a position to serve as catalysts for Africans within the process of globalisation. It involves expression, explanation and interpretation of the aspects of culture or cultures involved. Udeani, C. 2008, *Intercultural Hermeneutics for a Global Age*, 120-122.

analysing the biblical text”<sup>66</sup> This implies that the tools of the historical critical method was fully utilised in the analysis of the biblical text, while the final application and theoretical formulations were carried out in relation to the African indigenous experience.

The textual critical method was used to verify the integrity of the focus texts, while form critical analysis was employed to explore the *sitz im leben*. Source - critical and Redaction- critical methods were deployed to analyse the possible transformation which the inherent paradigms may have undergone in the process of preservation and transmission of the text. Other methods such as Narrative-criticism were also employed where necessary to decipher the intended message, which the compilers wish to communicate through the particular structure, style of composition and literary devices employed. However, the inferences drawn from the text through the historical critical method and use of literary critical tools mentioned above were used to illuminate and enhance our understanding of the local situation, which in the case of this study, is the Ègbá - Yorùbá concept of covenant.

This is why the evaluative method can be regarded as a distinct offshoot of what Adamo calls African cultural hermeneutics. African cultural hermeneutics re-reads the scripture from a premeditatedly African cultural perspective. “The purpose is not only to understand the Bible and God in our African experience and culture, but also to break the hermeneutical hegemony and ideological stranglehold that Eurocentric biblical scholars have long enjoyed”<sup>67</sup>. Gosnel Yorke justifies this method. He referred to it as "Afrocentric Hermeneutics". He confirmed its legitimacy based on the fact that all Biblical interpretations and theological formulations are inevitably done from a contextual perspective.<sup>68</sup>

Other research methods employed for collection and collation of data include interview, focus group discussions, and questionnaires administration. These were employed during the field work. The focus of the field work was to verify the acceptability and validity of the research findings derived from the theoretical and literary analysis, in the light of the local situation.

The purposive sampling method was employed. This is because of the nature of the Study. It is important to select respondents who are conversant with aspects of the

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66 J. S. Ukpong, 1999, Can African Old Testament Scholarship escape the historical critical approach?, *Newsletters on African Old Testament Scholarship Vol. 7*, 3.

67 D. T. Adamo, 2005, *Explorations in African Biblical Hermeneutics (2005 ed.)*, 9-11; *Interpreting the Bible in African Indigenous Churches*, 46-47.

68 G. L. Yorke, 1995. Biblical Hermeneutics: An Afrocentric Perspective, *Journal of Religion and Theology* 2.2 : 145-158.

study. The target samples are literate people who were expected to have some knowledge of the Bible, as well as the history and indigenous culture of the Ègbá people. Also, people who are in positions of leadership are also chosen as target respondents for interview, questionnaire and focus group discussion.

Structured and semi-structured interviews were conducted on appointment with respondents in Abẹ̀òkúta, Oḍẹ́dá, and Oḃáfẹ́mi-Owóḍé, in Ògùn State along with Ìdó and Ìbàdàn in Òyó State. Ìdó and Ìbàdàn were included in the sample populace because they were originally part of the Ègbá settlements before the dispersion, and they still have significant Ègbá population at the time of this research. The respondents were selected at random from among the common people as well as political personalities and notable leaders in the church and community within our research populace.

The respondents interviewed include the Aláké of Ègbáland; the Olúpònà of Ègbáland; the Lísà of Ègbáland; the Aké Palace Traditional Judicial council; the Palace Secretary; the Olóri Pàràkòyí of Ègbáland; the Balógun Onígbàgbò of Ègbáland; selected Church leaders including some bishops, and leading pastors; selected civil servants of notable status; selected leaders of market women and various trade guilds within the sample populace. A total of forty respondents were interviewed.

A focus group discussion was organized by inviting respondents to a group discussion on aspects of the research subject so that they can make contributions with a view to clarifying certain aspects of the Ègbá-Yorùbá indigenous perspective on ìmùlẹ̀. We were able to engage the Aláké's Regency council at the Aké Palace in a focus group discussion.

Questionnaire was used to verify the validity of the research hypothesis and the preliminary findings of the research across a reasonably wide range of audience. One Thousand copies the questionnaire were circulated personally by hand, and also by proxy. For effectiveness, the questionnaire were administered on 'wait and get' basis, with a purposively selected target audience, and hence, we were able to record a hundred percent retrieval. A sample of the questionnaire is provided in the Appendix. The target sample populace for the administration of the questionnaire is summarised below:

#### **Target sample populace for administration of questionnaire**

Abẹ̀òkúta North Local Government, Ogun State	250
Abẹ̀òkúta South Local Government, Ogun State	250
Odeda Local Government, Ogun State	200
Oḃáfẹ́mi Owóḍé Local Government, Ogun State	200

The conceptual framework<sup>69</sup> of this work lies in the realm of using religious truths to modify human social behaviour. The basic concept being interrogated is the **tyrIb.** concept, which could be considered from a very wide perspective, including business, legal and religious usages; but in this study, our concept of **tyrIb.** emphasises the oath-taking aspect. Hence the understanding of ‘**tyrIb.**’ in this work is ‘an agreement ratified with an oath’. This is why the Hebrew word **tyrIb.** (*b<sup>e</sup>rith* – pronounced as *b-rith*) is retained throughout the discourse, instead of the English word ‘covenant’, so that the ritual / liturgical emphasis is not diminished.

The primary area of research is restricted to Biblical Studies, located precisely in Old Testament Studies. We are primarily concerned with generating data from the truths embedded in the Old Testament text for use by other scholars, researchers and social engineers whether in the realm of ethics, social system design, or other related fields. We employed the tools of the historical critical method, and narrative criticism in analysing the focus text, which is located within Deuteronomistic History as postulated by Martin Noth, while Manus’ intercultural hermeneutics<sup>70</sup> was employed as the interpretive model.

Intercultural hermeneutics can be considered an offshoot of African Cultural Hermeneutics<sup>71</sup> but it is quite distinct from inculturation hermeneutics in the sense that it seeks to bridge the contextual gap between the biblical text and the African situation focusing on common paradigms and phenomena, while inculturation hermeneutics focuses on particular contemporary sociocultural issues<sup>72</sup>. The advantage of intercultural hermeneutics is that it derives results that can be used across a wider range of applications than inculturation hermeneutics, which is more particularistic in focus, because it is issue based.

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69 O. C. Aworh, 2006, Design and development of conceptual framework in Research, A. I. Olayinka et.al. Eds, *Methodology of basic and applied research*, 2nd Ed . 37-51.

70 C. U. Manus, 2003: *Intercultural Hermeneutics In Africa: Methods and Approaches*, 124

71 According to Adamo, African Cultural Hermeneutics is an approach to Biblical Interpretation that makes African socio-cultural experience a subject of interpretation. The scripture is read from a premeditatedly African perspective. D. T. Adamo, 2005 *Reading and Interpreting the Bible in African Indigenous Churches*, 46-47; *Explorations in African Biblical Studies*. 9.

72 G. West, 2010 *Biblical hermeneutics in Africa*. 3-4

## **1.7 Definition of terms.**

**1.7.1 Ògbóni:** In this work, the Ògbóni is used to refer to the Ègbá indigenous state council. It should not be confused with the ‘Ògbóni Aborigine’, or the Reformed Ògbóni Fraternity, which are more or less esoteric cults. This usage of the term with reference to this method of statecraft seems peculiar to the Ègbá.

**Olórógun:** This is the Ègbá indigenous institution which serves similar functions as the ministry of defence and military intelligence in a modern society.

**Pàràkòyí :** This is an Ègbá indigenous institution, which serves similar functions as ‘the chambers of commerce and industry’ or “ministry of finance” or “customs department” in a modern society.

## CHAPTER TWO LITERATURE REVIEW

The area of our concern in this work lies in the realm of Old Testament Theology, but the scope is limited to Deuteronomistic History. We attempted an examination of the books of Deuteronomy and Deuteronomistic History within the Old Testament with the aim of investigating how the  $\text{tyrIb}$  . concept was employed as a means of regulating human social relationships and moral behaviour within the Israelite nation, and how this can be best understood in the context of indigenous Yorùbá culture, with particular focus on the Ègbá-Yorùbá people of Western Nigeria as an example. Our primary objective is to recognise universal paradigms that may be applicable to human societies in general, and see if they can be adapted to the peculiar needs of Africans, particularly the Ègbá- Yorùbá of Western Nigeria.

Hence in this review, we examined various scholarly positions with regards to the following aspects:

### 2.1 Concept, nature and form of $\text{tyrIb}$ . in Ancient Israel as depicted in Deuteronomistic History

Before we proceed to review relevant literature with regards to the definition, concept, nature and form of  $\text{tyrIb}$  . in Ancient Israel as depicted in Deuteronomistic History, it is expedient to take a brief overview of a few significant previous scholarly works on the subject of  $\text{tyrIb}$  . in the Old Testament.

#### 2.1.1 Some previous scholarly works on the concept of $\text{tyrIb}$ . in the Old Testament

The  $\text{tyrIb}$  . concept, translated as covenant has been given significant treatments by many scholars. Notable among them are Edmond Jacob<sup>73</sup>; Walter Eichrodt<sup>74</sup> ; John Bright<sup>75</sup>; Gerhard Von Rad<sup>76</sup> ; G. Oyedele Abe<sup>77</sup> ; Bernhard W.

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73 E. Jacob, 1964, *Theology of the Old Testament*, Trans. Arthur. W Heathcote and Philip J. Allcock

74 W. Eichrodt., 1967, *Theology of the Old Testament Vol.1* Trans. John A. Baker Vol.2

75 J. Bright. 1972. *A History of Israel*

76 G. von Rad. 1975. *Old Testament Theology Vol.1*

77 G. O. Abe. 1983. *Covenant In the Old Testament* A Ph.D Thesis in the Department of Religious Studies, University of Ibadan; 1987, The Religious Value of the Sinai Covenant, *Orita II.1&2*, April & October, 97-105

Anderson<sup>78</sup>; J. O. Arulefela<sup>79</sup>; Judith H. Newman<sup>80</sup>, Nicholson<sup>81</sup> Moshe Weinfeld<sup>82</sup>, Menedenhall<sup>83</sup>, Pfeifer<sup>84</sup>, Osumi<sup>85</sup>, Hultgren<sup>86</sup>, and Fretheim<sup>87</sup>. In the fields of Systematic theology and Biblical Theology, significant works have also been carried out by Louis Berkhof<sup>88</sup>; Herbert Lockyer<sup>89</sup> A. A. Hodge<sup>90</sup>; Richard Hooker<sup>91</sup>; and Wayne Grudem<sup>92</sup>. However, as may be expected the translation from the original term *ṭyrīb .* to the English term “covenant” has some significant influence on the philological and philosophical nuances of the term.

Edmond Jacob unequivocally agreed that *ṭyrīb .*, translated as covenant, (as well as other Old Testament concepts) cannot be fully investigated by mere etymological examinations but must be studied more in the light of their internal evolution.<sup>93</sup> This is the reason why the concept cannot be fully described by mere language study. The historical development of the concept is indispensable for its full understanding. Edmond Jacob's work shows that the initiatory rites of a *ṭyrīb .* could be in form of an oath, a sacrificial meal, the exchange of gifts (e.g. the sharing of garments in the case of the covenant between David and Jonathan), or the cutting into two of animals, in which the parties to the *ṭyrīb .* pass through the cut pieces. He pointed out that though instances of covenant with deity can be cited in some

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78 B. W. Anderson. 1973. *The Living World of the Old Testament*, 2<sup>nd</sup> Ed.

79 J. O. Arulefela. 1996. *Covenant in the Bible and In Yorùbá land*.

80 Newman, J.H., 2003, From monarch to bishop: “Covenant, Torah, and community formation in the Old Testament and the Anglican Communion”, *Anglican Theological Review*, Winter Edition

81 Nicholson, E. W, 1986. *God and His People: Covenant and theology in the Old Testament*.

82 M. Weinfeld. 1975. Covenant vs Obligation. *Biblica* 56:124-125; 1972. *Deuteronomy and the Deuteronomistic School*; 2001. *Decalogue and the Recitation of “Shema”: The Development of Confessions*.

83 G. E. Mendenhall. 1954a. Covenant Forms in Israelite Tradition. *Biblical Archaeologist* 17.3:25-53; 1954b. Ancient Oriental and Biblical Law. *Biblical Archaeologist* 17.2:3-23.; 1955. *Law and Covenant in Israel and the Ancient Near East.*; 1973. *The Tenth Generation: The Origins of the Biblical Tradition.*; 1976. Social Organization in Early Israel.; 1990. The Suzerainty Treaty Structure: Thirty Years Later.”; 2001. *Ancient Israel’s Faith and History: An Introduction to the Bible in Context*.

84 R. H. Pfeifer. 1931. Transmission of the Book of Covenant. *Harvard Theological Review* Vol.24 No.2 Apr. 1931. 99-109.

85 Y. Osumi. 2012. One Decalogue in Different Texts.

86 S. Hultgren. 2007. *From the Damascus Covenant to the Covenant of Community: Literary, Historical and Theological Studies in the Dead Sea Scrolls*.

87 T. E. Fretheim. 1983 *Deuteronomistic History*.

88 L. Berkhof. 1949. *Systematic Theology*.

89 H. Lockyer. 1964. *All the Doctrines of the Bible*, 146-151.

90 A. A. Hodge. 1983, *Outlines of Theology*.

91 R.. Hooker. 1999. *B<sup>c</sup>rith covenant promise*; <http://www.wsu.edu:8080/~dee/HEBREWS/BERIT.HTM> Updated 6-6-1999.

92 W. Grudem. 1994. *Systematic Theology*, 515-523.

93 E. Jacob. 1964. 210.

communities apart from Israel, the centrality of this concept in form of a covenant with Deity, in the social, political, and economic life is a unique feature of Ancient Israelite religion. According to Edmond Jacobs all instances of covenant-making between YHWH and Israel show three aspects, namely, (a.) the  $\text{t}y\text{r}I\text{b}.$  is bestowed by The LORD as a gift of grace; (b.) it creates a bond of fellowship and communion; (c.) it creates obligations which take concrete shape in the form of civic law. Edmond Jacob, however, is a bit equivocal in his opinion about the relationship between the Mosaic covenant and the patriarchal covenants. Though he feels that the instances of  $\text{t}y\text{r}I\text{b}.$ , mentioned in the patriarchal narratives, were projections of the Mosaic covenant into Israel's past, yet he affirms that the covenant with the fathers preserve a memory of historical events, and that  $\text{t}y\text{r}I\text{b}.$  already held a significant position in the religion of the Patriarchs. The major setback in Edmond Jacob's approach as well as most of other scholars before him is the historical method adopted in dealing with Israel's religious phenomenon, which, though intricately connected with their history, is basically a theological concept. His work adopts a historical framework, even when he was dealing with  $\text{t}y\text{r}I\text{b}.$  as a theological concept. This shortfall was observed by Eichrodt, who proffered a better method of approach. Furthermore, Edmond did not attempt an examination of the reasons why later generations of Israelites failed to keep the  $\text{t}y\text{r}I\text{b}.$  terms, and thereby ended up in exile. His work was rather a panoramic view of the  $\text{t}y\text{r}I\text{b}.$  framework in the Old Testament as a whole, whereas, the Deuteronomistic Corpus specifically applied the cause and effect of the  $\text{t}y\text{r}I\text{b}.$  phenomenon to the Israelite situation. Moreover, there are certain phenomenological aspects of  $\text{t}y\text{r}I\text{b}.$  which were underplayed by the translation into the English word "covenant," and thereby contemplating the phenomenon from an Eurocentric perspective. Gerhard Von Rad, therefore, affirmed that the term covenant is "only a makeshift rendering of the Hebrew word"<sup>94</sup>. This thesis attempts to fill these gaps.

Walter Eichrodt<sup>95</sup> has been referred to as the founding father of Old Testament

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<sup>94</sup> G. Von Rad.1975.129.

<sup>95</sup> W. Eichrodt. 1969.*Theology of the Old Testament*.



Theology<sup>96</sup>. He recognised that the major problem that confronts the realm of Old Testament Theology is how to understand its structural unity in the light of its religious environment on the one hand, and its essential coherence with the New Testament, on the other hand.

He observed that the historical method adopted by previous scholars was quite inadequate because it reduces the essential coherence of the Old Testament and New Testament to mere causal sequence<sup>97</sup> and creates a wrong perception of the reality that there is an actual homogeneity which lies in a similarity in contents and experience of life recorded in the two Testaments. Martin Noth's exhaustive critical presentation of Israel's history for example, did not give any room for the consideration of Israel's dynamic faith<sup>98</sup>. Eichrodt also recognised that the nature of Israelite religion makes it virtually impossible to adopt a completely systematic treatment because of personal factors in the form of creative personalities like Moses, David, and the prophets, who shaped the growth and development of Israel's religion and historical factors which enriched the process of growth with new contents from the religious environment<sup>99</sup>. Eichrodt therefore suggested that the best approach is to complement the systematic method with the historical method. We would adopt this as a significant contribution from Eichrodt, and it would provide us with a good working model. Eichrodt dealt exhaustively with  $\text{ṭyṛIb} .$  , translated as "*covenant*" as a framework for understanding the Old Testament. Eichrodt, like majority of European scholars, did not give adequate consideration to the ritual and psychological dimension of  $\text{ṭyṛIb} .$  , probably because the English word "covenant" did not convey the full import of the ritual and psychological aspects of  $\text{ṭyṛIb} .$  . Hence, he finds no need to attempt to identify the cognitive mediating process which could be seen as the major setback for the continuity of the efficacy of the  $\text{ṭyṛIb} .$  in the Israelite social history. Like Wellhausen and his contemporaries, they were imposing upon the Biblical Text, a Western cultural world-view, which is foreign to its Semitic context. But it can be argued that the African world-view shares much in common with the Semitic world-view. There is, therefore, a need for contextualisation of the understanding of the  $\text{ṭyṛIb} .$  concept to make it relevant to the African understanding. The findings of

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96 A. O. Dada. *Theology of the Old Testament*.

97 W. Eichrodt. 1969. 30.

98 M. Noth. 1960. *History of Israel 2<sup>nd</sup> Ed.*

99 W. Eichrodt. 1969. 32

this research would go a long way to fill in this gap.

John Bright<sup>100</sup> disagrees with Edmond Jacob and Eichrodt on the point that the notion of  $\text{tyrIb.}$  (translated as covenant) was a later incursion into Israelite religious and political thought. Admittedly, the notions of covenant and election were not given formal statement by early Israel. It is also true that the term  $\text{tyrIb.}$  was scanty in Old Testament material, dating before the 17<sup>th</sup> century B.C. Furthermore, it was not until in Deuteronomy that the theology of the  $\text{tyrIb.}$  was given proper expression. Nonetheless, Bright disproved these as the basis for a late incursion of the notion of  $\text{tyrIb.}$  on solid reasons. In the first instance, the organization of tribal order of Israel for her earliest self-understanding is based on the  $\text{tyrIb.}$  concept. It was the cohesive force of common treaty between the tribes before their God that provided the binding factor when she was without any form of central governmental agency, no territorial integrity and no formal machinery of state. Secondly, the antiquity of a  $\text{tyrIb.}$  under Moses was corroborated with the fact that there are significant similarities of form and structuring of this  $\text{tyrIb.}$  compared with treaty forms found in some Ancient Near Eastern Texts of Mosaic age and beyond, while there is less similarities between them and other treaties that date much later. Finally, Bright submits that it is impossible to understand the way in which late  $\text{tyrIb.}$  terminologies permeate legal and prophetic materials in the bible, and the peculiar way in which the early tribal league was ordered, if the notion of  $\text{tyrIb.}$  were a later development, rather than the foundation of Ancient Israel. But still, John Bright is also altogether silent on the reasons for the need of re-enactment and redefinition of the  $\text{tyrIb.}$  at some later stage of Israelite history, a point which is an important discourse in this research.

Gerhad Von Rad<sup>101</sup> reflected upon the salvation history recorded in the 'hexateuch'<sup>102</sup>. He could identify the fact that the saving history was divided into various epochs. These epochs are marked by various instances of  $\text{tyrIb.}$  with

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100 Bright, J. 1981, *A History of Israel*. 3<sup>rd</sup> ed; 1972, *A History of Israel*.

101 G. Von Rad.1966. The Form-Critical Problem of the Hexateuch, *The Problem of the Hexateuch and Other Essays*. 1-78; 1975, *Old Testament Theology Vol.1*.

102 That is, the Pentateuch and the book of Joshua.

YHWH. Hence, he concluded in agreement with Eichrodt, that the motif around which the historical traditions of the hexateuch was arranged was 'covenant theology'. He submitted, however, that the origin of  $\text{tyrIb}.$  (translated as covenant) concept in Israel cannot be investigated through mere etymological investigations alone. He did not fail to recognise the similarities between the forms in which the covenant in Old Testament passages occur, and those found in various Ancient Near Eastern Texts, particularly the Hitite suzerainty treaties; but he emphasised that the theological conception of the  $\text{tyrIb}.$  concept in Israelite cultic life arose as a culmination of her religious experiences which are expressed in form of certain solemn ceremonies. He clearly affirmed that the English term '*covenant*' does not adequately capture the full implication of the Hebrew term **tyrIb.** <sup>103</sup>. From the form-critical analysis of the materials of the hexateuch, he identified two covenants recorded in the JE<sup>104</sup> traditions, which were the covenant with Abraham and that of Sinai. In the P<sup>105</sup> Traditions, Two covenants were also recorded and these were the covenant with Noah and that with Abraham, but Gerhard Von Rad clearly pointed out that there is a high probability that the P document originally recorded the  $\text{tyrIb}.$  at Sinai, which was eventually dropped out when it was being conflated with the E tradition. But Gerhard Von-Rad did not bother himself with the question of why the need to enact new covenants at the various epochs of Israelite Salvation history, and to what extent the  $\text{tyrIb}.$  at Sinai succeeded in regulating the social behaviour of early Israel, an investigation which is the preoccupation of this research work.

Oyedele Abe's<sup>106</sup> earlier works dwelt on the examination of the various forms of  $\text{tyrIb}.$  in Ancient Israel, and gave significant attention to the  $\text{tyrIb}.$  at Sinai / Horeb. His work follows the framework of Eichrodt's. He pointed out the various similarities between the Israelite  $\text{tyrIb}.$  forms, and the Ancient Near Eastern Treaty forms. As at the time of Abe's first submission, African hermeneutics has not gained strong footing in the field of Old Testament Studies. Hence, he did not do

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103 G. Von Rad.1975. 129.

104 The abbreviation JE is used in source criticism to denote combination of the Yahwist source tradition denoted by J, and the Elohist tradition denoted by E.

105 In source criticism, P is used to designate the Priestly source strata of the Pentateuch.

106 G. O. Abe. 1983. *Covenant in the Old Testament*, A Ph.D Thesis in the Department of Religious Studies, University of Ibadan, Ibadan November; 1987. *The Religious Value of the Sinai Covenant*, *Orita, Ibadan Journal of Religious Studies*, Vol.II Nos.1&2, April & October. 97-105.

much of contextualisation of the *tyrīb .* concept, even though he dealt exhaustively in a descriptive manner with *tyrīb .* in the Old Testament, and compared it adequately with its immediate social context of the Ancient Near East. One of his later works<sup>107</sup> took a brief look at some ethical implications of an aspect of the *tyrīb .* provision that borders on marriage and related it to the indigenous Yorùbá context. Though the work of Abe is very valuable, but it can be considered as too Eurocentric. There is a need to look afresh at an African interpretation of the *tyrīb .* concept, and contemplate on the cognitive mediating process, through which it could be used to regulate human behaviour from generation to generation. This is a gap which this thesis attempts to fill.

Bernhard W. Anderson<sup>108</sup> in his own contributions to the study of the *tyrīb .* concept pointed out that the meaning of *tyrīb .* is not primarily determined by its etymology, rather by how this and its related terms function in various literary contexts. On this note, he submitted that covenant signifies a relationship based on commitment, and is usually sealed by a rite, for example, an oath, a sacred meal, blood, or sacrifice. We can agree with Anderson that in the Hebrew Bible, *tyrīb .* is usually conceived as being supervised by deity. This is also the conception of *imùlẹ̀* in the indigenous African culture. Also, from the observation of Anderson that in the ancient world, covenant or treaties often govern the relationship between people, we can deduce that this phenomenon can be considered a universal reality because we could see from the works of Arulefela<sup>109</sup>, Idowu<sup>110</sup> and Awolalu<sup>111</sup>, that not only in Ancient Israel, but also in indigenous African culture, covenant and treaties govern the relationship between individuals, families, clans, tribes and various categories of groups of people. For Ancient Israel, in particular, as depicted in the Hebrew Bible, Anderson in congruence with every other contributor on this subject, agreed that covenant expresses the novel element of the religion of Ancient Israel, in which the people are bound in relationship with YHWH. Anderson's work reflected

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107 G. O. Abe, 1989, The Jewish And Yorùbá Social Institution Of Marriage: A Comparative Study *Orita, Ibadan Journal of Religious Studies* XXI. 1 June, 3-18.

108 B. W. Anderson. 1973. *The Living World of the Old Testament*, 2<sup>nd</sup> ed; 1993. *Covenant, The Oxford Companion to the Bible* Bruce, M. Metzger & Michael D. Coogan, Eds., 138-139.

109 J. O. Arulefela. 1996. *Covenant in the Bible and In Yorùbá land*.

110 E. B. Idowu. 1996. *Olodumare, God in Yorùbá Belief* ; (Revised and Enlarged Edition); 1973, *African Traditional Religion – A definition*.

111 J. O. Awolalu. 1979. *Yorùbá Beliefs and Sacrificial Rites*.

upon the Noah Covenant, the Patriarchal Covenants, the Mosaic Covenant and the Davidic Covenant. He sees the patriarchal covenants as prelude to the Mosaic covenant, while the Davidic Covenant is seen as a supplement. According to Anderson, the Noah covenant expressed the relationship between all creation and their creator. He observed as well that all of God's covenants with Israel include divine promises as well as human obligation. Though Anderson had lived and worked for quite some time within Africa as a lecturer in Immanuel College of Theology, Ibadan, Nigeria, yet his work betrayed his European background, and is rather very Eurocentric. Moreover, the translation of  $\tau\upsilon\rho\iota\beta$  . as covenant, plaid down the psychological dimension and did not impress fully upon the phenomenological nuance of the concept. In addition to these, his work did not give much treatment to the function of  $\tau\upsilon\rho\iota\beta$  . as means of regulating the socio-political and economic aspects of human behaviour in Ancient Israel. This gap would be filled by the findings of this research.

Arulefela<sup>112</sup> did a valuable work in contextualisation of the Biblical covenant concept from Yorùbá indigenous perspective. He upheld the fact that covenant played a great role in the social and religious lives of Ancient Israel. He reiterated that the whole purpose of covenant relationship in the Old Testament was to establish a relationship of truthfulness. He followed Lockyer's taxonomy of covenant instances in the Old Testament. However, his work did not give consideration to the application of the cause and effect aspect of the covenant concept to the Ancient Israelite Situation as depicted in the Deuteronomistic Corpus. Arulefela, like most other writers on the  $\tau\upsilon\rho\iota\beta$  . concept did not examine the cognitive mediating process which accounts for the failure or success of the  $\tau\upsilon\rho\iota\beta$  . concept, in regulating human behaviour.

Judith H. Newman<sup>113</sup> in his paper “From monarch to bishop: Covenant, Torah, and community formation in the Old Testament and the Anglican Communion”, offers a general overview of the nature of covenant in ancient Israel with a brief description of some of the covenants contained in the Old Testament, with a particular focus on two of them: the  $\tau\upsilon\rho\iota\beta$  . at Sinai/Horeb and the divine covenant with King David. He then presents two portrayals of how the Torah is understood in relation to leadership

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112 J. O. Arulefela. 1996. *Covenant in the Bible and in Yorùbá Land*.

113 J. H. Newman. 2003. From monarch to bishop: Covenant, Torah, and community formation in the Old Testament and the Anglican Communion *Anglican Theological Review, Winter*.

and community formation, from two different historical contexts. It offers a comparison between two depictions of the discovery of the scroll of the Torah, the book of the law, during the reign of King Josiah. The first narrative in 2 Kings 22-23 is pre-exilic. The second, in 2 Chronicles 34-35, dates to the post-exilic period, sometime in the fourth century B.C.E. These examples reveal that both the theological trajectory in which the literature stands and the historical circumstances of Israel or the Jews at the time in which each was written, influenced the way in which community was conceived. However, Judith Newman directed the applications of his observations ultimately to shed light on the modern role of bishops in relationship to traditions and community formation, and relates it to the topics of schism in the Anglican Communion as well as ecumenical relations. This contribution is valuable to this research because it gives a glimpse of insight into a relationship between covenant-making and human social behaviour. However, the social regulatory function of covenant is not clearly articulated since the author has a different focus in view. Moreover, Newman was writing for an English ecclesiastical audience, and hence his outlook is justifiably Eurocentric. Furthermore, he did not explore the factors responsible for the failure or success of the covenant concept in regulating human behaviour in Ancient Israel, as this work seeks to do.

Richard Hooker<sup>114</sup> also upheld that the most profound and deeply brilliant concept of the Hebrew world view is the concept of the covenant between God and his chosen people. But for him, "covenant," means something closer to "promise," or "pledge." It is this promise and the relationship it implies between the LORD and his people that defines the Hebrew cultural and historical identity. It could also mean "business deal," or "contract," and it implies a promise to deliver one end of the contract if the other end is met. He noted that the Romans translate the word as "contractual pledge" and "testament". The major fault with Hooker's contributions is that he was too narrow in his approach. He did not consider the full scope of the *ṭyrİB .* concept. Also he did not give adequate cognisance to the psychological, divine or moral aspect of *ṭyrİB . .* But he clearly agrees with the proposition that the *ṭyrİB .* concept was designed to regulate social as well as religious behaviour of the people of Ancient Israel.

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114 H. H. Richard. 2002. Biblical Social Welfare Legislation: Protected Classes and Provisions for Persons in Need. *The journal of law and religion* xvii.1 & 2: 35- 49.

Herbert Lockyer<sup>115</sup> deliberated briefly on the origin of the covenant concept. He reflected that the covenant concept was not originally a religious phenomenon, but was a concept transferred from ordinary life into the religious sphere; hence, “anything agreed upon by two nations or two persons was a covenant”. This, at first, seems to contradict the position that covenant is essentially something with religious flavour. But Lockyer went further to explain that God is often involved as a third party, -'the guardian of the contract'-. The specific instances of covenants treated by Lockyer can be identified as (i) the Adamic covenant; (ii) the Covenant with Noah; (iii) the Patriarchal Covenants; (iv) the Sinai Covenant; (v) the Covenant with David, and (vi) The New Covenant predicted by Prophet Jeremiah, and fulfilled in the New Testament. We find Lockyer's contribution very useful in this research because he clearly articulated some aspects of the covenant concept like the role of the divine in covenant-making. However, he did not explore the importance of the fear appeal and the cognitive mediating process which determines the success of failure of covenant in regulating human behaviour in various human socio-political and economic contexts. This is another gap which this thesis seeks to fill.

### 2.1.2 Etymological considerations

We would undertake a brief review of the definitions of *ῥῆσις* . , starting from the Etymology of the word.

Many authors looking at *ῥῆσις* . , which they translated as covenant, literally from secular perspectives, described it as a binding agreement; a contract; or an agreement in writing under a seal<sup>116</sup>. For Ernst Axel Knauf, *ῥῆσις* . means ‘vassal treaty’.<sup>117</sup> Various English Dictionaries such as the Oxford Advanced Learners Dictionary, place the emphasis either on the legal aspect, or on the material aspect of covenant. These definitions seem somewhat lopsided, when applied to the *ῥῆσις* . concept because it obliterates certain phenomenological aspects of *ῥῆσις* . . Hornby,<sup>118</sup> for example, defines it as "a promise or a legal agreement, especially obliging one to pay a regular amount of money to the subject of the

115 H. Lockyer. 1964. *All the Doctrines of the Bible*.

116 P. Hanks et. al. Eds. 1979, *Collins Dictionary of the English Language*.

117 E. A. Knauf. 2000. Does ‘Deuteronomistic Historiography’ (DH) Exist? *Israel Constructs Its History: Deuteronomistic Historiography in Recent Research*. 389.

118 A. S. Hornby, et.al. Eds. 2000. *The Oxford Advanced Learners Dictionary*.

covenant". This reveals the influence of European socio-cultural context reflected in the English word "covenant" used to interpret the Hebrew term  $\text{t}y\text{r}I\text{b}.$ . A closer examination of the etymological root of the  $\text{t}y\text{r}I\text{b}.$  as used in the Hebrew Bible reveals that the most important phenomenon underlying the  $\text{t}y\text{r}I\text{b}.$  concept is neither the legal nor the material, but the religious and moral aspect and the use of fear appeal. In our study, we focus more on the religious perspective of the covenant concept. As a religious terminology, covenant has been defined as a pact, or treaty between two parties ratified by an oath.<sup>119</sup> This is a definition that better describes the Hebrew term  $\text{t}y\text{r}I\text{b}.$

The word translated as covenant in the English Bible is the Hebrew  $\text{t}y\text{r}i\text{b}.$  in the Tanakh and the Greek  $\text{d}i\text{a}\text{q}h\text{k}h$  in the Septuagint.<sup>120</sup> The Hebrew  $\text{t}y\text{r}i\text{b}.$  has a double pronged meaning. It refers both to the process of ratification as well as the relationship ensuing from the contract.<sup>121</sup> Some scholars, however, have propounded some other meanings of  $\text{t}y\text{r}i\text{b}.$ , which have baffled simple explanation. Smith Mark<sup>122</sup> gave a brief survey of such proponents. For H. Torczyner<sup>123</sup>,  $\text{t}y\text{r}i\text{b}.$  in the context of Isaiah 42:6 means 'splendour'. E. Kutsch<sup>124</sup> interpreted it as 'obligation' while Hillers<sup>125</sup> proposed that it meant 'emancipation'. According to Smith, all these suggestions are faced with great difficulties. Hence, we would not belabour ourselves much with them since their arguments are not strong enough.

The etymological root of  $\text{t}y\text{r}i\text{b}.$ , according to Anderson, is a cognate noun meaning 'bond', or 'fetter', indicating a binding relationship.<sup>126</sup> G. E Mendenhall

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119 G. A. Butrick. *The Interpreter's Bible Commentary, Vol.II*, 196; G. O. Abe. 1987. The religious value of the Sinai covenant, *Orita Vol.II Nos.1&2* April and October.

120 F. C. Fenchem. 1996, Covenant- Alliance, *New Bible dictionary 3<sup>rd</sup> ed.* Eds., J. D. Douglas et.al. 234.

121 This is the consensus among Old Testament Scholars. cf. F. C. Fenchem, G. Von Rad, 1975, *Old Testament Theology Vol.1*, 129; J. L. Alen. 1990. Covenant, *A New Dictionary of Christian Ethics*, Eds. J. Macquarrie, and J. Childress.136-137.

122 M. S. Smith. 1981. Critical notes- berit' am / berit 'olam: a new proposal for the crux of Isa.42:6, *Journal of Biblical Literature* 100.2: 241-243.

123 H. Torczymer. 1935. Presidential Address, *Journal of the Palestine Oriental Society* 16.7.

124 Cf. M. Weinfeld. 1975. Covenant vs Obligation, *Biblica* 56:124-125; M. S. Smith.1981:242.

125 D. R. Hillers. 1978. Berit'am Emancipation of the People, *Journal of Biblical Literature* 97: 175-182.

126 B. W. Anderson. 1993. Covenant, *The Oxford Companion to the Bible*, Eds., B. M. Metzger & M.



agrees with Anderson and linked the root of *tyrib.* with the Akkadian *biritu* which connotes 'fetter'.<sup>127</sup> But Benjamin and Davidson<sup>128</sup> identified it as the feminine singular declension 1a of the root *hrb* which in the Qal form<sup>129</sup> *hr"b'* means 'to eat', 'to choose or select' or 'to cut'. Weighing the contributions of various scholars, it is evident that the etymology of the word *tyrib.* is uncertain. But all the proposed roots reflect a sort of moral imperative, connected with a perception of the Divine. The weakness of the various contributions so far is that they do not give adequate consideration to the moral implications of the connection of the divine with the *tyrib.* concept, an aspect which this thesis delves into. However, it becomes clear from the various contributions that the English word 'covenant' does not adequately give the full connotations of the Hebrew *tyrib.*

Accepting the fact that the etymology of the word *tyrib.* is uncertain, we must then agree with Edmond Jacob and the majority of our contributors that the meaning of *tyrib.* as well as other Old Testament Concepts cannot be determined solely by etymology, but by how they, and their related terms, function in various literary contexts<sup>130</sup>. In other words, their etymology must be studied more in the light of their internal evolution<sup>131</sup>. A careful consideration of various other terms associated with *tyrib.*, in various literary contexts is therefore, necessary. This is an endeavour that is being contemplated in this thesis, with an African evaluative approach as the exegetical framework.

It is a unanimous position among scholars that the most common verb used with *tyrib.*, which has become the technical term for making covenants in Ancient Israel is the verb *trk* in form of the phrase “... l *tyrib.* *trk*”

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D. Coogan. 138.

127 G. E. Mendenhall. 1962. Covenant, *The Interpreter's Dictionary of the Bible – an Illustrated Encyclopaedia*, Eds., G. A. Butrick et.al. 714.

128 B. Davidson. 1981. *The Analytical Hebrew and Chaldee Lexicon*. 114.

129 W. L. Holladay. 1988. *A Concise Hebrew and Aramaic Lexicon of the Old Testament*. 47.

130 E. Jacob. 1964. *Theology of the Old Testament*, Trans. Arthur, W. H. and Philip J. A., 210; cf. B. W. Anderson. 1993; J. O. Cobham. 1988. Covenant, *A Theological Wordbook of The Bible*, Ed. A, Richardson: 55.

131 E. Jacob. 1964.

which literally means 'to cut a covenant to or for...' <sup>132</sup>. It must be admitted here, as well, that the origin of this technical term has been the object of much speculation. The most plausible conjecture is supported by Fenham, <sup>133</sup> and many other contributors to the subject, that the term points to the primitive method of ratifying a covenant, in which a sacrificial animal is cut into two or more parts, and the parties to the covenant pass among the cut pieces <sup>134</sup>. Nonetheless, the conclusion of Mendenhall <sup>135</sup> seems justified, that the original meaning of the phrase must have been lost in antiquity, long before the time of Moses, and the phrase had simply become a technical term. We justify this position, based on analogy with the etymology of *imùlè* and *májèmú* terminologies in indigenous Yorùbá culture. These Yorùbá terminologies, *májèmú* (a conflation of *mú àjè* <sup>136</sup> *mu* which literally means 'to drink with a small calabash') and *imùlè* <sup>137</sup> (which literally means 'to drink the earth or soil') have verbal roots which were indeed derived from the process of ratification, but today, such process were not usually practised in the popular religions but the terms were retained purely as technical terms denoting the *tyrib.* concept. This position is further strengthened by the fact that there are instances in the Old Testament in which *tyrib.* was ratified through other methods, (for example sacrificial meals, and exchange of gifts <sup>138</sup>) and the same phrase *tyrib. trk*, is used to describe the contract. For instance, in 1 Samuel 18:3 “... *tyrib. dwIßd"w> !t"±n"Ahy> troôk.YIW:*” was used to denote the covenant between Jonathan and David in which no sacrifice was stated, but rather there was a bestowal of gift <sup>139</sup>.

From these considerations of the etymological roots of *tyrib.* as used in the phrase, *tyrib. trk*, we can deduce some inferences that are useful for

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132 J. Weingreen. 1959. *A Practical Grammar for Classical Hebrew* reprint 1985, 304; G. O. Abe. 1983:39; G. E. Mendenhall. 1962: 716; F. C. Fenham. 1996: 234; many of the other authors and contributors were altogether silent about the etymological roots of the word covenant.

133 F. C. Fenham. 1996.

134 G. O. Abe. 1983: 39.

135 G. E. Mendenhall. 1962: 716

136 *Àjè* is a small calabash used as cup for drinking palm wine or water or any other drink in traditional Yorùbá culture.

137 J. O. Arulefela. 1996. *Covenant in the Bible and In Yorùbá land*: 31; G. O. Abe. 1983.

138 J. A. MacCulloch. 1960. *Covenant, Encyclopaedia of Religion and Ethics Vol.4*, James Hastings et.al. Eds.: 206-209.

139 *troôk.YIW:* is the plural perfect inflection of *trk*, B. Davidson, 1981, *The Analytical Hebrew and Chaldee Lexicon*.

us in this study. First, if this was the original terminology that has been used to describe *tyrib*. since its inception, then it commends to us the proposition that the *tyrib*. concept has its origin in sacrifices. Secondly, it follows upon the context of cutting the animal in ratification of covenant, that the root of the term *tyrib*. would certainly be the piel form of the cognate verb *hrb* which means to cut<sup>140</sup>. The major difficulties now standing is the fact that we do not yet have the means of ascertaining whether the original or the earliest method of ratification was through cutting of animal, or whether other processes pre-dated it.

Other significant words used in connection with *tyrib*. include *~yqihu*, to establish; *awOb*, to enter; *!tn* to give<sup>141</sup>; *hwc* to command<sup>142</sup>, or *~y#* to cause to enter.<sup>143</sup>

There are also a variety of words used to denote the relationship ensuing from *tyrib*.. These include the following: *Aheb- bha*, meaning to love, 'to have affection for' in the passive it could denote 'to be loved like a friend', hence after making the covenant, Jonathan loved David as his own soul<sup>144</sup>;

*~wOLF'* or *~lof* shalom, denoting covenant peace or prosperity. In the various *tyrib*. contexts this word does not just signify the absence of violence. It denotes perfect peace and prosperity in the sense of good health, safety, rest, welfare

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140 B. Davidson. 1981.

141 **!tan'** used in Gen.17:2; A primitive root To *give*, used with great latitude of application (*put, make, etc.*). Add, apply, appoint, ascribe, assign, bestow, bring, bring forth, bring hither, cast, cause, charge, come, commit, consider, count, up, direct, distribute, do, fasten, frame, , give, give forth, give over, give up, grant, hang, hang up, lay, lay unto charge, lay-up, leave, give leave, lend, let, let out, lift up, make, offer, ordain, pay, perform, place, pour, print, pull, put, put forth, recompense, render, requite, restore, send, send out, set, set forth, shoot forth, shoot up, slander, strike, submit, surely, , thrust, trade, turn, utter, yield.

142 **hw'c'** is also a primitive root (used intensively) and indicates - (*to constitute, or enjoin*) Appoint, bid, forbid, charge, give a charge, command, give a commandment, give in commandment, send with commandment, commander, send a messenger, put in order, set in order. This is the terminology used in Deut 4:13.

143 G. E. Mendenhall. Op.Cit.

144 Though the tone of the phrase “*Av\* p.n:K. Atβao Atib'h]a;B.*” is translated “because he loved him as his soul” which suggests that the love between them is the cause and not the result of the covenant-making; yet it is indisputable that the covenant was meant to perpetuate this affection. In this case it served as a formal declaration and ratification of an existing feeling of affection.

and happiness. Margaret Barker described the implications of this terminology with reference to creation as follows:

These bonds of creation formed the great covenant - the word means binding together - and as long as the bonds of the covenant remained in place, people could live in peace and prosperity. The bonds were called the covenant of peace, or the covenant of life and peace (Numbers 25.12; Malachi 2.5). Peace did not mean simply 'absence of conflict'. The Hebrew word *shalom* implies far more: rest, balance, harmony and completion - we might nowadays say 'a sustainable state.' The story of the creation in the Bible says this was achieved when everything was very good and at rest.<sup>145</sup>

hb'wOj̄ toba is the feminine inflection of bWOj̄,<sup>146</sup> goodness; which denotes in the tyrib. context, 'to be good towards..' bountiful, cheerful, kindly, pleasant, sweet, favourable, at ease' e.t.c.

ds, x, ḥesed, meaning love or solidarity; in various literary contexts it could mean loving-kindness, mercy, pity, favour, goodness. This same word has been used to render 'grace'. Among all the various Hebrew words used to describe the relationship ensuing from a tyrib. , ds, x, is unique, because unlike the others, it is peculiar to Ancient Israelite traditions, and has not been found in any other Ancient Near Eastern Document in relation to tyrib. <sup>147</sup> .

From the considerations of the various words describing the resulting tyrib. relationships, we can safely conclude that even though tyrib. does not place the parties on equal footing, it creates or perpetrates, certain rights and duties, and function as a means of creating a sort of artificial kinship where the natural kinship ties does not exist. This is a vital contribution which would help us in our quest to examine the use of tyrib. in regulating human behaviour in ancient Israel, but the various authors did not highlight the moral implications inherent in the relationships ensuing from tyrib. ratification, as emphasised in the Deuteronomistic Corpus. This is another gap which this thesis would fill. Furthermore, since etymological considerations alone are not sufficient in exploring the full implication of tyrib. .

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145 M. Barker. 2007. *Righteousness, Religion, Science and the Environment: The Arctic: Mirror of Life: Symposium VII.*

146 J. Strong. 2004. *Strong's Exhaustive Concordance of the Bible.*

147 F. C. Fenchem. 1996: 234.

in the Old Testament, in this thesis we also give consideration to how these various related terms function in their literary contexts, as well as other cultural contexts, giving proper cognisance to the usage of its equivalents in the Septuagint, and Ègbá-Yorùbá indigenous linguistic parlance.

In the Septuagint, the Greek term 'διαθηκη' is used to render the Hebrew *tyrIb.*, and with this word, the New Testament takes over the Ancient Israelite concept of *tyrIb.* In the Septuagint, *tyrIb.* is rendered *διαθηκη* on all occasions except Deuteronomy 9:15, where it is omitted altogether.

Deuteronomy 9:15

vae\_B' r[EâBo rh"βh'w> rh'êh'-!mi  
 `drEaew") !p,ae<sup>a</sup>w"  
 `yd"(y" yTeîv. l[;P tyrIêB.h;  
 txoâlu `ynEv.W

LXX:

kai. evpistre,yaj kate,bhn evk tou/ o;rouj kai. to.  
 o;roj evkai,eto puri, kai. ai` du,o pla,kej evpi.  
 tai/j dusi. cersi,n mou

In this instance, the phrase **tyrIêB.h; txoâlu** ('tablets of the covenant') was simply rendered **pla,kej** ('tablets') in the Septuagint, but in every other instance of occurrence of the Hebrew *tyrIb.* in the Tanakh, *διαθηκη* is used to translate it to Greek in the Septuagint.

This Greek word *διαθηκη*, is almost exclusively confined to this usage throughout the Septuagint. Even though in Greek jurisprudence the ordinary word for covenant is *συνθηκη*, but the covenant idea expressed in this term (*συνθηκη*) relies very heavily on the legal equality of the parties involved to the extent that its usage would modify the scriptural context of the Hebrew word *tyrIb.* Hence, the word *διαθηκη*, which more closely denotes 'testament' or 'disposition', is preferred.

But the Greek *διαθηκη* as well, is not a perfect equivalence of *tyrIb.* because it gives more weight to the legal aspect and does not render the full import of its religious and moral aspect.

The use of the Greek *διαθηκη* however shows that the fact of Divine Initiative is

highly central to the idea of  $\tau\upsilon\rho\iota\beta$  . between the LORD and man in general, either as individuals or as a nation. This notion comes to the fore in the choice of  $\delta\iota\alpha\theta\eta\kappa\eta$  in the Septuagint and the New Testament because unlike  $\sigma\upsilon\nu\theta\eta\kappa\eta$ ,  $\delta\iota\alpha\theta\eta\kappa\eta$  primarily signify a ‘disposition by will or otherwise’. In contradistinction to the ordinary usage of the English word ‘covenant’ it signifies more closely, “an obligation undertaken by a single person”. Nonetheless, the emphasis on Divine initiative is not such that would exclude or eclipse the demand for human responsibility. The import of the monopoleuric nature of the  $\delta\iota\alpha\theta\eta\kappa\eta$  is explained by J. R. McRay in the following terms- “in the case of covenant between God and humans, the stipulations are made by God and people have the choice of accepting or rejecting but not offering alternative conditions”.<sup>148</sup> The exercise of freewill is therefore necessary on the part of human party of  $\delta\iota\alpha\theta\eta\kappa\eta$  and this implies that responsibility for actions taken is a corollary of covenant-making.

### 2.3.1 $\tau\upsilon\rho\iota\beta$ concept in ancient Israel as depicted in Deuteronomistic History

In order to gain an understanding of the  $\tau\upsilon\rho\iota\beta$  . concept as depicted by the Deuteronomistic Corpus, we explored various scholarly contributions on: (i.) the origin of the  $\tau\upsilon\rho\iota\beta$  . concept in Ancient Israel; (ii.) various instances of  $\tau\upsilon\rho\iota\beta$  . in Ancient Israelite literary tradition; (iii.) Progressive development of  $\tau\upsilon\rho\iota\beta$  . concept in various Israelite literary traditions.

#### 2.1.3.1 Origin of $\tau\upsilon\rho\iota\beta$ in Ancient Israel

It is indeed true that the origin of the idea of  $\tau\upsilon\rho\iota\beta$  . between the LORD and Israel is shrouded in obscurity.<sup>149</sup> This is also true of the general idea of  $\dot{\imath}m\dot{u}l\grave{e}$  and  $m\acute{a}j\grave{e}m\acute{u}$  in Yorùbá indigenous culture. We do not arrive at this conclusion presumptuously. We examined briefly the propositions from various contributors on this subject to validate our stand.

The first major approach among scholars was to suppose that there was a particular 'original' and 'unambiguous' form of  $\tau\upsilon\rho\iota\beta$  . in Ancient Israel, from

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148 J. R. McRay, 1986, Covenant, *The Dictionary of Bible and Religion*, W .H Gentz et al. Eds.  
149 J. O. Cobham. 1988.

which other  $\tau y r I b .$  forms later developed. Four basic propositions are current among scholars in response to this consideration.

There is a proposition spearheaded by Pedersen, which presupposed that the original form of  $\tau y r I b .$  was the parity form, stemming from ordinary transactions between parties of equal footing. Another proposition was fostered by J. Begrich, and proposed that the original  $\tau y r I b .$  forms were in the suzerainty form, and that they developed from benevolence bestowed on the weaker party by the stronger party. A third perspective was spearheaded by Mendenhall, who studied the religio-historical background of ancient Hittite treaty documents. He arrived at the conclusion that the  $\tau y r I b .$  Idea in Ancient Israel derived from the treaty element observable in the Ancient Hittite treaty forms. Finally, another position emerged from the study of some recently discovered texts, proposing that  $\tau y r I b .$  arose from the mediatory role performed by a third party between two contracting parties.

These four schools of thought are based on the common assumption that all forms of  $\tau y r I b .$  evolved from one original and basic form. This assumption can be faulted on many grounds. In the first instance, covenanting may have existed in various basic forms at the same time in various socio-cultural and religious settings. And this is probably so, considering the fact that the terms associated with  $\tau y r I b .$  in diverse cultural and linguistic contexts emphasised differing aspects of the phenomenon. Secondly, from the perspective of Old Testament studies, it is an indubitable fact that unlike the New Testament, the Old Testament was written over a very long period of time which, considering the range from the earliest poetry to the latest apocalypse, including the Apocrypha, may extend to over a millennium<sup>150</sup>. These periods reflect Mesopotamian, Egyptian, Canaanite, Assyrian, Babylonian, Persian, as well as Hellenistic cultures. We cannot then be sure, from which of these cultures Israel would have taken the cue that informed her understanding and usage of the  $\tau y r I b .$  concept, or whether it is indigenous to Israelite thought. The best approach that would suggest a probable solution is the historical-critical examination. We would return to this shortly after investigating the other considerations. But it is

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150 J. H. Newman. 2003. From monarch to bishop: Covenant, Torah, and community formation in the Old Testament and the Anglican Communion, *Anglican Theological Review*, Winter Issue.

notable that all contributors from this perspective did not look at the options of the Biblical writers themselves with regards to the origin and concept of **tyrIb.** in Ancient Israel. This present work seeks to consider the Deuteronomist's view in this regard.

The second approach is to seek an origin of the **tyrIb.** concept, in general, notwithstanding their forms. The various propositions from this perspective could be summarised under four basic proponents. The first of these is that **tyrIb.** concept, interpreted as covenant arose within the context of family structure, in which case it arose from the need to foster a form of kinship tie where the natural kinship status is absent<sup>151</sup>. The second proposition is that it arose from the religious context in sacrificial rights. MacCulloch explained that in a great measure, all religious ceremony and worship is the expression of a covenant relationship between men and the gods. For the worship paid, the worshipper expects the god or gods to perform certain duties towards them and this worship also tends to confirm that relationship, but there are certain religious rites in which the covenant motif comes out more specifically<sup>152</sup>. In this case the origin of **tyrIb.** could be traced to the method of ratification through sacrificial meals or the act of cutting animals into the required pieces and the concerned parties pass through the pieces. This position is strengthened by the usage of the technical term **tyrIb. tr'k'** The third is that it arose from the payment of sacrificial dues in return for the LORD's help in battle<sup>153</sup>. The fourth is that Israel adopted the concept from the cult of **tyrIßB. l [ ; B ; î (Baal' Berith)**<sup>154</sup>. This conjecture is based on the event of the convocation at Shechem, recorded in Joshua 24. Indeed, Shechem was a notable religious centre renowned for the worship of Baal Berith, a deity known to bind himself to the people of the sons of Hamor by covenant<sup>155</sup>. Also, Anderson pointed out that

<sup>151</sup> This position is expounded by Newman, Judith H. 2003; Smith, W. R. *Religion of the Semites*: 313 quoted by J. O. Cobham. 1988.

<sup>152</sup> J. A. MacCulloch. 1960. Covenant, *Encyclopaedia of Religion and Ethics Vol.4*, Eds. Hastings, James et.al.: 208-209.

<sup>153</sup> F. L. Cross, & E. A. Livingstone. Eds. *The Oxford Dictionary of the Christian Church, 2<sup>nd</sup> Ed.*, 353-354

<sup>154</sup> A major proponent of this position is .E. Meyer, but his position is debunked by J. O. Cobham. 1988. On the grounds that it is difficult to avoid the conclusion that the Sinai Covenant preceded that of the Shechemite Covenant.

<sup>155</sup> E. Jacob. 1964. 211.



there is a high probability that there had been a confederacy of six tribes already existing at Shechem, before the arrival of Joshua.<sup>156</sup> But he clearly stated also that it is evident from the passage that Joshua was not officiating at a ceremony  $\tau y r I b .$  ratification that brought Israel together for the first time, it was basically a reaffirmation of the  $\tau y r I b .$  made at Sinai / Horeb.

From the literature reviewed so far, it could be concluded that one must turn to the religio-historical analysis of Ancient Israelite religious tradition if one would gain any significant insight into the origin of the  $\tau y r I b .$  concept in Ancient Israel. This work seeks to fill this gap by the use of the historical critical method and focusing on the Deuteronomistic Corpus.

Chief among the great exponents of historical critical analysis of the Old Testament is Wellhausen.<sup>157</sup> Nicholson<sup>158</sup> and Barton<sup>159</sup> presented surveys of various scholarly works revealing the direction of opinion among scholars starting from Wellhausen down to the 20th century, with regards to the origin and development of the  $\tau y r I b .$  concept in Israel. Wellhausen in his historical critical analysis of the Old Testament concluded that the idea of  $\tau y r I b .$  in the religious conceptions of the Israelites was an invention of the great prophets of the 8th century B.C. Hence, the origin of  $\tau y r I b .$  in Israelite religious thought should be traced to the 8th century period. Barton, however, correctly observed that the prophetic books as they have come down to us assume that the idea of the  $\tau y r I b .$  was an older concept to which they appealed. Hence, the textual evidence before us directly contradicts the propositions of Wellhausen. The examination of the various instances of  $\tau y r I b .$  in the Old Testament, and the forms employed would throw some light on the validity or otherwise of Wellhausen's claim.

### **2.3.1.2 Various instances of $\tau y r I b .$ in Ancient Israel**

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<sup>156</sup> B. W. Anderson. 1966. *The Living World of the Old Testament*, 90-94.

<sup>157</sup> J. Wellhausen. 1881, Israel. *Encyclopaedia Britannica*, 9th Ed. Vol.xiii; 1885, *Prolegomena to the history of Israel*.

<sup>158</sup> E. W. Nicholson. 1986. *God and His People: Covenant and theology in the Old Testament*.

<sup>159</sup> J. Barton. 2003. Covenant in Old Testament Theology, *Covenant as Context: Essays in honour of E. W. Nicholson*. A. D. H. Mayes and R. B. Salters, Eds., 23-38.

Various instances of *ṭyrIb* . are observable in the records of the history of Ancient Israel reflected in the Old Testament scriptures. Some are explicitly portrayed with the use of covenant terminologies, while some reflected the *ṭyrIb* . concept without employing explicit covenant terminologies. In indigenous Yorùbá culture, we do not have written records of the ancient religious history. The only recourse has to be to oral traditions. Since our study is located in the realm of Old Testament Theology, we would limit our review to the available information provided by writers in the field of Old Testament studies, but we would employ our research findings in the area of indigenous Ègbá-Yorùbá religion only as an evaluative periscope.

The various scholars examined consistently translated *ṭyrIb* . with the English word 'covenant'. Though this rendition is somewhat inadequate, we had to retain it at this juncture so as to be able to properly represent these authors' views. They had grouped the *ṭyrIb* . mentioned or implied in the Old Testament in diverse ways. P. R. Williamson<sup>160</sup> grouped *ṭyrIb* . in the Pentateuch generally into three broad spectra. (i) universal covenants: these are instances of covenanting in which God bound Himself in covenant with the whole of mankind, or the whole of creation, and not a particular race or tribe of men; (ii) ancestral covenants: These are instances in which God bound Himself in covenant with the Patriarchs; (iii) national covenants: These are instances in which God bound Himself in covenant with the Israelite nation.

Williamson was primarily concerned with God-bound covenants within the Pentateuch. Oyedele Abe,<sup>161</sup> however, furnished a broader scope of categories of covenants in the Old Testament. He also categorises the covenants into three broad groups as follow:

secular covenants: which he further divided into four subgroups: Suzerainty, Parity, Promissory and Patron covenants

God-bound covenants: these refer to instances in which God bound Himself to man in covenant relationship. Under this category he mentioned the Adamic, Noahic, and Davidic covenants. Israel-bound covenants: these are covenants which impose obligations upon the Israelite nation. Under this category he mentioned the Sinai covenant. The covenant of Joshua at Shechem; the Deuteronomic reform, and the

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160 P. R. Williamson. 2003, Covenant, *Dictionary of the Old Testament Pentateuch* T. Desmond Alexander & David W. Baker, Eds. 139.

161 G. O. Abe. 1987. The Religious Value of the Sinai Covenant, *Orita, Ibadan Journal of Religious Studies*, II.1&2, April & October: 97-105.

covenant of Ezra. Of these, we are primarily concerned with the Deuteronomic reform under King Josiah. Since the primary aim of Abe was not directed at taxonomy of Old Testament covenants, he did not provide an exhaustive list of covenants under each category he mentioned.

From the review so far, it has been discovered that there has been more emphasis on the *tyrIb*. mediated by Moses because of its centrality in the development of the religion and history of Israel. But there has been a relative neglect of the phenomenological understanding of *tyrIb*. and its socio-moral significance in the life of Ancient Israel. In this research work, the researcher would attempt, as much as possible, to deal with the general principles even though the *tyrIb*. mediated by Moses would still serve as the particular case for study, but in the light of the Deuteronomic reform under King Josiah.

Another significant observation is that on the face value, there is no agreement with regards to the covenantal status of instances in which the *tyrIb*. terminologies were not clearly used. These include the so called Adamic and/or Edenic covenant which is referred to as the 'covenant of works'. While contributors like Wellhausen<sup>162</sup>, G.O. Abe<sup>163</sup>, Herbert Lockyer<sup>164</sup>, Louis Berkhof<sup>165</sup>, Wayne Grudem<sup>166</sup>, Robert G. Clouse<sup>167</sup>, and J. O Arulefela<sup>168</sup> and some others recognise a covenant between God and Adam in the Edenic dispensation; others like P. R. Williamson,<sup>169</sup> do not recognise a covenant instance in the situations in Eden. Some other contributors were neutral or all together silent on the issue. On a brief overview it seems that 'covenant theologians' in general ascribe a covenantal status to the situations in the garden of Eden, while the majority of Old Testament theologians disagree or are neutral or silent on the issue. This disparity is easily recognised and reconciled by Macrae Tod<sup>170</sup>. This is because majority of Old Testament theologians preoccupy themselves

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162 Wellhausen refer's to the P document as a "book of four covenants" reckoning the Adamic covenant as the first Covenant in the P corpus.

163 G. O. Abe. 1987, 97.

164 H. Lockyer. 1964. *All the Doctrines of the Bible*, 146-151.

165 L. Berkhof. 1949. *Systematic Theology*. 211-218.

166 Grudem, W. 1994, *Systematic Theology*, 515-523.

Clouse, R. G. 1974, *Covenant Theology*, *The New International Dictionary of the Christian Church*, Douglas J. D. Ed., 267.

168 Arulefela. 1996. *Covenant in the Bible and In Yorùbá land*, 10.

169 P. R. Wiliamsson. 2003, *Covenant*, *Dictionary of the Old Testament Pentateuch*, 139.

170 D. M. Tod. 1960. *Covenant Theology*, *Encyclopaedia of Religion and Ethics Vol.4*, J. Hastings. et.al. Eds. 216-224

with the 'covenant idea' while covenant theologians recognise the 'covenant principle' using it as the organising principle of the entire theological system and giving it a central importance even in places where it does not necessarily belong<sup>171</sup>. Looking critically at the works of Old Testament theologians in general, one would see that they recognised that the covenant principles are present in the Eden periscope, but all agree that the institutional forms and express  $\text{tyrIb}$  . terminologies and elements are blatantly absent. Hence they are reluctant to affirm an Edenic or Adamic covenant. Rather they concentrate on the '*covenant idea*' which is a heritage common all of Christendom, gained from the Old Testament, describing the relation between God and His people in terms of covenant either with the nation as a whole or with individual persons.

We are able to gain a useful insight from this observation. It means that there is a covenant principle that could indeed be discerned in various relationships in the Old Testament, even where the terminologies and ritual or formal elements of  $\text{tyrIb}$  . are absent. This would greatly help us in our task of seeking out and outlining the fundamental principles and universal paradigms underlying the covenant concept, which can be applicable to circumstances beyond Ancient Israelite contexts.

### **2.1.3.3 Progressive development of $\text{tyrIb}$ concept in ancient Israelite religious traditions**

From the library work, the following conclusions with regards to the religio – historical survey of Ancient Israelite religious traditions, to unravel the progressive development of the  $\text{tyrIb}$  . concept through the efforts of various scholars were reached.

In the first instance, it is in the Deuteronomic traditions that the theology of  $\text{tyrIb}$  . received its classical definition. This opinion was stimulated by the Wellhausen School of thought, which presupposed that the  $\text{tyrIb}$  . concept did not arise in Israel until the Deuteronomic period because it was Deuteronomic literature that emphasised it so strongly. This has led many scholars to the conclusion that the

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171 D. M. Tod. 1960. 216.

notion of  $\tau y r I b .$  was a later development in the Ancient Israelite thought.<sup>172</sup> But recent scholarship has debunked this notion. An instance is the mention of  $\tau y r I b .$  in Hosea<sup>173</sup>, which is in agreement with the two earliest historical strata on the origin of the covenant. This has been cited as evidence of a much earlier date of the Deuteronomic School. Also, the earliest recollections of the relationship of Israel with the LORD have been in form of  $\tau y r I b .$  communion<sup>174</sup>.

Secondly, it has been deduced with a degree of certainty that the history and religion of Ancient Israel presupposed a historic  $\tau y r I b .$  between the LORD and Israel<sup>175</sup>. The point at which earlier scholars differ was whether the original instance of this historic  $\tau y r I b .$  was the one ratified under Moses at Sinai/Horeb or that ratified under Joshua at Shechem. Here, a solution is proffered by the analytic comparison of Deuteronomy and the book of Joshua, with the JE traditions of the earlier narratives. It is the general consensus in recent scholarship that the  $\tau y r I b .$  at Sinai/Horeb was the original, and all other  $\tau y r I b .$  afterwards were renewals, or extensions to a wider association.<sup>176</sup>

Finally it can be affirmed, positively, that the idea of  $\tau y r I b .$  was a notion that has been inherent in the Ancient Israelite religious thought long before the concept was employed at Sinai/Horeb. Even the Sinai/Horeb periscope was derived from the principle which is already understood by the recipients of the  $\tau y r I b .$ . Hence, Eichrodt remarked- “...it can be demonstrated that the covenant – union between *YHWH* and Israel is an original element in all sources, despite their being in part, in very fragmentary form...”<sup>177</sup>

He opined that the earlier sources depicting the post-Mosaic era manifestly portray the premises of a  $\tau y r I b .$  relationship with the LORD, even though the explicit  $\tau y r I b .$  terminologies are not present.

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172 J. Bright. 1972. *A History of Israel*. 145.

173 For example, Hosea 6:7; 8:1.

174 This is the line tolled by Th. C. Vriezen. 1970. *An Outline of Old Testament Theology*, 2<sup>nd</sup> Ed., 166, 348-352; J. Bright. 1981. 145; O. Kaiser.1984. *Introduction to the Old Testament*. 20.

175 Martin Noth stated emphatically that the Sinai Tradition derived from an actual event. Noth, M. 1960. *History of Israel*. 128.

176 E. Jacob. 1964. 212.

177 W. Eichrodt. 1961. *Theology of the Old Testament*. 35-36.

It was concluded, therefore, that the origin of the  $\text{tyrIb}.$  concept in Ancient Israel dated far back into antiquity and that we can affirm that it has been present in the understanding of the people long before the concept was employed to give a definite expression of their relationship with the LORD, from the inception of the community as a people of the LORD. But as at the moment, we do not yet have the means to determine with certainty, where they derive this knowledge of the  $\text{tyrIb}.$  concept; whether from Egypt as Craigie has given a hint<sup>178</sup>, or through familiarity with the religious rites at Schechem before the actual entrance and possession of the land, or through contact with Hittite treaty forms<sup>179</sup>. Definitely Moses, who was brought up in the royal court of Egypt would have been familiar with treaty documents of Ancient Orient, and Egyptian sources. Also it is notable that ancient treaty documents dating far back to the times of the patriarchs have been discovered in Mesopotamia, from where Abraham, the great Patriarch had originated. Notwithstanding, we are not sure which of these were the primary sources of Israelite understanding of the  $\text{tyrIb}.$  concept. The only certain fact we can affirm is that, contrary to the Wellhausen school of thought, Israel had been familiar with the  $\text{tyrIb}.$  concept right from the pre-historic times. In all this discourse, however, none of the contributors give adequate treatment of the opinion of the Bible writers themselves. This insight can be garnered from the Deuteronomists who practically applied the covenant principle as a historical reality to the real life situation of Post exilic Israel. This application is evident in the Deuteronomistic Corpus. This work attempts to seek out this application and deduce its underlying principles with the aim of presenting it in a manner that can be applied to varied contexts.

#### **2.1.4 Forms of $\text{tyrIb}.$ in Ancient Israel**

It is a unanimous position among scholars reviewed that the various instances of  $\text{tyrIb}.$  recorded in Israel's literary traditions follow certain patterns and structural forms observable in various Treaty documents, discovered in the Ancient Near East<sup>180</sup>. In the first instance, the idea of making a treaty pervades the whole

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178 P. C. Craigie. 1976. *Book of Deuteronomy*. 80-83.

179 J. H. Hayes & J. M. Miller Eds. 1977. *Israelite and Judean History*, 160-161.; J. Berman. 2011. CTH 133 and the Hittite provenance of Deut 13. *Journal of Biblical Literature* 130.1:25-44.

180 Moshe Weinfeld has brilliantly demonstrated the similarity in structure between the Ancient Israelite

history of the ancient Near East, and by Archaeology, has provided access to some good samples of such treaties. These include from the Hittite treaties, the treaties of Esarhaddon from the Hittite stock as well as Assyrian treaty documents and the Aramean treaty of Sefire.<sup>181</sup> The major sorts of treaty that throw significant light on the *tyrīb .* concept are the suzerainty covenants of Hittite origin. Comparing them with the *tyrīb .*, mediated by Moses, Abe highlighted clearly the basic structural similarities between them, and pointed out the following basic forms:

2.1.4.1 **Preamble:** in this opening section of treaty form which is similar in structure to the *tyrīb .* at Sinai/Horeb, the Superior party to the treaty who is usually the initiator introduces himself. In the case of the *tyrīb .* at Sinai/Horeb, God is the initiator, and he introduces Himself thus “I am the Lord Your God...”<sup>182</sup>

2.1.4.2 **The historical prologue:** The historical prologue in the treaty forms usually recount the basic situations and circumstances that underlie the treaty, and give a rationale for the treaty. In the case of the *tyrīb .* at Sinai/Horeb, the narrative of the deliverance from Egypt parallels this form, and presents the LORD as a Benevolent Sovereign.

2.1.4.3 **The stipulations:** the stipulations of the Hittite treaty forms are usually the obligations required from the weaker and dependent state. It is usually in the form of tributes, and mandatory military service. The terms and stipulations of the *tyrīb .* at Sinai/Horeb can be discerned in the provisions of the Decalogue and the Book of covenant, which could be seen as Israelite civil law.

2.1.4.4 **The deposit and public reading:** In the *tyrīb .* at Sinai/Horeb, Moses was required to keep copies of the book of the covenant in the Ark, which is seen as the throne of the LORD, who is invisible but present. This parallels with the ancient Hittite practice of depositing copies of their treaty documents at the foot of their gods. Also, the book of the law is meant to be read and taught to the assembly of the Israelites during the religious festivals, just as the treaty terms of the ancient Near East require that the terms of their treaties be read in public hearing of the assemble of citizens of the vassal states.

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Covenant and ANE Vassal Treaty forms. Weinfeld.1972. *Deuteronomy and Deuteronomistic School*.  
 181 F. F. Bruce. 1996. 236.  
 182 Exod.20:1-2a.

2.1.4.5 **List of witnesses:** it is a normal action in most ancient Near Eastern documents to call or list the objects of natural phenomena such as mountains, rivers, rocks, trees e.t.c., As witnesses to their contracts and treaty pacts. This is particularly visible in the Deuteronomic presentation of the *tyrīb .* at Sinai/Horeb; for instance, in Deuteronomy 30:19, where Moses calls the heavens and the earth as witness, and in Joshua 24:27 where Joshua sets up a stone and presented it as a witness to the covenant renewed at Shechem.

2.1.4.6 **The blessings and curses:** The treaties always include a description of the negative consequences of breaching the terms of the treaty. These consequences are usually implemented by the suzerain, but the gods and deities were seen as the ultimate judge who would visit the offender with woes and ruin. A parallel to this is seen in Deuteronomy 28:1-68, in which Moses sets out the blessings and curses of the *tyrīb .*, renewed in the plain of Moab.

2.1.4.7 **The Oaths:** Treaties are usually concluded with swearing of oaths. Even though the making of oaths is not clearly depicted in the Exodus narrative of the *tyrīb .* at Sinai/Horeb, Abe<sup>183</sup> observed, rightly, that the people's informal verbal consent to abide by the terms and dictates of the book of the covenant served the purpose. However, in Deuteronomy, there are instances of reference to the *tyrīb .*, mediated by Moses, as “covenant and oath”(Deuteronomy 29:13 found in 29:14 in the English version; ) as well as a allusion to the covenant God “swore” to their fathers (Deuteronomy 4:31). Furthermore, the liturgical setting of the pronouncement of curses and blessings in Deuteronomy 28:1-68 presupposes the process of swearing an oath.

In summary, it could be said that, though there were no rigid forms to which all the treaties in Ancient Near East rigidly conform, yet the above forms give a loose picture of an average treaty in Ancient Near East, and show clearly that Israel utilises the *tyrīb .* concept as a phenomenon with which she was very familiar within her immediate environment. Ancient law-codes, dating as early as the Patriarchal periods, have been discovered, which also show great similarities with the structure of the Decalogue, and display certain structural affinities with the *tyrīb .* at Sinai / Horeb as shown in the Exodus account. These include the Urukagina Law Code, which

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183 G. O. Abe. 1987 , 99-103.



pre-dates the Ur-Namu Law code, dating about 2100-2050 BC<sup>184</sup> and the Law code of Hammurabi, dating about 1795-1750 BC.

However, the scholars reviewed so far, approached the *tyrīb* . concept from a European understanding, which treated *tyrīb* . as equivalent to the English ‘covenant,’ and perhaps, is not fully concomitant with the Semitic outlook on the meaning and significance of *tyrīb* . . Though the structural affinities between the treaty forms and the *tyrīb* . concept is given a prominent place, the distinctive phenomenological aspect in *tyrīb* . is often neglected. This aspect is the employment of the fear appeal, in which the structural form, similar to that of the treaty documents of the Ancient Near East is employed in *tyrīb* . as a sort of cognitive mediating process to create a vivid awareness of the threatened dangers and the promised benefits of keeping the terms of the *tyrīb* . . It is really important to explore the implications of the structural forms common to Ancient Near Eastern treaty documents as a vehicle of cognitive mediating process which is employed in the *tyrīb* . concept to ensure its efficacy in regulating human behaviour in the Ancient Israelite context and investigate this phenomenon in such a way that it could be easily decipherable to an African mind. This thesis would fill in this gap.

## **2.2 *tyrīb* in Ancient Israel -à-vis *imùlè* in indigenous Ègbá culture**

### **2.2-1 An overview of some scholarly works**

It is quite notable that in the works of many pioneer scholars of African indigenous Religion, particularly from the Yorùbá perspective, there is little in-depth treatment of covenant-making as a religious practice among the Yorùbá until recently. For example, authorities like Bolaji Idowu, Parinder, and Awolalu did not devote a chapter to covenant-making as a religious practice among the Yorùbá. This does not undermine the significance of covenant-making in Yorùbá indigenous religious practice. The works of these pioneer scholars, as well as most of the more recent writers, dwell more on African indigenous world view and religious practices in general. Recently, Jegede

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184 M. T. Roth. 1995, Law Collections from Mesopotamia and Asia Minor. *Writings from the Ancient World*, vol. 6.

made a remarkable contribution on the role of oath-making in Yorùbá and Igbo Jurisprudence. He devoted a chapter to covenant in Yorùbá and Igbo indigenous cultures. It is a work that made very good advance on the previous scholarly works in that it brings out vividly the practical aspect of the covenant concept in African indigenous culture. These works give us insight into the processes of covenant-making in African indigenous culture, but these contributions need to be compiled, harmonised, articulated and applied to the *ṭyṛIb .* concept for a good understanding of the scripture in indigenous Yorùbá categories.

Arulefela treated covenant-making in Yorùbá Land. He identified processes of indigenous Yorùbá covenant-making signified by terminologies such as *ìbúra*, *ìmùlẹ̀* and *májẹ̀mú*. He also treated some instances or situations of covenant-making in indigenous Yorùbá culture such as friendship, marriage, sale of land, communal meals, the aristocracy, citizenship initiation, secret societies, religious cults, and professional groups. These contributions are valuable to us in this research because they articulate certain aspects of the covenant concept in indigenous Yorùbá terms. However, Arulefela's work is basically descriptive of the covenant concept. This research work would progress on Arulefela's work by exploring the cultural and socio-religious correlations between Ancient Israelite *ṭyṛIb .* and indigenous Yorùbá *ìmùlẹ̀* and why the *ṭyṛIb .* concept failed to effectively regulate the social moral behaviour in early Israel. This is also done with the aim of revealing the universal paradigms in *ṭyṛIb .* vis a vis *ìmùlẹ̀*, which may be employed to regulate human behaviour in diverse socio-cultural contexts.

T. F. Jemiriye, of the Department of Religious Studies in the University of Ado-Ekiti, explicates the phenomenon of *ìbúra ojú-ìbọ̀* (Oath taking at the shrine), which explains an aspect of covenant-making that gives us an understanding of the concept and nature of covenant-making in indigenous Yorùbá perspective. He defined *ìbúra'* (Oath taking) as

...a voluntary, conscious choice of putting a curse on oneself for a known or desired purpose. It is a pledge, a mandate of commitment and strict compliance with a position at which a deviation from the agreed initial position will trigger the attached curse without any other negotiation it is ...an act of self-bounding to guarantee total compliance and fulfilment of agreement...<sup>185</sup>

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185 T. F. Jemiriye. *Ìbúra ojú-ìbọ̀: A contextual Phenomenon*

He explained that the parties to an oath believe that when an oath is sworn at a shrine, the supernatural powers, residing at the shrine, have a universal potency that it can inflict on any defaulter, hence this confirms the use of fear appeal as a concept in oath-making. However, oath-taking is not equivalent to covenant-making, though it is an indispensable aspect of covenant-making. Jemiriye did not clearly articulate this aspect.

The work of Charles Jegede is focused on Shrines, Oath-taking and Jurisprudence in Yorùbá and Igbo Religions. However, his work gave a valuable insight into the *tyrIb* . concept because oath-taking is an integral part of *tyrIb* . making. He described a covenant as a relationship that is deliberately entered into.<sup>186</sup> The work illuminates the nature of *Ìmùlẹ̀* in Yorùbá indigenous culture. He clearly demonstrated that law and morality cannot be separated from religion in the African mind-set as well as in the Bible and Quran.<sup>187</sup> He shows that "...like most other words in English, the word 'covenant' is not able to convey the meaning and essence of *tyrIb* . in the African indigenous religion"<sup>188</sup>. He outlined the procedure of using oaths in jurisprudence in indigenous Yorùbá and Igbo cultures of Nigeria, and his presentation shows clearly that fear appeal is a significant phenomenon in oath-making. This position is clearly seen in the following statement:

The use of the Bible or Koran to take oaths is very potent because they are sacred books. It can be suggested that what make them seemingly impotent is because in the oath proper, adequate maledictions are not used when oaths are taken with these instruments... to make vain oath in the name of any sacred object is to challenge the god that the object symbolises; it is to query its beingness, and it is the height of sacrilege and desecration. There is no god who will forgive anyone who takes vain oaths in his name this is the core of their being and this is the spot where their potency is even more virulent...<sup>189</sup>

He affirmed further that "To every oath, there is joined either an expressed or an implied threats or malediction..."<sup>190</sup> and that "it can be argued that oath that is devoid of malediction is alien to African religion and jurisprudence..."<sup>191</sup> these statements confirm the proposition of this thesis, that *tyrIb* . regulates human behavioural

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186 C. O. Jegede. 2011, *Shrines, Oath-taking and Jurisprudence in Yorùbá and Igbo Religions*, 128.

187 C. O. Jegede. 2011,49.

188 C. O. Jegede. 2011, 124.

189 C. O. Jegede.2011, 159.

190 C. O. Jegede. 2011,164.

191 C. O. Jegede. 2011,165.

pattern through the use of fear appeal. The work of this scholar is very significant to the present study because oath-taking is an indispensable aspect of the form of covenant as conveyed by the *tyrib.* and *imùlẹ̀* concepts. Jegede's work is carried out from the perspective of African indigenous religion; hence the author did not expand its scope and application into the realm of biblical interpretation. It is very descriptive and analytic and gives insight into oath-taking process as a crucial aspect of covenant-making in Yorùbá and Igbo cultures of Nigeria. But the work did not treat other cognate terms related to covenant-making such as *Ìmùlẹ̀* and *Májẹ̀mú*. The present work seeks to apply some of the findings articulated in these past works to the realm of Biblical interpretation, and attempt to bridge the contextual gap between the Biblical text and indigenous African culture with particular focus on Ègbá-Yorùbá indigenous culture.

### **2.3 Common paradigms in ancient Israelite concept of *tyrib.* and indigenous Ègbá concept of *imùlẹ̀***

During our library work, we have found that there are some particular spheres in which the fundamental principle common to the Ancient Israelite *tyrib.* and Yorùbá indigenous concept of *imùlẹ̀* come out more clearly. These include: (1) the religious dimension of the *tyrib.* concept (2) the social maintenance function of *tyrib.* and *imùlẹ̀*; (3) aspects of human behaviour regulated by the *tyrib.* and *imùlẹ̀* concept.

#### **2.3-1 The religious dimensions of *tyrib.* and *imùlẹ̀***

Gabriel Oyedele Abe, emphatically, stated that every *tyrib.* in the Old Testament had a religious significance. He observed that sacrifices usually accompanied most instances of *tyrib.* in the Old Testament. Also, very often the presence of the Divine is invoked and God thereby becomes the witness to the covenant.<sup>192</sup> It is worthy of note here, that by careful examination of the Old Testament text, we found that in all instances which directly reflect *tyrib.*, the divine is always invited as the chief witness except in cases whereby God Himself is a party in

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192 G. O. Abe. 1983. 36.

the covenant, in which case He was always the initiator of the *ṭyrİb .*, and there was no need for a third party witness; but in certain cases the heavens and the earth are summoned as witnesses. Even in Yorùbá indigenous culture and many other religions outside Israel and Africa, the gods were often called upon as witnesses to the covenant contracts and treaties.<sup>193</sup> According to Charles Jegede, etymologically, *Ọdàlẹ* means someone who ‘bends’ the earth. For one to break a covenant, such a person has broken the oath of the covenant and is guilty of perjury. Indigenous Yorùbá jurisprudence “emphasises the sovereignty of God. And so, it is God that can punish anyone who commits perjury.”<sup>194</sup> This also shows the religious dimension of *ìmùlẹ* in indigenous African thought.

With regards to *ṭyrİb .* forms which involved Israel as a nation, or which involved the patriarchs or other Israelite National figures, it is not surprising that it assumes a primarily religious dimension. From our library search, all authors reviewed so far agree with the fact that Israel sees herself as basically a liturgical community whose very essence of national existence is based on *ṭyrİb .* relationship with the LORD.

In the opinion of Oyedele Abe, the most important covenant in the national life of Israel is the Sinai covenant. He reiterated that “the Sinai Covenant came as the culmination in which the relationship between the LORD and Israel was formalised.”<sup>195</sup> The full import of this claim is that the *ṭyrİb .* concept in the perception and common understanding of the ancient Israelite mind lies in the fact that it binds the people with God. The *ṭyrİb .* concept is able to achieve social maintenance functions because of the religious tone of the concept. This is so because it brings God into the realm of inter-human relationships. There is indeed a similarity in the religious dimension of *ṭyrİb .* in Ancient Israel and *ìmùlẹ* in indigenous African religion and culture. These two cultures share the same view of religious dimension of covenant because, in both cultures, God is seen as the ultimate Judge who punishes the perjurer. This is unlike the Western jurisprudential framework in which “it is the state that is vested with the power of judgement”.<sup>196</sup> Hence, in a certain instance,

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193 J. A. MacCulloch. 1960. 209.

194 C. O. Jegede. 2011. 165.

195 G. O. Abe. 1987. 98.

196 C. O. Jegede. 2011. 165.

the Western concept of covenant is less religious in outlook than that of the Ancient Israelite and the indigenous African. The Western perspective of covenant is more legalistic, than religious.

### **2.3.2 The social maintenance function of *tyrīb .* in Ancient Israel and indigenous African culture**

All authors examined so far, agree to the fact that the very fabric of the Ancient Israelite society was woven round the concept of the *tyrīb .* with the LORD. Oyedele Abe expressed this in the opinion that "...The concept of covenant is of far-reaching importance in the relations among individuals, groups and nations". He further explained that covenant is basically a binding promise concerning not only the religious, but also social, legal, political and other aspects of human life. He concluded that covenant is, therefore, not only a religious, but also a social institution.<sup>197</sup> He went further to remark-

...Every life experience of the Israelite was given a religious interpretation within the covenant provision. Covenant thereby became the foundation or symbolic of the community, hence every action, religious or otherwise, must be in conformity with the stipulations and law of the covenant...<sup>198</sup>

From this statement, we can deduce that the *tyrīb .* concept was seen in a purely religious light by the Israelite nation, and furthermore, their covenant-based religion was used to regulate the social behaviour of members of the Israelite commonwealth. It is notable that though pre-monarchical Israel was made up of elements of exceedingly heterogeneous origins, which have neither territorial integrity, no political machinery like the kingship or a central government, and there is a considerably large social differences among the tribes since not all of them can claim common descent from Jacob, yet they were held together for more than two hundred years with incredible toughness and under the most adverse conditions, and managed to survive and maintain her identity as one people through the adoption of the religious dimension of the *tyrīb .* concept<sup>199</sup>.

In the indigenous African culture, particularly in the ethical system of the Yorùbá ethnic group of Western Nigeria, *ìmùlẹ́ / májẹmú* plays an important role.

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197 G. O. Abe. 1987. 14.

198 G. O. Abe. 1987. 98.

199 J. Bright. 1981. 145.

Bolaji Idowu<sup>200</sup> reflected - “In fact, the whole of person-to-person, and divinity- to - person, relations have their basis largely in covenant.” He further commented that apart from the ritualistic forms of covenant-making, in the case of *Ìmùlẹ̀* , it is believed that being trusted by a friend, eating together, or to have received hospitality as a guest is to enter into a form of covenant relationship which involves moral obligations. Various forms of covenant communities emerge in indigenous African culture these include trade cults or professional guilds like the hunters union, secret societies, political aristocracy guilds like the cult of the royal court, age groups, and religious cults.

In the indigenous African culture, the *ìmùlẹ̀* relationship implies that the covenanting parties must not think or do evil to one another in any way. Bolaji Idowu, however, condemned certain usages of the *ìmùlẹ̀* concept in the Yorùbá indigenous culture as antisocial. This include the case in which members of secret societies enter into *ìmùlẹ̀* to cooperate in perpetrating deeds that are inimical to the society, and members of the society must not betray each other. Furthermore in covenant-making as a means of regulating social behaviour in indigenous Yorùbá culture, the divinities are seen as providing the norms for moral obligation. This concept, therefore, becomes weakened in the case where members of the same cult avoid any possible harm to fellow members of the cult, but feel no moral obligation to extend the same love to people outside their cultic fraternity<sup>201</sup>.

### **2.3.3 Some aspects of human behaviour regulated through the *tyrIb* . concept in Ancient Israel and indigenous Yorùbá culture.**

In the library work examined, so far, specific aspects of human behaviour regulated through the covenant concept have been recognised. These include: religious and cultic behaviour,<sup>202</sup> abortion and family planning,<sup>203</sup> environmental protection and ecological stability, hospitality and behaviour towards strangers, fundamental human rights, warfare and conflict management, leadership and governance, refugee status, business ethics, murder and manslaughter. Some of the contributions made on this subject deal mainly with the interpretation and exegetical analysis of the Hebrew texts that relate to the particular aspect of the stipulation of the Sinai/Horeb covenant, while

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200 E. B. Idowu. 1996. *Olodumare: God in Yorùbá Belief -revised and enlarged edition*, 156-167.

201 E. B. Idowu. 1996.

202 Eichrodt did an elaborate work on the cultic regulating aspects of the Mosaic covenant. W. Eichrodt. 1961, 74-97, 133-175.

203 J. M. Sprinkle. 1993. The interpretation of Exodus 21:22-25 (lex talionis) and abortion, *Westminster Theological Journal* 55: 233-253.

others like Bernhard Meislin and Morris Cohen<sup>204</sup>, and J. R. Porter<sup>205</sup> are contributions from the field of comparative law who approach the subject from strictly legal perspective.

There is, however, a large lacuna in the aspect of overall cause and effect of the *tyrīb .* concept as related to Israel as a corporate entity. The corporate socio-political nuances of *tyrīb .* as a means of regulating human behaviour is very visible in the theological interpretation of Israelite History as presented in the Deuteronomistic Corpus. There is a vintage of scholarly works on Deuteronomistic History, but it is surprising that none of these works pondered the meaning and implications of the cause and effect of *tyrīb .* on the society as depicted by the writers of Deuteronomistic History. All the contributors consulted during this research agree with basic thesis Noth. They also agree that Deuteronomistic History is the product of theological reflection on the fall of Jerusalem, based on the *tyrīb .* model provided in the book of Deuteronomy. But none of them dealt with the specific theme of *tyrīb .* and its nuances in Deuteronomistic History. Weinfeld<sup>206</sup> devoted his studies to identifying the Deuteronomistic redaction insertions in the Deuteronomistic Corpus, but did not belabour himself with the theological perspective of *tyrīb .* displayed by the Deuteronomistic Historian. Person<sup>207</sup> as well affirmed that Deuteronomistic History is a product of post-event reflection on the catastrophe of the fall of Jerusalem<sup>208</sup> but he also focused on the context and social setting of Deuteronomistic History, and its distinctive traits and did not consider its presentation of the cause and effect of the Mosaic covenant. Other works that also followed this track include Williamson Hughes<sup>209</sup>, Alexander Rofe,<sup>210</sup> Auld Graeme<sup>211</sup>, Adrian

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204 B. J. Meislin and M. L. Cohen. 1964, Background of the Biblical law against usury *Comparative Studies in Society and History* 6.3: 250-267.

205 J. R. Porter. 1965. The Legal Aspects of the Concept of 'Corporate Personality' in the Old Testament, *Vetus Testamentum* 15. 3: 361-380.

206 M. Weinfeld. 1972. *Deuteronomy and the Deuteronomistic School*. 52-53

207 R. F. Person Jr. 2002. *The Deuteronomistic School: History, Social Setting, and Literature*; 2010. *The deuteronomistic history and the book of Chronicles: scribal works in an oral world*.

208 Person. R. F. Jr. 2002. 23-27.

209 H. G. M. Williamson. 1982. The Death of Josiah and the Continuing Development of the Deuteronomistic History. *Vetus Testamentum* 32. 242-248.

210 A. Rofe. 1985. The Monotheistic Argumentation in Deuteronomy 4:32-40: Content, Composition and Text. *Vetus Testamentum* 35: 434-445.

211 A. G. Auld. 1999. The Deuteronomists and the Former Prophets or What Makes the Former Prophets Deuteronomistic?. *Those elusive Deuteronomists: The phenomenon of Pan-Deuteronomism*. Ed.S. L



Schenker<sup>212</sup> and Emmanuel Tov<sup>213</sup>. All these scholars concentrated on the use of text-critical methods in conjunction with redaction criticism to verify the date and redaction history of Deuteronomistic History. Their contributions are very useful because their conclusions confirm the theoretical basis of the current research. Also, their methodology provides a good model. However, the current research carries the work further by focusing specifically on the development and application of the theme of *tyrīb* . concept in Deuteronomistic History which the previous scholars have not given much space, and its intercultural nuances in relation to the Yorùbá concept of *ìmùlẹ̀* .

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MacKenzie and L. S. Shearing. JSOT Supplementary Series, 116-126.  
212 A. Schenker. 2000. Jeroboam and the division of the Kingdom in Ancient Septuagint: LXX 3Kings 12:24a-z, MT1Kings 11-12;14 and the Deuteronomistic History. *Israel Constructs Its History:Deuteronomistic Historiography in Recent Research* Eds. A. de Pury, T. Romer, and J.D. Macchi, JSOT Supplementary Series. 214-257  
213 E. Tov. “The nature of the Difference between MT and the LXX” in *The Story of David and Goliath: Textual and Literary Criticism* ed. D. Barthelemy et.al. Orbis biblicus et orientalis 73. Fribourg: Editions Universitaires Fribourg/ Gottingen: Vandenhoeck un Fuprecht, 1996 .19-46.

## CHAPTER THREE

### EXEGESIS AND FIELD WORK

The task at this point is in two parts. For the first part, since the Bible is the major foundation of this research, the work is predominantly an exegetical exploration. The research concentrates on the understanding of covenant in the Deuteronomy and Deuteronomistic History. The focus text is 2Kings 22:8-23:3. However, according to the principle of the hermeneutic spiral<sup>214</sup>, other scriptural passages are needed for the full understanding and interpretation of the focus text. The selected apposite texts are:-

- i. The Ethical Decalogue (Exodus20:1-17; Deuteronomy 5:1-19 RSV.5:1-22)
- ii. The Sinai Pericope in Exodus 24:3-8
- iii. The Covenant Code (Exodus20:22-23:33)
- iv. The Sabbath Pericope in Exodus31:12-17
- v. The Ritual Decalogue (Exodus34:1, 10-28<sup>215</sup>)
- vi. Sections of the Deuteronomic Code : Deuteronomy 4:12-14; 9:9-17; 10:1-4; 17:18; 27:1-8; 28:61-29:20(RSV.8:61-29:21); 30:10-31:26;
- vii. Sections of Deuteronomistic History (DH): Joshua 1:8; 8:30-34; 23:6-24:26; 1 Samuel 10:25; 2Kings 11:4, 12, 17, 18; 14:6; 17:35-39.
- viii. Some Deuteronomistic Sections of Jeremiah (Jeremiah 7:9; 11:1-17; 31:31-34; 36:1-32)

These texts were verified, using the textual critical method. The tools of the Historical Critical Methods were deployed for this exercise. The texts are based on the Hebrew text of the BHS. Where the verse numberings differ from the English versions, the Hebrew Verse Numbering is followed.

For the second part, since the evaluative method was used as the exegetical framework, data from the field work among the Ègbá Yorùbá people was employed as witness of the African indigenous experience in the application, and in making theoretical formulations from the text.

#### 3.1 Ancient near eastern background of בְּרִית in ancient Israel:

Since the scripture was not given in a vacuum, it is no doubt that to social and cultural background of scripture has a significant influence on the meaning and

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214 Akao J. O. 2000. *Principles of Biblical Hermeneutics*, 25.

<sup>215</sup> Exodus 34:11-26 has been identified as a self-contained pericopy called The Ritual Decalogue, in this exegesis, the immediate verses bordering the Ritual Decalogue, i.e. Verses 10 and 28 are also considered because it is these verses that served to incorporate the Ritual Decalogue into the immediate literary context within the canon.

interpretation of the text. It is therefore important to examine the Ancient Near Eastern background of the focus text and see how this would illuminate the theological inference from the text before we evaluate it from the indigenous Ègbá – Yorùbá local witness. The tools of the Historical – Critical methods were used to achieve this. Information available on the social history of the period, and the work of form critical studies were harnessed.

### 3.1.1 The political and socio - historial background

Striking similarities have been observed between the forms and structure of covenant in Old Testament passages and those found in various Ancient Near Eastern Texts,<sup>216</sup> particularly the Hittite<sup>217</sup> and the Assyrian<sup>218</sup> suzerainty treaties. The probability of Egyptian influence on Israelite *tyrib*. concept has also been suggested by Craigie, but this connection has not been fully explored by scholars<sup>219</sup>. Most scholars examined so far, who investigated these texts have been preoccupied with the problem of dating of the Biblical texts<sup>220</sup>. However, the present work is focused on the implication of the similar historical context for the theological import of the text. The overall theological deduction is that the Israelites employed vassal treaty forms and Structure to articulate their unique relationship with the LORD<sup>221</sup>. This shows that they conceive the relationship in the same phenomenological category as that between a sovereign and his subjects. YHWH, the LORD is King. Israel is his subject.<sup>222</sup> As King, the LORD is the ultimate Judge, and arbitrator of inter personal distupts among His people. The civil law is the ‘Law of the LORD’. Social and Moral justice is Divine Justice.

Another point of note from the political terrain of Josiah’s reform is that Josiah employs the covenant renewal rites to further his political manifesto. The legitimisation

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<sup>216</sup> G. Von Rad 1966, *The Form-Critical Problem of the Hexateuch, The Problem of the Hexateuch and Other Essays*. 1-78; 1975, *Old Testament Theology Vol.1*

<sup>217</sup> The texts of Ancient manuscripts of the Hittite Treaties have been translated and published in English language by Beckman. This foasters a first hand comparison of the texts with the Biblical text and gives a deeper understanding of their common forms and literary structures. The Treaty of Arwandal of Hatti and the Men of Ishmerika is of particular interest. G. Beckman. 1999, *Hittite Diplomatic Texts*.13-17

<sup>218</sup> A particular example of the Assyrian treaty form is the Succession Treaty of Esarhaddon, which is also called the ‘Vasal Treaty of Esarhaddon’. D. J. Wiseman. 1958;

<sup>219</sup> P. C. Craigie. 1976. *Book of Deuteronomy*. 79-83

<sup>220</sup> Scholars who emphasise the Assyrian provenance of Biblical Covenant text propose a 7<sup>th</sup> century dating while those emphasising the Hittite provenance propose earlier dates. Further discussions on this is presented by J. Berman.2011;

<sup>221</sup> B. L. Bandstra. 2009. *Reading the Old Testament*. 176

<sup>222</sup> D. T. Olson. 2003. *How Does Deuteronomy Do Theology?*. 201-202

of reforms through discovery of documents, and divine sanction is not a strange incidence within the context of his time. There is archaeological evidence that similar actions have been taken by other monarchs in the Ancient Near East long before Josiah's reform.<sup>223</sup> The unique trait of Josiah's case is the nature of the document discovered as a guide for Josiah's reform. This unique trait reveals the unique theological persuasions underlying the text. The political manifesto of Josiah focuses on reclaiming the lost territories of the Davidic and Solomonic empire and reconsolidating the kingdom under a Davidic King. It is a concept much encouraged by the Jerusalemite royal theology, which echoes throughout DH. This political endeavour takes advantage of the wane of the Assyrian power and the nascent condition of Babylonian ascendancy. The theological undertone here is that the LORD should be king, with a human representative in the person of a Davidic king as His visible viceroy. Though Josiah's political ambition may be faulted; and it may be seen as disapproved by the LORD in the fact that he was killed during his move to prevent the re-consolidation of the Assyrian Empire by his interception of Pharaoh Neco, who was on a campaign to aid the waning Assyrian Empire against the emerging Babylonian power. Yet the underlying theological ideology of Divine Kingship is considered valid. The validity of the theological presupposition is justified in the text by Huldah's prognosis of the king's demise before the ultimate catastrophe of the exile. This prophecy, in the context of the fact that Josiah enacted a renewal of the covenant, and carried out extensive religious reform, shows clearly that Sovereign decision on the affairs of human history lies with the LORD as the ultimate ruler, and His sovereign decisions, verdicts and judgements cannot be manipulated by the human viceroy, or any other human agent.

### **3.1.2 Form - critical observations**

In order to have a glimpse of the *sitz im leben*, of the original book purportedly found during Josiah's reform, the work of form critical scholars gives an insight. The suggested life situation underlying the covenant texts had been posited as either 'the living practice of public recital of the law' or the ancient covenant ritual at Shechem. The inner witness of the text itself strongly supports a liturgical context of the annual festivals of Ancient Israel, hence Gerhard Von Rad posited that the theological conception of the  $\tau y r i b .$  in Israelite cultic life arose as a culmination of her

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<sup>223</sup> N. Na'aman. 2011: 49-62

religious experiences which are expressed in form of certain solemn ceremonies.<sup>224</sup> These solemn ceremonies are the feasts of Passover, Pentecost and Tabernacles. During these feasts, the exodus event, and the giving of the law were rehearsed. Weinfeld, however, has demonstrated that the Deuteronomic Code was a literary composition right from inception. Weinfeld's position is valid, but it does not detract from the fact that the text originated in a liturgical setting. It is highly probable that the core of the text of Deuteronomic Code grew within a liturgical setting in the form of a covenant document. This core then grew gradually as it was reviewed to deal with emerging socio-cultural and political exigencies.

### **3.2 Translation and exegesis of selected texts**

#### **3.2.1 Exegesis of 2Kings 22:8- 23:3**

The Hebrew text used is taken from the Biblia Hebraica Stuttgartensia, (BHS) which has the Leningrad Codex B19<sup>A</sup> designated with the symbol "L" as its basis<sup>225</sup>. The major significant divergence between the electronically preserved manuscripts of the Leningrad Codex and the print version of the BHS is the placement of the Book of Chronicles at the end of the corpus in the BHS, whereas it is placed at the beginning of the *Ketubhim* in the accessed facsimile of the Codex. The Codex L is the oldest dated manuscript of the Complete Masoretic Text Hebrew Bible available at the time of this research work. The Aleppo Codex which is older in age, is not complete. The original manuscript of the Aleppo Codex<sup>226</sup> was also accessed during the course of the work at the "Shrine of the Book Complex" Israel Museum in Jerusalem, Israel. A thorough comparison shows that the degree of textual variance within the selected texts between the Aleppo and the Leningrad Codex is very negligible. The focus text is 2 Kings 22:8 - 23:3 as provided in the BHS.

#### **3.2.2 The integrity of the text:**

The Critical Apparatus of the BHS, is used for the textual criticism because it is the most reliable critical tool available to us at the moment.<sup>227</sup> The work has to progress very slowly because the apparatus is presented in Latin; hence the work was done with

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<sup>224</sup> G.Von Rad. 1966, The Form-Critical Problem of the Hexateuch, *The Problem of the Hexateuch and Other Essays*. 1-78; 1975, *Old Testament Theology Vol.1*

<sup>225</sup> A. Alt et.al Eds. 1977. Biblia Hebraica Stuttgartensia. xi.

<sup>226</sup> The Aleppo Codex is believed to be older than the Leningrad Codex, but it is not complete. Some parts of the text have been destroyed, but the focus text is among the available sections.

<sup>227</sup> We would have loved to compare Sperber's critical apparatus even though it is very much older than the BHS, but we do not have access to the complete tool.

the aid of Prof. Ruger's<sup>228</sup> key to the BHS, and Paul Ferris Jr.'s *Guide to the use of the BHS Critical apparatus*<sup>229</sup>. In order to supplement this apparatus, a direct personal comparison of the textual material and cross verification with available ancient manuscripts was carried out. One of the most reliable manuscripts we used for the textual critical analysis of the text is the Aleppo Codex.<sup>230</sup> The validity of the copies of these codices were personally confirmed by the researcher through a visit to "the shrine of the book complex" in the Israel Museum, Jerusalem, and St. Catherine's monastery at the foot of Mount Sinai, Sinai Peninsula, Egypt<sup>231</sup>. At the Shrine of the book complex, the researcher was given access to the Aleppo Codex resource centre and the Dead Sea Scrolls information and study centre. Even though photographs of the codices and the ancient manuscripts were not allowed access was granted to the microfilms, and online facsimile of the manuscripts, particularly the Aleppo Codex. Hence, by comparing the copies of the codices with the originals, the validity of these resources was assured. It was very encouraging to see that the texts of the Aleppo Codex agree in many significant details with the text of the facsimile of the Leningrad Codex used for this particular study. The Monastery of St. Catherine in the Sinai Peninsula, Egypt was also visited with a hope of seeing the originals of the Codex Sinaiticus, but they could not be accessed. However, access was given to digital copies of these manuscripts, as well as digital copies of the Codex Vaticanus and the Codex Alexandrianus. It was gathered that the originals of the Codex Sinaiticus have been scattered across four major libraries across the globe with the majority in the British Library. Hence, we have to depend on the electronically preserved digital facsimiles.<sup>232</sup> Two synagogue libraries were also visited to see the versions of the Tanakh in current use among orthodox Jews. The Synagogue at the Tomb of King David was particularly helpful<sup>233</sup>. It was the only place a few photographs were allowed. The other Synagogue visited was at the King Solomon's Hotel, Tiberias.

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<sup>228</sup> H. P. Ruger, 1992. *An English and German Key to the Latin words of the Biblia Hebraica Stuttgartensia*

<sup>229</sup> P. W. Ferris Jr. 2003. *A Guide to the use of the BHS Critical Apparatus*.

<sup>230</sup> A sample photograph of sections of the original manuscript of the Aleppo Codex used is shown in Picture Plate 01.

<sup>231</sup> St. Catherine Monastery belongs to the Greek Orthodox Church. A photograph of the entrance to the monastery is also provided in Picture Plate 03. The ancient manuscript were not accessed directly from this monastery, but through the electronic facsimiles, since most of the manuscripts of the relevant passages have been moved to the British Museum and the Louvre in Paris.

<sup>232</sup> Visit to Mount Sinai and the Monastery of St. Catherine, St. Catherine's City, Sinai Peninsula, via Tama Land border, 11th and 12th November 2011.

<sup>233</sup> This consisted of a single shelf with copies of some versions of the Bible. Among this was the Tanakh in current use among Jews in which the portions of the focus text, 2 Kings 22:8-23:3 corresponds in details with the Leningrad Codex.

The Aleppo Codex is of particular interest because it is considered the most authoritative manuscript of the Masoretic text. It was created in Tiberias in the 10th Century A.D, and has been preserved over a long period of migrations, from Tiberias, to Egypt, to Syria and back to Israel in the 1950's. This Codex is the most dated manuscript of the Masoretic text of the Hebrew Bible discovered so far, which contains the focus text.<sup>234</sup> The major priority of L over the Aleppo is that it is more complete, while some pages are missing in the Aleppo Codex. Other helpful manuscripts include the Aramaic Targumim, written in Aramaic Language.

The Dead Sea scrolls accessed so far do not have entries for DH, but were particularly useful for the passages taken from the book of Deuteronomy, particularly the 29th chapter, where a very important variant in the text aided so much in the exegesis. The Targum Neofiti and Targum Neo Jonathan have no entries for 2 Kings. They contain only entries for the Torah, hence, were only helpful with the apposite texts taken from the Torah but were not applicable to the main focus text. The Targum Cairo-Geniza Texts was very fragmentary, but was applicable in sections taken from Deuteronomy Chapter five. All the Targumim<sup>235</sup> were written in Aramaic, hence they only serve as secondary language verification purposes along with the Greek LXX, and Latin Vulgate. The use of these resources was possible with the aid of electronic language study tools provided by Bible Works Software, the E-Sword electronic Bible study package and the Theophilus Bible study package.

### 3.2.3 Text Critical observations:

The textual variations observed include the following:

In Chap.22, Verse 8, the manuscript reads

rpeêSoh; !p"âv'-l[; `lAdG"h; !hEÛKoh;  
WhY"÷qil.xi rm,aYow:û

But all available Greek manuscripts<sup>236</sup> including the Codex Sinaiticus<sup>237</sup>, The Codex

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234 This information is gathered from the "Shrine of the Book Complex" at the Israel Museum, Jerusalem, during the course of the research. The major aspect in which L supercedes the Aleppo Codex is because it is the most complete coded of the M texts whereas Aleppo lacked significant portions of the Torah.

235 The work was enhanced by electronic copies of the various Targumin, with associated language study tools. Some of them are available at the Jerome School of Torah Heritage, Jerusalem, and some have been incorporated into the Bibleworks electronic software.

236 B. Kennicott. 1776, 1780, Vestus Testamentum Hebraicum Vol.I,II.

237 We visited the St. Catherine Monastery on the Sinai Peninsula in order to gain access to the Codex Sinaiticus. The originals have been transferred to Rome.

Alexandrinus<sup>238</sup> and the Codex Vaticanus<sup>239</sup> read **pro.j** instead of **epi.** in the phrase-

" kai. ei=pen Celkiaj o` i`ereu.j o` me,gaj **pro.j** Saffan to.n grammate,a bibli,on "

which literally in Hebrew should have been:

rpeêSoh; !p"âv'-lae, `lAdG"h; !hEÛKoh;  
 WhY"÷qil.xi rm,aYow:û

Though this is a minor deviation which may be attributed to the necessity for grammatical accuracy in the process of translation from the Hebrew to the Greek, this variation affects the consonants, hence could be regarded as deviating from the unpointed text. The reading of !p"âv'-l [ ; would be grammatically wrong if it is literally rendered in the Greek, but it does not affect the meaning of the text in Hebrew language. It must be acknowledged that !p"âv'-lae, is more grammatically correct, following the philological viewpoints in most of the European language group, and is the reading followed by most English translations.

There are three instances of variations observed in Chapter 22 verse 9:

a. The Codex Vaticanus and the recension text of Origen's Hexapla, follow the reading !p"Ûv' **abe'Y"w:** as found in 2 Chronicles 34:16 instead of !p"Ûv' **abouY"w:.**

abouY"w: is the **qal** waw consecutive imperfect 3rd person masculine singular apocopated of the verbal root awb while **abe'Y"w:** is the **hiphil waw** consecutive imperfect 3rd person masculine singular apocopated of the same root. This variation occurs in the pointing of the text, hence it still adheres to the more dated manuscripts of the unpointed texts. This variation would have existed only among the Masoretic texts. The effect is grammatical and does not have significant effect on the connotations of the text.

238 The Codex Alexandrianus is in Greek, and the book of 2Kings is entered as 4th Basileion. The electronic texts of this manuscripts can be accessed at <http://www.symeon-anthony.info/BibleCanon/Alexandrinus/CodexAlexandrinus.html>

239 The Codex Vaticanus, along with the Codex Alexandrinus and the Codex Sinaiticus were considered the oldest most complete Greek manuscripts of the whole Bible, containing both the Old and the New Testament in Greek.



b. The phrase  $\text{'rpeSoh; !p"Üv'}$  is missing in verse 18 in the Greek text of the Lucian recension text<sup>240</sup>. Majority of the examined Hebrew manuscripts retained it. Since the hiphil is causative active while the qal is simple active<sup>241</sup>, the alternative reading of verse 18, taking cognizance of these variations in 'a' and 'b' above would be:

"...and **Shaphan the Scribe brought it to** the king. And he brought word to the king saying..."

or

"and **he brought** it to the king. And he brought word to the king saying..."

instead of

"...and **Shaphan the scribe came to** the king, and brought the king word saying..."

c. The third variation in verse 9 is the insertion of  $\text{hw" +hy > tybeäB}$ .

instead of just  $\text{tyIB; êb;}$  in a few of the several medieval Hebrew manuscripts<sup>242</sup> and this reading is followed by the more weightier Greek manuscripts, hence, the Greek reads " evn tw/| oi;kw| kuri,ou " in some manuscripts of the LXX, which in Hebrew would be  $\text{hw" +hy > tybeäB}$ . instead of  $\text{tyIB; êb;}$ . This reading is also followed by some Latin versions, for instance, the Latin Vulgate reads "*Domo Domini*,"<sup>243</sup> meaning "house of the LORD", which suggests that the LXX Vorlage used by Jerome in preparing the Vulgate reads  $\text{oi;kw| kuri,ou}$  which agrees with the reading  $\text{hw" +hy > tybeäB}$ . if the Qere principle is followed.

This may be a deviation from the original due to glosses. However, it rather enhanced the meaning of the original text. It did not distort the reading in any way whatsoever. But by principle, we adhere to the original reading as closely as possible; hence we adopt the reading-

"...Then he brought it to the king and reported to the king saying: "Your officials have emptied out the money that was found in **the house**..."

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240 The recensions were reconstructed or amended such that the most likely reading are established by critical review.

241 J. Weingreen. 1959. *A practical Grammar for Classical Hebrew*, 100

242 B. Kennicott. 1776, 1780. The facsimile of the Kennicott Bible is available at the Israel Museum, Jerusalem.

243 The version of the Latin used here is Weber R. et.al. Eds. 1983. *Biblia Sacra Iuxta Vulgatam*. It is available in the Bible Works Bible software package.

In verse 13, the following variations were observed:

a. In some manuscripts  $\text{hd}''\hat{\text{e}}\text{Why}>-\text{lK}' \quad \text{'d}[\text{;b.W}$  appears to have been deleted, but its exclusion from the originals is rather doubtful, hence it is considered more appropriate to retain the reading.

b. A minority of texts omit  $\text{hZ}<+\text{h};$  in the phrase  $\text{hZ}<+\text{h rp, Seäh};$  in verse 13, the Greek equivalent is also absent in Codex Vaticanus 56.129 but the majority and the most dated manuscripts including the Aleppo Codex retains it. Therefore, it is considered expedient to retain it in the peshat.

c. The Hebrew text of a manuscript among Kennicott's<sup>244</sup> collection agrees with the Lucian recension texts and reads  $\text{Wyl}'([\text{'}$  instead of  $\text{Wnyle}([\text{'}$ , hence the Lucianus Greek text reads  $\epsilon\nu \alpha\upsilon\tau\omega$  in Greek. However, the LXX follows  $\text{Wnyle}([\text{'}$ , hence, it was rendered  $\text{kaqV h`mw/n}$  in Greek. The LXX is considered more reliable. Hence, we follow the reading  $\text{Wnyle}([\text{'}$  in the peshat.

In verse 14, variant readings include the following:

a. Some Greek *minuscule*<sup>245</sup> codices and the Codex Vaticanus<sup>245</sup> rendered the Hebrew  $\text{tv, aeä}$  as *mhtera*, meaning "mother of" instead of *gunai/ka*, meaning "wife of". This variation can be disregarded since it is found only in secondary texts, being Greek translations, whereas the Hebrew manuscripts, including the Aleppo Codex read  $\text{tv, aeä}$  which is more appropriately rendered *gunai/ka* as in the weightier<sup>246</sup> manuscripts of the LXX.

b. Many Hebrew manuscripts rendered the name  $\text{SX; r>x;}$  as  $\sim\text{x; r>x;}$ . This name is not found anywhere else in the Hebrew Bible except in 2Kings22:14. The variant  $\sim\text{x; r>x;}$  is not found at all<sup>247</sup> in L. The manuscripts having the variant also had it only in 2 Kings 22:14; Hence the reading is retained as accurate. The

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<sup>244</sup> B. Kennicott.1776, 1780

<sup>245</sup> The Minuscles are the small letter manuscripts and codices.

<sup>246</sup> Manuscripts that are older in age and those who are more evenly distributed geographically are considered to carry more weight than the relatively younger and geographically restricted manuscripts.

<sup>247</sup> Here we used the electronic search engine of the Bible Works Software to search on the Hebrew text. For verification, we also consulted Young's Analytical concordance.

deviation may be a *parablesis* due to the similarity in shape of the final ~ and the letter S.

In verse 16, a grammatical deviation of the manuscripts of secondary language is observed.

The phrase  $hZ<\beta h; \sim Aqim'h; -la,$  (unto this place) should have read  $hZ<\beta h; \sim Aqim'h; -l [;]$  (upon this place) in the philological sense of most European languages, hence the LXX renders it **evpi . to.n to,pon tou/ton**. The Aramaic Targum also rendered it  $!ydeh' ar"ta; l [;]$ ,<sup>248</sup> following the appropriate grammatical rendition. However, we did not find any Hebrew manuscript that follows this reading. It is followed in the peshat only for grammatical convenience.

In verse 17, only one significant textual variation is observed.

One Hebrew manuscript, the Vorlage of the Luciani textual manuscript as well as the consensus Syriac manuscript omit  $lko$  in  $hfeä [ ]m; lko\beta B . .$ . The LXX also follow this deviation by rendering  $evn\ toi/j\ e;rgoi\j\ tw/n\ ceirw/n\ auvtw/n$ , thereby rendering the reading as "*with the works...*" instead of "*with all the works...*". But all other manuscripts scrutinised, including Aleppo Codex and the Aramaic Targumim, retain  $lko$ . Since L and the Aleppo Codices are considered more authoritative,  $lko$  is retained in the peshat.

In Verse 18, the Critical Apparatus calls attention to the probability that some words may have dropped out at the end of the verse, hence leaving the phrase in suspense. But a reconstruction is totally impracticable since there is no manuscript to give a guiding clue.

Verse 20 has four variations among the compared manuscripts.

a. The Targum according to Sperber and de Lagarde<sup>249</sup>, read  $^{\wedge}yt, ^a\text{boa}] -$

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248 The Targumim are rendered in Aramaic, hence the vocabularies are different whereas the alphabets and some particles and conjunctions are similar.

249 A. Sperber. 1956-1962 *The Bible in Aramaic*, Vol.1-111; de Lagarde, P. 1873 *Hagiographa Chaldaice*

la, ^øp.siao) ("I would gather you **unto** your fathers") instead of ^yt, ^aboa]-l[; ^øp.siao) ("I would gather you **upon** your fathers") The reading ^yt, ^aboa]-la, ^øp.siao) is more grammatically appropriate in translation to Greek and English, hence the LXX renders it evgw. prosti,qhmi, se **pro.j** tou.j pate,raj sou . This is the reading followed by most English translations, and for grammatical convenience, it is followed in the peshat.

b. Furthermore, two Hebrew<sup>250</sup> manuscripts read \$yterob.qi instead of ^yt, rob.qi, while one Hebrew along with many other versions compared in the Critical Apparatus read é^t.r"buq.

^yt, rob.qi is a common noun, in the masculine plural construct with a suffix in the 2nd person masculine singular of rb, qñ, . Translated as your (masculine) graves (masculine plural), or more appropriately, your burial ground.

\$yterob.qi is in the masculine singular construct form of the noun with suffix in the second person singular. Translated as your (masculine) grave(masculine)

é^t.r"buq. is in the feminine singular inflection of the noun with the suffix in the 2nd person singular of hr 'Wbq. Translated as your (masculine) grave(feminine)

The differences are in the gender and number of the word 'rb, qñ, ' (*qebher* - grave). The masculine plural inflection reflects the socio-cultural burial practice in Ancient Israel, in which a common sepulcher is used for several burials. The masculine singular form reflects a burial custom which uses individual graves. The contextual meaning common to all the inflections is "burial place".

c. ~Alv 'B. (*in peace*) is rendered evn Ievrousalhm| (*in Jerusalem*) in the recension text of Origen's Hexapla instead of evn eivrh,nh|, as rendered in

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250 These are found among Kennicott's collection

the LXX.

d. Another variation in verse 20 is the addition of “wyb' av . yO-l [ ; w>” (and upon its inhabitants) after hZ<÷h ; ~Aq' M' h ; -l [ by Vorlage of the Codex Vaticanus and the recension text of Origen's Hexapla, which follows the reading as found in verse 19, and in 2Chronicles 34:28. It is deemed expedient to adhere to the reading in L and Aleppo, because these are considered more authoritative.

#### CHAPTER 23:1-3

In verse 1, the Critical Apparatus reveals that one dated manuscript follow the reading @soSa / Y<w : (...and he gathered - which is in the Qal 3<sup>rd</sup> person singular) as in 2 Chronicles 34:29, instead of Wpās . a ; Y : w : (...and they gathered- in the Qal 3<sup>rd</sup> person masculine plural.) The weightier Greek manuscripts follow either this reading or Wpās . a ; YEw : , (...and they were gathered- which is in the niphal third person plural) in accordance with the readings found in the popular Syriac versions<sup>251</sup> and the Latin vulgate.

All the three variant readings retain the roots as found in the more dated unpointed texts, the foundation of the chosen text manuscript.

In verse 2, two variations are observed.

a. One dated Hebrew manuscript<sup>252</sup> the Codex Vaticanus and some Aramaic Targumim,<sup>253</sup> follow the reading in 2Chronicles 34:30 by omitting lk' in ~Øil ; øv' Wry> ybe' v . yO-lk' w>, thus reading ~Øil ; a v' Wry> ybeäv . yOw> "the inhabitants of Jerusalem" instead of "all the inhabitants of Jerusalem".

b. ~yaiêybin>h ; w> is missing in some Aramaic Targumim of Sperber's collection.<sup>254</sup> A few Hebrew manuscripts follow the reading in 2 Chronicles 34:30, reading ~YIëwIl . h ; w> (and the Levites) instead of

251 M. Hetzenauer. 1922: Biblia Sacra Valgatae

252 in Kennicott's collections

253 B. Sperber. 1962: The Bible in Aramaic Vol.I-III. This work actually spans a period of three years spanning from 1959-1962.

254 B. Sperber. 1962: The Bible in Aramaic Vol.I-III.

~y<sup>h</sup>i<sup>h</sup>êy<sup>h</sup>b<sup>h</sup>iN>h; w> (*and the prophets*). The reading of L is retained because L and Aleppo are considered more reliable.

In verse 3, the Critical Apparatus shows that two dated Hebrew manuscripts as well as the Codex Vaticanus do not have the W> prefix on the verb rmo' v. liw>. This is considered a minor variation and is overlooked.

### **3.2.4 Summary of text critical comments**

From the textual critical appraisal of the text, a total of 20 variations within the text, between 2Kings 22:8 and 23:3. One in 22:8; three in 22:9; Three in 22:13; two in 23:14; One each in 22:16,17, and 18; four in 22:20; One in 23:1, two in 23:2 and one also in 23:3. Nonetheless, the reliability of the chosen text manuscript is assured, because all the variations have negligible significance to the meaning of the text. In actual fact the entries for the focus text, 2Kings 22:8-23:3 are indeed accurately correspondent in the Leningrad Codex and the Aleppo Codex. These two codices were the oldest and most authoritative Masoretic text available worldwide as at the time of writing this exegesis. Majority of textual variations observed are found in later texts, most of which are in a secondary language to the original manuscripts. Moreover, all variations discovered either as presented by the Critical Apparatus or by direct personal verification of manuscripts are of minor influence on the actual meaning of the text. This is a testimony that content of the focus text is well received and properly preserved. Considering the fact that there is very little variation among texts from diverse geographical location, it means that the tradition preserved in this text is to a certain extent endorsed by the Scribes of diverse schools and locations. It means that both the Jews of the dispersion in Egypt, Tiberias, Babylon as well as the Palestinian Jews endorsed the tradition represented by this text.

### **3.2.5 The peshat:**

The Peshat is a literal interpretation of the text. With due cognisance of the variations among the ancient manuscripts compared, we can confidently affirm the textual integrity of the text manuscript. Hence, from the manuscript represented by the BHS, I present a literal interpretation into contemporary English, on which I would base further exegetical exploration.

## 2 Kings 22:8 - 23:3

8 the high priest said to<sup>255</sup> Shaphan the secretary, "I found a Book of the Law in the house of the LORD<sup>256</sup>" and Hilkiyah gave the book to Shaphan, and he read it.

9 Then he brought it to the king and reported to the king saying: "Your officials have emptied out the money that was found in the house and have entrusted it to the hands of the workers and supervisors at the house of The LORD."<sup>257</sup>

10 Then Shaphan the scribe informed the king saying, "Hilkiyah the priest has given me a book." and Shaphan read it in the presence of the king.

11 When the king heard the words of the Book of the Law, he tore his robes.

12 Then he gave these orders to Hilkiyah the priest, Ahikam son of Shaphan, Achbor son of Michaiah, Shaphan the scribe and Asaiah the king's attendant saying:

13 "Go and inquire of the LORD for me and for the people about what is written in this book that was found; because great is the LORD's anger that burns against us because our fathers have not obeyed the words of this book to do according to all that is written there concerning us."

14 Then Hilkiyah the priest, Ahikam, Acbor, Shaphan and Asaiah went to Huldah the prophetess, the wife of Shallum son of Tikvah, the son of Harhas, keeper of the garments, who lived in Jerusalem, in the second sector, and spoke with her.

15 And she said to them, "Thus says The LORD, the God of Israel: Tell the man who sent you to me:

16 `Thus says the LORD: behold, I will bring disaster on this place and its inhabitants, all the words of the book which the king of Judah has read.

17 Because they have forsaken me and burned incense to other gods in order to provoke me to anger by all<sup>258</sup> the works of their hand, my anger will burn against this place and will not be quenched.'

18 And this is what you are to say to the king of Judah, who sent you to inquire of the LORD, `Thus says the LORD, the God of Israel, concerning the words you heard:

19 Because your heart was tender and you humbled yourself before the LORD when you heard what I have spoken against this place and its inhabitants, that they would become a horror and a curse, and because you tore your robes and wept in my presence, I have heard you, declares the LORD.

20 Therefore behold, I will gather you to<sup>259</sup> your fathers, and you will be gathered to your tomb in peace<sup>260</sup>. Your eyes will not see all the disaster I am going to bring on this place.'" So they reported back to the king.

## CHAPTER 23:1-3

1 Then the king sent, and they gathered to him all the elders of Judah and Jerusalem.

2 And the king went up to the house of the LORD with all the men of Judah, and those

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255 Here we adopt the reading " !p"âv' -lae , " because it is more grammatically correct from the English linguistic perspective.

256 We follow the conventional Ketibh - Qereh practice, hence we rendered the reading of hw"©hy> as The LORD. The upper case is used to show that it designates God.

<sup>257</sup> This is the Qere Perpetuum for the Ketibh YHWH

258 We included the word "all" in accordance with the Leningrad Codex, which we feel is more authoritative, and because of its interpretive significance.

259 Here we prefer the reading l a , according to the codices of Targum Secundum instead of l [ ; is found in the Leningrad Codex basically because it is more grammatically appropriate in the English sense.

260 Here we disregard the variant reading evn Ievrousalhm | (in Jerusalem) in textus Graecus ex recension because is occurred in a minority text of secondary language.

who live in Jerusalem, the priests and the prophets and all the people from the least to the greatest. He read in their hearing all the words of the Book of the Covenant, which was found in the house of the LORD.

<sup>3</sup> Then the king stood by the pillar and made<sup>261</sup> the covenant in the presence of the LORD, to follow the LORD and keep his commands, regulations and decrees with all his heart and all his soul, thus confirming the words of the covenant written in this book. And all the people stood in<sup>262</sup> the covenant.

### 3.2.6 Summary of the passage

In brief, the message of the passage can be literally summarised as follows:

The High Priest, Hilkiah, found a covenant document in the temple while renovations were going on according to directives by King Josiah. He gave the document to Shaphan, who was the Secretary to the government. Shaphan read the document, and while giving report about the progress of the renovations, also informed the king that a covenant document was found. He read the document to the king. When King Josiah heard the content of the book, he was afraid, and demonstrated a mood of repentance and sorrow. King Josiah, then, sent some officials to inquire of the LORD concerning the situation of things. The official went to Huldah, the prophetess, in Jerusalem, and she confirmed that there was impending doom coming upon the land of Judah, according to the words of the document that was found due to their failure to keep the covenant, but that King Josiah would die and be buried *in peace* before the doomsday because of his penitence. King Josiah, however, went further to gather all the people of the land to renew the covenant and to carry out further reforms in line with the dictates of the document with a hope to averting the impending doom.

This text raises some pertinent questions: (i) What document was it that was found during the temple renovations? (ii) Which covenant does this document contain and what is the content of the book that was found? (iii) When was the *tyrIb .* ratified and what was its purpose? (iv.) What were the strengths and weaknesses of this *tyrIb .* and did it fulfil its intended purpose? (v.) What are the social and religious consequences of Josiah's action in renewing the *tyrIb .* ? We sought answers to these questions from the text with due illumination by the literary and socio-religious context

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<sup>261</sup> This is rendered "made" in English so that it would make grammatical sense. Technically, the appropriate term is "cut". The definite article is retained so that it reads "made the covenant" instead of "made a covenant" in order to emphasise that it is a re-enactment of the former covenant and not a novel ratification of another new covenant.

<sup>262</sup> We preferred the reading "in" instead of "to" because this is the reading of the Hebrew manuscripts.



Based on the principle of hermeneutic spiral, the answers to these questions were first sought from the literary context by deploying the tool of narrative criticism upon the immediate canonical context of the passage. Secondly we seek further illumination through the socio-religious background of the passage, by employing the tools of Historical critical methods.

### 3.2.7 The literary context:

The literary context is fixed within DH, which provides the immediate canonical literary context of the focus text. The decision to delimit the canonical literary context within DH is based on conclusions drawn from the arduous works of previous scholars, which had produced the theory of DH spearheaded by Martin Noth<sup>263</sup>.

Source criticism during the middle and latter parts of the nineteenth century has given a significant attention to the various strands of traditions found in the Pentateuch, and how far these sources could be traced into other parts of the Old Testament<sup>264</sup>. This raises the question of the literary and theological relationship between the Pentateuch and other Old Testament books, particularly the books that followed the Pentateuch in the arrangement of the canon. It was discovered that materials of the Yahwist source stratum designated as "J"; the Elohist source stratum designated as "E," and the Priestly source stratum designated as "P", literary sources, were not found at all in Deuteronomy and that the Deuteronomistic Source strand, "D" was very scanty in Genesis, Exodus, Numbers and Leviticus. Hence, the book of Deuteronomy is unique. The works of Source criticism has also suggested that there are traces of "J" and "E" traditions in Joshua and parts of Kings, but that there is a great difficulty in connecting these sources exclusively with any or all of the first four books of the Pentateuch viz: Genesis, Exodus Numbers and Leviticus, without a connection with Deuteronomy because of the evident literary concordance between Deuteronomy and the Former Prophets<sup>265</sup>. The first and crucial step of the exercise presently is to determine the extent and boundaries of realistic narratives<sup>266</sup> between the Pentateuch and the Former

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<sup>263</sup> M. Noth.1981.*The Deuteronomistic History*.

<sup>264</sup> D. Bracher. Hexateuch, Tetratauch and Deuteronomistic History

<sup>265</sup> The books of Deuteronomistic History are called Former Prophets in the Hebrew Bible. The term "Deuteronomistic History is a later development consequent of Martin Noth's thesis establishing the theological, literary and thematic consonance of Deuteronomy with Joshua, Judges, Samuel and Kings.

<sup>266</sup> According to Hans Frei, 1974p.13-14, a realistic narrative is one whose meaning lies in the holistic interactions of the elements of the story, including the characters, events and settings, and not in factors outside the text itself.

Prophets within which the text is situated. There are four basic hypothesis proposed. All these hypotheses focus on the role of the book of Deuteronomy and its relationship to the first four books of the Torah and the books of the Former Prophets.<sup>267</sup>

The Hexateuch hypothesis, of which Gerhard Von Rad is a leading proponent, posits that Deuteronomy reflected a fusion between two independent traditions, the exodus conquest traditions and the Sinai event. That fusion of traditions became the basis for collecting together and organising the earlier traditions into a series of creedal confessions about God. Therefore, the Deuteronomistic tradition was used as the basis to edit the earlier traditions into a coherent narrative which Gerhard Von Rad termed as, “salvation history” or “the history of redemption.” In other words, he saw Deuteronomy as the climax and heart of the Pentateuch with Joshua as part of the on-going narrative of the exodus-conquest complex. On the other hand, he considered Judges as belonging to a later body of material with a different purpose, and so, was not included in the confessional scheme of the history of redemption. Hence, the Hexateuch places the books of the Torah and Joshua in the same narrative strata, such that Genesis to Joshua can be treated as a continuous narrative<sup>268</sup> which excluded the rest of the Former Prophets. But a careful look at the literary form of the books of the Pentateuch and the Former Prophets shows without ambiguity that the content, presentation, and themes in the Former Prophets concur more with that of Deuteronomy, and diverges from that of Genesis, Exodus, Numbers and Leviticus. Hence, Noth exposed a literary and theological connection between Deuteronomy and the books of the Former Prophets and posits his theory of DH, thus establishing a basis for considering Deuteronomy, Joshua, Judges, Samuel, Kings and Jeremiah as a realistic narrative. Based on Noth’s thesis, we therefore fix the immediate canonical context of the focus text within DH, while considering Deuteronomy and Jeremiah<sup>269</sup>, as introduction and Conclusion of the *Story* in DH.

The Principle of Hermeneutic Spiral<sup>270</sup> justifies the fact that we would better understand the usage of terms and the literary context of the focus passages through a familiarity with the larger canonical context. Hence, the understanding of the Deuteronomistic historian's theological and historical perspective deduced from the

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267 The former prophets are also referred to as the Deuteronomistic History in recent times.

268 G. Von Rad 1975 p.133

<sup>269</sup>R. E. Friedman. 1987. *Who Wrote the Bible?* . 146-147; Gershon Galil. 2001. *The Message of the Book of Kings in Relation to Deuteronomy and Jeremiah*.411-414; T. L. Constable, 2013. *Notes on Jeremiah*. 10; M. Weinfeld, 1972. *Deuteronomy and the Deuteronomistic School*.27-31,138-145.

<sup>270</sup> J. O. Akao, 200, *Principles of Biblical Hermeneutics*, 25.

overall plot of DH would enhance the "*indexing*"<sup>271</sup> capabilities. We treated these books as a continuous narrative. It is not within the scope of this study to debate the historicity of the narrative, because such an exercise would detour the research from its main stream. It suffices to state that I intend to evade the "*eclipse of biblical narratives*" and deal with the passage as a *realistic narrative*. It is certainly evident that though the narrative is "*historical*" in style and plot, it does not claim to be historiography in the sense of modern Eurocentric sense of the term.<sup>272</sup> Hence, dealing with it as a realistic narrative, we seek for the meaning and interpretation within the narrative text itself, and not in factors outside the text. That is why we engage the tool of Biblical Narrative Criticism. However, we seek contextual illumination so that we may better interpret the factors within the text from closest possible parlance with the perceived author(s).

### 3.2.8 Literary critical observations

The major catch-phrases we employed in exploring the canonical context of the focus text are:

- i. hr"ATh; rp, se (*sepher ha torah* – book of the law)
- ii. tyrIB.h; rp, se (*sepher ha b<sup>e</sup>rith* – book of the covenant)
- iii. tyrIB.h;-ta, trok.YIw: ( *wayyikroth et-hab<sup>e</sup>rith-* and he cut the covenant)
- iv. rp, Seh;-l [; ~ybituK. (*k<sup>e</sup>thubim al ha sepher* – he wrote on a book)
- v. tyrIãB.h; `yrEb.DI (Dibrê haBBürît - words of the covenant)

The phrase hr"ATh; rp, se (book of the law) in the various nuances, translated variously as ‘book of the law’ or ‘book of this law’(only in Deuteronomy 28:61) or ‘book of law’ (Prominent in Nehemiah) occurs four times in Deuteronomy [28:61; 29:20 (Eng.21); 30:10; 31:26]; five times in Joshua [1:8; 8:31, 34; 23:6; 24:26]; three times in 2 Kings [14:6; 22:8; 22:11]; three times outside DH in

<sup>271</sup> Indexing is here used in conformity with Chatman's model, as a technical term to describe the ability of the reader to infer the existence of events, objects and people from the information provided in the narrative, even though such phenomena were not explicitly stated. See Chatman.1978, p.34

<sup>272</sup> T. E. Fretheim, 1983 among many other European scholars have seriously questioned the historicity of the former prophets. U.Y. Kim. 2005 vehemently criticised, Noth, 1981,p.84, for defending the Historicity of this corpus because of the disparity between European and Semitic views of Historiography.

the synoptic section found in 2 Chronicle [2 Chronicles 17:9; 34:14,15] and four times in Nehemiah [8:1,3,18; 9:3].

The phrase  $\text{tyrIB.h; rp, se}$  occurs twice in 2 Kings 23 (Verses 2 and 21) once in the synoptic text in Chronicles 34:30; and once in Exodus 24:7. It is notable that this phrase is not found at all in D. Rather the phrase  $\text{hr"ATh; rp, se}$  is preferred.

The phrase  $\text{tyrIB.h; -ta, trok.YIW:}$  occurs in diverse nuances to denote a  $\text{tyrIB.}$  between God and the people of Israel in the following instances throughout the Bible: Exodus 34:27; Deuteronomy 5:2; Joshua 24:25; 1 Kings 8:9 and its synoptic parallel in 2 Chronicles 5:10; 2 Kings 11:4, 12, 17, 18 and its synoptic parallels in 2 Chronicles 23:3, 16; 2 Kings 17:35; as well as Jeremiah 34:13, 15.

The phrase  $\text{rp, Seh; -l [; ~ybituK.}$  in various grammatical nuances including the perfect and imperfect inflections<sup>273</sup> with relation to either  $\text{tyrIB.}$  or  $\text{hr'At}$  occurs in Exodus 24:4, 34:28; Deuteronomy 4:13, 5:19 (Eng.22), 10:4, 31:9; Joshua 8:32, 24:26; 2 Kings 17:37; 1 Sam. 10:25;. The occurrence of this phrase in 1 Samuel 10:25, though not in relation to  $\text{tyrIB.}$  or  $\text{hr'At}$  exhibits a context similar to that witnessed in the focus text.

The phrase  $\text{tyrIãB.h; `yREb.DI}$  occurs in the focus text at 2 Kings 23:3, and its Synoptic passage in 2 Chronicles 34:31. It also occurs twice in Deuteronomy (38:69 [Eng.29:1]; 29:8 [Eng.29:9]); five times in Jeremiah (Jeremiah 11:2,3,6,8; 34:18); and only once outside the chosen narrative framework (Exodus 34:28).

It is notable that occurrences of the catch-phrases are most prominent in Deuteronomy and the Former Prophets, which make up the narrative strata of DH, as well as the Deuteronomistic segments of Jeremiah, which can be seen as a post-script to DH. The only places of occurrence of these catch-phrases outside DH are in parallel texts found in Exodus and Chronicles, outside these there are occurrences in Jeremiah, Ezekiel and Hosea, as well as Nehemiah, but the contextual background of their

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<sup>273</sup> In the Hebrew, the perfect corresponds more closely with the past tense while the imperfect corresponds more closely with the future and imperative tense.

occurrence are suggestive of reference either to Deuteronomy or a document related to it. The occurrence of the catch phrases in the synoptic passages in Chronicles have been explained, according to Noth's theory of DH, by a proposition that the chronicler uses an early version of Samuel-Kings as his source document in compiling his own history.<sup>274</sup> It is also significant to notice that the Book of Judges, which is the only one of the books in this narrative stratum, in which none of the catch-phrases is found, contained only two direct mention of  $y\bar{t}iyr\bar{I}b .$  (my covenant) as direct references to the  $\bar{t}yr\bar{I}b .$  between the LORD and Israel. These two instances occur in chapter 2:1, 20; which the lore of Redaction Criticism has assigned to the editorial introduction to the book by the Deuteronomic Historian. The position of these occurrences effectively synchronised the overall story-plot of the book of Judges into the same narrative scheme with the focus text.

In accordance with the Principle of hermeneutic Spiral and the apparent incidence of intertextuality, these catch-phrases informed the selection of the following texts to illuminate the textual context of the focus text:

- i. The Ethical Decalogue (Exodus20:1-17; Deuteronomy 5:1-19 RSV.5:1-22)
- ii. The Sinai Pericope in Exodus 24:3-8
- iii. The Covenant Code (Exodus20:22-23:33)
- iv. The Sabbath Pericope in Exodus31:12-17
- v. The Ritual Decalogue (Exodus34:1, 10-28<sup>275</sup>)
- vi. Sections of the Deuteronomic Code : Deuteronomy 4:12-14; 9:9-17; 10:1-4; 17:18; 27:1-8; 28:61-29:20(RSV.8:61-29:21); 30:10-31:26;
- vii. Sections of Deuteronomistic History (DH): Joshua 1:8; 8:30-34; 23:6-24:26; 1 Samuel 10:25; 2Kings 11:4, 12, 17, 18; 14:6; 17:35-39.
- viii. Some Deuteronomistic Sections of Jeremiah (Jeremiah 7:9; 11:1-17; 31:31-34; 34:13-18; 36:1-32)

These texts were considered in consonance with the focus text. Passages from 2

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<sup>274</sup> Though this position have been debated, and alternative suggestions are offered, for example, R. F. Person, Jr. 2010, *The deuteronomic history and the book of Chronicles: scribal works in an oral world* have tolled the line that Deuteronomistic History and the Chronicler's Histoies are two competing historiographies which have common sources underlying them; but for our present study, the cosequences of the debate does not have a serious setback, since our focus is on the Deuteromonistic History as a realistic narrative.

<sup>275</sup> Exodus 34:11-26 has been identified as a self-contained pericopy called The Ritual Decalogue, in this exegesis, the immediate verses bordering the Ritual Decalogue, i.e. Verses 10 and 28 are also considered because it is these verses that served to incorporate the Ritual Decalogue into the immediate literary context within the canon.

Chronicles were only engaged for textual verification, since they are parallel texts. All these texts were also critically examined to investigate their textual integrity, using the Critical Apparatus of the BHS, and where applicable, they are also compared with the Aleppo Codex and the Qumram texts<sup>276</sup>. The processes are not documented here to minimise the volume.

Having selected the passages within the narrative framework and related sections of the Hebrew Bible, the textual critical analysis were carried out and the texts are presented below, so that they can be read synchronistically. The Ethical Decalogue in Exodus 20:1-17 is not placed here since the synoptic passage in Deuteronomy is set out.

**i. Exodus 24:3-8; 34:1, 27-28**

**Exodus 24:3-8**

!b, YIiw: rq, BoêB; ~Keäv.Y:w: hw"ëhy>  
 yrEäb.DI-lK' tae... hv, <sup>a</sup>mo bToåk.YIw:4  
 yjeîb.vi rf"ß[' ~ynEiv.li hb'êCem;  
 `hrEf.[, ~yTeÛv.W rh"+h' tx;T;ä  
 x;Beßz>mi  
 `lae(r"f.yI  
 `~yrI)P' hw"ßhyl; ~ymi<sup>2</sup>l'v. ~yxiób'z>  
 WxúB.z>YIw:) tl{+[o Wlß[]Y:¥w:  
 laeêr"f.yI ynEåB. `yrE[]n:-ta, (  
 xl;<sup>a</sup>v.YIw:5  
 `x;Be(z>Mih;-l[; qr:ßz" ~D"êh; yciäx]w:  
 tnO=G"a;B' ~f,Y"ßw: ~D"êh; yciäx] `hv,mo  
 xQ:ÛYIw:6  
 lKot± Wrêm.aYOæw: ~['\_h' ynEåz>a'B.  
 ar"Þq.YIw: tyrIêB.h; rp,seä `xQ;YIw:7  
 `[m'(v.nIw> hf,î[]n: hw"ßhy> rB<iDI-  
 rv,a]  
 `hw"hy> tr:ÛK' rv,'a] `tyrIB.h;-~d:(  
 hNEÛhi rm,aYO©w: ~['\_h'-l[; qroßz>YIw:  
 ~D"êh;-ta, `hv,mo xQ:ÛYIw:8  
 `hL,ae(h' ~yrIßb'D>h;-lK' l[;î ~k,êM'[i

<sup>276</sup> The Alepo Codex and the DSS are fragmentary; they are only applied to sections where the texts are available. However it is hery helpful that both contained the core focus text, 2 Kings.22:8-23:3.

4. And Moses wrote all the words of the LORD and he rose in the morning and he built an altar beneath the mountain, and he set up twelve pillars according to the twelve tribes of Israel
5. And he sent young men of the children of Israel and they made burnt offerings, and sacrificed young bulls as sacrifices of peace to the LORD.
6. And Moses took half of the blood and put it in a bowl, and sprinkled half of the blood on the altar
7. And he took the book of the covenant and read it in the hearing of the people, and all the people said "we will hearken and do all that the LORD have spoken".
8. And Moses sprinkled the blood on the people. Then he said "behold the blood of the covenant which the LORD makes with you according to these words"

This text presupposes a covenant document, diferent from the two stone tablets, as implied in Verse 8. It also depicts a cultic context in which the representatives of the tribes officiated in the sacrificial rites as cultic functionaries for the tribal league instead of the Levitical Priesthood. This presupposes antiquity of the textual tradition dating to a period before the recognition of the Levites as the priest for the whole twelve tibes. If this were so, it can be inferred that a form of covenant document may have been in existence for quite a very long time in pre-monarchical Israel. The extent of preservation of such a document if it actually existed<sup>277</sup> cannot be determined with certainty.

**Exodus 34:1**

\yTib.t;k'w> ~ynI+voarIK' ~ynIßb'a]  
txoïlu-ynE)v. ^±l.-ls'P. hv,êmo-la,  
'hw"hy> rm,aYOÝw:  
`T'r>B:)vi rv<ia] ~ynIßvoarIh' txoïLuh;-  
l[; Wy°h' rv<ia] ~yrIêb'D>h;- ta,  
txoêLuh;-l[;

And the LORD said to Moses "carve for yourself two tablets of stones according to the previous ones, and I would write on the tablets the words which were on the previous tablets which you broke"

**Exodus 34:27-28**

hL,ae<sup>a</sup>h' ~yrIâb'D>h; ÝyPiä-l[; yKiú  
hL,ae\_h' ~yrIâb'D>h;-ta, ^βl.-bt'K.  
hv,êmo-la, 'hw"hy> rm,aYOÝw:27  
`lae(r"f.yI-ta,w> tyrIßB. ^±T.ai  
yTir:óK'  
ht'\_v' al{å ~yIm:ßW lk;êa' al{å ~x,l,...  
hl'y>l;ê ~y[iäB'r>a;w> `~Ay ~y[iîB'r>a;

<sup>277</sup> Various suggestions have been tendered, for instance, some have suggested that the document produced was the Covenant Code. This would be discussed in more detail in the next chapter.

hw"©hy>-~[i ~v'ä-yhiy>w:¥ 28  
 `~yrI)b'D>h; tr<f, P[] tyrIêB.h; yrEäb.DI  
 tae... txo<sup>a</sup>Luh;-l[]; bToåk.YIw:

27 And the LORD said to Moses "write down all these words, for according to tenor of these words I am making a covenant with you and with Israel."

28 And he was there with the LORD forty days and forty nights. He eat no bread and drank no water. Then he wrote on the tablets the words of the covenant, the ten words.

From this text and the previous one, we took particular note of the writing materials. There were two types engaged. One type is the ~ynIb'a] txolu (Stone tablets) and the other type of material was called the tyrIB.h; rp,se (book of the covenant). In Exodus 24:7, the "words of the covenant" were to be understood as the elaborated emendations contained in the tyrIB.h; rp,se, but Exodus 34:28, insinuates that the "words of the covenant" consisted only of the Ten Commandments - ~yrI)b'D>h; tr<f, P[] ("ten words"). The textual apparatus and all other manuscripts examined show that the reading of these phrases in the text material is common to all the available ancient manuscripts. The microfilms of Exodus for the Aleppo Codex however are not available<sup>278</sup>. This implies that the extant textual tradition preserved in the canon is what has been consistently handed down by the custodians of the text over a very long period of time.

The inference that can be drawn from these texts within its own literary context is that the tyrIB.h; rp,se contains a sort of running midrash written by Moses based on the instructions he had received from the LORD while in the mountain, while the ~ynIb'a] txolu (Stone tablets) contain the ~yrIb'D>h; tr<f, P[] (*The ten words*) which most English translations rendered the "Ten Commandments". These were spoken directly by the LORD to the whole congregation during the theophany. It did not contain the curse imprecations which could have mediated the fear appeal in Josiah. But we need further evidence to ascertain whether it is the tyrIB.h; rp,se which influenced Josiah's reforms. This would be discussed further in the chapter four of this present study.

Deuteronomy 4:12-14; 5:1-19 (English Version 5:1-22); 9:9-17; 10:1-4; 17:18; 27:1-8; 28:61-29:20(English Version 28:61-29:21); 30:10-31:26

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<sup>278</sup> The Aleppo Codex lacks the whole of the Torah. Kenncott's collections consist of Six Hundred and Fifteen (615) dated manuscripts. As reflected in the critical apparatus used did not indicate any variation with regards to this phrase in any of these manuscripts; however Kennikott's did not include the *nikudim* in the print of his collections.



**Deuteronomy 4:12-14**

~yaiβro ~k, î̂n>yae hn"±Wmt.W ~y[iê̂m.vo  
 ~T, äa; `~yrIb'D> lAqÜ vae\_h' %ATâmi  
 ~k, ðylea] hw"thy> rBEôd:y>w: 12  
 `lAq) ytiîl'Wz  
 ynEßv.-l[; ~beêT.k.YIw:) ~yrI+b'D>h;  
 tr<f, ð[] tAfê[]l; `~k,t.a, hW"Üci rv,'a]  
 At<sup>a</sup>yrIB.-ta, ~k, øl' dGE`Y:w: 13  
 `~ynI)b'a] tAxilu  
 ~t'êao ~k, ät.fo[]l; ~yji\_P'v.miW ~yQIßxu  
 ~k, êt.a, dMeäl;l. awhiêh; t[eäB' `hw"hy>  
 hW"Üci ytiúao> 14  
 `HT' (v.rIl. hM'v'ð ~yrIib.[o ~T, <sup>2</sup>a;  
 rv<ia] #r<a'§B'

12 The LORD your God spoke from the midst of the fire with a loud voice. You heard the voice but you did not see any similitude, only a voice.

13 and He declared to you His covenant which He commanded you to do, the ten words, and He wrote them on two tables of stone.

14 And the LORD commanded me at that time to teach you statutes and judgements that you should practice in the land which you are crossing over to possess.

In this text, the keyword associated with the covenant is found verse 13 in the phrase ...“At<sup>a</sup>yrIB.-ta, ~k, øl' dGE`Y:w:” (- and He declared to you His covenant) which refers to the content of the covenant and not the process of ratification. These declarations were referred to as the "ten words," and it was only these that were written on the tablets of stone. We also infer from the fourteenth verse that Moses was also commissioned to set out further stipulations for the people to follow as part of the covenant stipulations. It is most probable that these were the ones he wrote out in the 'tyrIB.h; rp, se'.

Deuteronomy 5:1-19 (English Version 5:1-22); is also carefully examined, looking at the contextual connotations of the keywords and its implications for the understanding of the 2 Kings 22:8-23:3.

**Deuteronomy 5:1-22**

~yQIâxuh;-ta, `laer"f.yI [m;Ûv. ~h, <sup>a</sup>lea]  
 rm,aYOæw: èlaer"f.yI-lK'-la, éhv,mo  
 ar"äq.YIw: 1  
 ~yjiêP'v.Mih;-ta,w>  
 `~t'(fo[]l; ~T, ðr>m;v.W ~t'êao



^T<åbiW-^>n>biW hT'äa; hk'†al'm.-lk'  
 hf, ä[]t; al{å ^yh, ^\_l{a/ hw"ßähyl;  
 ÝtB"ßäv; y[i÷êybiV.h; ^~Ay'w>14  
 ^iD>b.[; x:Wn°y" ![];m;^l. ^yr<ê['v.Bi  
 rv<åa] ^r.gE)w> ^T, ^m.h,B.-lk'w>  
 ^ør>mo\*x]w: ^'r>Avw> ^t,m'a]w:û-  
 ^)D>b.[;w>  
 ^Am\*+K' ^ßt.m'a]w:  
 [:roåz>biW 'hq"ßz"x] dy"ÜîB. ^~V'êmi  
 ^yh, ^Ûl{a/ hw""Ühy> •^÷a]ci'YOW:  
 ~yIr:ë^c.mi #r<a, äB. Ý't'yyI'åh'  
 db, [<Üî-yKiä T'ù^r>k;z"w>15  
 s `tB'(V;h; ~Ayð-ta, tAfß[]l; ^yh, êl{a/  
 hw"åhy> ^W>ci !Ke^l[]; hy"ë+Wjn>  
 ^ym, ^y" !kUåyrIa]y: Ý![];m;äl. ^yh, \_l{a/  
 hw"åhy> ^ßW>ci rv<ia]K; ^M, êai-ta, w>  
 ^ybi'a'-ta, dBeÛK; 16  
 s `%l") !tEÿnO ^yh, ßl{a/ hw"ïhy>-rv, a]  
 hm'êd"a]h' ( l[];... %l'ê bj;yyIå ^![];m;'l.W  
 s `bnO\*ëg>Ti al{ååw>(19) s `@a")\_n>Ti  
 al{ååw>(18) s `xc'(r>Ti al{ðß 18  
 s `aw>v") d[eî ^ß[]rE(b. hn<i[]t;-al{)w>  
 (20)  
 ^Atm'a]w: ADÝb.[;w> WhdEøf' ^[, ^rE tyBeä  
 hW<÷a;t.ti al{'w> s ^[<+rE tv, aeä  
 dmoßx.t; al{ïw>18(21)  
 s `^ [<)rEl. rv<ia] lkoßw> Arêmox]w:  
 AræAv  
 !n"å['h, ( ^vaeh' %ATÜmi rh'^B' ~k, øl.h;q.-  
 lK'-la, hw""hy> •rB, DI hL, ae†h'  
 ~yrIåb'D>h;-ta, (22  
 `yl'(ae ~nEßT.YIw:) ~ynIëb'a] txoålu  
 ^ynEv.-l[]; ~be^T.k.YIw:) @s"+y" al{åw>  
 lAdßG" lAqï lp, êr"[]h'(w>

1. And Moses called all Israel and spoke to them "Hear, O Israel the statutes and the judgments which I speak in your hearing this day, and learn them and keep them, to do them.

2. The LORD our God made a covenant with us in Horeb.

3. It was not with our fathers that the LORD made that covenant but with us who are here this day, all of us who are alive.
4. The LORD spoke to you face to face from the midst of the fire.
5. [I stood between you and the LORD at that time to declare to you the word of the LORD because you were afraid before the fire and you did not climb up to the mountain] saying:
6. I am the LORD your God who brought you out of the land of Egypt from the house of bondage.
7. You shall not have other gods before me.
8. Don't make for yourselves idols, image of all that is in the heaven above or on earth below or in the waters beneath the earth.
9. You shall not worship them or serve them, because I the LORD your God am a Jealous God visiting the sins of the fathers upon the sons, and upon the third and fourth generations of those who hate Me but dealing graciously with thousands who love me and keep my commandments.
11. You shall not take the name of the LORD your God in vain because the LORD will not acquit them that take His name in vain.
12. Keep the Sabbath day and sanctify it as the LORD your God commanded you.
13. You shall labor and do all your work in six days.
14. But the seventh day is Sabbath to the LORD your God. You shall not do any labor. Yourself and your son and your daughter, and your male servant and your female servants, and your donkey and your ass, and all your beasts, and your sojourner who is within your gates; in order that your male servant and your female servant may rest like yourself.
15. Remember that you are a servant in the land of Egypt and the LORD your God brought you out from there with a mighty hand and an out-stretched arm, therefore the LORD your God commands you to observe the Sabbath day.
16. Honor your father and your mother as the LORD your God commands you in order that you might prolong your days, and it might go well with you in the land which the LORD your God gives you.
17. You shall not kill (18) You shall not steal (19) You shall not commit adultery (20) You shall not bear false witness against your neighbor.
21. You shall not desire your neighbor's wife, and you shall not covet your neighbor's house, his field and male servant and his female servant; his donkey or his ass or anything that belong to your neighbor.
22. The LORD spoke all these words to all your assembly in the mountain from the midst of the fire, and the cloud and the dark cloud, with a loud voice, and He added no more, and He wrote them on two tablets of stones and He gave them to me.

In this particular text, Moses is the implied narrator and he states that his immediate audience were eyewitnesses to the *tyrIb.* at Sinai / Horeb. The phrase "... *taZO=h; tyrIâB.h;-ta, hw"βhy> tr:îK' Wnyteêboa]-ta, al{â ...*" (not with our fathers did the LORD cut this b<sup>e</sup>rith...) was employed to emphasise that the Sinai / Horeb *tyrIb.* is different from the patriarchal *tAtyrIb.* (B<sup>e</sup>rithoth). The *tyrIb.* at Sinai/Horeb is referred to in the third person with the feminine singular demonstrative adjective: *taZO=h; tyrIâB.h;. -* (i.e. this

covenant). The presentation therefore suggests continuity between the *tyrIb*. at Sinai/Horeb, and the one presently being ratified at the plain of Moab. It is a re-enactment or renewal.

The sentence *hw" +hy> rb:âD>-ta, ~k, ðl' dyGIih;l. awhiêh; t[eäB' `~k, ynEybe* (W *hw"Ühy>-!yBe dme' [o ykinOa'û* (I stood mediated between you and the LORD at that time to declare to you the word of the LORD ) in verse 5 was interjected into the narrative to strike the note that Moses later gives further elaboration of the terms of the b<sup>e</sup>rith, but verse 6-18 (English 6-17) sets forth the *~yrIâb'D>* (d<sup>e</sup>barim)<sup>279</sup> which the LORD Himself spoke directly to the people. These were the ones written on the *~ynIëb'a] txoålu* as summarized with the phrase *yl' (ae ~nEßT.YIw:) ~ynIëb'a] txoålu `ynEv.-l[; ~be<sup>a</sup>T.k.YIw:) @s"+y" al{åw>* (and He did not add to them, and He wrote them on two tablets of stone and gave them to me) in verse 19 (RSV. 22).

**Deuteronomy 9:9-11; 15-17**

*~k, \_M'[i hw"ßhy> tr:îK'-rv, a] tyrIêB.h; txoåWl `~ynIb'a]h' ( txoÜWl tx;q;øl' hr" h'<sup>a</sup>h' ytiäl{[]B<sup>9</sup>; `ytiyti(v' al{i ~yIm:ßW yTil.k;êa' al{å ~x,l,... hl'y>l;ê ~y[iäB'r>a;w> `~Ay ~y[iîB'r>a; rh'<sup>a</sup>B' bveäaew" `ytiyti(v' al{i ~yIm:ßW yTil.k;êa' al{å ~x,l,... hl'y>l;ê ~y[iäB'r>a;w> `~Ay ~y[iîB'r>a; rh'<sup>a</sup>B' ~h, <sup>a</sup>yle[]w: ~yhi\_l{a/ [B;äc.a,B. ~ybißtuK. ~ynIëb'a]h' ( txoåWl `ynEv.-ta, yl;<sup>a</sup>ae hw"÷hy> !Te'YIw: 10 `lh' (Q'h; ~AyöB. vaePh' %ATimi rh"±B' ~k, îM'[i hw""hy> •rB,DI rv<åa]*

279 In Christendom today, these d<sup>e</sup>barim are called "The Ten Commandments", and this is the consensus rendition in all the English translations. Here we prefer to retain the transliteration of the Hebrew "D<sup>e</sup>barim" because it is difficult to find an equivalent English word that corresponds more literally, and retains the full connotation of the Hebrew. See also B. W. Anderson. 1973, 61

~yrI#b'D>h;-lk'K.(  
 ~ynIßb'a]h' txoïlu ynE±v.-ta, yl;<sup>a</sup>ae  
 hw"÷hy> !t;'n" hl'y>l"+ ~y[ißB'r>a;w>  
 ~Ayë ~y[iäB'r>a; '#Qemi yhi<sup>a</sup>y>w: 11  
 `tyrI)B.h; tAxïlu

**Deuteronomy 9:15-17**

`yd"(y" yTeîv. l[;ß tyrIêB.h; txoålu  
 `ynEv.W vae\_B' r[EåBo rh"ßh'w> rh'êh'-  
 !mi `drEaew") !p,ae<sup>a</sup>w" 15  
 %r<D<Sh;-!mi rheêm; ~T,är>s; hk'\_Sem;  
 lg<[Eß ~k,êl' ~t,äyfi[] ~k,êyhel{)a/  
 hw"åhyl; `~t,aj'x] hNEÜhiw> ar<ae<sup>a</sup>w" 16  
 `~k,(t.a, hw"ßhy> hW"ïci-rv,a]  
 `~k,(ynEy[el. ~rEßB.v;a]w" yd"\_y" yTeäv.  
 l[;ßme ~keêliv.a;w") txoêLuh; ynEåv.Bi  
 `fPot.a,w" 17

**Deuteronomy 10:1-4**

hr"h'\_h' yl;ßae hleî[]w: ~ynIëvoarIåK'  
 `~ynIb'a] txoÜWl-ynE)v. ^úl.-ls'P.  
 yl;<sup>a</sup>ae hw"åhy> rm:ôa' awhiøh; t[e'B'  
 `#[e( !Arïa] ^ßL. t'yfiî['w>  
 T'r>B:+vi rv<åa] ~ynIßvoarIh' txoïLuh;-  
 l[; Wy<sup>o</sup>h' rv<ïa] ~yrIêb'D>h;-ta,  
 txoêLuh;-l[; `bTok.a,w>2  
 `!Ar)a'B' ~T'ßm.f;w>  
 ynEiv.W hr"h'êh' l[;a;äw" ~ynI+voarIK'  
 ~ynIßb'a] txoïlu-ynEv. lso±p.a,w"  
 ~yJiêvi yceä[] `!Ara] f[;a;Ûw"3  
 `ydI(y"B. txoßLuh;  
 rh"±B' ~k,îylea] hw""hy> •rB,DI rv<åa]  
 ~yrIêb'D>h; tr<f,ä[] tae... !Av<sup>a</sup>arIh'  
 bT'äk.MiK; txoøLuh;-l[;( bTo'k.YIw:4  
 `yl'(ae hw"ßhy> ~nEiT.YIw: lh'\_Q'h;  
 ~AyæB. vaeßh' %ATimi

**Deuteronomy 9:9-11**

9. When I went up to the mountain to collect the two tablets of stone, tablets of the covenant which the LORD made with you, I stayed in the mountain for forty days and forty nights. I did not eat bread nor drink water.

10. And the LORD gave me the two tablets of stone, written with the finger of God. On

them were written according to all the words which the LORD your God spoke to you in the mountain out of the midst of the fire in the day of your assembly.

11. Then at the end of the forty days and forty nights, the LORD gave to me two stone tablets, tablets of the covenant.

Deuteronomy 9:15-17

15 So I turned and came down from the mountain, and the mountain was burning with fire; and the two tablets of the covenant were in my two hands.

16 And I looked, and behold, you had sinned against the LORD your God; you had made yourselves a molten calf; you had turned aside quickly from the way which the LORD had commanded you.

17 So I took hold of the two tables, and cast them out of my two hands, and broke them before your eyes.

Deuteronomy 10:1-4

At that time, the LORD spoke to me “carve to yourself two tablets of stone like the previous ones and come up to me in the Mountain, and make for yourself a wooden chest.

2. And I will write on the tablets of stones, that which was on the previous ones which you broke and you shall put them in the chest”.

3. And I made a chest of shittim wood, and I carved two tablets of stone like the previous ones, and I went up into the Mountain, with the two tablets in my hand.

4. And He wrote on the tablets according to the writing on the previous tablets, the ten words which the LORD your God spoke to you in the mountain from the midst of the fire, in the day of the assembly, and the LORD gave them to me.

In these texts, the phrase  $\text{tyrI)B.h; tAxilu}$  (lùHôt haBBürît - *tablets of the covenant*) is introduced to describe the stone tablets on which the  $\sim\text{yrIêb'D>h; tr<f, ä[]}$  were written, in attributive usage to qualify the previous terminology  $\sim\text{ynIb'a] txoÜWl}$ . The new terminology changes the emphasis from the nature of the writing medium or material to the content of the writing. The emphasis on the content of the document suggests that the stone tablets were, here, viewed as the “deed” of the previous covenant at Sinai.<sup>280</sup> But reading these texts in consonance with other texts, taken from Exodus and Deuteronomy, suggests that this deed was open to amendments and emendation. Hence, we still have two documents to ponder upon. The  $\text{tyrIêB.h; rp, seä}$  (“the book of the covenant”) and the  $\text{tyrIêB.h; txoålu}$  (“the tablets of the covenant”). In the whole of the Old Testament,  $\text{tyrIêB.h; txoålu}$  is peculiar to Deuteronomy<sup>281</sup>. By the principle of intertextuality, we

<sup>280</sup> This is the position of R. DeVaux. 1997. *Ancient Israel* .147

<sup>281</sup> Depending on the accuracy of the electronic search engines of the Bibleworks software, in conjunction with Young's analytical concordance, and Strong's concordance to the Bible, we found

confirm from the only reference to *plā,kej th/j diaqh,khj*<sup>282</sup> (tablets of the covenant) in the New Testament, in Hebrews 9:4, that at least some leaders of the Early Church accept that *tyrIêB.h; txoâlu* "tablets of the covenant" were the stone tablets on which the *d°bharim* were written, and were later deposited in the "Ark of the Covenant".

**Deuteronomy 17:18**

hnE`v.mi-ta, Alø bt;k' 'w> AT=k.l;m.m;  
 aSeäKi l[;P ATêb.vik. hy"âh'w> 18  
 `~YI)wIl.h; ~ynIßh]Koh; ynEip.Limi  
 rp,seê-l[; `taZOh; hr"ÛATH;

And it shall be that when he shall sit on his throne to rule, then he shall write to himself a copy of this law on a book, from that which is before the priests, the levites.

In Deuteronomy 17:18, it is notable that the King is to have at least a personal copy of the book of the covenant, duplicated from the copy in the custody of the Priests. Such duplications may be accompanied with emendations and expansions. The presentation of such copies to the king may be on the occasion of the enthronement or coronation ceremony, which may be the case in the instance of the enthronement of Joash in 2 Kings 11:13, accompanied with the presentation of the “*tWdê [eh' ä*” (testimony) to the new king<sup>283</sup>. This opens a chance that the book-find by Hilkiah may be one of such copies made in the reign of previous kings in Judah, who had been pious. It could also be a deposit of such copies at the Sanctuary, or the copy entrusted to the Priests by Moses. De-Vaux has rightly observed that the book-find attests to the ANE tradition of depositing copies of treaties in sanctuaries<sup>284</sup>.

There is, also, in this passage the introduction of a new vocabulary *hr"* (*ATH; yrEîb.DI* (words of the [this] law), which is used to refer to the content of the covenant document. The terminology is more prominent in Deuteronomy and DH. [Deuteronomy 17:19; 27:3,8,26; 28:58; 29:28; 31:12,24; 34:46; Joshua 8:4; 2

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that the only occurrence of the phrase " is in Deuteronomy Chapter 9, Verse 9, 11 and 15 and The Epistle to the Hebrews Chapter 9 verse 4.

<sup>282</sup> *plā,kej th/j diaqh,khj* is the Greek rendition of the Hebrew phrase in the LXX version of Deuteronomy Chapter 9 verse 9 and 11, as well as Hebrews Chapter 9 verse 4. The qualifying part of the phrase *th/j diaqh,khj* (tes diathekes – *of the covenant*) did not occur in the LXX version of Deuteronomy Chapter 9 verse 15, only *plā,kej* (places- tablet) is written.

<sup>283</sup> M. Weinfeld, has pointed out the probability that the “testimony” may refer to the covenant document. However, the usage of “testimony” in relation to the covenant is peculiar to the Priestly Tradition in which the term refer particularly to the Ten commandments written on the stone tablets.

<sup>284</sup> R. De Vaux.1997. *Ancient Israel*. 150



Kings 23:24]. It is found only three times outside Deuteronomy and DH and one of these is in the Synoptic passage in 2 Chronicles 34:19. The other two instances are found in Nehemiah 8:9, 13, where it is used in reference to the content of the Covenant Document which is read to the hearing of the returning exiles during Nehemiah's reform.

**Deuteronomy 27:1-8**

hw"ëc.Mih;-lK'-ta, `rmov' rmo=ale ~['Ph'-  
 ta, laeêr"f.yI ynEåq.zIw> `hv,mo wc;Ûy>w:  
 `~AY\*h; ~k,Ðt.a, hW<ic;m. yki²nOa' rv<ôa]  
 `^l. t'Ûmoqeh]w: %l"+ !tEånO ^yh,Ðl{a/  
 hw"ïhy>-rv,a] #r<a'Sh'-la, è!DEr>Y:h;-ta,  
 Wråb.[;T; rv<åa] é~AYB; hy"©h'w>2  
 `dyFi(B; ~t'Ðao T'îd>f;w> tAlêdoG>  
 ~ynIåb'a]  
 #r<a'øh'-la, abo'T' •rv,a] ![;m;#l.  
 ^r<+b.['B. taZOàh; hr"îATH; yrE²b.DI-lK'-  
 ta, ( !h,^yle[] T'åb.t;k'w>3  
 `%l") ^yt,Ðboa]-yhe(l{a/ hw"ïhy> rB<±DI  
 rv<ia]K; vb;êd>W `bl'x' tb;Ûz" #r<a,ä ^a1.  
 !tEånO Ý^yh,äl{a/ hw"ïhy>-rv,a]  
 ~AYàh; ~k,²t.a, hW<ic;m. ykiønOa' rv,'a]  
 hL,ae^h' ~ynIåb'a]h'-ta, WmyqiøT'  
 è!DEr>Y:h;-ta, ~k,är>b.['B. éhy"h'w>4  
 `dyFi(B; ~t'ÐAa T'îd>f;w> lb'\_y[e rh:åB.  
 `lz<)r>B; ~h,Ðyle[] @ynIüt'-al{ ~ynIëb'a]  
 xB;äz>mi ^yh,\_l{a/ hw"ßhyl; x:Beêz>mi `~V'  
 t'ynIÜb'W5  
 `^yh,(l{a/ hw"ßhyl; tl{êA[ `wyl['  
 t'yliÛ[]h;w> ^yh,\_l{a/ hw"åhy> xB;Ðz>mi-ta,  
 hn<ëb.Ti `tAmlev. ~ynIÜb'a]6  
 `^yh,(l{a/ hw"ïhy> ynEßp.li T'êx.m;f'äw>  
 ~V'\_ T'l.k;äa'w> ~ymiÐl'v. T'îx.b;z"w>7  
 s `bje(yhe raEïB; taZOàh; hr"îATH;  
 yrE²b.DI-lK'-ta, ( ~ynI©b'a]h'-l[;  
 T'åb.t;k'w> 8

And Moses and the elders of Israel commanded the people saying "keep all the commandments which I command you today.

2. And it shall be when you cross over the Jordan to the land which the LORD your God gives you, you shall erect for yourselves large stones and whitewash them with lime,

3. And you shall write on them all the words of this law, when you have crossed over, in order

that you might go into the land that the LORD your God gives to you, a land that flows with milk and honey as the LORD God of your fathers promised you.

4. Then it shall be when you cross the Jordan, you shall set up these stones on Mount Ebal, as I am commanding you today, and you shall whitewash them with lime.

5. And build there an altar to the LORD your God, an altar of stones, you shall not lift an iron tool on it,

6. You shall build the altar of the LORD your God completely with stones, and you shall offer burnt offerings to the LORD your God on it.

7. And you shall sacrifice fellowship offerings and you shall eat there and rejoice in the presence of the LORD your God.

8. And you shall write on the stones the words of this law in clear and good writing.

The writing denoted here is on an erected pillar. This calls to mind the stele of Hamurabi, which was uncovered during Archaeological search. It is not a portable document, but it is another testimony to the striking similarities between ANE covenant treaty procedure and the Israelite Covenant Tradition. The process described in the passage reflects a covenant renewal process. The formal structure of this process in its ANE context usually involves further documentation and deposition of copies of the document in the sanctuaries.

**Deuteronomy 28:61-29:20(RSV 28:61-29:21);**

Though this whole segment of the text was treated and verified in consonance with the focus text, only the verses that have direct bearing on the focus text are set out here, in order to manage space. The verses are Deuteronomy 28:61, 69; 29:8-14, 18-20 (Eng. Deuteronomy 28:61, 29:1, 2-15, 19-21)

**Deuteronomy 28:61**

^y l, ê [ ' `hw"hy> ~leû [.y: taZO=h; hr"äATh;  
 rp, sePB. bWtêk' al{â `rv, a] hK'ê m; -lk'w>  
 `ylix\ -lK' ~G:Ü 61  
 ` %d") m.V'hi d[; P

**Deuteronomy 28:69 (English:29:1)**

ba' \_Am #r<a, äB. laePr" f.yI ynEiB. -ta,  
 tro±k. l̄i hv, <sup>a</sup>mo-ta, hw"âhy> hW"ôci-rv, a]  
**tyrIøB.h; yrE' b.dI • hL, ae 69**  
 `brE (xoB. ~T' P̄ai tr: îK' -rv, a] tyrIêB.h;  
 db; äL.mi

**Deuteronomy 29:8-14 (English:29:9-15; LXX 29:8-14)**

taeP WlyKiêf.T; ! [; m; ä l. ~t' \_ao  
 ~t, P̄yfi [ ]w: taZOëh; tyrIâB.h; `yrEb.DI-ta,  
 ~T, <sup>a</sup>r> m; v.W 8  
 p `!Wf) [ ]T; rv<ia] -lK'  
 ~k, êyrEj .voâw> `~k, ynEq.zI ~k, <sup>a</sup>yjeb.vi

~k, äyvear" ~k, \_yhel{a/ hw"åhy> ynEßp.li  
 ~k, êL.Ku `~AYh; ~ybiÛC'nI ~T, 'a; 9  
 `lae(r"f.yI vyaiî lKoß  
 `^ym, (yme baeivo d[;P ^yc, ê[e bjeäxome  
 ^yn<+x]m; br<q<åB. rv<ßa] ^êr.gEåw>  
 ~k, êyven> ~k, äP.j; 10  
 `~AY\*h; ^BM.[i trEîKo ^yh, êl{a/ hw"åhy>  
 `rv, a] At+l'a'b.W ^yh, Pl{a/ hw"ïhy>  
 tyrI±b.Bi ^a r>b. ['l. 11  
 %l"+-rB, DI rv<ßa]K; ~yhiêl{ale( `^L.-  
 hy<h.yI) aWhÜw> ~['a]l. Alø Ý~AY"h; •^t.ao-  
 ~yqI)h' ![:m;äl. 12  
 `bqo) [ly:l.W\* qx'Pc.yIl. ~h'îr"b.a;l.  
 ^yt, êboa]l; `[B;v.nI rv<Üa]k;w>  
 `taZO\*h; hl'Pa'h'-ta, w> taZOëh; tyrIåB.h;-  
 ta, `trEKO yki^a nOa' ~k, \_D>b;l. ~k, P.T.ai  
 al{ïw> 13  
 WNN<±yae rv<ia] tae'w> Wnyhe\_l{a/ hw"åhy>  
 ynEßp.li ~AYëh; dmeä[o `WnM'' [i hPo^a  
 An÷v.y< rv, 'a]-ta, •yKi 14  
 `~AY\*h; WnM'î[i hPoß

**Deuteronomy 29:18-20 (RSV 19-21)**

yLiê-hy<h.yI) ~Alåv' `rmoale AbÜb'l.Bi  
 %rE'B't.hiw> taZO@h; hl'øa'h' ( yrE'b.DI-ta,  
 •A[m.v'B. hy"³h'w> 18  
 `ha' (meC.h;-ta, hw"ßr"h' tApis. ![:m;²l.  
 %lE+ae yBiPlI tWrîrIv.Bi yKi²  
 `AB hc'b.r"Ûw> aWhêh; vyaiäB' `Ata'n>qiw>  
 hw"Ühy>-@a; !v;' [.y< za'û yKiä èAl x:(l{ås.  
 éhw"hy> hb, äayO-al{ 19  
 `~yIm")V'h; tx;T;Pmi Amêv.-ta, `hw"hy>  
 hx'Ûm'W hZ<+h; rp, SeäB; hb'PwtK.h;  
 hl'êa'h'ä-lK'  
 hb'ŞwtK.h; **tyrIêB.h; tAlåa'** `lkoK.  
 lae\_r"f.yI yjeäb.vi lKoßmi h['êr"l. `hw"hy>  
 AlÝyDIb.hiw> 20  
 `hZ<)h; hr"PaTh; rp, seîB.

### Deuteronomy 28:61

<sup>61</sup> The LORD will also bring on you every kind of sickness and misery not recorded in this Book of the Law, until you are exterminated.

### Deuteronomy 29:1 (Tanakh- 28:69)

These are the words of the covenant the LORD commanded Moses to make with the Israelites in Moab, besides the covenant he had made with them at Horeb.

### Deuteronomy 29:9-15 (Hebrew 29:8-14 LXX 29:8-14)

<sup>9</sup> And keep the words of this covenant and do them, so that you may prosper in everything you do.

<sup>10</sup> All of you are standing today in the presence of the LORD your God. The heads of your tribes, your elders and officers, all the men of Israel,

<sup>11</sup> with your children, your wives, and your sojourners living in your tents, from the ones who chop your wood to the ones who fetch your water.

<sup>12</sup> in order to enter into a covenant with the LORD your God, and into an oath, which the LORD your God is making with you today;

<sup>13</sup> to establish as today as his people, and He may be your God according to what He spoke to you and according to what he swore to your fathers, to Abraham, Isaac and Jacob.

<sup>14</sup> I am making this covenant, with its oath, not only with you

<sup>15</sup> who are standing here with us today in the presence of the LORD our God but also with those who are not here today.

### Deuteronomy 29:19-21 (Tanakh 18-20)

<sup>19</sup> And when a person hears the words of this oath, and blesses himself in his heart saying, "It will be well with me, though I walk in the stubbornness of my heart" in order to destroy the thirsty with drunkenness.

<sup>20</sup> The LORD will never be willing excuse him; his wrath and zeal will burn against that man. All the curses written in this book will fall upon him, and the LORD will blot out his name from under heaven.

<sup>21</sup> The LORD will single him out from all the tribes of Israel for disaster, according to all the curses of the covenant written in this Book of the Law.

The vorlage for this study, L, presents 28:69 as the concluding verse of the Chapter 28, and consequently, of the foregoing section of the Deuteronomic Code (Deuteronomy5-28). The Tiberian Massora places the verse at the conclusion of a  $\text{t q s p}$  (*pisqot*)<sup>285</sup>. The passage is located in the *Parasha ki Tavo*, which is the 50<sup>th</sup>  $\text{f r p}$  (*Parasha*)<sup>286</sup>. Within this parasha, it falls within the 6<sup>th</sup> *Aliyah*<sup>287</sup> (Deuteronomy

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<sup>285</sup> *Piskhot*  $\text{t q s p}$  or *Parashiyot*  $\text{t w y f r p}$  are the traditional Masoretic paragraph divisions of the Torah. Israel Yeivin's Introduction to the Tiberian Massora has been particularly helpful for critical inquiry into this issue.- Yeivin, I.1980. *Introduction to the Tiberian Massora*.

<sup>286</sup> Parasha is the singular for Parashot, and it refers to the divisions of the Torah into 54 segments for one year reading plan of the Torah. The Parashiyot or pisqot on the other hand refer to the paragraph divisions. The Sederim on the other hand is a division for three year reading plan. But the *sedarim* divisions are not uniform among the various manuscripts.

<sup>287</sup> Each Parasha consist of a full Kriyah, which is subdivided into Seven Aliyahs such that each Aliyah could be used as a portion of the Torah for daily reading.

28:7-69). However, the Critical Apparatus shows that the Samaritan Pentateuch features a *Waw- conjunction* at the beginning of this verse. This reading is sustained by one Greek Manuscript and the Ethiopic version<sup>288</sup>. It is also followed by the English version. This alternative reading in the Samaritan Pentateuch suggests that the verse serves as an introduction to the following section rather than the conclusion of the previous sections, thus placing it at the opening of Chapter 29.

The Masoretic Text,<sup>289</sup> on the other hand, follows the *parasha* and places it at the close of chapter 28. The implication of this position is five-fold:

- i. It implies that the “Horeb Covenant” in Deuteronomy, refers either to another covenant texts apart from the one documented in the book of Deuteronomy itself, which naturally, would be those in the book of Exodus, or the one referred to in Deuteronomy 5:1-4, 22, which the internal evidence point to as a recapitulation of the Sinai event as recorded in Exodus.
- ii. The content of this previous covenant texts is just the Ten Commandments<sup>290</sup>
- iii. The text of the Covenant in the plain of Moab would, by implication, comprise of Deuteronomy 5-28, which comprises the Deuteronomic Code.
- iv. The covenant in the plain of Moab should therefore be seen as a re-enactment and an expansion of the Horeb Covenant.
- v. It therefore follows, that the covenant in the plain of Moab is not an essentially new covenant, but a thematic and theological continuity with the Horeb Covenant,<sup>291</sup> and an expansion of the Ethical Decalogue which is the core of the covenant Document.
- vi. There is a new dimension to the concept of  $hw''\beta hy> \text{ } \tau a; \hat{i} r > y I$  (yir’at ’ädönäy) ‘the fear of the LORD’).

Various scholars have argued in support of each of the two positions. Advocates of the alternative reading, upheld by the English numbering include J. D. Levinson<sup>292</sup>,

<sup>288</sup> This text-critical result is derived by the use of the BHS Critical Apparatus, it is also upheld by A. Rofe. 2002. *Deuteronomy*.193

<sup>289</sup> Reference here is to the Leningrad and Aleppo Codices in particular.

<sup>290</sup> R. De Vaux.1997. *Ancient Israel*. 147

<sup>291</sup> Whybray had referred to the covenant in the plain of Moab as a new covenant apart from Horeb Covenant, whose necessity has not been satisfactorily explained. However, he does not refute the theological and thematic connectedness of the two covenants. The point he is asserting was that there was another instance of covenant ratification by Moses in the plain of Moab, which cannot be denied. Whybray, R. N. 1995. *Introduction to the Pentateuch*. 97-98

<sup>292</sup> J. D. Levenson, 1975. Who inserted the Book of the Torah?

S. Hultgreen<sup>293</sup> and Alexander Rofe<sup>294</sup>. The implication of this position can be seen in two dimensions. First, if the text of the Moab Covenant began at 28:69 (RSV. 29:1) and ends at 30:20, it means that the text of 4:44 -28:68 reviews the content of the Horeb Covenant in two segments which consisted of (a) the  $\sim y r I ) b ' D > h ;$   $t r < f , \bar{P} [ ]$  (Deuteronomy 4:13; 10:4; cf.5:2-4.6-19) and (b) the  $\sim y j i \hat{e} P ' v . M i h ; w >$   $\sim y Q i x u h ; ( h w " \textcircled{c} . M i h ;$  (hammicwâ ha|Huqqîm wühammišPäřîm – the commandment, the statutes and the ordinances cf. 5:27-28; 6:1ff) which Moses alone heard and relayed to the people. If that were the case, it means that (i) either the stipulations of the Moab Covenant is missing from the received text in the canon or (ii) that the stipulations of the Horeb covenant have been taken over and supplanted by the Moab Covenant<sup>295</sup>. The latter alternative corresponds with the position upheld by the Masoretic tradition.

Those that uphold the Masoretic tradition include Norbert Lohfink<sup>296</sup> and DeVaux<sup>297</sup>. The Masoretic tradition is more tenable for our current study. In the first instance, all available Hebrew manuscripts except the Samaritan Pentateuch agree with the Masoretic Tradition. Secondly, since we are investigating the changing perspectives of covenant along the history of transmission of Israelite written covenant traditions, the Masoretic tradition presents the prevailing perspective at the time of the final edition of the Book of Deuteronomy.

The alternative reading presented by the Samaritan Pentateuch, which is reflected by the numbering of the English version, gives the impression that the actual stipulations and documentation of the Moab Covenant had been edited out of the book of Deuteronomy. If this were a valid position, then the lost traditions would be of no use to the present study, except it can be retrieved. Furthermore, the supposed removal of the Moab Covenant Text would signify an attempt of Editors / Redactors to synchronise the Covenant Ideology of the previous Legal texts. Hence, in the canonical context of Deuteronomy, Sinai and Moab Covenants are conjoined as “Covenant Law”<sup>298</sup> and the Covenant in the plain of Moab is presented to depict that the second generation of Israelites received the law a second time, only with some alteration

<sup>293</sup> Hultgren, Stephen.2007. *From the Damascus Covenant to the Covenant of Community*. 84-85

<sup>294</sup> A. Rofe. 2002. *Deuteronomy*.193

<sup>295</sup> Hence validating the position of DeVaux, tht Dtr Law is connected to the Decalogue, but bypasses the Covenant Code.

<sup>296</sup> N. Lohfink. 2003. *In the Shadow of Your Wings*. 6.

<sup>297</sup> R. De Vaux.1997. *Ancient Israel*. 147

<sup>298</sup> R. Green. 2011. *Deuteronomy Book II*. 295

intended to fit it for Agrarian life<sup>299</sup>, in the context of the socio-cultural transition from Nomadic to Sedentary life engendered by settlement in the promised land.

The record of Moab Covenant is referred to within the text at 28:61 as the  $hr"ATh; rp, se$  (*seper ha torah* – book of the law ). The phrase  $hr"ATh; rp, se$  (*sepher ha torah* – book of the law) is qualified with the demonstrative adjective [ $taZO=h; hr"äATh; rp, sePB$ . (Büsë°per haTTôrà hazzö't - book of this law )] only in Deuteronomy 28:61. This construction supports the position that the content of the law-code is the foregoing section, that is the Deuteronomic Code. The phrase  $hr"ATh; rp, se$  occurs in the various nuances, translated variously as ‘book of the law’ or ‘book of this law’(only in Deuteronomy 28:61) or ‘book of law’ (prominent in Nehemiah). It occurs four times in Deuteronomy [28:61; 29:20 (Eng.21); 30:10; 31:26]; five times in Joshua [1:8; 8:31, 34; 23:6; 24:26]; three times in 2 Kings [14:6; 22:8; 22:11]. Outside DH, three times in the synoptic section found in 2 Chronicles [2 Chronicles 17:9; 34:14,15] and four times in Nehemiah [8:1,3,18; 9:3]. Looking at it from the perspective of narrative structure, and the previous occurrence of the phrases **דְּבָרֵי הַתּוֹרָה** (Deuteronomy 17:19; 27:3,8,26; 28:58; 29:28; 31:12,24; Joshua 8:34; 2 Kings 23:24)and **דְּבָרֵי הַבְּרִית** (Deuteronomy 28:69; 29:8; 2 Kings 23:3)” within Deuteronomy and DH, it confirms the thesis that the Covenant Law was produced by the conjoining of the Sinai and Moab covenant traditions, a position that had been defended by Green.<sup>300</sup> The covenant at Moab, therefore, is the  $tyrIêB$  . that sealed the precepts received over forty years of wandering in the wilderness and gives it a ‘covenant status’.<sup>301</sup>

Other terminologies are also introduced to denote or describe the content of the document. These are the phrases **דְּבָרֵי הַבְּרִית** (words of the covenant Deuteronomy 28:69; 29:8; 2 Kings 23:3.) and **אָלוֹת הַבְּרִית** (curses/oaths of the covenant 29:20). The term **tyrIêB.h; yrEäb.DI** occurs outside Deuteronomy and Kings only in Exodus 34:28; Jeremiah 11:2,3,6,8; 34:18; and the synoptic passage in 2 Chronicles34:31. Only two occurrences are relevant with reference to the Mosaic covenant Exodus34:28 and Deuteronomy 28:69. The Implications of the occurrence in Jeremiah would be discussed later in this study. In Exodus, the position of the term **tyrIêB.h; yrEäb.DI** affirms that only the  $\sim yrI) b'D>h;$

<sup>299</sup> D. I. Block. 2008. Deuteronomy.67-82; H. Najman, 2003. *Secoding Sinai*.32

<sup>300</sup> R. Green. 2011. *Deuteronomy Book II*. 295

<sup>301</sup> Cf. J. Faur.2008. *Horizontal Society* .50

tr<f, ð[] written on the ~ynIëb'a] txoålu, constitute the content of the covenant document when it was first ratified at Sinai/ Horeb. But the re-occurrence of the term in Deuteronomy 28:69 suggests that a new covenant document is being produced. This confirms the position of Faur<sup>302</sup> that the other set of legislations communicated through Moses were not given in only one instance, but rather included all the legislations given over the forty years of wandering in the desert. It is this set of legislations that constitute the **tyrIêB.h; yrEäb.DI** of the renewed covenant at the plain of Moab.

The term **tyrIêB.h; tAlåa'** (curses of the covenant) occurs only once throughout the Tanakh. It is also used to denote the content of the Moab Covenant. The only extant covenant document preserved in the Tanakh, which included clearly spelt out curses, while displaying the full characteristic form and structure of ANE Covenant Treaty is the book of Deuteronomy in its canonical form. Other preserved traditions within the Tanakh do not display the full characteristic structure of ANE Covenant Treaty. Weinfeld has brilliantly demonstrated that it is the very essential traits, characteristic of ANE Treaty pattern, that is lacking all other covenant tradition within the Tanakh except Deuteronomy.<sup>303</sup> The Covenant Code, for instance, did not include the curse – imprecation formulae, while the Holiness Code is deficient in other aspects, even though Christophe Nihan has demonstrated that the concluding part of H in Leviticus 26 is a passage in which a ‘significant re-interpretation of the **tyrIêB.** occurs’<sup>304</sup>.

Furthermore, the introduction of the phrase **tyrIêB.h; tAlåa'** at this point brings out in bold relief, the theme of the hw"+hy> ta;är>yI “fear of the Lord.” The phenomenon of *fear appeal* runs through all the covenant tradition in the Tanakh,<sup>305</sup> but **tyrIêB.h; tAlåa'** occurs only in Deuteronomy 29:20, and it refers to the content of the document of the Moab Covenant. These curses are clearly set forth within the framework of Deuteronomy 27- and 28, and they are the subject of discourse in Deuteronomy 30-31.

### **Deuteronomy 30:10-31:26:**

<sup>302</sup> J. Faur.2008. *Horizontal Society* .50

<sup>303</sup> M. Weinfeld. 1972. *Deuteronomy and the Deuteronomistic School*.66

<sup>304</sup> C. Nihan. 2009. *Priestly Covenant*. 104.

<sup>305</sup> Cf. N. Lohfink. 2003. *In the Shadow of Your Wings*.278-280; J.M. Sprinkle. 1994. *The Book of the Covenant*.196



This is also a long passage; therefore, only the verses that have direct bearing on the exegesis would be set out here. These include 30:10, 15-20

**Deuteronomy 30:10**

**rp, seîB. hb' \$WtK.h;** wyt' êQoxuw> `wyt' wOc.mi  
rmoÝv.li ^yh, êl{a/ hw"âhy> `lAqB. [m;<sup>a</sup>v.ti  
yKiä  
`^v<)p.n:-lk'b.W ^ßb.b'l.-lk'B. ^yh, êl{a/  
hw"âhy>-la, `bWvt' yK **hZ<+h; hr" PAtH; iÛ**

**Deuteronomy 30:15-20**

`[r"(h'-ta,w> tw<M"ßh;-ta,w> bAJ+h;-ta,w>  
~yYIßx;h; (-ta, ~AYëh; `^yn<'p'l. yTit;Ûn"  
hae'r> 15  
wyt' îwOc.mi rmo°v.liw> wyk'êr"d>Bi tk,l,äl'  
`^yh,'l{a/ hw"Ûhy>-ta, hb'úh]a;l. è~AYh;  
é^W>c;m. ykiänOa' rv,'a] 16  
hT'îa;-rv,a] #r<a'\$B' ^yh, êl{a/ hw"âhy>  
`^k.r:be(W t'ybiêr"w> t'yyIâx'w>  
wyj' \_P'v.miW wyt' PQoxuw>  
`HT'(v.rIl. hM'v'P-ab'  
`~T'(d>b; []w: ~yrIßxea] ~yhiîl{ale  
t'ywI±x]T;v.hi(w> T'^x.D:nIw> [m' \_v.ti  
al{âw> ^ßb.b'l. hn<ip.yI-~aiw> 17  
`rbe[o hT'Ûa; rv,'a] hm'êd"a]h'ä-l[;  
`~ymiy" !kUÛyrIa]t;-al{ !Wd+beaTo dBoßa'  
yKiî ~AYëh; `~k,l' yTid>G:Ûhi 18  
`HT'(v.rIl. hM'v'P aboîl' !DEêr>Y:h;-ta,  
hk'Pr"B.h; ^yn<ëp'l. yTit;än" `tw<M''h;w>  
~yYIÛx;h; è#r<a'h'-ta,w> ~yIm:âV'h;-ta,  
é~AYh; ~k,äb' ytido'y[ih; 19  
`^ [<)r>z:w> hT'îa; hy<ßx.Ti ![]m;îl.  
~yYIëx;B;( `T'r>x;b'(W hl' \_l'Q.h;w>  
^ym,êy" %r<aoâw> `^yY<'x; aWhÛ yKiä Ab+-  
hq'b.d"l.W AlßqoB. [:moiv.li ^yh, êl{a/  
hw"âhy>-ta, `hb'h]a;(l. 20  
`~h,(l' tteîl' bqoß[]y:l.W\* qx'îc.yIl.  
~h'^2r"b.a;l. ^yt, ^2boa]l; hw"ôhy> [B;'v.nI  
•rv,a] hm'^d"a]h'-l[; tb,v,äl'

**Deuteronomy 31:9-13**

tyrIåB. !Arβa]-ta, ~yaiêf.NOæh; ywIële  
 ynEåB. `~ynIh]Koh;-la, Hn"©T.YIw:) è**taZO**h;  
           **hr"âATH;-ta, éhv,mo bToåk.YIw: 9**  
 `lae(r"f.yI ynEβq.zI-lK'-la,w> hw"+hy>  
 `tAK)Suh; gx;îB. hJ'ÐmiV.h; tn:ïv. d[e²moB.  
       ~ynI©v' [b;v,ä Ý#QEåmi rmo=ale ~t'äAa  
                                           hv,Ðmo wc;îy>w: 10  
 ar"úq.Ti rx"+b.yI rv<åa] ~AqβM'B; ^yh,êl{a/  
       hw"åhy> `ynEP.-ta, `tAar"le lae<sup>a</sup>r"f.yI-lk'  
                                                                                           aAbåB. 11  
       `~h,(ynEz>a'B. laeÐr"f.yI-lK' dg<n<i  
                                                                                           taZO°h; hr"îATH;-ta,  
       ![:m;äl.W W[øm.v.yI ![:m;'l. ^yr<\_['v.Bi  
       rv<åa] ^βr>gEw> @J;êh;w> `~yviN"h;w>  
       ~yviÛn"a]h'( ~['<sup>a</sup>h'-ta, lheäq.h; 12  
 `taZO\*h; hr"îATH; yrEÐb.DI-lK'-ta, tAfê[]l;  
       Wråm.v'w> ~k,êyhel{)a/ hw"åhy>-ta,  
                                                                                           'War.y")w> Wd<sup>a</sup>m.l.yI  
       rv,'a] ~ymi<sup>a</sup>Y"h;-lK' ~k,\_yhel{a/ hw"åhy>-  
       ta, ha'Ðr>yIl. Wdêm.l'äw> `W[m.v.yI  
                                                                                           W[<sup>a</sup>d>y"-al{) rv<åa] ~h,úynEb.W 13  
 `HT'(v.rIl. hM'v'Ð !DE±r>Y:h;-ta, ~yrIôb.[o  
       ~T,øa; rv,'a] hm'êd"a]h'ä-l[: `~yYIx;  
                                                                                           ~T,Ûa;

**Deuteronomy 31:24-26**

`~M'(Tu d[:Ð rp,se\_-l[: taZOàh;-hr"(ATH;  
       yrEîb.DI-ta, bToåk.li hv,<sup>a</sup>mo tALåK;K.  
                                                                                           Ýyhiäy>w: 24  
 `rmo\*ale hw"βhy>-tyrIB. !Aria] yae²f.nO\*  
       ~YIëwIl.h;-ta, `hv,mo wc;Ûy>w: 25  
 ~k,\_yhel{a/ hw"βhy>-tyrIB. !Aria] dC;²mi  
       Atêao ~T,äm.f;w> hZ<èh; `hr"ATH; rp,seÛ  
                                                                                           taeä x:qo<sup>a</sup>l' 26  
       `d[e(l. ^βB. ~v'î-hy"h")w>

**Deuteronomy 30:10**

If you will hear the voice of the LORD your God to keep His commandments and His statutes which are written in this book of the law, that you will turn to the LORD your God with all your heart and with all your soul.

### **Deuteronomy 30:15-20**

15. See, I place before you today the life and the good, and the death, and the evil.

16. Which I am commanding you today, to love the LORD your God to walk in His way and to keep His Commandments and His statutes and His judgments and you shall live and you shall multiply and the LORD your God will bless you in the land which you are going into to possess.

17. But if you turned in your heart and would not hearken and the led astray and you worship other gods and serve them,

18. I declare to you today that you will surely be destroyed, your days would not be prolonged in the land which you are crossing the Jordan to enter there to possess.

19. I call the heavens and the earth as witnesses against you today that I have placed before you the life and the death, the blessing and the curse, therefore chose life, so that you and your seed shall live.

20. To love the LORD your God, to hearken to His voice and cleave to Him because He is your life length of your days, to dwell in the land which the LORD your God swore to your fathers, to Abraham, to Isaac and to Jacob, to give to them.

### **Deuteronomy 31:9-13**

9. And Moses wrote these laws and gave it to the priests, the sons of Levi who carry the Ark of the Covenant of the LORD and to all the elders of Israel.

10. and Moses commanded them saying at the end of seven years in the appointed year of release, in the feast of booths,

11. When all Israel comes to appear before the LORD your God in the place which He shall chose, you shall read these law before all Israel, in their hearing.

12. Assemble the people, the men and the women, and the children and your sojourner which is in your gates, so that they might hear, and so that they might learn to fear the LORD your God and hear and keep all the words of these law.

13. And their sons which had not known would hear and learn to fear the LORD your God all the days which you shall live in the land which you are crossing over the Jordan to possess.

### **Deuteronomy 31:24-26**

24. And when Moses had finished writing all the words of this law in a book until they were finished,

25. and Moses commanded the Levites who bears the Ark of the Covenant of the LORD saying: 26. take this book of the law and put it by the side of the Ark of the Covenant of the LORD your God and it is there as a witness to you.

The only extant covenant documentation in the Old Testament corpus that included clearly spelt out curses is the book of Deuteronomy. We are left with no conclusive evidence as to the full contents of the initial **tyrIB.h; rp,se**, mentioned in Exodus and the **tyrIB.h; rp,se** of the Covenant in the plain of Moab. One widely acclaimed conjecture is that it is contained in Exodus 20:22-23:33<sup>306</sup>. If the document found by Hilkiah corresponds with the Deuteronomic Code, it is very probable that the curses of the law referred to here are the factors that struck King Josiah with a sense of fear and penitence. Hence for his repentant heart, he received a message of consolation from the prophetess Huldah.

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<sup>306</sup> F.F. Bruce. 1996, Covenant: Book of the, 237

The word  $hl'_{-}l'Q.$ ; (curse) Deuteronomy 30:19 occurs in various inflections the Pentateuch as well as in DH. The particular inflection in our focus text occurs in 2 Kings 22:19; it is constructed as a common noun, feminine singular absolute form of the word, with the inseparable preposition **ל**. The only places in the Tahakh where the exact inflection is found is in Jeremiah 24:9; 25:18; 42:18; 44:12,22; 49:13. The nearest inflection is found in Deuteronomy 11:28; 30:1,19 and Joshua 8:34 where it is also the same noun form but prefixed with the **ו** conjunction and the definite article, without the inseparable preposition. In Deuteronomy 11:26, it has the **ו** conjunction but lacks the definite article. While in Deuteronomy 11:29; 27:13; and 29:26, it has the definite article but lack the **ו** conjunction. In all these instances it occurs in the context of the reading or rehearsal of the oath imprecation found in the Moab Covenant. The only occurrence of the noun form which is not directly connected with the Moab Covenant is in Deuteronomy 23:6; and Nehemiah 13:2, where the Balaam episode was being rehearsed.

It is notable that in Deuteronomy, the reading and hearing of the contents of the book of the law is directly connected with “the fear of the LORD”.

$hw''+hy> ta;är>yI$  (fear of the LORD) in the substantive usage, is not found at all in the Pentateuch and DH. It is common in Wisdom and Poetic Literature specifically in Proverbs and Psalms. Outside these, it is only found in Isaiah 33:6.

Apart from instances where “to fear God” is simply used to denote devotion, as in 1 Kings 18:12; 2 Kings 4:1 and the Psalms. 24:12;112:1; 128:1,4; Ecclesiastes 12:13; Jonah 1:9;<sup>307</sup> the concept of the fear of the Lord runs through all the covenant traditions: Exodus 20:20; Holiness Code (Leviticus 19:14,32; 25:17,36,43) Deuteronomy 31:12-13(4:10; 5:29; 6:2,13,24); Joshua 24:14. Of all these the inflections,  $At\pm a' r>yI$  with this particular pointing, which is in the feminine singular construct form of the root  $arY$ , with the 3rd person masculine singular suffix, occurs only once and that is in Exodus 20:20.

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<sup>307</sup> This list is not exhaustive as this particular usage is not the focus of the present study.

The Qal infinitive construct  $\text{h}\alpha' \text{p}r > \text{y} \text{I} \text{l} .$  (to fear), with the LORD as the subject is peculiar to Deuteronomy. Outside Deuteronomy, it is only found once in Solomon's prayer of dedication of the temple (1 Kings 8:45) once in Nehemiah (1:11) once in the Psalms (86:11) and once in Jeremiah (32:39).

The connection between hearing and fearing is especially prominent in Deuteronomy (17:13; 19:20; 21:21; 31:12) in these cases  $\text{W}\alpha\beta r . \text{y}'' ) \text{w} >$  which is in the qal form, and waw consecutive perfect conjugation with the suffix on the 3rd person common gender, plural homonym 1, is prominent. This particular pointing is peculiar to Deuteronomy. It is not found elsewhere in the Tanakh.

Once in Deuteronomy 28:10, there is a connection between seeing and fearing using  $\text{W}\alpha\beta r . \text{y}'' ) \text{w} >$  but this is a grammatical construction that has the same nuance with the "hearing and fearing" motif. The neighbours of Israel shall see that she was blessed because she "called on the name of the LORD" and shall fear. Hence, it is the testimony of Israel's exclusive devotion to the LORD and the attendant prosperity that instills the fear.

In the case of Deuteronomy 31:12, the hearing of the reading of the law is the origin of the fear of the LORD, while in all the other cases of occurrence of the cause of the fear is the news of the inflicted punishment on an individual who violates the covenant law, such that "others shall hear and fear" to do such things. Hence, the deterrent principle of punishment is applied here in the context of the covenant law, making use of the fear appeal as the deterrent. Particularly in Deuteronomy, the fear of the LORD is tied to the Law of the LORD (Deuteronomy 6:2,24,; 17:19; 31:12-13) .

The equivalent Hebrew expression for 'fear of the LORD' with the  $\text{h}\text{w}'' \beta \text{h}\text{y} > - \text{d}\text{x} ; \text{p} ; ($  is not found at all in the Pentateuch. It is common in Chronicles, once in 1Samuel and thrice in Isaiah 2.

It is also notable in 31:9-13; that the Priests were entrusted with written copies of the covenant document, while the king is also enjoined to make a copy from the ones in the custody of the priests for his personal meditation. If this injunction was kept, it is probable that the book-find of Hilkiah may be one of such copies. Then, it follows that the covenant document reflects the renewal at the Moabite plain towards the end of Moses' ministry, with its attendant usage of fear appeal through the cursed written in the covenant document..

**Joshua1:8; 8:30-34; 23:6-24:26**

**Joshua 1:8**

rmoæv.Ti `![;m;'l. hl'y>l;êw" ~m'äAy `AB  
 t'ygiÜh'w> ^yPi<sup>a</sup>mi hZ<÷h; hr"'ATH;  
 •rp,se vWm†y"-al{)  
 `lyKi(f.T; za'îw> ^k<βr"D>-ta,  
 x:yliîc.T; za'<sup>2</sup>-yKi AB+ bWtβK'h;-lk'K.  
 tAfê[]l;

**Joshua 8:30-34 (LXX 9:1-5)**

`lb'(y[e rh:βB. lae\_r"f.yI yheäl{a/  
 hw"βhyl;( x:Beêz>mi `[:vu'Ahy> hn<Üb.yI  
 za'ä<sup>30</sup>  
 `xB;z>mi hv,êmo tr:äAT `rp,se'B.  
 `bWtK'K; lae<sup>a</sup>r"f.yI ynEåB.-ta, hw"÷hy>-  
 db,[,( hv,'mo •hW"ci rv<åa]K;31  
 `~ymi(l'v. WxβB.z>YIw:) hw"ëhyl;( `tAl[o  
 wyl'Û[' Wl'[]Y:w: lz<+r>B; !h<βyle[]  
 @ynIihe-al{) rv<†a] tAmêlev. ~ynIåb'a]  
 `lae(r"f.yI ynEïB. ynEβp.li bt;êK'  
 rv<åa] hv,êmo tr:äAT `hnEv.mi tae<sup>a</sup>  
 ~ynI+b'a]h'-l[; ~v'Ð-bT'k.YIw:32  
 ~ynI`h]Koh; •dg<n< !Ar†a'l' ÿhZ<åmiW  
 ÿhZ<åmi ~ydiäm.[o wyj'†p.vow>  
 ÿ~yrIåj.vow> wyn"<sup>3</sup>gez>W lae†r"f.yI-lk'w>  
<sup>33</sup>  
 Ayàc.x,h;(w> ~yzIërIG>-rh; lWmå-la,  
 `Ayc.x, xr"êz>a,K'(`rGEK; hw"©hy>-  
 tyrIB. !Aråa] ÿyaeäf.no ~YI÷wIl.h;  
 `hn")voarIB' laeÐr"f.yI ~['îh'-ta,  
 %rE±b'l. hw"©hy>-db,[,( hv,åmo hW"÷ci  
 rv,'a]K; lb'\_y[e-rh; lWmå-la,  
 `hr"(ATH; rp,seîB. bWtβK'h;-lk'K.  
 hl'\_l'Q.h;w> hk'Ðr"B.h; hr"êATH;  
 yrEäb.DI-lK'-ta, `ar"q' !ke<sup>a</sup>-yrEx]a;¥w><sup>34</sup>

**Joshua 1:8**

This book of the law shall not depart from your mouth, and you shall meditate in it day and night to that you might take care to do according to all that is written in it because then, your way would prosper and then you shall be successful.

**Joshua 8:30-34 (LXX 9:1-5)**

30. Then Joshua built an altar to the LORD God of Israel in mount Ebal.  
 31. According to what Moses the servant of the LORD commanded the children of Israel as it is written in the book of the law of Moses, "an altar of complete stone, on

which an iron tool had not been used, and they offered whole burnt offerings on it to the LORD, and they sacrificed peace offerings.

32 and he wrote there on the stones, a duplicate of the law of Moses which he wrote before the sons of Israel.

33. and all Israel and his elders and officers and his judges stood on either sides of the Ark before the priests, the levites who carry the Ark or the Covenant of the LORD the citizen as well as the sojourner, half before mount Gerizim and half before mount Ebal according to what was commanded by Moses the servant of the LORD beforehand, to bless the people of Israel.

Josh 23:6-24:26 is also a long passage, so the verses that had direct import are selected.

**23:6**

yTiîl.bil. hv, \_mo tr:äAT rp, sePB. bWtêK'h;-  
lK' tae... tAfê[]l;w> rmoæv.li daoêm.  
~T, äq.z:x]w: 6  
`lwamo)f.W !ymiîy" WNM, Pmi-rWs

**23:16**

~yhiäl{a/ `~T,d>b; []w: ~T, ^k.l;h]w:  
è~k,t.a, hW"âci rv<âa] é~k,yhel{a/ hw"ïhy>  
tyrI'B.-ta, ~k,r>b. ['B.û 16  
`l[;me hr"êhem. ~T,äd>b;a]w: ~k,êB'  
`hw"hy>-@a; hr"Ûx'w> ~h,\_l'  
~t, PÿwIx]T;v.hiw> ~yrIêxea]  
`~k,(l' !t:în" rv<âa] hb'êAJh; #r<a'äh'

**24:25-26**

`~k,(v.Bi jP' Pÿv.miW qxoï Al± ~f,Y"iw:  
aWh+h; ~AYæB; ~['P'l' tyrI±B. [;vuóAhy>  
tro'k.YIw:25  
~yhi\_l{a/ tr:äAT rp, sePB. hL, aeêh'  
~yrIâb'D>h;-ta, `[:vu'Ahy> bToÛk.YIw: 26  
`hw")hy> vD:îq.miB. rv<âa] hL'êa;h'( tx;T;...  
~V'ê h'm, äyqi y>w: hl'êAdG> !b,a, ä `xQ;YIw:

**Joshua 23:6**

Be very strong to keep and to do all that is written in the book of the law of Moses neither turn from it to the right or to the left.

**Joshua 23:16**

In transgressing the covenant of the LORD your God which He commanded you and you follow and serve other gods and worship them, and the anger of the LORD burns against you and destroy you quickly from the good land which He gives to you.

**Joshua. 24:25-26**

25. And Joshua made a covenant with the people that day, and he instituted statutes and judgements for them at shechem.

26. and Joshua wrote these words in the book of the law of God, and he took a large stone and placed it under the oak which was by the holy place of the LORD.

The references from the book of Joshua depict the following: (i) the law of Moses was preserved by the generation which took possession of the land of Canaan; (ii) Joshua was in possession of the covenant document referred to as the book of the law, which, as the text affirms, he inherited from Moses; (iii) there was a renewal of the covenant under Joshua at Shechem; (iv) the renewal involves the enactment of statute and judgement; (v) there was no new book written, but the former written document of the previous covenant enactment at the plain of Moab was embellished with the new legislations.

The exact content of this law book and the further legislations were not included in the book of Joshua. The narrator seems to assume that the reader is familiar with the book and its content. The only explanation for this omission of the content of the law book is that it has been provided in the foregoing parts of the story. This points to the book of Deuteronomy. It is, therefore, logical to suggest that the extant form of documentation for the covenant ratified by Joshua at Shechem is to be found in the canonical book of Deuteronomy.

Furthermore, there is a change in the concept and form of the covenant at the time of Joshua. There was a change from the form of covenant grant pattern to the form of Vassal covenant. Moshe Weinfeld has demonstrated that the structural pattern of the covenant ratified at Shechem follows the Vassal Treaty pattern<sup>308</sup>. The emphasis is not placed on the detailed stipulations of the covenant. Instead, major emphasis is placed on exclusive and faithful loyalty to the LORD. The covenant law gains significance only because it is the expression of the demands of the Sovereign LORD of the Covenant.

## 1 Samuel 10:25

### 1 Samuel 10:25

bToåk.YIw: hk'êluM.h; jP;äv.mi tae...  
 ~['<sup>a</sup>h'-la, laeøWmv. rBe'd:y>w: 25  
 `At\*ybel vyaiî ~['ðh'-lK'-ta, lae<sup>2</sup>Wmv.  
 xL;óv;y>w: ;hw"+hy> ynEâp.li xN:ßY:w:  
 rp, SeêB

### 1 Samuel 10:25

And Samuel told the people the law of the kingship, and he wrote them in a book and set them before THE LORD and Samuel sent all the people, each man to his house.

<sup>308</sup> M. Weinfeld. 1972. Deuteronomy and the Deuteronomistic School. 152



The statement that Samuel wrote the  $hk'êluM.h; jP;äv.mi$  could suggest an emendation of the Deuteronomic tradition to make provision for the monarchy as reflected in Deuteronomy 17:14-20. But the grammatical connotation of the text point to the creation of a new document, of covenant status, rather than the emendation of an existing document. The term  $ynEâp.li xN:ßY:w:$  is the hiphil waw consecutive imperfect 3rd person masculine singular apocopated homonym 1 of the root  $xwn$  which could mean “to put”; or “to set” or “deposit”. The most likely meaning within the immediate context of usage in 1 Samuel 10:25 is “to deposit”. This implies that Samuel ratified a covenant between the people and the King, and deposited the document of the covenant before the LORD. The text presupposes that this deposit is apart from the Book of the Law. It is similar to what obtains in the case of Joash in 2Kings.11, which would be examined below.

**2Kings 11:4, 12, 17, 18; 14:6; 17:35-39**

**2 Kings 11:4**

$\`yrIK'l; ÎtAa^aMeh;Ð ;tAyaMeh;À yrEäf'-ta,$   
 $ÿxQ:âYIw: [d"øY"Ahy> xl;'v' ty[iybiV.h;û$   
 $hn"âV'b;W^4$   
 $tyrIøB. ~h,'l' •trok.YIw:hw"+hy> tyBeä$   
 $wyl'ðae ~t'^2ao abeiY"w: ~yciêr"l'äw>$

**2 Kings 11:12**

$tWdê[eh'ä-ta,w> \`rz<NE'h;-ta, \`wyl'['$   
 $!TEÛYIw: %l,M,^ah;-!B,-ta, aciäAYw: 12$   
 $s \`%l,M,(h; yxiîy> Wrßm.aYow: @k'ê-WKY:w:$   
 $Whxu_v'm.YIw: Atàao Wkliîm.Y:w:$

**2 Kings 11:17-18**

$!ybeäW \`%l,M,'h; !ybeÛW \`hw"hy> !yBeÛ$   
 $tyrI^aB.h;-ta, ([d"øY"Ahy> tro'k.YIw: 17$   
 $\`~['(h' !ybeiW %l,M,ðh; !ybeiW hw"+hyl;($   
 $~['ðl. tAyðh.li ~['êh'$   
 $Whcu^aT.YIw:) l[;B;øh;-tyBe #r<a''h' •~[;-$   
 $lk' WaboåY"w: 18$   
 $Wgâr>h' l[;B;êh; !hEåKo \`!T'm; tae^aw>$   
 $bjeêyhe WråB.vi \`wym'l'c.-ta,w>$   
 $Îwyt'ÛxoB.z>miÐ ;AtxoB.z>miÀ-ta,$   
 $\`hw")hy> tyBei-l[; tADßquP. !hE±Koh;$   
 $~f,Y"ôw: tAx+B.z>Mih;( ynEâp.li$

**hv,moû-tr:AT) rp,seäB.** bWtâK'K;  
 tymi\_he al{å ~yKiÐM;h; ynEiB.-ta,w>  
 `~ynIb'W `~ynIB'-l[; tAbÜa' Wt'm.Wy-  
 al{ rmo<sup>a</sup>ale hw"÷hy> hW""ci-rv,a]  
 `Îtm' (WyÐ ;tWmy"À Aaßj.x,B. vyaiî-~ai  
 yKi<sup>2</sup> tAbêa'-l[; Wtâm.Wy-al{

**2 Kings 17:34-39**

~n"Ûyae ~ynI+voarI)h' ~yjiÐP'v.MiK;  
 ~yfiê[o ~heä `hZ<h; ~AYÝh; d[;ä<sup>34</sup>  
 rv,'a] hw"©c.Mik;w> hr"äATk;w>  
 ~j'êP'v.mik.W `~t'QoxuK. ~yfi<sup>a</sup>[o  
 ~n"åyaew> hw"ëhy>-ta, `~yairEy>  
 `lae(r"f.yI Amàv. ~f'î-rv,a] bqoê[ly:  
 ynEåB.-ta, `hw"hy> hW"Üci  
 ~yhiäl{a/ Waßr>yti( al{ï  
 rmoêale~WEâc;y>w: tyrIêB. `~T'ai  
 hw"Ûhy> tro'k.YIw:<sup>35</sup>  
 `~h,(l' WxßB.z>ti al{ïw> ~Wdêb.[;t;  
 al{åw> ~h,êl' Wwæx]T;v.ti-al{w>  
 ~yrI+xea]  
 x:koôB. ~yIr:±c.mi #r<a,óme ~k,øt.a,  
 hl'' [/h, •rv,a] hw"©hy>-ta,-~ai( yKiä<sup>36</sup>  
 `WxB'(z>ti Aliw> Wwàx]T;v.ti( Aliw>  
 War"\_yti Atåao hy"ßWjn> [;Ariz>biW  
 lAd±G"  
 bt;äK' rv<åa] `hw"c.Mih;w> hr"ÛATH;w>  
 ~yjiøP'v.Mih;-ta,w> ~yQi'xuh;-ta,w><sup>37</sup>  
 `~yrI)xea] ~yhiîl{a/ Waßr>yti( al{ïw>  
 ~ymi\_Y"h;-lK' tAfß[ll; !Wrîm.v.Ti  
 ~k,êl'  
 `~yrI)xea] ~yhiîl{a/ Waßr>yti( al{ïw>  
 WxK'\_v.ti al{å ~k,ÐT.ai yTir:îK'-rv,a]  
 tyrI±B.h;w><sup>38</sup>

$\sim k, (ybey > ao - lK' dY: \beta mi \sim k, \hat{e}t.a,$   
 $lyCi\ddot{a}y: 'aWhw > War''_yTi \sim k, \beta yhel\{a/$   
 $hw''ihy > -ta, -\sim ai ( yKi^2 \text{ }^{39}$

**2 Kings 11:4**

And in the seventh year, Jehoiada sent and took the captains of hundreds, and the Carites and the mounted men, and brought them to him in the house of the LORD and he made a covenant with them.

**2 Kings 11:12**

And he brought forward the king's son and gave [*upon*] him the crown and the testimony and they made him king and anointed him and they clapped their hands and they said [*long*] live the king!

**2 Kings 11:17-18**

17 And Jehoiada made a covenant between the LORD and the king and the people to be the LORD's people; and between the king and the people.

18 Then all the people of the land went to the house of Baal, and tore it down; his altars and his images they broke in pieces, and they slew Mattan the priest of Baal in front of the altars. And the priest posted watchmen over the house of the LORD.

**2 Kings 17:34-39**

<sup>34</sup> To this day they do according to the former manner. They do not fear the LORD, and they do not follow the statutes or the ordinances or the law or the commandment which the LORD commanded the children of Jacob, whom he named Israel.

<sup>35</sup> The LORD made a covenant with them, and commanded them, "You shall not fear other gods or bow yourselves to them or serve them or sacrifice to them;

<sup>36</sup> but you shall fear the LORD, who brought you out of the land of Egypt with great power and with an outstretched arm; you shall bow yourselves to him, and to him you shall sacrifice.

<sup>37</sup> And the statutes and the ordinances and the law and the commandment which he wrote for you, you shall always be careful to do. You shall not fear other gods,

<sup>38</sup> and you shall not forget the covenant that I have made with you. You shall not fear other gods,

<sup>39</sup> but you shall fear the LORD your God, and he will deliver you out of the hand of all your enemies."

In 2 Kings 11, the nature of the covenant between Israel and the Lord is depicted in terms similar to the vassal treaties of the ANE. Moshe Weinfeld has demonstrated that the covenant enactment accompanying the coronation of Joash follows the analogy of double covenants in the enthronement of vassal kings in the ANE, in which there is on the one hand, a covenant of allegiance between the Suzerain and the vassal king, and then, on the other hand, a covenant between the vassal king and his subjects.<sup>309</sup> 2 Kings 11:17 could be well-illuminated by this ANE context. The implication of this for the present study is that the transition from Grant type to Vassal Treaty form, which was effected in the time of Joshua, was continued in the era of the monarchy. The LORD being conceived as the Suzerain while the human monarch is seen as the vassal.

<sup>309</sup> M. Weinfeld.1972. Deuteronomy and the Deuteronomist School. 85-91.

a. The use of the term  $\tau\omega\delta\hat{\epsilon}[\epsilon\eta$  in 2 Kings 11:12 to denote the covenant document requires some clarification. The usage of this term as a singular word to denote a covenant document is not common in Deuteronomy and DH. Its usage in Exodus and Numbers is in particular reference to the inscribed stone tablets, the content of which is the Ten Commandments. Certainly, what was delivered to king Joash at his coronation is part of the insignia of office, and could not have been the stone tablets of the Ten Commandments. The previous Mosaic commandment in Deuteronomy 17:28, that copies of the law should be made for the kings suggests that this  $\tau\omega\delta\hat{\epsilon}[\epsilon\eta$  refers to a copy of the covenant document. Moreover, a consideration of the various occurrence of the term the singular construction of the term,  $\tau\omega\delta\hat{\epsilon}[\epsilon\eta$ , occurs only once in Deuteronomy and DH, at 2 Kings 11:12. The plural form,  $\tau\delta\omicron\hat{\epsilon}[\epsilon\eta'$ , however, is almost exclusively used in Deuteronomy and DH<sup>310</sup>, where it is always used in form of the phrase  $\text{'}\omega\gamma\tau'\text{'}\text{Q}\text{O}\text{xu}-\text{ta}, \text{w}\text{> } \omega\gamma\tau'\text{'}\text{U}\text{w}\text{O}\text{d}\text{>}[\text{e}-\text{ta}, \text{w}\text{> } \omega\gamma\tau'\text{'}\text{O}\text{w}\text{O}\text{c}. \text{m}\text{i}$  (his commandments and his testimonies and his statutes) to denote the law of the covenant. With this consideration, it can be concluded that the term denotes a copy of the covenant document, a form of the  $\text{hr}''^2\text{A}\text{Th}; \text{rp}, \text{se}\acute{o}$  or the  $\text{tyrI}\hat{\epsilon}\text{B}. \text{h}; \text{rp}, \text{se}\grave{a}$  a version of which was later found in the Temple at the time of Josiah.

The theme of the fear of the LORD is also sustained in these passages, particularly in 2 Kings 17. However, the usage is not delineated from ordinary usage in terms of devotion to the LORD. The emphasis in this section focuses on exclusive worship of the LORD. The motif of deterrent principle of punishment is also visible. It is clearly shown that the cause for the fall of the Northern Kingdom was a punishment meted to them by the LORD in consequence of breaking the terms of the covenant. Here, it is specifically mentioned that they failed to keep the covenant law. (cf. 2 Kings 17:34,37).

Looking wholistically at DH, the picture seen is that of a gradual unfolding of the dynamics of the b<sup>e</sup>rith relationship between Israel and the LORD as predicted in Deuteronomy 30:1-14. The following aspects stand out boldly:

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<sup>310</sup> The phrase occurs three times in Deuteronomy, (4:45;6:17,20), three times in Kings (1Kin.2:3; 2 Kings 17:15; 23:3) Once in the prose sermons of Jeremiah (Jeremiah 44:23), twice in Chronicles, in synoptic passages found in Kings (1Chr29:19; 2Chr.34:31) once in Nehemiah (9:34). It is only in the Psalms that this plural form is used in reference to the covenant without combination with  $\omega\gamma\tau'\text{'}\text{O}\text{w}\text{O}\text{c}. \text{m}\text{i}$  and  $\omega\gamma\tau'\text{'}\text{Q}\text{O}\text{xu}$  (Psalm 25:10; 78:56; 93:5; 99:7; 119:2,14,22,24,31,36,46,59,79, 95,99,111,119,125,129,138,144,146,152,157,167,168).

- (i) Fear appeal mediated through reading or rehearsal of the covenant document.
- (ii) Fear appeal mediated through punishment inflicted on individuals as deterrent to individual and corporate perpetration of perceived antisocial vices.
- (iii) Fear appeal mediated through corporate catastrophe in form of captivity and political annihilation.
- (iv) Promise of restoration of amelioration of suffering of individual or the entire nation upon a positive response to the fear appeal stimulus.

This theme is aptly interpreted and applied to the case of the final catastrophe of the exile of Judah by the prophet Jeremiah. But the question that remains unanswered is the exact content of the covenant document referred to at each successive stage of development and application of the covenant concept to Israel's changing socio-political context. It is certain that it contains basic core which was constantly and progressively updated as the context of application changes. The Acme of this application can be glimpsed from the book of Prophet Jeremiah, particularly Chapters 7, 11, 31, 34, and 36.

## Jeremiah

### Jeremiah 7:9; 11:1-17; 31:31-34; 34:13-18; 36:1-32

#### Jeremiah 7:9

$\sim T, ([.d:y>-al\{) rv<i\{a] \sim yrI\beta xea] \sim yhi\hat{i}l\{a/$   
 $yrE^2x]a; \%l\{^ah'w> l[;B'_l; rJE\hat{a}q;w> rq,V, \hat{E}l;$   
 $[;be\hat{i}V'hiw> @ao^an" w>) 'x:co'r" \hat{Y}bnO\hat{Y}g"h$

#### Jeremiah 11:1-17 (2-4, 6, 8)

##### 11:2-4

$\sim \emptyset il' (v'Wry> ybe\hat{E}v.yO-l[;w> hd" \hat{e}Why> vyai\hat{a}-la,$   
 $\sim T'r>B;dIw> \mathbf{taZO=h; tyrI\hat{a}B.h; yrE\hat{E}b.DI-ta,$   
 $W[\$m.vi^2$   
 $\hat{t}aZO^*h; tyrI\hat{i}B.h; yrE\hat{E}b.DI-ta, [m;\hat{e}v.yI al\{\hat{a}$   
 $'rv,a] vyai\hat{e}h' \mathbf{rWr\hat{a}a' lae_r" f.yI yhe\hat{a}l\{a/ hw" \beta hy>$   
 $rm:\hat{i}a'-hKo) \sim h,\hat{e}ylea] T'\hat{a}r>m;a'w>^3$   
 $lz<\div r>B;h; rWK'mi \bullet \sim yIr:c.mi-\#r<a, (me \sim t'\hat{a}Aa-$   
 $yai(yciAh \sim Ay\hat{a}B. \sim k,\hat{y}teAb)a]-ta, ytiyW\hat{I}\hat{a}ci rv<\hat{a}a]_4$   
 $\sim ['\hat{e}l. 'yli \sim t,yyI\hat{U}h.wI \sim k, \_t.a, hW<\beta c;a]-rv,a]$   
 $lko\hat{i}K. \sim t'\hat{e}Aa \sim t,\hat{a}yfi[[w: 'yliAqb. W[\hat{U}m.vi rmo^a al$   
 $e \sim yhi(l\{ale \sim k, \hat{E}l' hy<\hat{i}h.a, yki\hat{e}nOa'\hat{a}w>$

##### 11:6

~Øil;Pv'Wry> tAcixub.W hd"êWhy> yrEä['B.  
 'hL,ae'h' ~yrIÜb'D>h;-lK'-ta, ar"'q. yl;êae  
 'hw"hy> rm,aYOÝw:<sup>6</sup>  
 `~t'(Aa ~t,Pÿfi[]w: taZOëh; tyrIâB.h; 'yrEb.DI-ta,  
 W[<sup>a</sup>m.vi rmo=ale

**11:8**

aybi'a'w" [r"\_h' ~B'äli tWrßyrIv.Bi vyai\$  
 Wkêl.YEåw: ~n"ëz>a'-ta, WJâhi-al{)w> 'W[m.v'(  
 al{Üw><sup>8</sup>  
 `Wf)[' al{iw> tAfß[]l; ytiyWIïci-rv,a] taZO<sup>o</sup>h;-  
 tyrIB.h; yrEób.DI-lK'-ta, ( ~h,øyle[]

**Jeremiah 31:31-34**

`hv'(d"x] tyrIiB. hd"ÞWhy> tyBeî-ta,w>  
 lae<sup>2</sup>r"f.yI tyBeó-ta, yTi<sup>a</sup>r:k'w> hw"+hy>-~aun>  
 ~yaiPB' ~ymiîy" hNE±hi<sup>31</sup>  
 #r<a,Þme ~a'ÞyciAhl. ~d"êy"b. yqIâyzIx/h, '~AyB.  
 ~t'êAba]-ta, 'yTir:'K' rv<Üa] tyrI<sup>a</sup>B.k; al{å<sup>32</sup>  
 `hw")hy>-~aun> ~b'Þ yTil.[;îB' yki<sup>2</sup>nOa'w>  
 yti<sup>a</sup>yrIB.-ta, WrpEåhe hM'heø-rv,a] ~yIr"+c.mi  
 hw"ëhy>-~aun> `~heh' ~ymiÛY"h; yrE'x]a;  
 laeør"f.yI tyBe'-ta, •trok.a, rv<åa] tyrIþB.h;  
 tazOæ yKiä<sup>33</sup>  
 `~['(l. yliî-Wyh.yI hM'heÞw> ~yhiêl{ale( `~h,l'  
 ytiyyIÜh'w> hN"b<+T]k.a, ~B'Þli-l[;w> ~B'êr>qIB.  
 'ytir"AT)-ta, yTit;Ûn"  
 hw"+hy>-ta, W[ßD> rmoêale 'wyxia'-ta, vyaiÛw>  
 Wh[eørE-ta, vyaiä dA[<sup>a</sup> WdâM.l;y> al{ôw><sup>34</sup>  
 `dA()-rK'z>a, al{î ~t'ÞaJ'x;l.W ~n"ëwO[]l;(  
 `xl;s.a, yKiÛ hw"ëhy>-~aun> `~l'AdG>-d[;w>  
 ~N"Ûj;q.mil. ytiøAa W['d>yE •~L'Wk-yKi(

**Jeremiah 34:13-14**

yaiÛciAh ~Ay"B. ~k,êyteAbåa]-ta, 'tyrIb.  
 yTi(r:ÛK' yki<sup>a</sup>nOa' lae\_r"f.yI yheäl{a/ hw"ßhy>  
 rm:ia'-hKo)<sup>13</sup>  
 `rmo\*ale ~ydIþb'[] tyBeîmi ~yIr:êc.mi #r<a,åme  
 `~t'Aa  
 vveä `^d>b'([]w: ^<sup>a</sup>l. rkEåM'yI-rv<)a] yrIøb.[ih'  
 wyxi'a'-ta, •vyai Wx±L.v;T.( ~ynI<sup>3</sup>v' [b;v,ä #QEåmi<sup>14</sup>  
 `~n")z>a'-ta, WJßhi al{iw> yl;êae `~k,yteAb)a]  
 W[Ûm.v'-al{)w> %M"+[ime( yviþp.x' ATix.L;viw>  
 ~ynIëv'

**Jeremiah 36: 1-32 (2-4, 9, 10, 15-18, 32)**

**36:2-4**

^yl, ^ae yTir>B:ôDI-rv,a] ~yrIúb'D>h;-lK' taeä  
h'y1, ^ae T'äb.t;k'w> èrp,se-tL;gIm. é^l.-xq;<sup>2</sup>  
`hZ<)h; ~AYðh; d[;Ëw> WhY"ëviayO ymeäymi `^yl,'ae  
yTir>B:ÜDI ~AYùmi ~yI+AGh;-lK'-l[;w> hd"ËWhy>-  
l[;w> laeîr"f.yI-l[;  
![:m;äl. ~h,\_l' tAfå[[]l; bveËxo ykiînOa' rv<±a]  
h['êr"h'ä-lK' tae... hd"êWhy> tyBeä `W[m.v.yI yl;ÛWa<sub>3</sub>  
s `~t'(aJ'x;l.W ~n"ßwO[[]l; yTiîx.l;s'w> h['êr"h'  
AKår>D:mi vyai... WbWv^ay"  
yrEób.DI-lK' taeä Why"©m.r>yI yPiämi %WrøB'  
bTo'k.YIw: hY"+rinE)-!B, %WrßB'-ta, Why"ëm.r>yI  
ar"äq.YIw:<sup>4</sup>  
`rp,se(-tL;gIm.-l[; wyl'Ëae rB<iDI-rv,a] hw"+thy>

**36:9-10**

Wa'r>q' y[iêviT.h; vd<xoåB; `hd"Why>-%l,m,(  
WhY"ÜviayO-!B, ~yqi'y"Ahyli tyvimix]h;û hn"åV'b;  
yhiäy>w:<sup>9</sup>  
`~Øil'(v'WryBi hd"ËWhy> yrEî['me ~yai^2B'h; ~['^h'-  
lk'w> ~Øil'\_v'Wr)yBi ~['Ëh'-lK' hw"+thy> ynEôp.li  
~Acø  
!p''v'-!b, •Why"r>m;G> tK;±v.liB. hw"+thy> tyBeä  
Why"ßm.r>yI yrEîb.DI-ta, rp,Se^2B; %Wrîb'  
ar''q.YIw:<sup>10</sup>  
`~['(h'-lK' ynEßz>a'B. vd"êx'h,( `hw"hy>-tyBe  
r[;v;Û xt;P,ä !Ay©l.[,h' rcEåx'B, rpeøSoh;

**36:15-18**

`~h,(ynEz>a'B. %Wrßb' ar"îq.YIw: WnynE+z>a'B.  
hN"a<ßr"q.W an"ë bveä wyl'êae Wråm.aYOw:<sup>15</sup>  
dyGEÛh; %WrêB'-la, `Wrm.aYO\*w: Wh[e\_rE-la, vyaiä  
Wdßx]P' ~yrIêb'D>h;-lK'-ta, `~['m.v'K. yhi^ay>w:<sup>16</sup>  
`hL,ae(h' ~yrIßb'D>h;-lK' taeî %l,M,êl; `dyGIN:  
`wyPi(mi hL,aeËh' ~yrIîb'D>h;-lK'-ta, T'b.t;^2K'  
%yae^a Wnl'ê an"å-dG<h; rmo=ale Wlßa]v' %WrêB'-  
ta,'w><sup>17</sup>  
`Ay\*D>B; rp,SeËh;-l[; bteîKo ynI±a]w: hL,ae\_h'  
~yrIßb'D>h;-lK' taeî yl;êae ar"äq.yI `wyPîmi  
%WrêB' `~h,l' rm,aYOÝw:<sup>18</sup>

**36:23-24**

%le\$V.h;w> rpeêSoh; r[;t;äB. `h'[, 'r"q.yI)  
 èh['B'r>a;w> étAtl'D> vl{åv' ydI<sup>a</sup>Why> aAråq.Ki  
 ÿyhiäy>w:<sup>23</sup>  
 `xa'(h'-l[; rv<ia] vaePh'-l[; hL'êgIM.h;-lK' `~To-  
 d[; xa'\_h'-la, rv<åa] vaePh'-la,  
 taeî ~y[iêm.Voåh; wyd"êb'[]-lk'w> `%l,M,'h;  
 ~h,\_ydEg>Bi-ta, W[ßr>q' al{iw> Wdêx]p' al{åw><sup>24</sup>  
 `hL,ae(h' ~yrIßb'D>h;-lK'

### 36:32

`h'y1,' [' bToÜk.YIw: èrpeSoh; éWhY"rInE-!B,  
 %WråB'-la, éHn"T.YIw:) tr<x,<sup>a</sup>a; hL'ägIm. ÿxq:ål'  
 Why"÷m.r>yIw><sup>32</sup>  
 dA['w> vae\_B' hd"ÞWhy>-%l,m, ( ~yqIiy"Ahy> @r:±f'  
 rv<ia] rp,Seêh; yrEäb.DI-lK' tae... Why"ëm.r>yI  
 yPiämi  
 s `hM'he(K' ~yBiPr: ~yrIib'D> ~h,<sup>2</sup>yle[] @s:ôAn

### Jeremiah 7:9

<sup>9</sup> Will ye steal, murder, and commit adultery, and swear falsely, and burn incense unto Baal, and walk after other gods whom ye know not;

### Jeremiah 11:1-17 (2-4, 6, 8)

#### 11:2-4

<sup>2</sup> Hear ye the words of this covenant, and speak unto the men of Judah, and to the inhabitants of Jerusalem;

<sup>3</sup> And say thou unto them, Thus saith the LORD God of Israel; Cursed *be* the man that obeyeth not the words of this covenant,

<sup>4</sup> Which I commanded your fathers in the day *that* I brought them forth out of the land of Egypt, from the iron furnace, saying, Obey my voice, and do them, according to all which I command you: so shall ye be my people, and I will be your God:

#### 11:6

<sup>6</sup> Then the LORD said unto me, Proclaim all these words in the cities of Judah, and in the streets of Jerusalem, saying, Hear ye the words of this covenant, and do them.

#### 11:8

<sup>8</sup> Yet they obeyed not, nor inclined their ear, but walked every one in the imagination of their evil heart: therefore I will bring upon them all the words of this covenant, which I commanded *them* to do; but they did *them* not.

### Jeremiah 31:31-34

<sup>31</sup> Behold, the days come, saith the LORD, that I will make a new covenant with the house of Israel, and with the house of Judah:

<sup>32</sup> Not according to the covenant that I made with their fathers in the day *that* I took them by the hand to bring them out of the land of Egypt; which my covenant they brake, although I was an husband unto them, saith the LORD:

<sup>33</sup> But this *shall be* the covenant that I will make with the house of Israel; After those days, saith the LORD, I will put my law in their inward parts, and write it in their hearts; and will be their God, and they shall be my people.

<sup>34</sup> And they shall teach no more every man his neighbour, and every man his brother, saying, Know the LORD: for they shall all know me, from the least of them unto the



greatest of them, saith the LORD: for I will forgive their iniquity, and I will remember their sin no more.

### **Jeremiah 34:13-14**

<sup>13</sup> Thus saith the LORD, the God of Israel; I made a covenant with your fathers in the day that I brought them forth out of the land of Egypt, out of the house of bondmen, saying,

<sup>14</sup> At the end of seven years let ye go every man his brother an Hebrew, which hath been sold unto thee; and when he hath served thee six years, thou shalt let him go free from thee: but your fathers hearkened not unto me, neither inclined their ear.

### **Jeremiah 36: 1-32 (2-4, 9, 10, 15-18, 32)**

#### **36:2-4**

<sup>2</sup> Take thee a roll of a book, and that I have spoken unto thee against Israel, and against Judah, and against all the nations, from the day I spake unto thee, from the days of Josiah, even unto this day.<sup>3</sup> It may be that the house of Judah will hear all the evil which I purpose to do unto them; that they may return every man from his evil way; that I may forgive their iniquity and their sin. <sup>4</sup> Then Jeremiah called Baruch the son of Neriah: and Baruch wrote from the mouth of Jeremiah all the words of the LORD, which he had spoken unto him, upon a roll of a book.

#### **36:9, 10**

<sup>9</sup> And it came to pass in the fifth year of Jehoiakim the son of Josiah king of Judah, in the ninth month, *that* they proclaimed a fast before the LORD to all the people in Jerusalem, and to all the people that came from the cities of Judah unto Jerusalem.

<sup>10</sup> Then read Baruch in the book the words of Jeremiah in the house of the LORD, in the chamber of Gemariah the son of Shaphan the scribe, in the higher court, at the entry of the new gate of the LORD'S house, in the ears of all the people.

#### **36:15-18**

<sup>15</sup> And they said unto him, Sit down now, and read it in our ears. So Baruch read *it* in their ears.

<sup>16</sup> Now it came to pass, when they had heard all the words, they were afraid both one and other, and said unto Baruch, We will surely tell the king of all these words.

<sup>17</sup> And they asked Baruch, saying, Tell us now, How didst thou write all these words at his mouth?

<sup>18</sup> Then Baruch answered them, He pronounced all these words unto me with his mouth, and I wrote *them* with ink in the book.

#### **36:23-24**

<sup>23</sup> And it came to pass, *that* when Jehudi had read three or four leaves, he cut it with the penknife, and cast *it* into the fire that *was* on the hearth, until all the roll was consumed in the fire that *was* on the hearth.

<sup>24</sup> Yet they were not afraid, nor rent their garments, *neither* the king, nor any of his servants that heard all these words.

#### **36:32**

<sup>32</sup> Then took Jeremiah another roll, and gave it to Baruch the scribe, the son of Neriah; who wrote therein from the mouth of Jeremiah all the words of the book which Jehoiakim king of Judah had burned in the fire: and there were added besides unto them many like words.

The passage from Jeremiah 7:9 suggests that Jeremiah is familiar with the Ethical Decalogue as well as the Sinai-Exodus tradition complex.

It is notable in Chapter 11, that Jeremiah also did not set out within his writing, the exact words of the covenant which he proclaimed to the people. Hence it is hard to establish with accurate certainty, the exact content of the “words of this covenant” of which Jeremiah speaks. It is, nevertheless, significant to note that this particular term “דְּבַרֵי הַבְּרִית” is found only in ten instances with this particular construction. Out of these, it occurs once in Exodus 34:28, just after the Ritual Decalogue, where the context plainly shows that it refers to the Ethical Decalogue, written on the Stone Tablets. Next occurrence is in Deuteronomy 28:69, and 29:9<sup>311</sup> where it explicitly refers to the contents of the Moab Covenant. It also occurred once in the focus text at 2 Kings 23:3, and the Synoptic verse at 2 Chronicles 34:31 where it refers to the contents of the book found by Hilkiah. It occurs four times in Jeremiah 11: 2,3,6, and 8. The last occurrence is in Jeremiah 34:18, where it refers to the covenant ratified by the People of Judah to liberate their Hebrew servants according to the demand of the Law of Moses. Hence, in the entire occurrence, the reference is clearly clarified except in Jeremiah 11, where it becomes difficult to determine whether it refers to the initial Ten Commandments of the Sinai Covenant, the Moab Covenant, or the book found by Hilkiah. The readily tenable explanation is that there must have been in existence at the time, a well-known covenant document, which Jeremiah presumes his audience is familiar with. This would readily be identified as the book found by Hilkiah which catalysed Josiah’s reform. This position is given credence, considering that Jeremiah’s ministry began during the time of Josiah, and he must be well-familiar with Josiah’s reform. However, it is clear from the canonical form of the book of Jeremiah that the final editors intend the audience to identify continuity between the Sinai Tradition, and the present document which Jeremiah read to the people. Definitely the content is not limited to the Ten Commandments, since it contained elements of oath imprecations common to ANE treaty documents. But the text, particularly at verse 7 insinuates that it is the covenant ratified with Israel at Sinai.

Chapter 34 of Jeremiah reflects the humanitarian segment of the Covenant Code (cf. Exodus 21:22; Deuteronomy 15:2). This further confirms that Jeremiah was familiar with expanded versions of the Sinai Covenant Document. At least he is conversant with the document containing the Humanitarian legislations. The connection

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<sup>311</sup> Eng.29:1; 29:9

between the Humanitarian legislations and the Sinai-Exodus Complex in Jeremiah 34:13-14 suggests a document at least closely related, if not identical with the Covenant Code, or perhaps its expanded form in the version of the Deuteronomic Code.

Chapter 36 depicts the very sharp contrast between the attitude displayed by King Josiah in the focus text and King Jehoiakim in Jeremiah 36. Whereas Josiah repented and rent his clothes in penitence, it was specifically stated that Jehoiakim and his court were not afraid; neither did they rent their clothes. It is, however, notable that the particular word  $\text{Wd}\hat{\text{e}}\text{x] p}'$  rendered “afraid” in the English version, is not found at all in Deuteronomy and DH. It is more prominent in the Wisdom Literature and Psalms, and found in a few instances in the work of the Chronicler. The form found prominently in Deuteronomy and DH is  $\sim\text{t}, \text{a r}\hat{\text{E}}\text{y}>$  and other inflections of the root  $\text{a r}\hat{\text{Y}}$ , which for the most part is associated with the hearing of the content of the book of the law of Moses.

By a narrative critical reflection on the questions generated from the focus text, through apposite texts selected within the narrative strata and related texts and set out above, the contemplated answers are set out as follows:

### 3.2.9 The document found during the temple renovations

The texts examined above, if read synchronistically suggests the following possibilities with regards to the document that was found by Hilkiyah during the temple renovation as reported in the focus text:

- a. It may be the  $\text{'t y r I B . h ; r p , s e}'$  (book of the covenant); reflected in the Sinai pericopy referred to in Exodus 34:7
- b. Possibly, it may be a copy of the document of the Moab Covenant underlying the book of Deuteronomy, as supposedly written by Moses at the renewal of the covenant in the plain of Moab, called the  $\text{h r }^{\text{A}}\text{Th ; r p , s e}$  (*sepher ha torah* – book of the law) of which a copy is entrusted to the Levitical Priests referred to in Deuteronomy 29:21;30:10; 31:9,26 and Joshua 1:8. So far, this is the position of majority of Old Testament Scholars, and it is referred to as Protodeuteronomion.<sup>312</sup>
- c. It may be a document written by Joshua at the ratification of the covenant at Shechem referred to in Joshua 24:25,26; which may be related to the book of

<sup>312</sup> Cf. R. De Vaux.1997. *Ancient Israel*.147

the law which Joshua purportedly inherited from Moses, alluded to in Joshua 1:8; 8:31,34; 23:6. It is significant in Joshua 24:25,26 that Joshua set  $\text{jp}'\text{Pv.miW qxoï}$  (statutes and ordinances) for the people and wrote all these words in the book of the law of the LORD. This is synonymous with the  $\text{'wyt}'\text{Qoxu-ta,w> wyt}'\text{ÛwOd>[e-ta,w> wyt}'\text{øwOc.mi}$  of Josiah's covenant. It also suggests a continuous expansion of the covenant document.

- d. It may be a copy of the law of the Monarchy written by Samuel at the inauguration of the monarchy referred to in 1 Samuel 10:25, which according to the narrative trend in Deuteronomic History, may have included a recension of the  $\text{hr}''\text{ATh; rp,se}$  inherited from Moses and preserved by the Levites, since Samuel was also a Levite, and a custodian of the Levitical traditions which he inherited from Eli, the Priest. (cf. Deuteronomy 17:14-20). This is possible because it was under Samuel that the transition to monarchy was achieved. This would automatically require a form of constitutional review. However, the text suggests that Samuel wrote an entirely separate document, rather than expand or amend the book of the law of Moses.
- e. It may be related to the copy of the covenant ratified by Jehoiada the Priest in the time of Joash. The narrative in 2 Kings 11:12, 17 presupposes that a copy of the “testimony” is extant at the time of Joash. The tone of Deuteronomy 17:14-20, coupled with the fact that the chief proponent of the revolution was a Priest of Levitical order, and the usage of the plural form in the phrase,  $\text{'wyt}'\text{Qoxu-ta,w> wyt}'\text{ÛwOd>[}$ , in connection with the content of the covenant document suggests that the ‘testimony’ referred to was a copy of the  $\text{hr}''\text{ATh; rp,se}$  inherited from Moses. However, the exact content cannot be ascertained.
- f. It may be one of several copies of the covenant made for the reigning monarchs since the commencement of the monarchy, provided the injunctions of Deut 17:18 was followed. These copies as the narrative plot of DH shows, should be related to the  $\text{hr}''\text{ATh; rp,se}$  originating with Moses and preserved by the Levitical Priesthood.

Of all these probabilities, a consideration of the scholarly consensus of redaction critical work and the work of literary critical scholars in line with narrative critical

considerations commends the position that the author/final redactor of the passage intends the audience to believe that it is the foundational document of the  $\text{tyrIB}$ . ratified under Moses at Sinai / Horeb, which is preserved in the second ratification document at the plain of Moab, which also was bequeathed to Joshua by Moses, and which was preserved by the Priests, from which copies were made for the reigning Monarchs of United Israel and subsequently Judah. For these authors or Redactors, this document is what current Biblical scholarship refers to as Protodeuteronomy.<sup>313</sup> The evidence examined so far, confirmed that the content of the covenant document was not static, but it was a growing and dynamic corpus which was regularly reviewed to address emerging socio-cultural and political issues in the corporate life of Israel, until it finally crystallised into the canonical form preserved in the book of Deuteronomy about the time of the exile<sup>314</sup>. The prominence of the connection between the reading of the book of the Law and fear appeal is also a significant aspect in the final stage of development of this corpus as represented in Deuteronomy<sup>315</sup>. This position would be further elucidated in chapter four.

### 3.2.10 Which covenant does the document represent and what is the content of the book that was found?

The immediate canonical literary context of the focus text records some instances of covenant-making which may have produced a  $\text{tyrIB.h}$ ;  $\text{rp, se}$  (*sepher ha b'erith* - book of the covenant) or a  $\text{hr"ATh}$ ;  $\text{rp, se}$  (*sepher ha torah*- book of the law) prior to the reign of Josiah king of Judah. The first two instances were by Moses; first at Sinai/Horeb, and then at the plain of Moab. The next two instances were by Joshua, both at Shechem; first upon the entrance into the Promised Land, and secondly during his valedictory speech shortly before his death<sup>316</sup>. This position is further corroborated by the wider canonical context, which is the Torah (i.e. the Pentateuch). Sections from E and P source strata of

<sup>313</sup> See for instance D.W.B. Robinson, *Josiah's Reform and the Book of the Law*. p.3; J. P. Tanner. 2001. *The Deuteronomistic Theory*.p.2; R. De Vaux.1997. *Ancient Israel*.147

<sup>314</sup> Cf. D. T. Olson. 1994. *Deuteronomy and the Death of Moses*.136; J. D. Levenson. 1985. *Sinai & Zion*.18-19; H. Najman. 2003. *Secoding Sinai*. 36.

<sup>315</sup> Cf. N. Lohfink. 2003. Reading Deuteronomy 5 as Narrative.278-280; J.M. Sprinkle. 1994. *The Book of the Covenant*.196

<sup>316</sup> Matthew Henry is of the opinion that all four instance of covenant ratification is pivoted on the enactment and re-enactment of the Sinai covenant. Matthew Henry: Concise Bible commentary, Commentary on Josh.24:25.

the Torah also proffers that Moses mediated a covenant between The LORD and Israel on two different occasions, accompanied with the production of a textual document. In another instance, apart from these, during the inauguration of the monarchy by Samuel, the narrative records that Samuel wrote “the law of the monarchy in a book before the LORD” (1 Samuel 10:25). Another instance of covenant-making that involved the mention of a written document was that mediated by Jehoiada, the Priest at the coronation of Joash. This is not represented in the narrative as generating a covenant document, rather refers to an existing document, the ‘testimony’. The term ‘ $\text{t}d\text{U}\text{B} [\text{eh} ']$ ’ is used consistently in the Exodus version of the covenant periscope to refer to the stone tablets Moses deposited in the Ark of Covenant. In a similar vein, the Ark of the Covenant is consistently referred to as the ‘Ark of the testimony’ throughout Exodus. The available probabilities can be itemised as follows:

- a. It may refer to the covenant ratified at Sinai/Horeb.
- b. It may be the covenant renewed at the plain of Moab
- c. It may be the covenant mediated by Joshua son of Nun during his valedictory speech.

The tone of the narrative reflects that the authors / redactors of Deuteronomistic History present this historical narrative in way that vividly presupposes a continuum running through these three instances of covenant ceremonies. The logic of the presentation is that the first instance of the ratification was at Sinai / Horeb, in which the Ten Commandments were given on the tablets of stone, which Deuteronomy refers to as the ‘tablets of the covenant’ but Exodus calls it  $\text{t}d\text{U} \_ [\text{eh} ' \text{ t}x\text{o}\text{a}\text{l}\text{u}$  (tablets of the testimony), or simply ‘ $\text{t}d\text{U}\text{B} [\text{eh} ']$ ’ (testimony). Moses was later given further elaborations of the terms of the covenant, a sort of running midrash. This is because the people were afraid of hearing all of the laws directly from the LORD. Moses did not write out these further commandments, the *Huqim*, and the *mishpatim* until later on towards the end of his life. These further commandments was what he sets forth in Deuteronomy, after a covenant renewal rite in the plain of Moab. Moses bequeathed the covenant document to Joshua and the Levitical Priests. Joshua later re-enacted this covenant rite, accompanied with the public reading of the covenant document.

Form-critical studies have strongly suggested that Deuteronomy, as a covenant document, grew out of the living practice of the public reading of the law<sup>317</sup>. Hence it can be posited that the covenant is essentially one and the same, having been enacted at

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<sup>317</sup> O. Kaiser. 1984, 120

Sinai / Horeb, and subsequently renewed in the plain of Moab under Moses, and at Shechem by Joshua.

### 3.2.11 **The content of the document**

The major factor that points to the content of the book-find was the impact of the fear appeal on Josiah the King. Hence, the book certainly contains curses for breaking the covenant. This gives a clue to determine the content of the book. Without doubt, the canonical version of Deuteronomy features the curses of the covenant prominently, and the employment of fear appeal is apparent<sup>318</sup>.

This is confirmed by recurrent references to “the fire and loud voice” accompanying the theophany at Sinai/Horeb (Deuteronomy 4:2); the curses and the blessings (Deuteronomy 29:18-21; 30:15-20); the Oaths of the covenant (29:12); and the ‘fear of the LORD’ (Deuteronomy 31:13)<sup>319</sup>.

The book of Joshua synchronises with this motif by recording the liturgical demonstration of the curses and blessings of the covenant ‘as commanded by Moses’ in Joshua 8:30-34.

It is notable that the method employed by Deuteronomy to utilise the fear appeal is predominantly through the oath of the covenant, and the pronouncement of curses and imprecations upon the people, as consequence of breaking the oath of the covenant. Whereas, the earlier source traditions made more use of the Theophany at Horeb/Sinai to utilise the fear appeal.

On this basis, along with other considerations, we can confidently agree with the position among several scholars that the content of the book-find corresponds closely with the book of Deuteronomy. What has not been fully examined by most writers on Deuteronomy is the theme of *fear of the LORD*. Though the exact Hebrew word for fear did not occur in the Josiah pericope, the narrative framework of DH reveals that the motif of fear of God is central to the covenant theme because it motivates obedience.

### 3.2.12 **Why did the content of the book impact Josiah in such a manner?**

The narrative presented this covenant as foundational to the nationhood of Israel. It is presented as the inaugural rite that gives birth to Israel as a political entity.

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<sup>318</sup> Cf. J. M. Sprinkle. 1994. *The Book of the Covenant*. 196; N. Lohfink. 2003. *Reading Deuteronomy 5 as Narrative*. 278-280

<sup>319</sup> The verse numbering follow the Tanakh, there is a little difference in the verse numbering of the English Version.

There is a dual place name used to depict the location of the first instance of covenant ratification. This could give us some clue. The names are  $\text{brE}\times\text{O}$  (Horeb) and  $\text{yn}:\text{ysi}$  (Sinai). It is notable that  $\text{brE}\times\text{O}$  is predominant in Deuteronomy and Kings. Outside these two books, it occurs only three times in Exodus, once in Chronicles, once in the Psalms and once in Malachi. A name that is synonymous with  $\text{brExo}$  is  $\sim\text{yhi}(\text{l}\{\text{a/h}'\text{ rh}:\text{i}$  (*har ha<sup>e</sup>lohim* - the mountain of God) The name Sinai, however, is very prominent in Exodus, and it is the only place name associated with the location of ratification of the Covenant under Moses referred to in Leviticus and Numbers. Sinai occurs only once in Deuteronomy, but not in reference to the covenant. It is found in the song of Moses (Deuteronomy 33:2) which is similar in theme with the song of Deborah in Judges 5:5, and Psalm 68. The only other instances in which Sinai is used in connection with the giving of the covenant is in Nehemiah 9:13 during the Nehemiah reform, and in the New Testament in Galatians 4:24,25. We can deduce from this duality in place name that there may have been different traditions with regards to the first instance of ratification of this covenant, and both traditions date it to the inaugural period of Israelite nationhood. Hence, we can conclude that though the Sinai / Horeb traditions may differ in detail, both agree that the corporate existence of Israel as a Nation, before the split of the kingdom, originated in a Covenant rite in which all the tribes were bound together by a common allegiance to the LORD.

The construction of the covenant in the formal structure of ANE treaty documents extant in the time of Josiah would make the impact of the fear appeal mechanism more effective. The memory of the fall of Samaria sometimes past would also contribute in making the imagery of the dangers depicted in the covenant document more vivid. According to the Protection Motivation Theory<sup>320</sup>, the level of compliance with a prescribed action for the purpose of averting recognised dangers is directly proportional to the intensity of the perceived threat and the probability of occurrence of the repercussion. It is also proportional to the perceived efficacy of the prescribed action and the ease of compliance of the individual to the prescribed action.

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<sup>320</sup> J. H. B. Stuart & N. Mutrie. 2008. *Psychology of Physical Activity*. 72-73; B. J. Stiff.2003. *Persuasive Communication*. 154-157; M. L. Cole, 2008. *Investigating the Cognitive Processes that Mediate Protection Motivation Theory*. 5-10; K. Fiedler, & G. R. Semmin. Eds.1996. *Applied Social Psychology*. 117-120; M.S. Wogalter, Ed. 2006. *Handbook of Warnings*.303.



Rogers<sup>321</sup> demonstrated these relationships graphically as shown in the figure below.

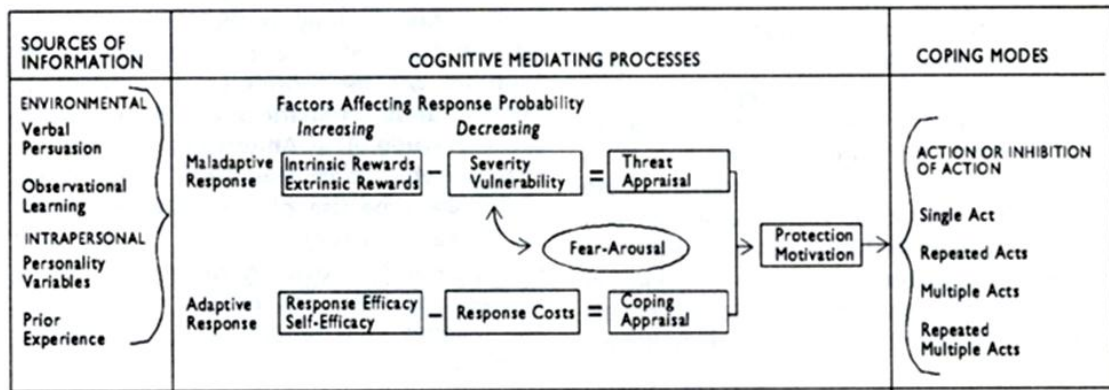


Figure 3-i: A Chart showing the Protection Motivation Theory adapted from Rogers (1983)

This theory can be used to illuminate the effect of the reading of the book on Josiah, if evaluated from indigenous Ègbá-Yorùbá culture. Josiah was effectively motivated to penitence and renewal of the covenant because the *cognitive mediating process* was effective. The source of information include (i) the book of the law read to him; (ii) the immediate political environment, in which the fall of Samaria was attributed to infidelity to the covenant; (iii) the influence of the Priesthood; and (iv) the assassination of his own father. Moreover, the awareness of the decline of the Assyrian Empire and the message of the Prophetess Huldah provides positive motivation towards compliance with the covenant demands. In a brief overall appraisal, it can be assumed that the threat appeal was very high, and the coping appraisal was also very high. The sum of both factors ensured his positive reaction towards the content of the book that was found.

### 3.2.13 What was the purpose?

From the narrative plot, the primary purpose of the birth was religious, political and social, but it is fundamentally moral.

- a. The basic purpose was to give a sense of moral uprightness.
- b. Its primary religious value was to maintain fidelity to the LORD
- c. Politically, it was to ensure equity and social justice, as definitive of Israelite

<sup>321</sup> J. E. Maddux, , & R. W. Rogers, 1983. Protection motivation theory and self-efficacy: A revised theory of fear appeals and attitude change. *Journal of Experimental Social Psychology*, **19**, 469-479.

political identity.

### 3.2.14 **What were the strengths and weaknesses, and did this covenant fulfil its intended purpose?**

The strength of covenant in regulating human behaviour lies in the fact that it has greater appeals to the moral instinct in man, rather than an external code of ethics. (Deuteronomy 30:11-14). It is notable that in all the passages referring to the words of the covenant, the writers did not set out the detailed legislations in their treatise; rather they assume that the hearers were familiar with them. Furthermore, it makes use of the fear appeal. Its appropriation of fear appeal is not cantered on the fear of human law enforcement agents, but the fear of God. A defaulter can evade human law enforcement agencies and other human mechanisms of law, but it is conceived as virtually impossible to evade the judgement of God. The strength lies in its ability to produce voluntary impetus for morality by affecting the fundamental reasoning faculties of man rather than coercion.

The major weakness lies in the fact that the efficacy of the fear appeal is conditioned by the perceived severity and certainty of punishment in case of defaulting, and the guarantee of blessedness in case of compliance. This is conveyed through a cognitive mediating process which may be in form of religious teaching, liturgical acts, prophecy and personal observations. It is shown in the narrative plot that this cognitive mediating process is not consistently sustained in pre-exilic Israelite history. Gerhard Von Rad expressed this situation in the following way:

...The edge of this appeal lies in the fact that those who listen to it are showing signs of a perilous weakening in the tradition of faith. The children no longer know what the older people had experience of (Deuteronomy 11.2; 6: 20ff): there is clearly a perceptible break between the generation which was still directly rooted in the revelation of Jahweh and the one which was growing up.<sup>322</sup>

This shows that as the new generations who had not experienced the theophany and who were not direct recipients of the covenant traditions emerged, they were not deeply impressed by the curses and the blessings of the covenant. As a result, the fear appeal did not have its full efficacy; hence, they did not find compelling motivations to abide by the terms of the covenant.

Was it effective? In the first instance, the covenant document succeeded in impacting a repentant posture on Josiah the King. Secondly, the oath took its effect

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<sup>322</sup> G. Von Rad 1979. 225

when the people failed to abide by the terms. The narrative plot gives the impression that the covenant as a phenomenon is effective. But its positive value was not fully realised by the people of ancient Israel, until after the repercussion of the exile was actually felt.

### 3.2.15      **The social and religious consequences of Josiah's action in renewing the `tyrib`.**

According to the overall narrative plot of DH, the book-find catalysed Josiah's socio religious reforms. If we adopt Noth's position that the purpose of DH is to show that the fall of the Israelite kingdom and the catastrophe of the exile is due to Israel's unfaithfulness to the covenant, then the immediate social and religious consequences of Josiah's renewal of the covenant include the following:

- i.      It re-awakened the people to the terms of the covenant. Although the negative consequences of their past unfaithfulness were not averted, yet this covenant renewal gives a vivid picture of the impending doom. Hence, when the catastrophe eventually came, it was easy to connect it with the failure to keep the covenant.
- ii.     It renews the hope of restoration. Even though the imminent disaster of exile was not prevented, yet, the clause of restoration consequent upon repentance stimulated a feeling of hope which was kept alive throughout the long period of the exile.
- iii.    It could also be posited that Josiah's reform provided the basis for a 'religion of the book', which decided the nature of future Judaism. This is particularly true because it puts into record, the 'living practice of the public reading of the law' which was later to become the mainstream of Judaism, after the cessation of sacrificial worship.
- iv.     The long-term effect was that it provided an impetus for moral reform, based on a hope of political restoration. It could be argued that the book find of Josiah and the liturgical act of covenant renewal undoubtedly stimulated a hope for the people to be restored to their land based on genuine repentance and turning back to the LORD. This is evident in the reforms under Nehemiah and Ezra, in which the public reading and teaching of the law in a manner similar to Josiah's method of covenant ratification, is prominent.

### 3.2.16 Source and redaction- critical remarks:

Source critical scholars have identified Deuteronomy as a distinct and homogenous source stratum in the Pentateuch. Observing that Deuteronomy alone prefers the name  $\text{br}\bar{\text{E}}\text{x}\bar{\text{o}}$  (Horeb) to refer to the venue of the first ratification of the covenant rather than  $\text{yn} : \text{ys}\bar{\text{i}}$  (Sinai)<sup>323</sup>; it follows that in the opinion of the Deuteronomistic Historian, the ‘tablets of the covenant’ contained the debarim and were the only objects placed in the Ark of the covenant. It also follows from the consideration that the term  $\text{br}\bar{\text{E}}\text{x}\bar{\text{o}}$  (Horeb) is preferred in 1 Kings 8:9 and 1 Chronicles 5:10, that the tradition of Solomon’s inauguration of the first Temple originated with or is preserved by the Deuteronomists.

It is also possible that Deuteronomy relied on a tradition of a greater antiquity than J, for its Sinai/Horeb pericopy<sup>324</sup>. This inference is based on the fact that Exodus 18:5 and 24:4-13 prefer the term  $\sim\text{yhi} (\text{l} \{ \text{a/h}' \text{ rh} : \bar{\text{i}}$  (the mountain of God), which is synonymous with  $\text{br}\bar{\text{E}}\text{x}\bar{\text{o}}$  (Horeb). This gives a clue that there was a source stratum in Exodus depicting the Theophany at Sinai presupposing a time when the Levites were yet to be vested with priestly monopoly in Israelite corporate cultus. This may have been edited by the redactor, dropping out the details of the Theophany and supplementing with the J account which prefers  $\text{yn} : \text{ys}\bar{\text{i}}$  (Sinai) for the name of the location. This source stratum, also mentioned a  $\text{tyrIB.h; rp, se}\bar{\text{ä}}$  (book of the covenant), which occurs only in Exodus 24:7, 2 Kings 23:2, 21 which had been assigned to the Dtr. Redactors<sup>325</sup>, and its Synoptic correspondent in

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<sup>323</sup> Several other scholars must have observed this fact. However, I arrive at this conclusion independently through the use of the Electronic Bible Study tools of the Bible Works Software, Version 7.0.

<sup>324</sup> It had been the position among scholars from the time of Wellhausen, that D had access to both the J and E source either as separate documents or in the combined form. J. S. Baden, 2009. *J, E, and the Redaction of the Pentateuch* p.99. However, I am not aware of any scholarly work which has yet eliminated the possibility of D having access to a common source of the Sinai Tradition with J, or even a variant source of the Sinai Tradition of greater antiquity than J: J. S.. Baden, 2009. *J, E, and the Redaction of the Pentateuch* p.99

<sup>325</sup> The consensus of historical – literary analysis of 2Kings 22 – 23 is that 2Kings.23:1-3, 21-23 certainly belonged to the Dtr redactor(s). It is however notable that it is only in these two segments of Kings that we find the term  $\text{tyrIB.h; rp, se}$  which is not at all present in Deuteronomy, or any other scriptural segment except Exodus 24:7. Jonathan Ben-Dov argued that the usage of this term by Dtr is to encourage the reader to identify the bookfind with Deuteronomy, on the basis of ‘the self-

2 Chronicles 34:30. In this pericopy in Exodus similar to Deuteronomy, Moses did not just give verbal report, but read the book of the covenant in the hearing of the people. In this source stratum, there is a greater emphasis on the documentation of the covenant stipulations in a document rather than the Ten Commandments written on the two tablets of stones.

I would also uphold the thesis that this tradition emerged from the living practice of public reading of the law, which could have been part of the religious practice during the great festivals at that time<sup>326</sup>. The Deuteronomic tradition makes a clear distinction between the tablets of the covenant and the record of the covenant renewal at the Plain of Moab. Throughout in Exodus, the two stone tablets were referred to as ‘the tablets of the testimony’ and the Ark was consequently referred to as the Ark of the Testimony, whereas, Deuteronomy uses the term ‘tablets of the covenant’ and ‘Ark of the covenant’ respectively. This is also the preferred terminology in DH. It is however strange that Deuteronomy did not make any mention of an existing *tyrIB.h; rp, se*; rather it focuses on depicting the documentation of the renewal at the plain of Moab, as though it were a novel document, thereby bypassing the Covenant Code.<sup>327</sup>

### 3.3 Theological formulations from the text:

The theological message of the text is as follows:

- i. God is the sovereign director of human history;
- ii. God is the supreme judge of human actions;
- iii. God’s judgement cannot be distorted, though God gives a long period of warning, persuasion, and seeks to convert the defaulter. Once His verdict is passed, there is no turning back;
- iv. God judges interpersonal relationship and social behaviour of human beings;
- v. the penitence and piety of an individual may not avail for another individual or groups of individuals, though a pious individual may be spared from the full distress of punishment resulting from a community’s collective social impiety;

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identification of Deuteronomy as a covenantal object...’ J. Ben-Dov. 2008, Writing as Oracle and Law: New Contexts for the Book-Find of King Josiah, *Journal of Biblical Literature*, 127.2: 231

<sup>326</sup> Cf. D. A. Knight, 2006. *Rediscovering the Traditions of Israel*. 81-83.

<sup>327</sup> Cf. R. De Vaux. 1997. *Ancient Israel*. 147.

- vi. social justice in a community or society can only be achieved through the collective sum of individual piety;
- vii. The fear of God is the root of true social justice, which in turn leads to national prosperity.

### 3.4 Forms of covenant in ancient Israel evaluated from Ègbá perspective

Considering the process, form and structure of *b<sup>e</sup>rith* in the Old Testament, and the process, form and structure of *ìmùlẹ̀* in the indigenous Ègbá culture, it is evident that the same paradigms cut across the two contexts.

In the first instance, *ìmùlẹ̀* like the case of *b<sup>e</sup>rith* in the Bible presupposes a liturgical context such that religious terminologies, symbols and expressions are engaged in order to establish, modify, or enhance inter-human relationship. The major point of divergence is that while the Biblical text deemphasise the mediatory role of other supernatural entities, the indigenous Ègbá culture greatly emphasise the transcendence of God, and emphasises the mediatory role of other supernatural beings like ancestors, *òrìṣà*, and *irúnmalẹ̀*.

The concept of the Sovereign rule of God in human affairs is equally entrenched in indigenous Ègbá tradition and culture. In the indigenous Ègbá language there is no other being that shares a name with God. There is nothing like ‘gods’. God is God, and He is the ‘Creator and Supreme ruler of the entire universe. There are several ‘*òrìṣà*’, ‘*irúnmalẹ̀*’ and other spiritual entities, but they are not ‘*Ọlórún*’. The word, ‘gods’ in the indigenous Ègbá Yorùbá context, is a misnomer because if God is ‘*Ọlórún*’ there is no plural form for *Ọlórún* in Yorùbá language, hence the word “gods” in the plural form should seem offensive to the traditional religious mind of an average Ègbá. It is an aberration. There is only one ‘*Ọlórún*’ who is also called ‘*Olódùmarè*’. The concept and terminology does not exist in the plural form. God is seen as the ultimate Judge and arbiter in inter-human relations. But the Ègbá culture conceives of an elaborate scheme of hierarchies, in which the *irúnmalẹ̀*, *òrìṣà* and other supernatural entities were designated to take charge of various phases of existence and nature. These supernatural entities are directly answerable to God, but humans are answerable to them. Even the *Ọba*, *Ọlófìn* or *Olúwo*, who are seen as viceroy to the divinities are ultimately answerable to God, though it may be through the deities. On occasions, issues can pass directly to God, but the average Ègbá feels that this would take a very long time, because God is always very patient and He is more readily pacified.

### 3.5 Application:

The evaluative method is used to situate the theological message within African indigenous culture. The data collected from the field work is employed in this process.

#### 3.5.1 Oral interviews

In a bid to discover the relevance of the findings and theological deductions from the texts in the Ègbá context, a selected number of respondents were interviewed at random within the sample populace. These include the Aláké of Ègbá Land, His Royal Highness, Oba Adedotun Aremu Gbadebo (Okùkénù IV); Jagùnà of Ìtòkú, Chief Şofenwa; Sagbùà of Ìpóró Aké, Chief Kasali Sanyaolu; Òdòfin of Kém̀ta, Chief Ayinla Bankole; Olóri Pàràkòyí of Ìjẹ̀jà, Chief Amos Işola Odebiyi; The Bishop of Ègbá-Yewa, Methodist Church Nigeria, Rt. Rev. Luke Odubanjo; and Chief Amos Ayinde Akintoye, who is a direct descendant of the Olórégán of Kém̀ta. Some High Chiefs and eminent personalities were also interviewed but they demand anonymity. The list of Respondents is shown in the table in Appendix I. The number of Interview respondents with revealed Identity were twenty-five, while the number of anonymous interview respondents were fifteen, making a total number of forty respondents. From the oral interviews conducted within the sample populace, the following inferences were deduced-

- i. the English word ‘covenant’ is strange to Ègbá Yorùbá indigenous language and culture, and does not capture the full connotations of *ìmùlẹ̀*. However it is the word that is closest in meaning;
- ii. in *ìmùlẹ̀*, emphasis is placed on the ensuing relationship, but in *majemu* there is a greater emphasis on the *àdéhùn* which denotes the terms of an agreement;
- iii. all the respondents are unanimous in affirming that the basic essence of ‘*ìmùlẹ̀*’ is synonymous with truthfulness, honesty and interpersonal trust;
- iv. that there is always a grievous repercussion on anybody who breaks the pact of an *ìmùlẹ̀*;
- v. that the principles of *ìmùlẹ̀* existed in some natural relationships without necessarily having to enact any formal *ìmùlẹ̀*’ ratification; an example is *alájobí*, which exists between people of either immediate or distant patrimonial lineage;
- vi. that the average modern Ègbá fears to enter into the indigenous form of *ìmùlẹ̀* because they perceive that the consequences of breaching the terms of

the pact is always very severe and cannot be wavered;

- vii. an average Ègbá Yorùbá believes that indigenous *ìmùlẹ̀* is more efficacious than the modern Christian version of covenant, because God can be pacified, whereas the indigenous deities who enforce the terms of *ìmùlẹ̀* cannot be pacified; hence the consequences of breaking a covenant may be averted whereas the consequences of breaking an indigenous *ìmùlẹ̀* cannot be averted;
- viii. that an average Ègbá Yorùbá would be more careful to keep the terms of *ìmùlẹ̀* than to keep civil law.

### 3.5.2 Focused group discussions

A focused group discussion was arranged with the Alake's Regency council in session. This affords the opportunity of generating data simultaneously from each of the members present. The participants include: the Odofin Aké, Chief (Engr) J.O. Šodipe, who was the Chairman of the Regency council; Apènà Ìtokò, Chief E.O. Famuyiwa, who was the secretary; the Jagùnà of Kém̀ta, Chief J. O. Oşanyintolu; the Apènà of Ìtokú, Chief B. A. Šofoluwe; the Balógun of Ìjeùn, Chief Akanbi Kúşimò and the Jagùnà of Ìpóró Šodeke, Chief M.A. Makinde. The detail is summarised in the table in appendix II. The inference drawn from the focus group discussion can be summarised as follows:

- i. the word that is closest in meaning to **tyrIb.** in Ègbá-Yorùbá language and culture is *ìmùlẹ̀*. Its basic essence is 'trustworthiness'. Covenant brings a relationship of trust;
- ii. *ìmùlẹ̀* is similar to *májèmú*. *Ìmùlẹ̀* may be followed upon with *májèmú*, spelling out the terms of a business pact or something similar. *Májèmú* involves *àdéhùn*;
- iii. in the indigenous Ègbá culture, *ìmùlẹ̀* is ratified at the *Olófin's* palace. *Olófin* is the head of the community and is the custodian of the instruments of *ìmùlẹ̀* and oath-taking;
- iv. *alájòbí* is like *ìmùlẹ̀* existing between kindred. It operates on the same principle of trust. It presupposes moral obligations between kindred. Those who breach these obligations suffer the immediate or remote consequences. It does not require a formal ceremony. It is only in extreme cases that oath-taking is administered. *Ìmùlẹ̀* creates an artificial kinship, where natural kinship does not exist;
- v. it is presupposed that there is *ìmùlẹ̀* between the *Ọba* and the state. This is embedded



- in the enthronement rituals, particularly at the *ìpèbí*;
- vi. covenant principles are employed in modern governance in form of ‘oath of office’. The oath of office is an *ìbúra* which results in an *ìmùlẹ̀* with the state, but this is ineffective due to bad conscience on the part of public office holders;
  - vii. anyone who swears with the Bible or the Quran, particularly the *yasin* sections and perjures would not go unpunished. However, those who use indigenous deities would be implemented more speedily. God, referred to as *Òrìṣà Òkè*, is more patient than the terrestrial *òrìṣà*. *Ògún* for example, would act within seven days;
  - viii. conscience also has a major role to play in *ìmùlẹ̀*.

### 3.5-3 Summary of analysis of questionnaire

The total number of questionnaire administered was one thousand; Total Retrieved was one thousand, making a hundred percent retrieval. Each Question on the Questionnaire is constructed as a proposition, to which the Respondent is required to show the level of Agreement or Disagreement. A Question with more than 50% Total Positive Response is considered a valid proposition, while a question with less than 50% Total Positive Response is considered an invalid proposition. The questionnaire was analysed on the basis of simple majority. The responses were graded in the range of SA for Strongly Agree; A for Agree; PA for Partially Agree, D for Disagree; SD for Strongly Disagree and N for Neutral. SA, A, and PA are classified as positive response, while SD and D were classified as negative. A response is classified as affirmative if the total positive response is more than 50% of the total responses, excluding the Neutral.

The inference deduced from the questionnaire can be summarised as follows:

- i. covenant is an agreement between two persons or groups of people which calls on God or a supernatural power to ensure conformity and punish defaulters;
- ii. the major principle in covenant-making in Ègbá belief is to instil the fear of God in people with regards to normal day to day behaviour in society;
- iii. covenant among Ègbá people emphasises trust and clear conscience;
- iv. the average Ègbá people believe that the idea that God would punish people who do evil secretly is common to all religions;
- v. instilling the fear of the wrath of God could be used to prevent people from bad behaviour;
- vi. people are liable to show love, justice, and faithfulness to one another because they are bound together by covenant;

- vii. people are more careful not to break a covenant than they are, not to break civil or moral laws;
- viii. people don't want to break a covenant because they fear the wrath of God or other spiritual forces;
- ix. in Ègbá culture, many trade associations can be regarded as covenant societies;
- x. the Ògbóni system of statecraft in Ègbá Land is not a secret society;
- xi. the Ògbóni system of statecraft was an effective means of maintaining political stability; and balance of power between the ruler and the people of Ègbá Land.
- xii. the Pàràkòyí is not a secret society or fraternity;
- xiii. the Pàràkòyí is a mechanism or institution regulating commercial activities in the market places in Ègbá Land;
- xiv. the Pàràkòyí employs covenant principles in regulating commercial activities in Ègbá Land;
- xv. cooperative thrifts and trade associations in Ègbá Land employ covenant principles like trust and the fear of God in regulating the behaviour of their members;
- xvi. the covenant principles used in the covenant of God with Israel recorded in the Bible are very similar to the principles used by many covenant societies, trade unions and cooperative thrifts in Ègbá Land;
- xvii. the use of covenant concepts such as instilling the fear of God, an appeal to the conscience and emphasis of trustworthiness could be used to regulate human behaviour in modern societies; and
- xviii. the results of breaking a covenant are usually very grave.

#### **3.5.4 Inference from participant observation**

Inference was also drawn from participant observation, which include the following instances: Native court in session according to the Ògbóni Jurisdictional functions, with the Oluwo presiding over settlement of disputes; Observation of indigenous jurisprudence at the Alake's complaint council at 'idí-èrè', at the Aké palace; A visit to the historic site of the Olúmọ Rocks with its shrines and monuments. Other sources of data include Radio Broadcasts, Telecasts, the Religious Studies Conference held in Department of Religious Studies, University of Ibadan. The inference can be summarised as follows:

- i. The main strength of *ṣyṣṣ* and *Ìmùlẹ̀* process is the fear appeal, which is derived from the taking of potent oath. For instance, the dispute resolution sessions at

the Aké Palace are held at “*ìdí-ère*” (meaning the place of the images). As the place-name implies, the porch is inundated with various carved and cast images, some of which represented the ancestral deities, while others are illustrative of important moments in the life of the Ègbá.

ii. Once the parties do not perceive the immediate repercussion of breaking a covenant, they are likely to break the pact.

iii. Africans fear taking oaths with indigenous instruments of oath-taking because they perceive its potency more vividly, whereas they trivialise oath-taking in which the Bible or the Quran was used as the instrument of oath administration.

iv. Oaths of office taken by public office holders employ covenant principles.

v. *Ìmùlẹ̀* and *b<sup>e</sup>rith* are constructed on the fear appeal model.

## CHAPTER FOUR

### EVALUATIVE INTERPRETATION OF DEUTERONOMISTIC CONCEPT OF תַּרְיָב . FROM THE PERSPECTIVE OF INDIGENOUS ÈGBÁ CONCEPT OF ÌMÙLÈ

The answer to the question of whether the תַּרְיָב . concept is effective in regulating human behaviour, particularly in the socio-political and economic realm in Ancient Israel depends to a great extent on the perspective of approach or understanding of the covenant concept. The present study explores the changing perspectives with regards to the תַּרְיָב . concept along the diachronic development of the corpus of the Hebrew Canon as depicted in the Tanakh<sup>328</sup>, the final form of which appears in Deuteronomy and Deuteronomistic History. The study also reveals that the stance of Deuteronomistic Historian on the תַּרְיָב . concept is contiguous with that of the indigenous Ègbá-Yorùbá understanding of the ìmùlè concept. The following paragraphs set out the argument in the following stages:

- i. Fundamental principles of the תַּרְיָב . concept evaluated from the perspective of Ègbá local context
- ii. The development of Ancient Israelite תַּרְיָב . traditions evaluated in light of indigenous Ègbá-Yorùbá culture. This traces the changing perspectives from the earlier source strata (J and E source traditions) of the Pentateuch through the Deuteronomic strata, the Priestly traditions, and finally the canonical form of Deuteronomistic History and the Deuteronomistic Sections of Jeremiah. The Documentary Hypothesis is used as a guide in tracing the diachronic development of Ancient Israelite תַּרְיָב . traditions.
- iii. Application of Intercultural Biblical Hermeneutics to the Deuteronomistic Concept of תַּרְיָב .

#### 4.1 Fundamental principles of the covenant concept evaluated from the perspective of Ègbá-Yorùbá local context.

Basically, both תַּרְיָב . and ìmùlè presupposes the following components:

##### 4.1.1 Contracting Parties

G. L. Archer Jr. remarked that תַּרְיָב . would “ordinarily signify a

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<sup>328</sup> The text used throughout is the Masoretic Text presented in the BHS.

relationship between two parties wherein each bound himself to perform certain service or duty for the other”<sup>329</sup>. The contracting parties are sovereign entities capable of positive or negative actions based on choice and freewill, but who could be motivated or induced by either positive or negative incentives. By the term sovereign, it means that such individuals are capable of acting independent of outside authorities<sup>330</sup>. This implies that covenant cannot come into full force without the consent of both parties. In a suzerain type of covenant, the overlord proffers or imposes the covenant terms, which is usually not construed as binding without the consent and acceptance of the vassal. Russell Sharrock described a covenant as “a relationship which is to be entered into of free choice by all covenanting parties”<sup>331</sup>. This is also particularly true of *ìmùlẹ̀*.<sup>332</sup> In the case of the *tyrIB.* between Israel and the LORD, the Israelite nation is recognised as a corporate entity on the one hand, and the LORD God of Israel is recognised, on the other hand, as a wholly other, a sovereign personal entity. The *tyrIB.* between the two is a formal expression of a relationship “that has clear expectations of both parties”<sup>333</sup>. Covenant in the nuance of *tyrIB.*, and *ìmùlẹ̀* demands “absolute and unwavering loyalty between these two parties”<sup>334</sup>. Hence, the idea of covenant, as expressed by the Hebrew *tyrIB.* and the Yorùbá *Ìmùlẹ̀* is a recognition of the *otherness*<sup>335</sup> of the parties. Evaluated from indigenous Ègbá-Yorùbá cultural perspective, the *tyrIB.* between the LORD and Israel is a divine commitment to partnership, in which God is affirming and empowering the *otherness* of humanity.<sup>336</sup> Covenant between God and humanity is possible only because God had created humanity and indeed the universe as “others” apart from Himself. For Daniel Hardy, the term expressed by *tyrIB.* and *ìmùlẹ̀* “designate the constitution of others as *others* combined with continued *relation* to them as such”<sup>337</sup>. This implies that God’s relationship with Israel is a demonstration of the Divine willingness to overwhelm, “not

<sup>329</sup> G. L. Archer Jr. 2001. *Covenant*. 299

<sup>330</sup> P. Hanks. 1979. *Collins Dictionary of English Language*

<sup>331</sup> R. Sharrock. 2006. *Covenant Theology*. 67

<sup>332</sup> In an interview, the Aláké explained that *Ìmùlẹ̀* cannot be imposed on a person. If the individual declined taking the oath of the relationship, he or she is not bound by the terms of the *Ìmùlẹ̀*. Interview with His Royal Highness, Oba Adédòtun Àrèmu Gbádébò (Òkúkènú IV), The Aláké of Ègbá Land at the Aké Palace, Aké Abéòkúta; 11/08/2008 9:00p.m - 11:00p.m

<sup>333</sup> B. L. Bandstra. 2009. *Reading the Old Testament*. 140

<sup>334</sup> B. L. Bandstra. 2009. *Reading the Old Testament*. 228

<sup>335</sup> The implications of “*otherness*” in covenant relationships is elucidated by Volf Miroslav. 1996. *Exclusion and Embrace*.

<sup>336</sup> This situation is elucidated by Michael Lodahl. 1994. *The Story of God: Wesleyan Theology and Biblical Narrative*. 91. quoted in R. L. Shelton. 2006. *Cross and Covenant*. 20

<sup>337</sup> D.W. Hardy. 1996. *God’s Ways with the World*. 159

by force (although He could), but by respecting the *alterity*<sup>338</sup> of the creature”<sup>339</sup>

God’s act of entering into *ṭyrİb .* implies that He has (or is) a *moral will* and has created humans with sovereign moral, and relates with it as such. In His dealing with humanity, He does not “mitigate or threaten either the reality or the otherness” of humanity’s moral freewill.<sup>340</sup> Any *ṭyrİb .* or *imùlẹ̀* was two-sided, and usually represented responsibilities for both parties.<sup>341</sup> In indigenous Yorùbá Religious thought, however, the transcendence of God overwhelms any thought of *Ọlórún* entering into any pact with mankind. The sort of *imùlẹ̀* already in existence is similar to that of *Alájobí*<sup>342</sup> in the sense that it prescribes the duty of the creation to the creator, while giving an innate guarantee of the goodwill of the creator towards His creation.<sup>343</sup>

#### 4.1.2 Moral Relationship

*ṭyrİb .* and *imùlẹ̀* imply either the existence or need to bring into existence a situation of *mutual moral obligation*. LaSor, has urged that one should not “miss the fine distinction between a contract and a covenant.”<sup>344</sup> Though the partners to a covenant have “certain obligations to each other which are legally binding,”<sup>345</sup> the moral nature of the obligations of a covenant as depicted by *ṭyrİb .* and *imùlẹ̀* is one of the basic distinctions between *ṭyrİb .* in the Bible and “contracts” or Ancient Near Eastern treaties. In both *ṭyrİb .* and *imùlẹ̀* relationships, the moral obligations and commitment has a deeper level of seriousness. The moral obligation is just as binding as the legal obligations as the basis of the relationship; and the moral question may take priority over the legal issue. The most important point that maintains the relationship is the moral quest.<sup>346</sup> In indigenous Ègbá-Yorùbá culture, an *imùlẹ̀* pact may not have clearly outlined terms of reference like the stipulations and obligations of Ancient Near Eastern treaties. The requirements may simply be subsumed in a demand for “moral fidelity” to seek the general welfare of the other, and to maintain a relationship of trust and fidelity. This contrasts with the Ancient Near Eastern Treaties

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<sup>338</sup> Alterity means “the state and quality of being other”. Cf. C. Hazell. 2009. *Alterity: The Experience of the Other*. xviii

<sup>339</sup> M. S. Horton. 2002. *Covenant Eschatology*. 203

<sup>340</sup> R. W. Jenson. & E. B. Korn. 2012. *Covenant and Hope*. 6

<sup>341</sup> R. J. Faley. 2005. *From Genesis to Apocalypse*. 84

<sup>342</sup> *Alájobí* is the bond of natural kinship.

<sup>343</sup> Interview with Rt. Rev. Luke Odubanjo, Bishop of Ègbá/Yewa; Methodist Church Nigeria, Diocese of Ègbá Yewa at the Bishop's House, Aşérò, Abèòkúta 20/08/08 8:17 - 10:15.a.m.

<sup>344</sup> W. S. LaSor. et.al. 1996. *Old Testament Survey*. 122.

<sup>345</sup> P. C. Craigie. 1983. *Ezekiel*. 122

<sup>346</sup> R. Sharrock. 2006. *Covenant Theology*. p.64

in which specific laws were enacted as the stipulations of the pact. The common matrix of  $\text{tyrIb.}$  and  $\text{imùlè}$  is the moral underpinning.

The enactment of a  $\text{tyrIb.}$  or  $\text{imùlè}$  “signifies the initiation and development of a binding social relationship”<sup>347</sup>. Larry Shelton described the conditions in the Garden of Eden at creation in ‘covenant’ terms because the story depicts “the participatory relationship with God” which involves “interpersonal obedience, social community and spiritual intimacy.”<sup>348</sup> In the indigenous Ègbá-Yorùbá culture, as in many other cultures, an  $\text{imùlè}$  creates a *kinship* status between the parties.<sup>349</sup> Where natural kinship already existed in form of common patrilineal or matrilineal descent  $\text{alájòbí}$ , a sort of covenantal relationship is construed to have already existed; hence there is no need for any formal ratification except in cases of peculiar exigencies. The *covenantal* status of kinship is referred to as  $\text{alájòbí}$ <sup>350</sup> in the indigenous Ègbá-Yorùbá culture, but it is referred to as  $\sim\text{yxi}$  (a;  $\text{tyrIib.}$  (translated as “covenant of brotherhood” in the RSV) in Ancient Israel as depicted in the Tanakh.<sup>351</sup> It is believed that since kinsfolk often eat and dine together, there exists a natural covenant bond between them. Individuals of common maternal descent are construed to be bound together by being nursed at the same breast.<sup>352</sup> These situations of common nourishment foster a sort of moral *bond of love* between individuals and impose a moral obligation to seek the general welfare of the other. This kinship-type mutual obligation of covenant creates a relationship of both security and accountability;<sup>353</sup> which is of paramount importance for survival in the indigenous Ègbá-Yorùbá culture, where the survival of the individual is intricately bound up with the corporate co-existence of the community. The kinship bond is construed in the indigenous African culture to be maintained and supervised by the ancestors of the clan of family. Any individual who breaks such bond is seen as betraying the family trust, and hence, incurs

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<sup>347</sup> R. T. Peters. & E. Hinson-Hasty. 2008. *To do justice*.124

<sup>348</sup> R. L. Shelton. 2006. *Cross and Covenant*.38

<sup>349</sup> This is also true of Ancient Near Eastern societies. J. L. McKenzie. 2009. *The Two Edged Sword*.140; R. W. Gleason. 1964. *YHWH*. 48.

<sup>350</sup> Focus group discussion with the Aláké’s Regency council.

<sup>351</sup> The prophet Amos, in Amo.1:9, used this term to refer to the pact between Solomon and Hiram king of Tyre 1King.5:12; which occasions Hiram addressing Solomon as “my brother” 1King.9:13. This confirms the stance that  $\text{tyrIb.}$  creates artificial kinship ties.

<sup>352</sup> This opinion is not limited to Africans. Emile Durkheim’s summary of Stanislas Ciszewski’s dissertation on “*Artificial Kinship among Slavs*” reveals that in the Slavic culture, a strong kinship tie results even in the case of numerous children nursed by a common wet-nurse, despite the fact that they are not from the same biological mother. (E. Durkheim. 1980. *Contributions to L’Annee Sociologique*. Y. Nandan. Ed.173-175) This analogy is used in some esoteric cults in Yorùbá land, particularly the Ogboni-Aborigin confraternity, whose peculiar salutation or membership password is “ $\text{omú iyá dùn...}$  (the mothers breast-milk is sweet) ... $\text{se l’a jò nmuú...}$  (we partake of it together)”

<sup>353</sup> S. J. Foster. 2008. *An Experiment in Bible Translation*.79

the wrath of the Ancestors. The role of the fear appeal is not immediately visible in this structure but it is the very foundation of it. Contravening the moral obligations of *alájobí* jeopardises the corporate welfare of the community, which is usually a kinship community similar to the Israelite patrilocal kinship structure. The individual derives its identity and self-preservation within the community structure. The idea of breaking the bond of kinship engenders the fear of self-extermination. A person who acts against the bond of *alájobí* incurs the wrath of the ancestors and undermines its own means of self-preservation. This phenomenon can be perceived in the Hebrew Bible. Amos 1:9 speaks of *the brotherhood covenant* while Zechariah 11:14 simply mentions a breaking of *the brotherhood* between Judah and Israel<sup>354</sup>. Where natural kinship does not exist, and there is the need to create a situation of mutual moral obligations,  $\tau y r I b .$  and *imùlè* were employed to generate an artificial kinship.

#### 4.1.3 Identified Behavioural Patterns

Every enactment of  $\tau y r I b .$  and *imùlè* presupposes that there are some identified behavioural patterns on the part of both parties, which are to be prevented, and others which are to be ensured. These are reflected in the stipulations, as well as in the promises of the covenant. They are constructed in the form of terms and conditions of the covenant relationship as exemplified by the *lex talionis* (Exodus 21:22-25), the law of restrictive royalty (Deuteronomy 17:14-15) and the law of standard metering (Deuteronomy 25:13-16). In the Old Testament concept of  $\tau y r I b .$  under study,  $\tau y r I b .$  gives a glimpse of the Israelite perception of the nature of *YHWH* in contrast to pagan deities, as well as the recognised tendency of humankind to perjure.

The nature of *YHWH* the God of Israel is such that He vouchsafes His moral tenacity through  $\tau y r I b .$  Eichrodt captures it in the following words:

...the fear that constantly haunts the pagan world, the fear of arbitrariness and caprice in the Godhead, is excluded. With this God, men know exactly where they stand; an atmosphere of trust and security is created, in which they find both the strength for a willing surrender to God and joyful courage to grapple with the problems of life.<sup>355</sup>

By the enactment of a  $\tau y r I b .$  between God and Israel, the possibility of God

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<sup>354</sup> In both cases mentioned, little scholarly work has been done, as far as I am aware, to investigate the covenant relationship between Israel and Judah. This covenant of brotherhood may refer to the kinship status between the mentioned states or to a treaty of mutual support between the states referred to.

<sup>355</sup> W. Eichrodt. 1961. *Theology of the Old Testament vol.1.8*



being capable of arbitrary behaviour, is acknowledged. This is also portrayed in Job 2:10; Lamentations 3:38; Amos 3:6; e.t.c. He is virtually unpredictable, and His ways are beyond searching out. The Hebrew Bible is replete with references to God's sovereignty and power beyond human system of behavioural framework.<sup>356</sup> It is the *tyrIB*. that stands surety for a predictable faithful commitment of the LORD to Israel's general welfare.

On the other hand, human freewill, and tendency towards caprice is clearly depicted. Deuteronomistic History gives a pictorial presentation of the vacillating loyalty of the Israelite nation between Ba'al and the *YHWH*. Yorùbá oral tradition, *Odù Ìròsùn Mèjì, Èsẹ̀ Èkẹta*<sup>357</sup> clearly depicts the unreliableness of human nature and tendency to perjure with the analogy of *Èléko Ìdèrè* (pudding trader of *Ìdèrè*). The summary of this oral tradition is that a certain *Èléko Ìdèrè* consulted with the 'Awo' (Confidant Sages) for a solution to her state of poverty. The *Awo* consulted the *Ifá* Oracle, which prescribed certain Sacrifice. Since she was too poor at the moment, she could not afford the price of the sacrificial items. Her confidants vouchsafed to purchase the items for her, so that she would pay up later on. She could not pay up until her confidants travelled to a far distance on official duties. When they returned after three years, *Èléko Ìdèrè* was already living in affluence. But when they asked her about the debt she owed, she said she could still not afford to pay because she did not make profits from her trade. This oral tradition is preserved in the *Odù Ìròsùn Mèjì*, and by a song –

*Èlékọ 'dèrè, Ẹ bó ló ò jèrè,  
Èlékọ 'dèrè, Ẹ bó ló ò jèrè,  
O róşọ dúdú, O róşọ pupa;  
O fàyìnrín gbàjá, O lé kenkà;  
O fàpótí tídí, O lé kenkà;  
Èlékọ 'dèrè, Ẹ bó ló ò jèrè,<sup>358</sup>*

This can be translated as follows:

“*Èléko Ìdèrè*, but you said you made no profits,  
“*Èléko Ìdèrè*, but you said you made no profits,  
Your dressed in purple; You dressed in scarlet;  
You adorn yourself with the costliest tunic, and royal robes  
You sit on a throne like a noble

<sup>356</sup> In Job.2:10 for example, Job is constructed as saying “shall we receive good from God and not evil? Hence God is pictured as being capable inflicting pain because of reasons beyond human comprehension. Also in Exo.33:19, the phrase “... will be gracious to whom I will be gracious and will show mercy on whom I will show mercy...” give a picture of Divine sovereignty in acts of grace and mercy, which can be construed in human thinking as arbitrariness in Divine goodness.

<sup>357</sup> Wande Abimbola. 1968. *Ìjìnlẹ̀ Ohùn Ẹnu Ifà*. p.63-64

<sup>358</sup> Wande Abimbola. 1968. *Ìjìnlẹ̀ Ohùn Ẹnu Ifà*. p.63-64

Yet you said you made no profits.

The meaning can be summarised as follows: Pudding merchant of *Ìdèrè*, you claim that you are bankrupt, yet you are dressed in affluent attire, and sit on fine furniture like a noble, but you insist that you are bankrupt". In Ègbá indigenous culture, such a tendency to perjure is pre-empted by oath imprecation, which would constitute an ordinary agreement into a status of *ìmùlẹ̀*.

#### 4.1.4 Fear appeal mechanism

In all instances of *tyrIB* . and *ìmùlẹ̀*, there is always a form of instrument of fear appeal. In the Ancient Israelite *tyrIB* . and indigenous Ègbá *ìmùlẹ̀*, the administration of oath meets this need. In modern legal parlance, the fear appeal mechanism may not be ostentatious, but it is often present in form of the likelihood of litigation in case of defaulting parties.

In the Hebrew Bible, two major instruments of fear appeal are very popular. These are the ‘*Curse / Oath–imprecations*’ and the ‘*Ritual Symbolism*’ methods. These two are also the major instruments of fear appeal associated with *ìmùlẹ̀* in the indigenous Ègbá culture. The efficacy of *ìmùlẹ̀* largely depends on the efficiency of the instrument of oath. For instance, people readily swear falsely in court because they believe that the oath implements are not efficacious. Whereas if they perceive that the oath implements are potent, they are more wary of taking a false oath. Also, an efficacious oath administration is likely to ensure that public office holders would keep their oaths of office.<sup>359</sup> In indigenous Ègbá conception, a curse is a speech act, which is potent in actually causing certain unpleasant situations in real life. It is a common belief among peoples of diverse cultures right from antiquity to contemporary times that there is power in language to constitute reality<sup>360</sup>. Austin describes such words that “...have a particular ability to bring about a thing rather than merely describe it...” as *performatives*.<sup>361</sup>

#### 4.1.5 Formal process

There is always a specific procedure which is perceived as giving the covenant its binding force. There are various specific forms which are considered as giving

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<sup>359</sup> This position is consistent among all interviewees. Particularly, Chief Kasali Sanyaolu, the *Sagbua* of Iporo Aké.

<sup>360</sup> J. S. Anderson. 1998. The Metonymical Curse as Propaganda in the Book of Jeremiah. *BBR*.8. 1

<sup>361</sup> J. L. Austin. 1962. *How to do things with words*. Quoted in J. S. Anderson. 1998. The Metonymical Curse. 1.

validity to covenanting in the nuance of *imùlẹ̀* and *ṭyrIB.*, but certain particular forms are peculiar to specific cultural contexts. In the indigenous Ègbá context, the form, always include the usage of oath-taking accompanied with specific oath implements. In the legal parlance, common in Europe and America in the 18th century, the process involves documentation following certain formats, and the appending of seals or signatures.

The formal process of *ṭyrIB.* in the Hebrew Bible, particularly in Deuteronomy follows the pattern of Ancient Near Eastern Treaty forms.<sup>362</sup> The prevailing consensus in Biblical Scholarship is that the form of Biblical and Ancient Near Eastern Covenant has the hexa-partite form as follows:

- i. The preamble
- ii. The historical prologue
- iii. The stipulations
- iv. The oath / imprecations
- v. The deposit and periodical readings
- vi. The invocation of deity.

This form is most clearly displayed in the Deuteronomic Covenant Tradition. However, since God is Himself a party in the covenant, there was no invocation of gods as witnesses or guardians of the *ṭyrIB.* between Israel and the LORD.

A type of contractual relationship in indigenous Yorùbá culture, very similar to Ancient Near Eastern Treaty forms is “*àdéhùn.*” It could be literally rendered as ‘to seal a voice’. In the ordinary sense, it means an ‘agreement’ or ‘a contract’. As the literal rendition implies, it is a verbal agreement guaranteed by the integrity of the partners. As depicted in the saying “*b’òjù ba y’ẹ̀jù, k’ohùn ma y’ẹ̀hùn*” - “if facial contact ceases, let not the voice fail’. In essence, the Yorùbá believe in the potency of words. However, where further measures are required to guarantee the compliance of each of the party, the agreement can be sealed with an oath, or a ritual. In this case it is no longer seen as an ordinary *àdéhùn* but is often considered a *májẹ̀mu*. The word *májẹ̀mu* literally meaning “drink with a cup’ reflects the practice of oath-taking by

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<sup>362</sup> While many scholars elaborate and advocate a closer affinity of Deuteronomy 13 and by extension the covenant forms in Deuteronomy with the Neo-Assyrian treaty tradition evident in VTE, (B. M. Levinson. 2009. The Neo Assyrian origins of the canon formulae in Deuteronomy 13:1. 30.; C. Vang. 2009. The so-called 'Ur-Deuteronomium' – Some Reflections on Its Content, Size and Age. *Hiphil Novum Vol.6* <http://www.hiphil.org/index.php/hiphil/article/view/421>. Accessed 21.06.2012); others have drawn attention to the late Bronze Age Hittite vassal Treaty traditions, particularly CTH133 (J. Berman. 2011. CTH 133 and the Hittite provenance of Deut13. *JBL*.130.1:25-44). However it is beyond doubt that the covenant traditions in Deuteronomy and Deuteronomistic History reflect a background of ANE treaty forms, more so because both the Neo Assyrian and the Hittite Treaty forms have a lot of formal characteristics in common.

drinking shared portion from a small calabash-cup called ‘àjè’. This parallels the act of mutual ritual meal as a means of sealing agreements in the Ancient Near East. This is reflected in the covenant meal between Laban and Jacob (Genesis 31:44 – 54); and between Isaac and Abimelech (Genesis 26:29-31). A similar idea could also be seen in the Sinai Pericope of Exodus 24:3-8. The fellowship offering sacrificed by the ‘young men’ of the tribes could be seen as a ritual meal in which the YHWH also participated, hence in Verse 11b, the text reflected “... also they saw God, and did eat and drink”. *Ìmùlẹ̀* ratification also follows specific ritual patterns which may vary according to specific cults and sub-cultures. The most common forms involve drinking a potion, which usually contains some infusion of earth. At times, blood is involved; in which case incision may be made on the partners to extract some blood, which is smeared on Kolanut or similar objects. Each party is then required to partake of the Kolanut. This ratification process emphasises the analogy of kinship by blood symbolism<sup>363</sup>.

#### **4.2 Origin and development of the covenant concept in Ancient Israel evaluated with the indigenous Ègbá culture**

The development of the *tyrIB* concept in the Ancient Israelite Literature as represented by the Tanakh<sup>364</sup> could be traced, synthetically, based on the sequencing of the various literary sources proposed by the Graf-Wellhausen Documentary Hypothesis<sup>365</sup>. According to the Graf-Kuenen-Wellhausen theory, the earliest written source strata of the Pentateuch is the J, source followed by the E source, followed by the D source and finally the P source<sup>366</sup>. Though P is dated in the late exilic or post

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<sup>363</sup> Chief Sofenwa, *Jaguna* of Itoku; Itoku, Abèòkúta 1st Interview: 15/07/2008 10:00a.m-1:23p.m

<sup>364</sup> The textual evidence for this discuss is limited to the Masoretic Text of the Hebrew Bible. This partly due to the fact that the Textual evidence from the LXX for the study of Dtr is fraught with certain limitations. As Emmanuel Tov pointed out, variations in the LXX may be of no relevance to the analysis of the Hebrew Bible since they might have been introduced by the translator. Such variations reflecting a Dtr element may also have originated from a copyist in the process of translation of the Hebrew Text, or it may be created or omitted by a late editor in the continual process of change of the literary shape of the Hebrew book. E. Tov. 2008. *Hebrew Bible, Greek Bible and Qumram: Collected Essays*. p.400-401

<sup>365</sup> The Synthetic approach is adopted here in order to avoid the controversy of the dating debate of the various sources. Rather focus is placed on the ‘*apparent*’ development of the covenant idea in the texts attributed to the various sources.

<sup>366</sup> Though I may not be able to appraise Kaufmanns counter-thesis against P’s lateness and dependence on D,(cf. Y. Kauffman.1963. *The Religion of Israel: from its beginnings to the Babylonian exile*. Trans. Greenberg, M.) the Graf – Kuennen – Wellhausen hypothesis on the dating is convenient because the texts reveals an apparent development of thought that seems to correspond with this order, and the consensus maintained in Biblical Scholarship did not negate the priority of the JE tradition to both D and P. In this study, the controversy may justifiably be avoided since J and E can be treated as contemporaries while D and P also can be treated as contemporaries, without distortions to the trend of development of their various ideas of covenant.

exilic period<sup>367</sup>, for this work we would assume that the Deuteronomistic History, which is our main research boundary, is later than, or contemporaneous with the P source. An examination of the concept of the  $\text{tyrIB}$  in the various source strata shows that there is a diachronic development of the concept in the Israelite religious literary traditions, which displays certain parallels with the indigenous Ègbá perception of *imùlè*. The findings in this regards is set out below.

#### 4.2.1 $\text{tyrIB}$ . Concept in the Earlier Source Strata of the Pentateuch

For convenience, we would treat the J and E strands together. This is because of the seeming controversy among scholars with regards to the distinction between passages assigned to these two sources<sup>368</sup>. For example, Exodus 24:3-8 which is a core passage relating to the Sinai Pericope was assigned to E by Moshe Weinfeld and some other Scholars<sup>369</sup> whereas, this pericopy makes use of  $\text{hwhy}$  (*YHWH*) as the Divine name instead of  $\sim\text{yhilooa/}$  Ordinarily this would have been classified as a J document<sup>370</sup> because the divine name  $\text{hwhy}$  was used throughout. But there is an argument that the E source also uses the Divine name  $\text{hwhy}$  afterwards in stories following upon the revelation of this Divine name to Moses. Nonetheless to avoid being distracted from our main focus by the Source Critical controversy, we would simply treat the J and E texts simultaneously, since the combination of both sources have taken place quite early in the redaction history of the document; treating the texts in their diachronic order where possible. The major texts of relevance for this present discourse are the Ritual Decalogue<sup>371</sup>, Exodus 24:3-8, the Ethical Decalogue and the Covenant Code.

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<sup>367</sup> Even though the argument for the dating of P is not yet conclusive at the moment, it is notable that the proposed dating among Biblical scholars ranges between the exilic and post exilic period. See for example, C. Nihan. 2009. *Priestly covenant: Its Reinterpretation*.91

<sup>368</sup> Some scholars have also commented on the fact that texts attributed to the E Source stratum have raised many difficulties. One of the difficulties pointed out was that some of such texts, such as Gen.15 and the Decalogue in Exodus 20:2-17 do not use the name Elohim for God at all, or they use the Divine name **hwby** (*YHWH*) throughout. Such Scholars as Luis Ska are of the opinion that the texts ascribed to E actually belonged to J, otherwise they may have been “additions of Deuteronomistic origin”. J. L. Ska. 2006 *Introduction to Reading the Pentateuch*. 132; Pauline Viviano declared that the E source has been “so intertwined with the Yahwist that it is difficult to separate the two sources in all instances”; P. A. Viviano. 1992. *Genesis*, p.36.

<sup>369</sup> M. Weinfeld.1972. *Deuteronomy and the Deuteronomistic School*. 165

<sup>370</sup> According to the criteria of Source Criticism, one major distinguishing attribute of the J source stratum is the use of **YHWH** as the Divine name.

<sup>371</sup> Exodus 20:2 -17 , which is technically called the Ethical Decalogue is ascribed to the E source, while Exodus 34:11-26, which is technically called the ritual Decalogue is ascribed to the J tradition by Wellhausen and other scholars. Childs, B. S. 2004. *Exodus*.605;

#### 4.2.1.1 The Ritual Decalogue

The “Ritual Decalogue” (i.e. Exodus 34:11-26)<sup>372</sup> is ascribed to J source,<sup>373</sup> hence it is sometimes called the “J Decalogue”<sup>374</sup>. Even though the Sinai Pericope: Exodus 24:3-8 is acknowledged as the earliest account of the Sinai/Horeb theophany, the Ritual Decalogue is assigned an earlier date, but it does not include an account of the theophany at Sinai. It had been assigned a probable date as early as 13th Century B.C.<sup>375</sup> which is as far back as the time of Moses.

Looking at the text, the preceding and the immediately following verses to the Ritual Decalogue (Exodus 34:10,27) give a picture that the this textual pericope preserved the document of a renewal of covenant after the golden calf apostasy just at the conclusion of the Sinai/Horeb covenant of which the Ethical Decalogue is the document.<sup>376</sup>

Scholars, such as Pfeifer, have demonstrated that the Ritual Decalogue is closely linked with the Covenant Code. Pfeifer suggested that the Ritual Decalogue dated to the earliest period of settlement in Canaan, and forms the core which was severally embellished until it grew into the Covenant Code<sup>377</sup>. Rowley on the other hand argues for its antiquity, and that it was originally a covenant document inherited from the Kenites, whom he argues, were the original worshipers of YHWH from whom Moses learnt about the Deity and adopted Him as the LORD God of Israel through the covenant at Sinai<sup>378</sup>.

The Covenant Code, as preserved in the canon, does not reflect the full Treaty pattern. The basic concern of the core of what is preserved focuses on Israel’s ritual practices. This pericope emphasises the issue of mutual relationship in the  $\tau\upsilon\rho\iota\beta$ . partnership. The terms of the  $\tau\upsilon\rho\iota\beta$ . here can be summarised as a demand of total exclusive devotion to the YHWH. It is in its canonical form that the full  $\tau\upsilon\rho\iota\beta$ . properties of the ritual Decalogue come to light. It is not impossible that some of the initial parts of the pericope have been dropped out in the process of redaction, and as it

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<sup>372</sup> Exodus 34:11-26 is technically called “Ritual Decalogue” in Source Criticism. Hess, R. A. 2007. Law. p.192; J. Jensen. 2006. *Ethical Dimensions of the Prophets*.24; B. S. Childs. 2004. *Exodus*. 605. It is also referred to as the “Small Covenant Code”.

<sup>373</sup> W. J. Doorly. 2002. *The Laws of YHWH*.100; I. G. Mathews. 2003. *Old Testament Life and Literature*.48

<sup>374</sup> See for example, R. H. Pfeifer. 1931. *Transmission of the Book of Covenant*.102

<sup>375</sup> R. H. Hiers. 2009. *Justice and Compassion in Biblical Law*.88

<sup>376</sup> See for instance the contributions of Lohfink, N.2003. *Reading Deuteronomy 5 as Narrative*. 264-265

<sup>377</sup> R. H. Pfeifer. 1931. *Transmission of the Book of Covenant*.102.

<sup>378</sup> H. H. Rowley. 1950. *From Joseph to Joshua*.

is combined with other materials, the new materials replaced the older segments to form a new form of covenant document as we now have it in the canon. The tone of verse 27...

**Exodus 34:27**

ÿyPiä-l[; yKiú hL,ae\_h' ~yrIåb'D>h;-ta,  
 ^βl.-bt'K. hv,êmo-la, `hw"hy> rm,aYOÝw:  
 `lae(r"f.yI-ta,w> tyrIBB. ^±T.ai yTir:óK'  
 hL,ae^h' ~yrIåb'D>h;

“And the LORD said unto Moses, Write thou these words: for after the tenor of these words I have made a covenant with thee and with Israel”.

indicates the scribal role of the priesthood in the composition of the tyrIB. document. Furthermore, the tyrIB. was not just with Israel, this particular tyrIB. was also ratified with Moses. Hence, the role of Moses was not just as a mediator, but he was also a party to the tyrIB.. We cannot be certain with regards to the exact content of the hL,ae^h' ~yrIåb'D>h; “these word” which consisted the covenant in actual original instance of this particular case. We have to focus only on intended message which the pericope has been adapted to present. Hence, we may not be able to treat the Ritual Decalogue as a full tyrIB. document since its original constituent parts cannot be fully reconstructed.

Contemplating the extant portion of the Ritual Decalogue in the Canon from Ègbá-Yorùbá cultural perspective, the kinship pattern of *imùlẹ* comes to mind. It gives the impression that the earliest form of the Israelite tyrIB. is constructed in the pattern of *alájòbí* (Kinship relationship). The focus of the obligation was to ensure a relationship between the *YHWH* and Israel, similar to the pattern of kinship relations. Most of what is preserved, therefore, emphasises Israel’s ritual practices which were designed to maintain the mutual relationship between the *YHWH* and Israel.

**4.2.1.2 tyrIB. in Exodus 24:3-8**

Exodus 24:3-8 has been recognised by scholars to be the earliest document of the Sinai/Horeb pericope<sup>379</sup>. Traditions earlier than this pericope do not reflect the Sinai/Horeb episode. Childs affirmed that there is a consensus among scholars that “the texts reflect an on-going religious institution of covenant renewal going back far into

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<sup>379</sup> M. Wenfield. 1972.151;

Israel's early pre-monarchical history"<sup>380</sup>. It had been ascribed to the Elohist by scholars despite the fact that it uses the Divine name YHWH, but this is explained by the fact that it reports an event which follows after the revelation of the Divine name to Moses.<sup>381</sup>

Three formal segments can be discerned in the *tyrIB*. rite described in this pericopy as it stands in its present form and scriptural context: (i) rehearsal of the law; (ii) a commitment by the people; and (iii) sealing the pact by a blood ritual.

The rehearsal of law in this pericopy presents a problematic. First, of the "book of the covenant" occurs only in two traditions in the Old Testament. These were this instance of the Sinai pericope and the account of Josiah's reform in 2 Kings 22-23 with its synoptic counterpart in 2 Chronicles 34-35. This may have referred to the Decalogue at an earlier stage of redaction, but the present scriptural context shows that the redactors used it in reference to the Covenant Code, which had been incorporated into the growing tradition at a later date<sup>382</sup>. It is also important to note, that the report of the theophany, accompanying the giving of the Decalogue is not presented as the central element within this pericopy as preserved in the canon. Rather the tradition of scribal textual production is reflected. It was Moses who wrote down the law, but this was done after the first oral presentation to the people, then the "book of the covenant" thus produced was "read in the audience of the people" who affirmed their consent. The ready solution to the problem is to assume that the pericopy had undergone editorial transformation. It could be assumed that the initial pericope did not reflect any form of documentation. The first part of verse 4 and the whole of verse 7 may have been editorial additions. The form of the pericopy, as we have it, supports the position that the *tyrIB*. texts grew out of the *tyrIB*. renewal ceremonies in which the stipulations of the *tyrIB*. were rehearsed<sup>383</sup>, coupled with the scribal practice of re-interpreting and re-actualising previous traditions to suit contemporary issues.<sup>384</sup>

The response of commitment by the people reflects the consent of the people to

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<sup>380</sup> B. S. Childs. 2004.353

<sup>381</sup> Scholars like Wenfield ascribed this pericope to the E Source Strata. M. Wenfield. 1972.165; Anthony Campbell and Mark O'Brien acknowledged that the E source is the least well preserved of all the Pentateuchal sources, if it ever had been and independent source; but went ahead to explain that in Exodus the only self-contained traditions that can readily be ascribed to E are "...the story of Jethro and the meeting with God at Sinai..." A. F. Campbell . and M.A. O'Brien. 1993. *Sources of the Pentateuch*. 161

<sup>382</sup> S. Sekine. 2005. *A Comparative study of the Origins of the Ethical Thought*.156

<sup>383</sup> The thesis that the covenant texts originated from covenant renewal ceremonies at Shechem was spearheaded by Von Rad. (Knight, D. A. 2006. *Rediscovering the Traditions of Israel*.78-89;)

<sup>384</sup> D. A. Knight. 2009. *Traditio-Historical Criticism: The Development of the Covenant Code*.102.



be bound by the terms of the  $\tau\gamma\rho\text{IB}$ . which was spelt out in the document read. If the report of documentation had been a later editorial gloss, the original covenant rite would have included only an oral presentation of the terms of the  $\tau\gamma\rho\text{IB}$  . .

The most important aspect of this pericope to the present study is the ratification by ritual. The process of ratification reveals a very primitive culture. It had been considered the oldest surviving tradition of the Sinai pericope because of the participation of the young men of the tribes as the cultic representatives of the twelve tribes instead of the Levites. This presupposes that the authority of the Levitical Priesthood was yet to be instituted or actualised. In actual fact, the Scriptural context of the pericope within the canon presupposes that the event pre-dated the ordination of Aaron and the formal inauguration of the Levitical Priesthood. The underlying pericope may, therefore, date far back into the pre-monarchical period.

This pericope conforms to the earlier practice of *imùlẹ̀* in the indigenous Ègbá culture, in which the formal procedure of enacting a covenant chiefly consists of ritual performance. The common paradigms are (i) the lack of documentation; (ii) the role of blood; and (iii) the covenant meal. Such a ritual performance does not involve any form of literary documentation. The efficacy of such a covenant is guaranteed by the Deity, usually a deity who is conceived as omnipresent and capable of implementing instantaneous sanctions on the defaulting party. The role of ritual meal is an integral part of the formal process. Usually the meal is not elaborate. It may be just some pieces of Kola nuts, which may be smeared with blood extracted by incisions on both parties. Here also, the role of blood in covenant-making strikes a note of similarity.

The fear appeal mechanism in this pericope, therefore, derives from the consciousness of the abiding presence of the deity, in such a substantive way as to be able effect sanctions on anyone who violates the terms of the covenant.

#### **4.2.1.3 The Ethical Decalogue**

The  $\tau\gamma\rho\text{IB}$ . ideology of the Elohist strata can be further understood in the Ethical Decalogue and the Covenant Code.<sup>385</sup> According to Childs, the Elohist tradition

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<sup>385</sup> Exodus 20:22-23:33 is technically called the “Covenant Code” or “the Book of the Covenant”.;J. Jensen. 2006. *Ethical Dimensions of the Prophets*.24; M. Coogan. 2008. *The Old Testament A very Short Introduction*. 3. It was believed to have been and originally separate document before it was later combined with other sources during the redaction process of the Torah. However, Exodus 20:2-17 and its parallel in Deuteronomy 5:6-21 which is popularly called “the ten commandments” are technically referred to as the “Ethical Decalogue”. J. Jensen.2006. *Ethical Dimensions of the Prophets*.24; B. S. Childs. 2004. *Exodus*. 605.

“reflects the Old tradition of the covenant renewal” of the Amphyctionic League.<sup>386</sup> Exodus 24:3-8; along with the Ethical Decalogue, is probably the oldest preserved pericope in the Elohist  $\text{tyrIB}$ . traditions. Though these two pericopies were predated by the Ritual Decalogue, the Ritual Decalogue does not include the Sinai Pericope. It has been argued that the Ethical Decalogue also dated as far back as the time of Moses<sup>387</sup>. Rowley, for instance, argued that Moses adapted the Ethical Decalogue from the Ritual Decalogue, which was originally a Kenite Covenant document<sup>388</sup>. Moshe Weinfeld stated that ‘it was accepted as the constitution of the Israelite community’ at the dawn of her history in the wilderness of Sinai.<sup>389</sup>

David Pleins expounded the view that the ethical Decalogue is more than mere law. They are perceived by the ancient Hebrew to “have an *imprecative* force akin to ancient vassal treaty.”<sup>390</sup> In its scriptural context, the ethical Decalogue is consistently presented as the actual words of the  $\text{tyrIB}$ . at Sinai spoken directly to the people by *YHWH*, and which were the only content engraved upon the stone tablets kept in the ark of the covenant. These two stone tablets were referred to as  $\text{tyrI)B.h}$ ;  $\text{tAxilu}$  “the tablet of the covenant” by the Deuteronomist, and ‘ $\text{tdU[eh}$ ’ ( $\text{txoÜlu}$  “the tablet of testimony” in the Priestly traditions. It served as the “document” and “deposit” of the  $\text{tyrIB}$ ., conforming to Ancient Near Eastern Treaty form.

#### 4.2.1.4 The covenant code

The “Covenant Code” is congruent to the Ethical Decalogue in the canonical form of the Tanakh, and is also ascribed to E source stratum.<sup>391</sup> It is considered as “...the oldest collection of legal texts in the Hebrew Bible.”<sup>392</sup> It is the oldest pericope that reflects the full characteristic of Ancient Near Eastern Legal Codes.<sup>393</sup> It has been suggested that the Covenant Code may be connected with the Covenant at Shechem

<sup>386</sup> Though the divine name *YHWH* was used throughout the Ethical Decalogue, it is nonetheless ascribed to E based on other criteria. B. S. Childs. 2004. *Exodus*. 605

<sup>387</sup> G. E. Mendenhall. 1955. *Law and Covenant in Israel and the Ancient Near East*. 5ff

<sup>388</sup> H. H. Rowley. 1950. *From Joseph to Joshua*.

<sup>389</sup> M. Weinfeld. 2001. *Decalogue and the Recitation of “Shema”*: *The Development of Confessions*. 99

<sup>390</sup> D. J. Pleins. 2001. *The Social visions of the Hebrew Bible*. 47-48

<sup>391</sup> Wellhausen initially ascribed the covenant code to J, but later accepted Kuenen’s critique that it did not belong to J. (See B. S. Childs. 2004. 345). Presently, however, though majority of source critics assign the covenant code to the Elohist Source (D. A. Knight. 2009. *Traditio-Historical Criticism: The Development of the Covenant Code*. 108.), there are still some who ascribe it to J: D. P. Write. 2009. *Inventing God’s Law*.4.

<sup>392</sup> D. A. Knight. 2009. *Traditio-Historical Criticism: The Development of the Covenant Code*. 106

<sup>393</sup> S. Sekine. 2005. *A Comparative study of the Origins of the Ethical Thought*. 156

under Joshua.<sup>394</sup> Its form and content has been interpreted to suggest that its immediate socio-cultural context is the semi-nomadic community of the Amphyctionic league.<sup>395</sup> It is attributed to Northern kingdom of Israel.<sup>396</sup> In its present scriptural context, if it is read synchronistically with the Sinai pericope, it confers the pattern of ANE Treaty to the *tyrIB*. at Sinai. The phrase “in all places where I record my name I will come unto thee” in Exodus 20:24 betray an idea of multiple cultic centres, which runs contrary to the Deuteronomistic ideal of centralised worship. The phrase also presupposes the socio-political setting of era of the Theocratic Amphyctiony. The Synchronistic reading of the text, therefore, suggests that the Covenant Code was preceded by the Ethical Decalogue. It, therefore, presents the picture that the first documentation accompanying the *tyrIB*. between God and Israel was the Ethical Decalogue, and this was given at Sinai, inscribed upon the two tablets of stone. The document was later embellished and enlarged during subsequent renewals of the *tyrIB*.. The earliest extant documentation of such expansion was the Book of the Covenant.<sup>397</sup> It is possible that the expansion had taken place in the oral stage during the renewal ceremonies held every seven years at Shechem.<sup>398</sup> The written form is generally acknowledged to pre-date the Deuteronomic Code<sup>399</sup>, a position which falls in line with a synchronistic reading of the text, since the Book of the Covenant is presented earlier than the Deuteronomic Code in the canon of the Torah. It is observable that the conception of the *tyrIB*. relationship tended more towards the ANE Treaty pattern as the Israel tends towards mature statehood. At first, there were no specific stipulations in the Ritual Decalogue except rules governing the cult. Later on,

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<sup>394</sup> Ronald De Vaux. 1997. *Ancient Israel: Its Life and Institutions*. 147-148;

<sup>395</sup> J. Jensen. 2006: *Ethical Dimensions of the Prophets*. 22.

<sup>396</sup> P. Dale. 2011. *Old Testament Law*.

<sup>397</sup> Historical Critical study of the Old Testament gives an understanding that the actual *sitz im leben* of the Covenant Code was the covenant renewals of the Amphyctionic League at Shechem, which began under Joshua (R. De Vaux. 1997. *Ancient Israel: Its Life and Institutions*. 147-148; J. Jensen. 2006: *Ethical Dimensions of the Prophets*. 22.) but this later document was merged with the original Sinai pericope, thus retrojecting the obtaining socio-political and religio-cultural realities of the period of early settlement in Canaan back into the original Sinai event under Moses. This is not strange, given the prominence of Sinai in Israelite National Theology. As Levinson observed, Sinai was a kind of “archetype” which served as a “mould into which new experiences could be fit, hundreds of years after the original event”- J. D. Levenson. 1985. *Sinai & Zion: An Entry into the Jewish Bible*. 18-19

<sup>398</sup> There are suggestions however that the Covenant Code originated in Judah much later in the 8<sup>th</sup> Century, under the reign of Hezekiah, and that it formed the basis of Hezekiah’s reform. e.g. R. Albertz. 1994. *A History of Israelite Religion Vol.1*. 61.; But it is difficult to accept this view because there is very little indication in support of this position in Deuteronomistic History. The only textual basis for this position is found in 2 Chronicles 29:10; 30:5, 18; 31:21.

<sup>399</sup> Even scholars like Albertz, who place the composition of the Covenant Code in the late Monarchical Period did not query the fact that it ante-dates the Deuteronomic Code. R. Albertz. 1994. *A History of Israelite Religion*. 183.

the Ethical Decalogue became adopted from the Ritual Decalogue, thereby providing ethical norms as stipulation of the  $\tau y r I B .$  The Covenant Code reflects a further elaboration of the Ethical Decalogue to include humanitarian and civil legislations. The legal dimension became more pronounced in the Covenant Code and the Deuteronomic Code.

#### 4.2.2 $\tau y r I B .$ concept in the Deuteronomic strata

It would appear as though the fullest treatment of the  $\tau y r I B .$  motif in the Pentateuch is to be found in Deuteronomy. Boadt<sup>400</sup> affirmed that "...the book of Deuteronomy is written in covenant language from beginning to the end...". Furthermore, the Deuteronomic Code<sup>401</sup> which is the core of the book of Deuteronomy, or its precursor referred to as "Ur Deuteronomion" or "Proto Deuteronomy", has been proposed as the book of the law found during the repairs of the Temple, and that subsequently catalysed Josiah's reform.<sup>402</sup>

The book of Deuteronomy presents at least two instances of  $\tau y r I B .$  in the lifetime of Moses. The first is the Sinai pericopy ascribed to the JE source which is fully incorporated (Deuteronomy 5:1-21). The second is a re-enactment of the  $\tau y r I B .$  in the Plain of Moab. The Moab ratification gives insight into the full development of the  $\tau y r I B .$  concept in Deuteronomy. Only Deuteronomy preserved the full formal structure of the state treaty prevalent in the Ancient Near East. This form is not fully preserved in the traditions antedating D. Only D has all the characteristic traits of the Hittite and Neo Assyrian Treaty form. This is fully explained by Weinfeld with the statement-

... It is, moreover, interesting to note that it is particularly those formal elements which give the treaty its binding judicial validity- the blessing and curses, the invocation of witnesses, the oath-imprecation, the deposit, the periodic readings, the duplicates and copies- that are completely lacking in the covenants in Exodus and Joshua 24..<sup>403</sup>

It is important to note the relationship between the Sinai pericope and the Covenant in the plain of Moab, as pictured by Deuteronomy. Deuteronomy used Horeb

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<sup>400</sup> L. Boadt, 1984. *Reading the Old Testament*.174

<sup>401</sup> The term Deuteronomic Code refers precisely to Deuteronomy 12-26, which is seen as the original core of the Book of the law found by Hilkiah the High Priest during the temple repairs in the reign of Josiah.

<sup>402</sup> This is the current scholarly consensus and has informed the dating of the Deuteronomic code to a period roughly corresponding to the reign of Josiah.

<sup>403</sup> M. Weinfeld 1972.66

to signify the mountain of God instead of Sinai. It subsumed the Sinai experience with an emphasis on the Ethical Decalogue as the main document of the  $\tau y r I B .$  at Sinai.

#### 4.2.2.1 The Ethical Decalogue according to D

Deuteronomy appropriates the Ethical Decalogue in the Sinai periscope of E, in its entirety. A comparison of the two traditions of the Ethical Decalogue Deuteronomy 5:1-21 and Exodus 20: 2-17 unequivocally advocates interdependence of the two. There are two probable explanations for this interconnectedness. First, it is probable that the redactors of D had access to the Elohist document; alternatively, D may share dependence on the same source with the Elohist. It has been presupposed among source critics that D had access to both J and E documents, either as separate documents or in the combined form JE.<sup>404</sup> Joel S. Baden endeavoured to show that J and E were independent documents when they were used by D.<sup>405</sup> Some scholars have undertaken a careful comparison between the two versions of the Ethical Decalogue. Yuichi Osumi, for instance, has identified twenty differences between the text of the Exodus and Deuteronomy versions of the Ethical Decalogue<sup>406</sup>, but he did not give enough consideration to the use of the phrase  $y t i ^ a o \text{ } h a ' \ddot{a} r > y I l .$  in the Deuteronomic Version. Also, the probability of Deuteronomic Code sharing dependence on a common source with the Elohist has not been given proper investigation. If however, Deuteronomic Code derives from the Covenant Code,<sup>407</sup> which, in turn derives from the Ritual Decalogue<sup>408</sup>; and if the Ethical Decalogue also derived from the Ritual Decalogue, then a harmonisation of proposition of the various scholars on the interconnectedness of these  $\tau y r I B .$  traditions logically leads to the presupposition that the Ritual Decalogue may actually have served as the common basis of the Ethical Decalogue in both D and E source Strata. Since the Ritual Decalogue is ascribed to J, this position would uphold Baden's thesis that J and E were independent documents when they were used by D<sup>409</sup>.

The position of the Ethical Decalogue in D, and the observable changes it has undergone reflects D's portrayal of the Sinai/Horeb  $\tau y r I B .$  This present position in

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<sup>404</sup> J. S. Baden. 2009. *J, E, and the Redaction of the Pentateuch*. 99

<sup>405</sup> J. S. Baden. 2009. 197

<sup>406</sup> Osumi Y. 2012. One Decalogue in Different Texts. *Pentateuchal Traditions in the Late Second Temple Period*. A. Moriya. & G. Hata. Eds. 27-28

<sup>407</sup> D. McDonald. *An Introduction to the Pentateuch*. 143; R Westbrook. & B. Wells 2009. *Everyday Law in Biblical Israel: An Introduction*. 131-132

<sup>408</sup> R. H. Pfeifer. 1931. *Transmission of the Book of Covenant*. 102

<sup>409</sup> J. S. Baden. 2009. *J, E, and the Redaction of the Pentateuch* p.197

the canon as presented in Exodus, and portrayed in bold relief by Deuteronomy, suggests that the Ethical Decalogue alone was the content of the Stone Tablets; and this served as the deposits of the  $\tau y r I B .$ ,<sup>410</sup> while the Covenant Code supplies the details of the stipulations at Sinai/Horeb. According to Deuteronomic presentation, the Ethical Decalogue “became the basic document of the  $\tau y r I B .$ , which had been handed down to Israel direct from YHWH by revelation, for all times”.<sup>411</sup> Deuteronomy, however, presents a revised form of the Covenant Code in form of the Deuteronomic Code (Deuteronomy 12-26). Within the narrative structure of the book of Deuteronomy, the Deuteronomic Code is presented as the sum total of further enactment of laws during the 40 years of wilderness experience, but which hitherto had not been fully documented, and was yet to be given formal  $\tau y r I B .$  expression. It is at the plain of Moab that this set of further promulgations by Moses under the direct guidance of the YHWH, were documented and imbued with  $\tau y r I B .$  status.<sup>412</sup> Prior to this event, they do not carry covenantal import. As it were, the Deuteronomic Code is meant to supersede and supplant the Covenant Code, while maintaining continuity with the Ethical Decalogue.<sup>413</sup> The consequence of this for the present study is that it pictures a shift in  $\tau y r I B .$  concept from the reference to the terror of the Theophany at Sinai as the fear appeal mechanism in the Horeb/Sinai tradition to the use of the Oath-Imprecation formulae as the chief mechanism of fear Appeal. Sprinkle, for instance, has demonstrated that Exodus 19-24 is chiasmic in structure and showed that the mention of instances of the giving of the covenant in 19 and 24 envelopes 20-23, thereby placing the theme of the “fear of God” at the centre of the chiasm.<sup>414</sup> In the Exegesis in Chapter three, it was found that the root  $a r y$  occurs in the feminine singular construct form with the 3rd person masculine singular suffix  $A t \pm a ' r > y I$  only once, and that is in the Exodus 20:20, which forms the core centre of the chiasm. It follows, therefore, that the fear appeal motif is deliberately used in the literary structure as it was incorporated into the Pentateuch. The Exegesis also reveals that the fear appeal motif is more apparent in Deuteronomy. It is only in Deuteronomy that the fear appeal is engaged through the deterrent principle of punishment. It is only in Deuteronomy that the punishment of violators of the  $\tau y r I B .$  law is to serve as deterrent to others who will

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<sup>410</sup> R. De Vaux. 1997. *Ancient Israel*.147

<sup>411</sup> Albertz. R.1994. *A History of Israelite Religion*.130

<sup>412</sup> S. Hultgren. 2007. *From the Damascus Covenant to the Covenant of Community*. 85

<sup>413</sup> R. De Vaux.1997. *Ancient Israel*. 147

<sup>414</sup> J. M. Sprinkle. 1994. *The Book of the Covenant*. 196

“hear and fear”; while the blessings of the faithful would be observed by others who will “see and fear”. The portrait of the effect of the reading of the book of the law on Josiah could, therefore, be seen as a demonstration of the effectiveness of the fear appeal mechanism inherent in Deuteronomy.

#### 4.2.2.2 Renewal of covenant in the plain of Moab Deuteronomy 28:69 (Eng.19:1)

The exegesis revealed reports another instance of ratification of  $\text{tyrI}\emptyset\text{B.}$  under Moses, with the likelihood of the production of a distinct  $\text{tyrIB.}$  document. The basis of this position is pivoted on the implications of the variant readings of Deuteronomy 28:69.

$\text{ynEiB.-ta, tro}\pm\text{k.li hv, }^{\text{a}}\text{mo-ta, hw}^{\text{a}}\text{h}\text{y}>$   
 $\text{hW}^{\text{a}}\text{ôci-rv,a] tyrI}\emptyset\text{B.h; yrE}'\text{b.dI} \cdot\text{hL,a}$   
 $\text{`brE(xoB. } \sim\text{T}'\text{Pai tr:}\hat{\text{i}}\text{K}'\text{-rv,a]}$   
 $\text{tyrI}\hat{\text{e}}\text{B.h; db;}\ddot{\text{a}}\text{L.mi ba}'\text{Am } \#r<\text{a,}\ddot{\text{a}}\text{B.}$   
 $\text{laePr}^{\text{a}}\text{f.yI}$

These *are* the words of the covenant, which the LORD commanded Moses to make with the children of Israel in the land of Moab, beside the covenant which he made with them in Horeb.

The  $\text{tyrIB.}$  in the plain of Moab is referred to in the text as a  $\text{tyrIB.}$  apart from the one at Sinai/Horeb. Observing that this  $\text{tyrIB.}$  is found nowhere else in the Old Testament, Olson remarked that it should be regarded as an unexplained anomaly because it detracts from the once-and-for-all character of the Sinai/Horeb  $\text{tyrIB.}$  as presented throughout Deuteronomy.<sup>415</sup> An answer to this seeming anomaly is proffered by Olson as well as Faur. Both agreed that there is a thematic and theological continuity between the Horeb Covenant and the covenant in the plain of Moab. Faur explained that the Sinai/Horeb  $\text{tyrIB.}$  sealed the  $\sim\text{yrI)b'D>h; tr}<\text{f, P}[\text{ ]}$  (Ten Commandment Exodus 34:28 Deuteronomy 5:22), while the  $\text{tyrIB.}$  in the plain of Moab, sealed the further commandments which consisted of the  $\sim\text{yji}\text{P}'\text{v.Mih;w> } \sim\text{yQIixuh;w> } \text{hw}^{\text{a}}\text{t}\text{c.Mih;}$  (commandments, statutes, and judgements Deuteronomy 5:31) which were received

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<sup>415</sup> D. T. Olson. 2003. How Does Deuteronomy Do Theology?. 98

over the period of forty years wandering in the wilderness.<sup>416</sup>

In the canonical context of Deuteronomy, Sinai and Moab  $\tau y r I B .$  were conjoined as “Covenant Law” and the  $\tau y r I B .$  in the plain of Moab is presented to depict that the second generation of Israelites received the law a second time, only with some alteration intended to fit it for sedentary life. It was this legal code which regulated the social, political, economic and religious life of the Israelites while they inhabited the Promised Land.<sup>417</sup> At this period, YHWH was their king. The Concept of YHWH as King, and the Covenant Code as the Law of YHWH for His people are inseparable issues at stake in the  $\tau y r I B .$  concept reflected in Deuteronomy.

The legislation and practice of occasional reading of the terms of the  $\tau y r I B .$  in the hearing of the people, and the  $\tau y r I B .$  renewal ceremony provides for a means of ‘cognitive mediating process’. With the use of the exact phrase  $y t i ^ a o$   $h a ' \ddot{a} r > y I l$  (to fear me) Deuteronomy 4:1- and 5:29, the Redactors bring out vividly that the purpose of the theophany in the Sinai Pericope is to instil the “fear of God”, whereas in the renewal of the  $\tau y r I B .$  in the plain of Moab, (Deuteronomy 31:11-13) and in the command for the king to make a personal copy of the Law (Deuteronomy 17:19) it is the reading of the book of the law that would instil the fear of the *YHWH*. The aspect of this reading that could stimulate this fear appeal is the oath-imprecation, which becomes prominent in the Deuteronomic presentation of the Israelite  $\tau y r I B .$  tradition. It is notable that this is the exact effect demonstrated in the instance of the reading of the “book of the covenant” before King Josiah in 2Kings 22-23. It has been noted in the exegesis that Deuteronomy, in particular, emphasises the connection between “hearing” of the law and “to fear the LORD”.

#### 4.2.3 $\tau y r I B .$ concept in the priestly traditions

It is generally acknowledged that P is the most readily discernible stratum among the Pentateuch source documents.<sup>418</sup> It is, however, important to note that while the Holiness Code has been identified as a distinct layer of document within the Priestly literature of the Torah<sup>419</sup>; Scholars have acknowledged the intricate connections

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<sup>416</sup> J. Faur. 2008. *Horizontal Society*. 48-50

<sup>417</sup> R. Green. 2011. *Deuteronomy Book III*. 295-296

<sup>418</sup> C. Nihan. 2009. *Priestly Covenant*. p.87; Albert de Pury. 2006. *The Jacob Story and the Formation of the Pentateuch*. 62

<sup>419</sup> The initial position was that H was a distinct self-contained document, which was later incorporated by P in the composition of the Priestly Document. But there is a contemporary debate on the Priority



between P and H, such that it has become very difficult to separate them into two distinct documents. This close affinity between H and P has been recognised and acknowledged right from the early years of Biblical Scholarship.<sup>420</sup> Without getting entangled with the unsettled controversy with regards to the delineation between the H and P materials, the Sabbath Pericope in Exodus 31:12-17 is chosen, which supposedly incorporate the ideologies of the hypothetical Holiness movement. The concluding section of the Holiness Code (Leviticus 26:3-45) is also a good reference because it is the part of the P tradition which shows the fullest traits of ANE treaty form.

Notwithstanding the fact that there is a disagreement concerning the number of  $\text{tyrIB}$  recorded in the P document, there seems to be a consensus among Old Testament Scholars that  $\text{tyrIB}$  is the central motif.<sup>421</sup> Wellhausen, for instance, referred to the Priestly document as *Liber Quartuor Foederum* (i.e. book of four covenants), which he represented with the symbol “ Q ”.<sup>422</sup> The Holiness code and the Sabbath Pericope in Exodus 31:12-17 are specifically chosen for the purpose of the present study.

#### 4.2.3.1 The Sabbath Pericope in Exodus 31:12-17

The Sabbath Pericope in Exodus 31:12-17 is seen as a composite text consisting of H and P units<sup>423</sup>. If this position is correct, it means that the text can be used to showcase the covenant concept of H and P. The following aspects are significant:

- (i) The Covenant traditions preserved in P and H traditions do not include a description of the theophany and giving of law at Sinai.
- (ii) The Sabbath is seen as the sign of the covenant.<sup>424</sup>

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of P in relation to H. Christophe Nihan for instance, identified three distinct strata of Priestly literature in the Pentateuch viz: the P proper, the Holiness Code and the Priestly composition in Numbers. According to Nihan, there was a gradual elaboration of the  $\text{trb}$  motif, which is central to the priestly literature in the Pentateuch, which gradually unfolds through the three successive layers of the Priestly writings. C. Nihan. 2009. *Priestly Covenant*. 90. Knohl and Milgrom on the other hand argue that H post-dated the P documents and that the Holiness School were the final editors of the Pentateuch. I. Knohl. 1987. *The Priestly Torah Versus the Holiness School: Sabbath and the Festivals*. *HUCA* Vol.58 (1987): 65-117; I. Knohl. 1995. *The Sanctuary of Silence: The Priestly Torah and the Holiness School*. Minneapolis: Fortress; Milgrom, Jacob. 2000. *Leviticus 17-22: A New Translation with Introduction and Commentary*. New York: Doubleday

<sup>420</sup> C. Nihan. 2007. *From Priestly Torah to Pentateuch*. 395

<sup>421</sup> C. Nihan. 2009. *The Priestly Covenant: Its Reinterpretation*. 91

<sup>422</sup> W. Schmidt. 1990. *Old Testament Introduction*. 102; E. W. Nicholson. 2003. *The Pentateuch in the Twentieth Century: The Legacy of Julius Wellhausen*. 10; W. Zimmerly. 1965. *The Law and Prophets: A Study in the Meaning of the Old Testament*. 91; W. Zimmerly. 1978. *Old Testament Theology in Outline*. 55; S. L. McKenzie. 2000. *Covenant*. 46; F. M. Cross. 2009. *Canaanite Myth and Hebrew Epic*. 295.

<sup>423</sup> S. M. Olyan. 2005. Exodus 31:12-17. 205

<sup>424</sup> It has been observed by scholars that P's concept of covenant emphasises the giving of a 'sign' of the

(iii) The stone tablets given to Moses are referred to as the tables of the testimony, and is presented as the deposit of the  $\tau y r I B .$

The place of the Sabbath Pericope sets it in scriptural context of the sacerdotal regulations, particularly relating to the building of the Tabernacle, its furnishings and its officials. The pericope could be seen as an elaboration of the Sabbath commandment in the Ethical Decalogue. However, in this particular instance, the death penalty is prescribed for the breaking of the Sabbath (Exodus 31:14) and the Sabbath itself is not the “sign of a covenant”, but a covenant in itself, which serves as a “sign of the relationship” between the YHWH and Israel (Exodus 31:13, 17). It is to be noted also that the underlying justification for the keeping of the Sabbath advocated by this Pericope alludes to the creation story (Exodus 31:17), in consonance with the Elohist version of the Ethical Decalogue (Exodus 20:8-11); whereas the Deuteronomic version of the Ethical Decalogue proffers a humanitarian model of emancipation from Egypt as the rationale for observing the Sabbath.

The bearing of this Sabbath Frame on Deuteronomic Concept of  $\tau y r I B .$  is not readily discernible. However, the remote connectedness, which the present study seeks to highlight, is the fact that the role of the theophany at Sinai as the major mechanism of fear appeal which had been suppressed in Deuteronomic traditions is sustained in the H and P traditions. Furthermore, the redaction and editorial process has transformed the substance of the Sabbath from being a  $\tau y r I B .$  in itself, to be ‘the sign of the  $\tau y r I B .$  at Sinai. This shows the theological outlook of the redactors that the  $\tau y r I B .$  at Sinai is the ‘archetype’ which provides the basis and template for all other instances of  $\tau y r I B .$  between Israel and the YHWH.

#### 4.2.3.2 $\tau y r I B .$ in the Holiness Code

H displays an intermediate position between Covenant Code and D on the one hand, and P proper on the other hand<sup>425</sup>. In the first instance, it shares some parallel laws and similar  $\tau y r I B .$  structure with C and D, while for the second part it is permeated with the theology and terminology of P. Nihan has attempted to show that the Holiness Code is a progressive stage in the formulation of the Priestly materials in

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covenant, in which case P’s representation of the Mosaic Covenant presents the keeping of the law and the Sabbath as the ‘sign’ of the Mosaic covenant. See for instance, B. L. Bandstra. 2009. *Reading the Old Testament*. 28-29

<sup>425</sup> This intermediate position is not in the sense of chronological or historical emergence but rather in terms of ideology and theology; C. Nihan. 2007. *From Priestly Torah to Pentateuch*. 401

the Pentateuch<sup>426</sup>, as the P writers endeavours to elaborate the  $\tau y r I B .$  motif, which was used as the “theological framework” of Israel’s relationship with the YHWH, and the “organisational macrostructure” to Israelite history according to P.<sup>427</sup>

The full development of H-P concept of  $\tau y r I B .$  can be deciphered from the closing chapter of the Holiness Code<sup>428</sup> (Leviticus 26:3-45.) This chapter consists of 3 segments as follows: (i) The first section enumerating the blessings found in verse 3-13; (ii) Enumeration of curses in verses 14-39; and (iii) The last section discussing the  $\tau y r I B .$  in verses 40-45.

It has been suggested by Levinson, that the Holiness Code depended to some extent on the Covenant Code<sup>429</sup>. It is to be noted that the *form* of the  $\tau y r I B .$  in P is also ritual based. The significance of the Sabbath in the  $\tau y r I B .$  relationship clearly portrayed in Leviticus 26:34-35 is a pointer to the P flavour of the document. The notion of the abiding presence of God as the ultimate blessing of the  $\tau y r I B .$  is also very prominent in the Holiness Code as shown in Leviticus 26:11-12. There is a degree of contrast with the understanding of the presence of Deity in the Covenant Code. Instead of the substantive personal presence of  $\tau y r I B .$ , as portrayed by H, the Covenant Code substitutes the mediation of the presence of Deity through an angel, as shown in Exodus 23:23. The idea of the presence of the LORD of the  $\tau y r I B .$  among His people is not strange to Deuteronomy as well (Deuteronomy 23:14), only that it is not cast in the direct expression as in the Covenant Code and the Holiness Code. Hence in P, the fear appeal seems to be watered down. But a closer look reveals that the focus is shifted from the political to the sacral. It is the *YHWH’s* presence at the Temple, and among the people, that guarantees their safety and well-being. This Divine presence is only guaranteed by the keeping of the  $\tau y r I B .$  law, particularly as it relates to the cult. *YHWH* may, therefore, depart from among the people if they violate the moral and ritual demands of the  $\tau y r I B .$  and this would lead to inevitable social, economic and political catastrophe.

The implication of this from indigenous Ègbá-Yorùbá perspective of *ìmùlẹ̀* is that Deity is present, either directly in substantive immanence or indirectly through intermediaries, and therefore, participated and regulated every facet of daily life. In this

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<sup>426</sup> C. Nihan. 2009. Priestly covenant: Its Reinterpretation and the Composition of the P Strata .90

<sup>427</sup> B. L. Bandstra. 2009. *Reading the Old Testament: An introduction to the Hebrew Bible.* 28

<sup>428</sup> Chapters 17 to 26 of Leviticus are technically referred to as the Holiness Code. J. Jensen. 2006. *Ethical Dimensions of the Prophets.* 24;

<sup>429</sup> B. M. Levinson. 2005. The Birth of the Lema.

nuance, the role of ‘taboo’ and prohibitions are called to play. Most of such taboos and prohibitions have ethical and moral values. For instance, industrial as well as domestic hazards are prevented by prohibitions against standing or sitting in the passageway. There are also various food and hygiene taboos. For instance, a person should not sit in a mortar or millstone.

#### **4.2.4 Significant development of the *tyrib*. concept in the canonical form of Deuteronomistic History**

This study so far discovers that the development of the *tyrib*. concept in Deuteronomistic History appears to be more developed than in the Priestly source stratum<sup>430</sup>. The priority of D to P is not queried here since argument in this regard is not yet conclusive<sup>431</sup>.

In DH, the *tyrib*. at Shechem (Joshua 24) provides a template for assessing the further development of the concept. This pericopy presents the *tyrib*. in the structural form of vassal treaties rather than the structural form of vassal law found in the Sinai pericopy in J, and D as well as *tyrib*. traditions in P.<sup>432</sup> It is notable that throughout DH, there is a greater emphasis on the stipulation of undivided loyalty to the YHWH at the expense of the detailed law-code governing the internal life of Israel, whereas there is a large space given to these stipulations in the Sinai/Horeb pericopy, the Covenant Code, the Deuteronomic Code and the Holiness Code. Nihan advocates that the Shechem tradition was the product of a redaction process in which Priestly redactors based in Judah “...took up the traditions of Shechem as an ancient cultic centre in the North and made it the place where YHWH made a covenant with Israel...”<sup>433</sup> According to Nihan, these redactors undertook this manoeuvre to show that the Northern tribes were also part of Israel. What we draw from Nihan’s assertions is

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<sup>430</sup> Many scholars presume a-priory that Deuteronomistic History was composed in the mid-sixth century. Cf. G. Galil. 2004. The Chronological framework of the Deuteronomistic History. *Biblica Vol 85*. 413-421; It is not the case in this present work, hence it must be clarified that the present endeavour is not preoccupied with the actual historical development or the investigation of the chronological order of the Pentateuch but with the way each source stratum employs the covenant motif.

<sup>431</sup> Weinfeld has demonstrated that “...the book of Deuteronomy and Deuteronomic historiography show traces here and there of Priestly views and phraseology...” whereas “...the Priestly strand shows no contact whatever with the Deuteronomic School. cf. M. Weinfeld. 1972.182-181. Whereas it is readily acceptable that the composers of Deuteronomistic History had access to both the P and D source materials, the possibility of D making use of JE and not P, has not been effectively refuted. Hence, we can still hold to Wellhausen’s position that P post-dates D, or alternatively as Weinfeld proposes, that P in contemporaneous with D. cf. M. Weinfeld. 1972. 180.

<sup>432</sup> M. Weinfeld 1972.156

<sup>433</sup> C. Nihan.2009. The Priestly Covenant. 137

that scholars are of the opinion that Israel had always believed in the emergence of their nation based on a  $\tau y r I B .$  rite. Hence, without getting distracted by the intricacies of the redaction debate, it can still be affirmed that the centrality of  $\tau y r I B .$  in the emergence of Israel as a people is a general consensus. If Nihan's arguments were upheld, it implies that the "Priestly redactors/Authors" of the hypothetical Hexateuch found it necessary to invent a  $\tau y r I B .$  instance through which the Northern tribes were incorporated into the Israelite commonwealth because they believed strongly that Israel emerged as a result of such  $\tau y r I B . .$

The formulation of the relationship between the YHWH and Israel by Deuteronomy, and perhaps, the Holiness Code,<sup>434</sup> using the formal structure of the vassal state treaty prevalent in ANE, appear to have greatly influenced the theological perceptions of DH. Throughout DH, the relationship between the YHWH and Israel is constructed in the form of Suzerain-Vassal relationship. Hence, there is a shift of formal structure in the  $\tau y r I B .$  formulations between Deuteronomy and Deuteronomistic History. This can be seen in the different nuances of the formal structure of the Moab ratification which conforms more precisely to the form of "covenant law", in contradistinction from the formal structure of the present canonical form of the Shechem Covenant which conforms more to the structural pattern of the "covenant of vassalship"<sup>435</sup>.

It is simply stated in Joshua 24:24-25 that (i) Joshua cut a  $\tau y r I B .$  with the people, (ii) set them a statute and an ordinance (iii) wrote these words in the book of the law of God. The questions raised by these affirmations are significant for our present study. Does the  $\tau y r I B .$  cut by Joshua follow the full formal structure of Ancient Near Eastern Treaty or a different pattern? Could the statute and ordinance set by Joshua be equated with those found in any of the legal codes identified in the Pentateuch viz: the Covenant Code, the Ritual Decalogue, the Ethical Decalogue, the

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<sup>434</sup> We cannot determine with absolute certainty the degree of influence of the Covenant Code on both the Deuteronomic Code and Deuteronomistic History. Within the scope of my familiarity with scholarly works on the connection between the Covenant Code and the Deuteronomic Code, the investigation of the possibility that UrDeuteronomion could have been identical with a version of the Covenant Code; and the actual relationship between the Covenant Code, the Shechem Covenant and the Book found by Hilkiah the High Priest under the reign of Josiah is not yet conclusive.

<sup>435</sup> M. Wenfield 1972.156. With his profound knowledge of ancient Near Eastern covenant typology, Wenfeld has argued that there is a distinction between the covenant of law, which is basically social and internal or national, and the covenant of vassalship, which is political and external or international. He posited that an analysis of the ancient covenantal traditions of Sinai and Shechem leads to the conclusion that the Sinai covenant should be classified as 'covenant law' while the Shechem covenant should be classified as covenant of vassalship.

Holiness Code or the Deuteronomic Code? Could the “book of the law of God” mentioned in the verse be the same book allegedly discovered by Hilkiah the High Priest during the Temple renovations in the reign of King Josiah? Could this “book of the law of God” be the Holiness Code, the Covenant Code or the Deuteronomic Code?

From the discussion so far, it could be tentatively put that the present canonical form of the Deuteronomistic History justifies the notion that there is continuity between the  $\tau y r I B .$  at Sinai/Horeb, the Moabite plain, and Shechem. The  $\tau y r I B .$  at Moab is a renewal and expansion of the one at Sinai/Horeb, while the  $\tau y r I B .$  at Shechem is also to be perceived as another instance of renewal and further expansion of the  $\tau y r I B .$  at Horeb/Sinai. This is why it seems that the  $\tau y r I B .$  at Moab bypasses and replaces the Covenant Code, while it links with Horeb/Sinai. The history of the  $\tau y r I B .$  between the YHWH and Israel can be traced hypothetically as follows:

- i. Based on the precedence and credentials of the  $\tau y r I B .$  with the Patriarch, Israel was inaugurated as a nation through a  $\tau y r I B .$  at Sinai/Horeb. By this, they derive their sense of relationship with the YHWH as an elect people, the  $\epsilon\text{m}^{\text{y}}\text{h}^{\text{h}}$ . This became the archetype of all other  $\tau y r I B .$  enactment between the YHWH and Israel. It became the prism with which Israel views her past history and the telescope with which she views the future. It is seen as a  $\tau y r I B .$  after the Grant Pattern, with less emphasis on the legal requirements and stipulations, but nonetheless, the Ethical Decalogue was given on the two tablets of stone as the deposit, which is kept in the Ark of the Covenant. The Ethical Decalogue conforms to the pattern of Law Codes in the Ancient Near East. The  $\tau y r I B .$  privilege is summed up as the abiding presence of the YHWH. There is emphasis on the theophany at the Mount of God as the basis of fear appeal to motivate compliance with the terms of the  $\tau y r I B . .$
- ii. The  $\tau y r I B .$  in the plain of Moab is seen as a renewal and elaboration upon the Sinai/Horeb  $\tau y r I B . .$  It became necessary as a part of the ritual of change of leadership from Moses to Joshua. It involves an expansion of the  $\tau y r I B .$  stipulations and the production of a  $\tau y r I B .$  document,

which is also deposited ‘beside’<sup>436</sup> the Ark of the Covenant, apart from the stone tablets containing the Ethical Decalogue kept ‘inside’ the Ark. This time, the *tyrIB.* evolved into a treaty instead of a covenant Grant. The sustenance of the *tyrIB.* relationship became predicated on the keeping of the terms stipulated in the *tyrIB.* document, which is drafted in form of ‘covenant law’. The fear appeal mechanism draws upon the oath-imprecation written in the *tyrIB.* document. The privilege of the *tyrIB.* tends towards comprehensive socio-political and economic prosperity. The concept of the substantive immanence of Deity gradually shifted from substantive personal presence to the ‘*kabod theology*’ and finally in Deuteronomy to the ‘*shem theology*’.

- iii. The *tyrIB.* at Shechem was also given as part of the valedictory ceremony of Joshua. Joshua did further emendations to the *tyrIB.* document, following the precedence of Moses’ action at the plain of Moab. Focus shifted from the pattern of “Covenant Law” to “Covenant of Vassalship”. From the mention of the *tyrIB.* at Shechem onwards, the records of *tyrIB.* enactment do not feature the contents of the stipulations. Less emphasis is placed on the detailed observance of the stipulations of the *tyrIB.*, and great emphasis is laid on fidelity of the YHWH as the Suzerain LORD of the *tyrIB.*. The sum of the *tyrIB.* privilege is the patron rights of the YHWH. However, the fear appeal is still drawn from the oath-imprecation of the *tyrIB.* in line with the Treaty patterns of the Ancient Near East.
- iv. A look at the extant *tyrIB.* documents preserved in the canon of the Tanakh reveals a growth in three Israelite *tyrIB.* traditions depicting a systematic expansion of the sphere of human behaviour regulated by the *tyrIB.* in Ancient Israel from the religious realm through the political,

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<sup>436</sup> The Hebrew *ḏC ; 2mī* in this context should be rendered “beside”. Some however have argued that it should be rendered “in the side” as in the KJV, such that the law was to be empaneled in the sideboards of the Ark. Given the instruction of regular occasional reading of the law, and the making of duplicates for the kings, the context would rather suggest “beside” the Ark, where it may be retrieved for the constant reading and reproduction. But the constant reference to the “testimony” in the P traditions supports the position that there was indeed a copy of the Law of the Moab Covenant empaneled in the sideboards of the ark apart from the Ten Commandments placed within the Ark, as “Testimony” of the covenant. So far the argument needs further investigation.

then the humanitarian and then the civil and economic aspects of human life. The Ritual Decalogue, which is considered to be the earliest, is precipitated around religious values. The Ethical Decalogue follows after the Ritual Decalogue and enthroned *YHWH* as the King of Israel. By combining the Ethical Decalogue with the Ritual Decalogue, the *tyrIB*. relationship takes on the form of a political treaty<sup>437</sup>. The next stage of development of the *tyrIB*. document is the Covenant Code<sup>438</sup>, in which the humanitarian laws were seen to be older than the civil laws. In the final form of the *tyrIB*. document, which we can tentatively affirm as the Deuteronomic Code that catalysed the reform under Josiah, the civil laws and the humanitarian laws were interwoven, and ecological legislations were added<sup>439</sup>.

- v. The influence of the deterrent principle of punishment, such as the adaptations of the *lex talionis*, peculiar to Deuteronomy could be seen in the parallels evident in the ending of Deuteronomy and the conclusion of DH. In Deuteronomy 30:1-20, there is already a prognosis of the eventual exile of the people which would be a catastrophe that would convey the fear appeal, and eventually bring about repentance and renewal leading to the ultimate consummation of the *tyrIB*.. This motif is climactically displayed in the story plot from Judges to the end of Kings. The refrain was in the form of perdition-captivity-repentance-restoration. The book of Jeremiah (Jeremiah 36) clearly shows the eventual fulfilment of the prognosis of Deuteronomy 31, and gives a prophecy of the future consummation of the *tyrIB*. in form of the New Covenant, (Jeremiah 31:31-34).

#### 4.2.5 The understanding of the *tyrIB*. in the Classical Prophets as reflected in

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<sup>437</sup> Some Scholars like Rowley have argued that the Ethical Decalogue was an adaptation of the Ethical Decalogue by Moses to expand the covenant demand to cover a more humanistic sphere of human behaviour. H. H. Rowley. 1950. *From Joseph to Joshua*.; Furthermore, the ethical Decalogue is seen in Israel as having the imprecative force similar to the imprecations of ANE vassal treaty. D. J. Pleins. 2001. *The Social visions of the Hebrew Bible*. 47-48

<sup>438</sup> Scholars like Pfeifer have argued that the Ritual Decalogue forms the core which was embellished with further legislations in the course of Israelite socio-cultural transformation from a nomadic to a sedentary agricultural life after the settlement in Canaan. R. H. Pfeifer, 1931. *Transmission of the Book of Covenant*. 102.

<sup>439</sup> This is not a position with regards to the redaction history of Israelite covenant law or Deuteronomistic History, but rather a Narrative Critical position based on the final canonical form of the text.



### **the deuteronomic sections of Jeremiah.**

The book of Prophet Jeremiah is perceived to have some link with Deuteronomic History<sup>440</sup>, and probable connection with Josiah's reform<sup>441</sup>. The oddity has been noted, however, of the lack of reference to the Josiah's reform in the book of Jeremiah on the one hand, and the total lack of mention of the prophet Jeremiah in the account of Josiah's reign or other parts of 2Kings.<sup>442</sup> This study is based on a tentative agreement with Galil that "Deuteronomy serves as an introduction to DH whereas the book of Jeremiah concludes it."<sup>443</sup>

Passages strongly reflecting the *tyrIB*. ideology of the classical prophets as exemplified by Jeremiah can be found in Jeremiah 11:1-6. For Brueggemann, Jeremiah 11:1-17 reveals the book of Jeremiah's larger claims to *tyrIB*. which deeply reflects Deuteronomic *tyrIB*. theology.<sup>444</sup> Most scholars believe this passage to have dated from a period not too long after the Josiah's reform. Constable identified five short periscopes within this passage. (1-5; 6-8; 9-10; 11-14 and 15-17).<sup>445</sup> Whether or not term "תאזו=ח; תיריאב.ח; ירעבב.די" "words of this covenant" in Jeremiah 11:2,3 and 6 refer precisely to the *tyrIB*. of Josiah's reform or not has been debated among scholars.<sup>446</sup> Nicholson had explored the developed Deuteronomic theology reflected in 2Kings 22 in comparison and contrast with Jeremiah 36, showing clearly the consequences of both the positive and negative response to the hearing of a reading of a scroll of the *tyrIB*.<sup>447</sup>

Jeremiah 7:9 has been cited by scholars as evidence that Jeremiah is conversant

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<sup>440</sup> It is a popular opinion among scholars that the book of Jeremiah exhibits the same theological emphasis as Deuteronomy and Deuteronomic History. D. J. Lewis. 2009. *Jeremiah The Deuteronomic Prophet*. 7; J. S. Anderson. 1998. The Metonymical Curse as Propaganda in the Book of Jeremiah. *BBR*.8. 3; The position that Deuteronomy serves as an introduction to Deuteronomic History while the Book of Jeremiah serves as its conclusion, has been supported by the Babylonian Talmud's positioning of Jeremiah after Kings, instead of after Isaiah as in the Tanakh. G. Galil. 2001. The Message of the Book of Kings in Relation to Deuteronomy and Jeremiah. *Biblioteca Sacra*.158:632.411, 413

<sup>441</sup> The internal account of the biography of the prophet (i.e. Jeremiah 1:1-3) placed the ministry of Jeremiah within the historical period between the reign of Josiah to the final exile under Zedekiah. This has led to the scholarly conjecture that Jeremiah "may have been influence by the Deuteronomic movement or may have even been a partisan..." of Josiah's reform. E. Silver. 2009. *The prophet and the Lying Pen*. 4.

<sup>442</sup> J. G. McConville. 1991. Jeremiah: The Prophet and Book. *Tyndale Bulletin* 42.1.May .1991. 82

<sup>443</sup> G. Galil. 2004. 413. The implication of Galil's assertion is that the final form of the book of the prophet Jeremiah antedates the final redaction of DH but the argument for this position is not yet conclusive.

<sup>444</sup> W. Brueggemann. 2007. 140

<sup>445</sup> T. L. Constable. 2013. *Notes on Jeremiah 2013 Edition*. 77

<sup>446</sup> H. L. Ellison. 1963. The Prophecy of Jeremiah. *Evangelical Quarterly* XIV no2. 154-162

<sup>447</sup> E. W. Nicholson. 1970. *Preaching to the Exiles*.

with the Sinai tradition, among other main Pentateuch traditions; but there is much doubt that the author is familiar with the canonical form of the Pentateuch.<sup>448</sup> However, it is a popular scholarly position that the prose sections of Jeremiah have much in common with the rhetoric and theological assumptions of the tradition of Deuteronomy.<sup>449</sup> Jeremiah 36:1-32 sets forth the episode in which Jeremiah wrote out the “words of the LORD” which contained predictions of woe and catastrophe. The scroll of Jeremiah must have had much in common with the “book of the law” of Josiah’s reform. The contrast between Jeremiah’s scroll and the book of the law was two-fold. First, the “book of the law” in Josiah’s reform was portrayed as an ancient document, whose authenticity was confirmed by prophetic oracle from the mouth of Prophetess Huldah, whereas Jeremiah’s scroll contained a fresh prophecy given by the LORD through the mouth of Prophet Jeremiah. On the other hand, the reception of the book of the law by King Josiah was accompanied with a positive repentant act on the part of the king; while Jeremiah’s scroll was received with obstinate hostility by the King Jehoiakim. The context of both texts, however, confirmed that they contained similar contents which were designed to bring about fear of punishment and engender penitence. This is justified by the common use of the root ארַךְ (qrā’ - which basically means to proclaim) and דגַּבַּר, -תֵּאֵר [רַךְ (qār`et-begeḏ – to tear the garment) by both traditions, and the use of the word דָּפַח (pāHād – to fear) in Jeremiah 36:16, 24.<sup>450</sup> The Deuteronomic motif of the fear appeal through the deterrent principle of punishment is evident also in the Jeremiah texts, including the Jeremiah’s concept of the “new covenant”, which resonates with the ideology of restoration after repentance in Deuteronomy 31

#### **4.2.6. Summary of the growth of תַּיִרִיבּ. ideology in Israelite literary traditions**

The growth in Israel’s תַּיִרִיבּ. ideology can be summarised by looking at the major changes in the covenant texts examined so far. Right from the incidence of the incorporation of the Sinai Pericope into Israel’s on-going literary corpus, there is an

<sup>448</sup> W. Brueggemann. 2007. *Theology of the book of Jeremiah*. 135;

<sup>449</sup> W. Brueggemann. 2007. 139; Rowley, H. H. 1950. 157-174; J. P. Hyatt. 1942. 156-173;

<sup>450</sup> It is observed however, that the root word דָּפַח is not commonly used in Deuteronomy and DH with reference to the fear of the LORD. It is found only once, 1Sam.11:7 in the whole of Deuteronomy and DH. Rather the root אָרַךְ is preferred by Deuteronomy and DH when referring to the fear of the LORD. The root דָּפַח in reference to the fear of God is however preferred by Jeremiah, Chronicles and the wisdom and poetic literature.

observable synthesis of the perception of Israel's *tyrIB.* relationship with the LORD as a covenant of grace exemplified in the Abrahamic covenant and that of the perception as a covenant of obligations exemplified in the Sinai Pericopy<sup>451</sup>. This is accompanied by a growing emphasis on the keeping of the law, which reached its climax in the Deuteronomic Code. Lohfink,<sup>452</sup> for instance, demonstrated that Deuteronomy 6:21-25 has the interpretation that "... Israel to remain in a state of *hql'd'c.*, (righteousness) is obliged to observe the law faithfully." This is based on the premise that the *YHWH* by virtue of the Historical act of redemption from bondage in Egypt, had become, in effect, Israel's master. If as a master, He had commanded Israel to obey the laws, then it only follows that Israel has a moral obligation to keep the commandments of the *YHWH*.

The idea of "holiness" was eminent in the Priestly traditions, which tied the state of holiness to the sanctuary and the cult as a symbol of the *YHWH*'s presence among the people. The Holiness Code, however, tied holiness to the land as a whole. In H, the people were in a state of *hql'd'c.* - holiness, by virtue of Divine election, but are saddled with the responsibility of maintaining, demonstrating, and further achieving the state of holiness through the whole realm of human conduct traversing the political, social, economic and ritual spheres of human life.<sup>453</sup> In H, sanctification is an on-going process.

In Deuteronomy, however, the moral imperative came to the fore. The continuity of the *tyrIB.*, henceforth, is seen as more dependent on the faithful keeping of the *tyrIB.* law by Israel, with particular emphasis on the specifically moral and ethical concerns of the terms of the covenant, which covers the socio-political and economic life of Ancient Israel. In Deuteronomy, the law is presented virtually as a "surrogate" of the *YHWH*, hence the law is identified with its giver.

The *tyrIB.* idea in Deuteronomistic History emphasises the "perpetual nature" of relationship. Once ratified, *tyrIB.* cannot be 'concluded' or 'completed' in the sense of completing a contract. It consummates an interpersonal relationship, which once consummated, initiates an on-going dynamic relationship that transcends the bounds of time and the changing circumstances of social and cultural environment. Hence, the attitude of Israel to the *tyrIB.* law is not just a matter of ethical

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<sup>451</sup> C. Nihan. 2009. Priestly covenant. 87-134

<sup>452</sup> N. Lohfink.1999. Deuteronomy 6:24: 'To Maintain Us'. *Sha'arei Talmon*:111

<sup>453</sup> C. Nihan. 2009. Priestly covenant.156.

concern, but a reflection of their faithfulness to the *YHWH*, or apostasy from God. The sway of international politics over the religious life of the people depicts their level of trust and dependence on *YHWH*. God, who is seen as their ultimate Deliverer and Judge. Fidelity to the *tyrIB*. demands that Israel should stake her very existence on her fidelity to *YHWH*. She should have remained faithfully committed to her covenant LORD in spite of the threat of annihilation by the powerful political entities on her time. This fidelity could only be demonstrated by the keeping of the *tyrIB*. law, with its emphasis on equity, social justice and moral uprightness, despite the danger of loss of political and economic benefits.

### **4.3 Application of African intercultural hermeneutics to the Deuteronomistic concept of *tyrIB* . .**

Looking at the Deuteronomistic concept of *tyrIB*. from the perspective of the indigenous Ègbá culture, the following conclusions can be drawn:

#### **4.3.1 The covenanting parties**

The covenanting parties were LORD God of Israel on the one hand and the Israelite nation on the other hand. The earlier traditions of Israelite *tyrIB*. as depicted in the Sinai Pericope endeavours to present the LORD God of Israel as a Corporeal entity, whose presence and power as the King and Judge of the people is made real through the episode of the theophany. The nation is represented by the concept of *lh'q'* (an assembly) throughout Deuteronomy and DH. In the Deuteronomic presentation of the Sinai pericope (cf. Deuteronomy 5), the initial assembly consisted of the entire community who witnessed the theophany. This corporate entity has a common experience of a vivid perception of the reality of the corporeal existence of *YHWH*. However, as at the time of the renewal of the *tyrIB*. at the plain of Moab, a new generation that did not directly share in the experience of the theophany was already emerging. From the indigenous Yorùbá perspective, encoded in the pithy saying “*è̀ewo àimò kíi humo*” meaning “a taboo is less binding on a child that is not duly informed of it”. It, therefore, becomes necessary to provide another means of conveying the intensity and severity of the consequence of breaking the pact. (cf. Deuteronomy 4:2-4; Dut.31:9-13) This means would serve the purpose of the “cognitive mediating mechanism” in a fear appeal model. It was provided by means of re-interpretation of the original *tyrIB*. encapsulated in the Sinai Pericope in the

contemporary terms of Vassal Treaty.

The tendency of perverse individuals to dodge responsibility for compliance with the moral dictates of the  $\tau\text{yrIB}$ . under the shadow of the corporate nature of the  $\text{lh}'\text{q}'$  is pre-empted by Deuteronomy (cf. Deuteronomy 29:18-21). This is afforded by the transition from the concept of corporeal presence of the  $\text{YHWH}$  to an emphasis on the transcendent and omnipresent attributes of God, embodied in the  $\text{כנב}$  and  $\text{שפ}$  theology, which became prominent in Deuteronomy and DH. From the Yorùbá pithy saying “*eni tó tafà sókè tó yídó borí, b’òba ayè kò rí o, Òba òkè nwò ọ*” meaning “if a person shoots arrows into the sky and hides himself under a mortar, he should bear in mind that even if he would not be discovered by the earthly authorities, he cannot be hidden from the King of Heaven.” It therefore follows that the doom of exile that befell the Israelite kingdom of the North and Judah of the South, as presented by DH, is as a punishment due to the sum total of moral depravity of individual members of the commonwealth. This position is corroborated by the prose-sermons of Jeremiah which were also cast in Deuteronomistic terms.

#### 4.3.2 The $\tau\text{yrIB}$ . as a historical reality

The  $\tau\text{yrIB}$ . is a historical reality, which was intended to consummate a bilateral relationship of mutual moral trust between  $\text{YHWH}$  and Israel. Yorùbá pithy sayings such as: “*O ò b’Óya mulè; o ò b’Ògún mulè, bẹ̀ẹ̀ abẹ̀rẹ̀ rẹ̀ bọ̀ sómi, o sì sebí o máa rí i*” “You made no pact with  $\text{Óya}$ , and you made no covenant with  $\text{Ògún}$ , yet your needle dropped into the river and you thought you will find it;” and “*Eni tí kò rán n’ílẹ̀ èkòbọ̀, tí kò sì dá ni lókòwò, kò lè bú ni ní arungún*” meaning “The one who neither sponsors ones education, nor set one up in business has no right to call one a prodigal” encapsulate the indigenous Yorùbá philosophy that moral responsibility and interpersonal accountability ensues only with mutual relationships. A person who enters into a pact with the Deity expect a Divine help in coping with the extraordinary vicissitudes of life, which cannot be handled by human dexterity, while on the other hand, such a pact would ultimately demand human moral accountability to Deity.  $\text{YHWH}$  has a sovereign choice to elect or reject Israel, but chose to elect Israel, and remained faithful to His promises while on the other hand Israel feigned to accept the terms of the  $\tau\text{yrIB}$ . by reciprocating  $\text{YHWH}$ ’s benevolence with faithful obedience and unwavering trust, but failed to actualise this. Israel cannot expect to enjoy the Patron rights from  $\text{YHWH}$  without the concomitant moral accountability.

### 4.3.3 Identified behavioural patterns which are to be encouraged or discouraged

Appraising the  $\tau\gamma\text{rIB}$ . relationship between YHWH and Israel from indigenous Yorùbá religious perspective, the situation mirrors the cultic fidelity requirements of the an-iconic cult of Olódùmarè, which was preserved in Ilé Ifè, the cradle of Yorùbá civilisation. The basic behavioural pattern demanded from the priests of Olódùmarè can be summarised as a demand for absolute exclusive fidelity to the deity, and total abstinence from the worship of or loyalty to other entities. Also, the philosophy encapsulated in the Ifa Oral Tradition:

“Olótító ayé wọn ò p’ógún,  
Şikàşikà ibè wọn ò mọ n’íwọn egbèfà,  
Şùgbón ojò èsan ò pé tíí  
Ni kò jé kí ọrò ó dun ni”<sup>454</sup>

“the righteous on earth are fewer than twenty in number  
the wicked are more than one thousand two hundred  
one is only consoled with the awareness that  
the day of recompense is near”

depicts the pervasiveness of human moral depravity on the one hand, and the certainty of divine retribution on the other hand. It, therefore, follows that any pact with the Supreme Being would naturally lead to a demand for moral accountability. The reason why the indigenous Ègbá would shy away from a direct pact with Olódùmarè is because of the innate awareness of human fallibility, as against the constancy of Divine holiness which is also echoed in Joshua’s valedictory sermon which insinuated the inability of Israel to cope with the moral dictates of the  $\tau\gamma\text{rIB}$ . because of human frailty as opposed to Divine purity and holiness.(cf. Joshua 24:19-21)

### 4.3.4 Fear appeal mechanism.

From the indigenous Ègbá Yorùbá perspective, the ultimate repercussion of breaking *ìmùlẹ̀* is death. From the result of oral interviews and the Questionnaire, the majority of Yorùbá people would not venture into *ìmùlẹ̀* except in serious situations because they are haunted by the fear of the possibility of death as a result of careless violation of *ìmùlẹ̀* demands. However, if it is perceived that the threatened repercussion of breaking a pact is minimal or that the probability of actual occurrence of the threat is remote, then there is a more likelihood that the pact would be taken lightly. Even in the

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<sup>454</sup> Wande Abimbola. *Ìjìnlẹ̀ Ohùn Enu Ifà*

case of real danger, the failure of the person to actually recognise the danger minimises its effectiveness in motivating compliance with the terms of a pact based on the fear of occurrence of that particular danger.

#### 4.3.5 A formal process:

Another good basis of an evaluative hermeneutic of the Ancient Israelite  $\tau y r I B .$  is the premise that there are various specific forms which are considered as giving validity to the *imùlè*, with certain particular forms being peculiar to specific cultural contexts. In the indigenous Yorùbá context, the adoption of a specific formal rite provides the avenue of expressing consent or disagreement with the terms of the pact. It emphasised the exercise of freewill in the ensuing relationship. As the text revealed, Israel had expressed acceptance of the terms of the  $\tau y r I B .$ , and by virtue of executing the ratification and renewal formalities during the various epochs of her history, has continually reinforced the full implications of the  $\tau y r I B .$  terms, including the implementation of the repercussion for breaking the pact. The last performance of the renewal rite under King Josiah further strengthens the imprecative force of the  $\tau y r I B .$  Even though the catastrophe may have been postponed to a latter period, if the generality of the populace had been morally transformed by the reform, yet the re-enactment of the formal rites of the pact makes the fulfilment of the terms more imminent. It is, therefore, no wonder that the doom of the nation follows so quickly after the demise of King Josiah. From the perspective of *imùlè*, even the tragic death of Josiah could be tied to the inability of a human ruler to impose moral reform by royal edict. The reform of Josiah was effective in re-structuring the religious and political institutions of Israel and Judah, and to a great extent, he also reformed the judicial system to conform to the terms of the  $\tau y r I B .$  But in terms of real moral reform, there was little achieved. The general populace were not inwardly transformed. The real import of the content of the book-find was not realised in them. They merely “stood to the  $\tau y r I B .$ ” in loyal support of their monarch. They definitely held Josiah in a high esteem, probably due to a dislike of the previous despotic rules of Manaseh and Athaliah; Unlike the time of Hezekiah depicted by the Chronicler, in which the people of the Northern Kingdom would not co-operate with the messengers sent by Hezekiah to urge them to return to the LORD, but virtually “laughed them to scorn”:

**2 Chronicles 30:6, 10**





Jehoiakim, who was portrayed as a real representative of the unrepentant stance of the people, in that he was not moved to repentance by the words of the prophecy of Jeremiah with regards to the impending punishment, was shown to suffer the full blow of the catastrophe. Impenitent Zedekiah's children were killed in his sight before he was blinded and taken in chains to Babylon, where he died in exile, whereas, tender hearted and penitent Josiah died in battle and was buried with full royal burial rites. For a warrior to die in battle is among the Ègbá people, considered a higher honour than to die in captivity, hence the saying “*ikú yá jèsín*” meaning “death is more honourable than ridicule”. Hence, the death of King Josiah is quite commensurate in terms of its tragic as well as palliative purpose in tandem with his situation within the ambit of *imùlẹ̀* as the corporate head of Judah and Israel, with regards to the  $\tau y r I B$ . he ratified on behalf of the people.

## CHAPTER FIVE

### SOCIAL IMPLICATIONS OF THE $\tau y r I B .$ IN ANCIENT ISRAEL IN THE CONTEXT OF INDIGENOUS ÈGBÁ CULTURE

In order to fully grasp the use of  $\tau y r I B .$  as a means of regulating human behaviour, there is a need to look at the way in which the  $\tau y r I B .$  affects the social and political structure of Israel during the great epochs of her history.

The diachronic survey of Ancient Israel's  $\tau y r I B .$  traditions contained in the text of the Tanakh shows significant adjustments in the expression of the  $\tau y r I B .$  ideology as Israel's religious thinkers continue to re-interpret and re-apply the motif of the  $\tau y r I B .$  between Israel and *YHWH* to their changing socio-cultural context. As they face new challenges of political transformation due to internal and extraneous forces, they undertook self-evaluation through the prism of the  $\tau y r I B .$  relationship with *YHWH*, with the aim of providing a positive impetus towards social stability under the crushing gravity of internal apprehensions and external aggression. It could be argued that the guardians of Israelite religio-political heritage which culminated in the production of the Tanakh, were aware of the dual forces of political apprehensions and external aggression, and harnessed these particular negative social and political forces as a vehicle to entrench the *b<sup>e</sup>rith* principle, which they see as the very pillar on which Israel's existence as a people stands. In other words, they use the very fears of the people as a motivation towards fidelity to the  $\tau y r I B .$ . A brief look at the application or adaptation of the  $\tau y r I B .$  to various epochs in the political history of Israel could elucidate this argument.

#### 5.1 $\tau y r I B . .$ in the pre-monarchical social structure of ancient Israel in the light of *imùlè* in the indigenous Ègbá context

The social structure of pre-monarchical Israel shares much in common with that of the indigenous Ègbá before the dispersion and sack of their original homesteads. According to sources, there were no less than three hundred independent Ègbá towns/settlements before the dispersion. They were organised into four states/sections as follow: Ègbá Alake, Ègbá Òké-Ọnà, Ègbá Òwu and Ègbá Àgùrà.<sup>456</sup> They were in confederation with each other, having the Aláké, as the supreme ruler among the four

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456 A.K. Ajisafe. 1972. *Iwé Itàn Abèòkúta*. 16 -19.

autonomous Obas,<sup>457</sup> probably because of the prestige accruing from his perceived direct descent from Odùduwà, the legendary Yorùbá Patriarch<sup>458</sup>. As at present, the Ègbá town of Abẹ̀òkúta hosts the confederacy of the Ègbá Alake, the Ègbá Òké-Onà, the Ègbá Òwu and Ègbá Àgùrà, which were representative of the original indigenous Ègbá homesteads, as well as the Ìbarà, who were co-settlers at Abẹ̀òkúta during the inter-tribal wars. There is such a mutual relation and understanding within this new confederation such that all were equally seen as one people. Today, all five segments are collectively seen and treated as Ègbá, without prejudice or racial discrimination. This could be used to illuminate the situation in pre-monarchical Israel.

First is the intrinsic *ìmùlẹ̀* mentality of the Ègbá people. There was no formal ratification of *ìmùlẹ̀* rites among the tribes collectively, but by virtue of common fate, having being brought together to co-habit due to the perils of the inter-tribal wars, the people see themselves as bound to seek the common good of each other. In the indigenous Ègbá philosophy, the *ìmùlẹ̀* status of the various clans is evident to the common populace. The vicissitudes of life have made them to drink from the same source of water, and to be sustained by the produce of the same land. They are implicitly bound in *ìmùlẹ̀*<sup>459</sup>. There is the likelihood of ritual based *ìmùlẹ̀* enactment among the leading chiefs and elders of the community, which form the “Ògbóni” council that governs the political bureaucracy of the commonwealth, but this is to ensure individual loyalty to the council<sup>460</sup>. It is the Ògbóni that enforced the law of retributive justice, similar to the *lex talionis* found in the *tyrIB*. document reflected in the Covenant Code, and expanded in the Deuteronomic Code, and the Holiness Code (Exodus 21:22-25; Deuteronomy 19:16-21; Leviticus 24:19-21). The Ògbóni also ensures the perpetuity of the royal line by maintaining the law of restrictive royalty, which is mirrored in the stipulations of the *tyrIB*. peculiar to

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457 The confederacy of the Ègbá townships before the dispersal was a very loose one, having many similarities with the pre-, monarchical Israelite tribal confederacy. The major differences include the fact that the Ègbá confederacy was not a theocratic amphictyony, and that the Ègbá sister towns were first merged into three distinct states, which had their own monarch, which were then joined in confederacy with each other.

458 S. O. Biobaku. 1991. *The Ègbá and Their Neighbours*.4; J. Blair. 1937. *Intelligence Report on Abẹ̀òkúta*.4.

<sup>459</sup> This deduction is from an oral interview with Pa. Amos Ayinde Oduroye, of 49, Kémta Òkebodè, Ìsábò, Abẹ̀òkúta.

<sup>460</sup> The Aláké explained that there was no need for a formal agreement once settlers see themselves as the same people who have come under one roof, for mutual defence. They are seen as one family, and the principle of Alájòbí is upheld. The essence of formal enactments among members of groups such as the ogboni is to ensure truthfulness and fidelity of the individual member. Interview held with Oba Adedotun Aremu Gbadebo (Òkúkẹ̀nù IV), Aláké of Ègbá Land, at Aké Palace, Aké, Abẹ̀òkúta, 11 August 2008, 9:00 – 11:00p.m.

the Deuteronomic Code (Deuteronomy 17:14-15). It is worthy of note that scholars have recognised the fact that it is not a common practice in human communities for every man, woman, and child to participate in contracting treaties and expressing opinions about them<sup>461</sup>. Usually, such communal prerogatives were delegated to the leaders of the community. The case of the  $\tau\upsilon\rho\iota\beta$ . at Moab deviates from this norm. It is the “first instance in history where all segments of the society are present at a covenant ratification”<sup>462</sup>.

In Ancient Israel, the tribes brought together by the  $\tau\upsilon\rho\iota\beta$ . at Sinai were not all direct blood descendants of Jacob. There was the Mixed Multitude that went with them from Egypt<sup>463</sup> and the Kenites who accompanied them (Judg.1:16). Also, during the earlier period of settlement in Canaan, there were indigenous Canaanite tribes that were assimilated into the Israelite Commonwealth like the Gibeonites who tricked the Joshua team into granting them a suzerainty covenant. The Kenites<sup>464</sup>, the Kenizzites<sup>465</sup> and the Kadmonites<sup>466</sup>, who were initially, non-Israelite ethnic groups also were later mentioned in the text in affiliation with the tribe of Judah<sup>467</sup>. Mention is also made of the Rephaites<sup>468</sup> in Genesis 15:20, but these were not seen as being in any way

<sup>461</sup> J. M. Grintz. 1966. The Treaty of Joshua with the Gibeonites.

<http://www.jstor.org/stable/596424>. Accessed: 01/04/2013 02:31. 117-118

<sup>462</sup> J. Faur. 2008. *Horizontal Society*. 50

<sup>463</sup> These were explicitly referred to in Exodus. Numbers 11:4 mentions a “mixed multitude” that came out of Egypt along with the children of Jacob. These probably would have included individual and families that must have either been struck by the awe of the pre-exodus signs and wonders through the hand of Moses, or in a state of discontent in one way or the other, with the social order of Egypt. James Hoffmeier referred to them as “other enslaved workers” J. K. Hoffmeier. 1996. *Israel in Egypt*. 114. Sharpe however referred to them as some of the inhabitants of Lower Egypt who were expelled due to the change of dynasty which caused the expulsion of the Jews. S. Sharpe. 2008. *The Early History of Egypt*. 13; they have also be described as “a mixture of Bedouins” A. S. Yahuda. 2003. *Language of the Pentateuch*. 60

<sup>464</sup> Numbers 10:29-32; Judges 1:16; 1 Samuel 15:6; P. M. McNutt. 1993. Kenites. 407; J. A. Thomson. 1986. Kenites. 6-7.

<sup>465</sup> The Kenizzites also were probably a foreign tribe assimilated into the Israelite Commonwealth. It is not certain whether Caleb ben Jephuneh belonged to the tribe of Judah or to the foreign Kenizzite clan (Genesis 15:19; Numbers 32:12; Joshua 14:6) see further, J. D. Douglas. & M. C. Tenney. Eds. 2011. *Zondervan Illustrated Bible Dictionary Epub Edition*. Ed. Grand Rapids: Zondervan; S. Japhet. 1993. *I & II Chronicles: A commentary*. London: SCM. 112-114.

<sup>466</sup> The Kadmonites were also ranked among the Indigenous tribes assimilated into the Israelite commonwealth, with much uncertainties clouding their real genealogical roots. J. Lightfoot. 2007. *From the Talmud and Hebraica Vol. I*. New York: Cosimo Inc. 283-284

<sup>467</sup> Keneth Mathews described the Kenites, Kenizzites, and Kadmonites as “people groups in the Negev who probably assimilated with Judah”. He pointed out the fact that their inclusion in the list of the original Canaanite population of the promised land, which were later to be displaced by Israel occurs only in Genesis 15. He also noted the inclusion of the Rephaites in the list. Of the four peculiar entries in this list of Ten Canaanite tribe, only the Rephaites were not depicted as having positive relations with Israel in the later history of the conquest and settlement in Canaan. K. A. Mathews.. 2005. *Genesis 11:27-50:26*. 177

<sup>468</sup> The Rephaites have been described as original settlers in Canaan, but there is much to debate with regards to their original ancestry. They were at times likened with the Giant Race in Deuteronomy 2:11.

affiliated with the Israelite tribal league. These non-Israelite tribes were often collectively referred to as Canaanites<sup>469</sup>.

In both cases of Pre-Monarchical Israel and the Pre-dispersion of Ègbá communities, they exhibit the characteristics of segmentary<sup>470</sup> societies. Such societies are usually composed of autonomous units. In most cases, tribes or ethnic sub-groups who more often than not, refer to a common genealogical descent in which the genealogies and kinship systems are used as ways of organising and expressing relationships within a social system.<sup>471</sup> Hence, in the indigenous Ègbá-Yorùbá worldview, the concept of *Alájobí* provides the incentive for mutual cooperation and trust within each clan first, and then between the clans in concert actions against forces that are extraneous to the confederacy. It is however not strange that the individual autonomous segment usually tends to align itself politically so as to obtain maximum advantage for itself and where the political conditions change, the subgroups may change their political and familial relationship with other sub-groups within the tribe, or even with other tribes<sup>472</sup> as exemplified in the merger of the Ìbarà with the Ègbá at Abẹ̀òkúta, and the Biblical instance of the assimilation of non-Israelite tribes.

Anthropologically speaking, the ancient Israelite social structure follows the pattern of “segmentary lineage system”<sup>473</sup> and due to the inherent nature of this societal structure before the Monarchy, the role of the *tyrIB* . is very significant.

This structure is expressed in the Hebrew Bible as the successive branching of large lineage groups into ever smaller ones. This is codified in form of lengthy genealogies, depicting extensive segmentation at several different levels, including at

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The King James Version merely translated the word Rephaim as “Giants”. Genesis 14:5, reckoned them among the races slain by the Kedorlaomer coalition. But Gen 15:20 mentioned them along with the original Canaanite population whose land was promised to Abraham. See further- T. C. Butler. Ed. 1991. Rephaites. *Holman Bible Dictionary*. USA: Broadman & Holman. 5310. <http://www.studylight.org/dic/hbd/view.cgi?n>.

<sup>469</sup> Douglas Stuart noted in his commentary on Exodus 23:23 that the Kenites, Kenizzites, Kadmonites and Rephaites were mentioned in the Genesis 10:15-18 and 15:19-21 because their influence may have been more pronounced in Canaan in the time of Abraham than it was in the time of Moses, hence the reason why they were not mentioned by name to Moses in the Exodus account. D. K. Stuart. 2006. *Exodus*. 544.

<sup>470</sup> The term ‘segmentary’ is used here to denote a society which is egalitarian and acephalous. Lemche, N. P. 1985. *Early Israel; Anthropological and Historical Studies* 206-244; Llyod, Peter C. 2012. The Political Structure of African Kingdoms; A good study of the segmentary system in African Indigenous communities is provided in J. Middleton & L. Bohannan. Eds. 2004. *Tribes Without Ruler: Studies in African Segmentary Systems*.

<sup>471</sup> P. McNut. 1999. *Reconstructing the Society of Ancient Israel*. 75

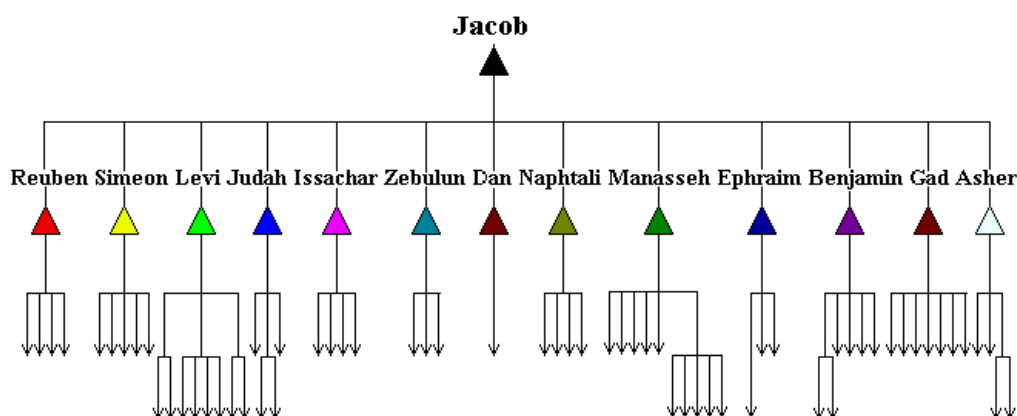
<sup>472</sup> P. McNut. 1999. *Reconstructing the Society of Ancient Israel*. 78

<sup>473</sup> B. Schwimmer. 2003. *Hebrew Lineage Organisation*.

[http://www.umanitoba.ca/faculties/arts/anthropology/tutor/case\\_studies/hebrews/lineage.html](http://www.umanitoba.ca/faculties/arts/anthropology/tutor/case_studies/hebrews/lineage.html)

least four notable subdivisions<sup>474</sup> (i) maximal lineages, i.e. tribes; (ii) major lineages, i.e. families; (iii) minor lineages, i.e. fathers' houses; and (iv) minimal lineages, i.e. extended patrilocal<sup>475</sup> households.

In this version of the segmentary system, the top level involved the inclusion of all Israelites into a single descent group, attributing its origin to Jacob. This lineage is then divided into 13 segments, according to the heritage of the 11 direct descendants of Jacob and Joseph's two sons, Ephraim and Manaseh, as depicted schematically in Fig.5.1 below<sup>476</sup>.



**Fig.5.1:** A Schematic diagram showing the lineage of Israel described as a segmentary system deriving from Jacob as the Chief Patriarch, from which the thirteen major tribes branched out under the names of their eponymous ancestors construed as direct children of Jacob.

This lineage structure strongly influenced their territorial organization, political representation, and religious leadership. It played a decisive role in establishing the major avenues of social continuity, property inheritance, and political succession.

At the upper levels of the segmentary system, the territorial organization follows a pattern allocating a major territory to each tribe, under the name of its eponymous ancestor and putting it under its exclusive ownership and control. The tribes' major territorial allocations were in turn, further subdivided according to

<sup>474</sup> B. Schwimmer. 2003. *Hebrew Lineage Organisation*.

[http://www.umanitoba.ca/faculties/arts/anthropology/tutor/case\\_studies/hebrews/lineage.html](http://www.umanitoba.ca/faculties/arts/anthropology/tutor/case_studies/hebrews/lineage.html)

<sup>475</sup> The term 'patrilocal' as used in the field of anthropology, here means a social arrangement in which a married couple takes residence within the husband's kin-group or clan. Oxford University Press. 2013. *Oxford Dictionaries* <http://oxforddictionaries.com/definition/english/patrilocal>.

<sup>476</sup> Though Levi was reckoned in the Tribal arrangement, they were not given territorial allotment according to the segmentary lineage pattern. Joseph was however left out of the tribal arrangement but substituted with his two sons, Ephraim and Manaseh, whom Jacob had adopted.

families and “fathers’ houses”, where each patrilineal<sup>477</sup> division held tenement rights. Only the Levites were exempted from the territorial allocation by tribal system. They were assigned to urban centres dispersed within the regions of the other tribes.

The political autonomy of the tribes is decipherable in the account of the Judges, who were more or less tribal leaders of charismatic prowess, acting as Military leaders in time of foreign oppression. The tribal units often organized their own armies and engaged in military and other political pursuits independent of other tribes or a central authority<sup>478</sup>.

The religious life of the people also followed the segmentary lineage pattern, however, with some modifications. The cultus was exclusively allocated to the tribe of Levi, but within the tribe of Levi, the segmentary lineage pattern is discernible. The High Priesthood was allocated to the family of Aaron, while other duties were allocated to the other families within the Levite tribe according to their families.

The *ṭyrIB* . guarantees equal rights of citizens. The absence of a human king removes the existence of social strata of wealth and privilege that monarchy entailed in ancient practice. The theocratic ideals of the Kingship of YHWH laid the foundation for an egalitarian, non-hierarchical structure.<sup>479</sup> It is only within this segmentary lineage structure of the tribal league, which was built upon the foundation of the *ṭyrIB* . between YHWH and Israel that the earlier core of the Israelite laws had their *sitz im leben*<sup>480</sup>. The *Ègbá* at the earlier periods of re-settlement at Abéòkúta, maintained an egalitarian structure, notwithstanding the instance of the internal struggle for supremacy between Deniyi, *Balógun Ìjemò* and *Şódeké* as the overall warlord of the tribal coalition<sup>481</sup>.

All through the period of tribal league, the major binding force of cohesiveness among the tribes, as portrayed in the narrative storyline of Deuteronomistic History was

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<sup>477</sup> Though the Genesis creation account may suggest a matrilineal social system; archaeological, anthropological and sociological research data has revealed that the patrilineal pattern is what obtains in Ancient Israel from the pre-monarchic to the exilic periods. Hence scholars generally affirm the patrilineal nature of the Ancient Israelite social family system without question. e.g. J. W. Wenham. 1980. *Christ's View of Scripture*. 70; K. A. Mathews. 1996. *Genesis 1—11:26*. 222-224; T. L. Constable. 2001. *Notes on Genesis*. 45.

<sup>478</sup> This is evident for instance, in the Gideon Narrative, Judges 8:1-3.

<sup>479</sup> R. Bauckham. 2002. *God and the Crisis of Freedom*. 121

<sup>480</sup> R. Rendtorff. 1992. *The Image of Postexilic Israel*. 169

<sup>481</sup> A.K. Ajisafe. 1972. *Iwé Itàn Abéòkúta*. 62. The saga surrounding the power tussle claims that the intended duel between the contending warlords was abated by an Oracle from the *Ifá* priest. This resulted in the ban of building on the site of the intended duel. The parcel of land was later converted into a market square after appeasement of deity. The market is still thriving to this day. It is called *Şápón* market. This calls to mind the prophetic intervention which prevented Rehoboam ben Solomon from launching an immediate warfare on the seceding ten tribes at the instance of the division of the Kingdom.

not merely the need for security and protection. It is more importantly hinged on their common allegiance to *YHWH* as the LORD of the  $\tau\upsilon\rho\iota\beta$ . . . This unifying allegiance is externally expressed through the centralised, organised, communal exercises of celebration and instruction directed explicitly towards the *YHWH*, and subjectively or indirectly towards affirming and cementing the union of the people. The binding force of these celebrations consisted in its character as opportunities for renewing the  $\tau\upsilon\rho\iota\beta$ . that bound the tribes together as a people, and more particularly as the LORD's people<sup>482</sup>.

Majority of the biblical rules, governing human behaviour, derive in reality, from non-Yahwistic nomadic environment, but by means of the  $\tau\upsilon\rho\iota\beta$ . , they “have now been subordinated to the will of *YHWH*”<sup>483</sup>, thereby acquiring divine sanction.

## 5.2 **$\tau\upsilon\rho\iota\beta$ . in the political structure of united monarchical Israel**

The influence of the  $\tau\upsilon\rho\iota\beta$ . foundational to Israelite nationhood is also visible during the transition to Monarchy. By the time the Davidic dynasty became fully established, it was legitimized and given prophetic seal through Nathan's oracle of a Divine  $\tau\upsilon\rho\iota\beta$ . . . By accepting the  $\tau\upsilon\rho\iota\beta$ . with *YHWH*, David accepted *YHWH* as the tutelary God of the dynasty and through this arrangement, the theology of *YHWH*'s Kingship was incorporated without further ado into the royal-dynastic ideology of the House of David.<sup>484</sup>

Deuteronomy and Deuteronomistic History clearly show that the conceptualisation of Monarchy subsumed under the  $\tau\upsilon\rho\iota\beta$ . runs contrary to the absolute despotic character of Ancient Near Eastern monarchy, in which the human kings were also imbued with divine attributes. Contrariwise, the king under the Israelite  $\tau\upsilon\rho\iota\beta$ . framework remained totally within the human sphere. Royal accountability before *YHWH* was expressed by the motif of adoption and son-ship, and guaranteed by the watchful oversight of the prophet, who is seen as the divine messenger. This was

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<sup>482</sup> P. D. Miller. 2000. *The Religion of Ancient Israel*. 80-81

<sup>483</sup> H. Kung. 2002. *Tracing the Way: Spiritual Dimensions to the World Religions*. Great Britain: Continuum. 172

<sup>484</sup> T. Ishida. 1977. *The Royal Dynasties in Israel: A Study on the Formation and Development of Royal-Dynastic Ideology*. 185



the lasting effect of the Ancient Israelite Utopian idea of Divine Kingship on the social and political structure of the kingdom of Ancient Israel. Uffenheimer, described this as the “first breakthrough in history towards a new political order which institutionalised human freedom and accountability of the ruler”<sup>485</sup>. In the Ègbá indigenous cultural context, the balance of power between the Oba and the citizenry was maintained by the Ògbóni institution<sup>486</sup>. Drawing attention to Deuteronomy 17:10 and 1 Kings 8:58, De Vaux explained that 2 Kings 23:3 implies that the king himself is bound by the law of the תַּיִרִיב ., hence he, as the monarch, does not add anything to the authority of the law<sup>487</sup>. This contrasts with the view of monarchy in Ancient cultures generally and the indigenous Yorùbá culture, in particular, in which the king is construed as an absolute despot. The Yorùbá usually address the monarch as “*kaábíyèèsí*”<sup>488</sup>, which means “one that is beyond query”; and “*aláṣẹ̀ èkejì òrìṣá*” that is “one who wields authority like the divinities”. The monarch enjoys unlimited judicial immunity. The implications of the תַּיִרִיב . in Ancient Israel, therefore, affects the relationship between king and subjects. The king is seen as a vassal, and therefore himself a subject of a higher King, who is *YHWH*. The תַּיִרִיב . even gives an assurance of predictable positive behaviour of *YHWH*, in response to human fidelity to the terms of the תַּיִרִיב ., thus defining the limits of arbitrariness in the exercise of Divine Sovereignty and preventing divine caprice<sup>489</sup>.

DH presents a theodicy, affirming the fidelity and compliance of *YHWH* to the terms of the תַּיִרִיב . . The literary piece itself could be seen as a device intended to stimulate future fidelity to the תַּיִרִיב . in the post-exilic Israelite community. The Deuteronomic Historian used the Deuteronomic Code’s Monarchy law<sup>490</sup> as part of the evaluative lenses to present a critique of Israel’s past. The storyline of DH presents calls on the deterrent principle of punishment, and uses fear appeal to generate a hope of restoration as motive for future socio-moral transformation of the Israelite people.

<sup>485</sup> B. Uffenheimer. 1986. *Myth and Reality in Ancient Israel*. 156

<sup>486</sup> Interview with Chief Ayinla Bankole, *Òdòfin Kémta* 19 August 2008. 12:00-12:36p.m

<sup>487</sup> R. De Vaux. 1997. *Ancient Israel: Its Life and Institutions*. 150

<sup>488</sup> “*Kábíyèèsí*” is a contraction of “*k’á bí yèè sí*” or “*k’á bí kò sí*” literally meaning “there is no questioning him” Interview with Mr Bola Lawal, Palace Secretary, Palace of the Aláké of Ègbá Land, at the Aké Palace, 07/08/2008

<sup>489</sup> W. Eichrodt. 1961. *Theology of the Old Testament vol.1*. p.38

<sup>490</sup> The law of the King in Deuteronomy 17:14-20 is one of the unique legislations in the Deuteronomic Code, which reflected the influence of Deuteronomic theology in the historical framework of Deuteronomistic History.

### 5.3 **tyrIB .** in the political structure of pre-exilic kingdom of Judah vis-a-vis *imùlẹ* elements in the confederacy of the Ègbá after settlement at Abẹ̀òkúta

The two separate religio-cultural entities that framed the early formation of the Hebrew Bible, the Tanakh, are the Northern Kingdom of Israel and the Southern Kingdom of Judah, but the final form of the canon belonged to and was created, albeit under Divine inspiration, by the people of Judah.<sup>491</sup> Without doubt, Judah would have inherited materials from the Northern Kingdom, but it is through the scribes of Judah that the final form of what we have today as the Tanakh was forged into its final form. It is highly probable that displaced people of the Northern Kingdom would have sought refuge in, and identified themselves with, the Southern Kingdom of Judah, after the fall of Samaria in BC.722.<sup>492</sup> Just as the Ègbá people dislodged from their various homesteads by the tribal war of the dispersion coalesced at Abẹ̀òkúta, a small holding within the large expanse of Ègbá Forest.<sup>493</sup> Northern Israelites would have brought along their oral and written traditions. The process of formation of the canon definitely started in Judah before the exile, with the compilation and editing of textual materials as well as oral traditions which would have originated partly in the North and partly in Judah; but was concluded much later after the return from the Babylonian exile. This implies that Judahite theological perspectives would be dominant in the conceptualisation of the **tyrIB .** as presented in the Tanakh. It is also right to suppose that the pre-exilic Judahite texts would reflect a harmonisation of Northern and Judahite theological views, even though such pre-exilic texts would have been “revised for post-exilic needs”<sup>494</sup> as in the case of Deuteronomistic History.

The theology of **tyrIB .** in pre-exilic Judah could be seen in the pre-exilic **tyrIB .** textual traditions, though these texts have undergone series of revisions in consonance with the crisis of the Babylonian exile. It is assumed in biblical scholarship

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<sup>491</sup> D. E. Fleming. 2012. *The Legacy of Israel in Judah's Bible*. 4.

<sup>492</sup> There is on-going scholarly debate as to the actual extent of the devastation of the land and deportation of the inhabitants of Northern Israel by the Assyrian kings. It is highly plausible that there was not a completely total replacement of the indigenous Israelite population. The report of Josiah's extension of his reform into regions of the Northern Kingdom may be an indication that there were still much of the Indigenous Israelite population left in the villages and country. See further, G. N. Knoppers. 2006. In *Search of the Post- Exilic Northern Israel*. 150-180

<sup>493</sup> The land at Abẹ̀òkúta originally belonged to the *Ìjẹmọ*, a sub-group of the Ègbá, which lies originally within the jurisdiction of the *Ègbá Aláké*. There was an instance of controversy between Sodeke, the *Balógun* of the dislodged Ègbá people who came to resettle at Abẹ̀òkúta and Deliyi the *Balógun* of *Ìjẹmọ* as to who should be the overall head of the emerging community. Eventually, the leadership was conceded to *Şódeké*, as the head, representative of the overall Ègbá confederation. A. K. Ajisafe. 1972. *Iwé Itàn Abẹ̀òkúta*. 17, 62.

<sup>494</sup> D. E. Fleming. 2012. *The Legacy of Israel in Judah's Bible*. 39

that a majority of the pre-exilic writings originated in Judah around the 7th Century BC, during the reigns of Hezekiah, Manasseh, and Josiah, and that the political assumptions of these texts are greatly influenced by the prevailing conditions of this period.<sup>495</sup>

Subsequent to the exile of the Northern Kingdom, the political and religious elites of Judah must have seen their continued existence as an indication that they were the real people of *YHWH*<sup>496</sup>. The text of Deuteronomistic History summarised the fall of the Northern Kingdom with the comment that it was due most particularly to the sin of the House of Jeroboam son of Nebat<sup>497</sup>. This sin of Jeroboam, son of Nebat, consists mainly in the deviation from the centralised cult in Jerusalem.

DH could be seen as the acme of the historic-theological presentation of Israelite *tyrIB*. ideology. Read synchronically within the literary context of the canon of the Hebrew Bible<sup>498</sup>, 2Kings.22:8-23:3 represents the last instance of renewal of the *tyrIB*. in the history of pre-exilic Israel, and it signalled the beginning of the turn of events that is presented by the Deuteronomistic Historian as the culmination of the effects of the consistent unfaithfulness of Israel to the *tyrIB*., despite *YHWH*'s forbearance and longsuffering.

One of the major effects of *tyrIB*., visible in the political structure of Pre-exilic Kingdom of Judah is the Jerusalemite royal theology, which holds that *YHWH* has chosen Jerusalem and the house of David as the eternal representative institutions of His role as the sovereign ruler of all creation, and that *YHWH* Himself would defend and protect Jerusalem and the Davidic Dynasty from all threats and aggression<sup>499</sup>. Throughout her centuries of existence as a state (except for the Athaliah interlude), Judah retains her loyalty to only one ruling dynasty, the house of David. This gives a

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<sup>495</sup> For example, Judging from the call narratives of the Prophets, Proto Isaiah, Hosea, and Micah, would have been compiled during the reign of Hezekiah-(Isaiah 1:1, Hosea. 1:1); Jeremiah and Zephaniah during the reign of Josiah -(Jeremiah 1:2; Zephaniah 1:1) See also W. M. Schniedewind. 2004. *How the Bible Became a Book: The Textualization of Ancient Israel*. New York: Cambridge University Press; D. E. Fleming. 2012. *The Legacy of Israel in Judah's Bible*. 39

<sup>496</sup> L. C. Jonker. 2004. Religious Polemics in Exile. 245

<sup>497</sup> 2 Kings 17:7-23 gives the Deuteronomist's evaluation of the fall of the Northern Kingdom. The consistent polemic against Jeroboam's cultic reform, which was calculated at divorcing the Ten Tribes from the central cult at Jerusalem cult, is seen as the foundation of all the evil that culminated in the Assyrian captivity.

<sup>498</sup> The arrangements of the books in the canonical form of the Hebrew Bible places Deuteronomistic History directly in congruence with the Pentateuch to present a continuous history. This followed by the Prophetic corpus. The book of Jeremiah in the Hebrew canon stands aloof from the Lamentations of Jeremiah. The Chronicler's work and Lamentation belonged to the last part of the Hebrew Canon, the Ketubim, which placed Chronicles at the very end of the canon.

<sup>499</sup> M. A. Sweeney. 2005. *The Prophetic Literature*.47; F. M. Cross. 1973. *Canaanite Myth and Hebrew Epic*.261, 264, 273; S. L. McKenzie. *The Typology of the Davidic Covenant*. 153;

picture of relative political stability compared with the Northern Kingdom, which underwent series of dynastic change, especially during the early days after the secession. The dynastic stability in pre-exilic Judahite monarchy is possible because of “a particular configuration of power”<sup>500</sup> which employs the theology of a covenant with David for its legitimisation. Hence in Judah, faithfulness to the house of David is possible chiefly because of its synchronisation with the *tyrIB*..

Hence, it is not strange that *tyrIB*. enactment/renewal became a fundamental procedure at times when political leadership innovations became necessary. It is visible in the text of Deuteronomistic History. Two instances of such *tyrIB*. renewals involve a dual-ratification. First is the case of Joash-ben-Azariah, (2 Kings 11:4-17) and the other is the case of Josiah under study (2 Kings 2:8-23:3).

#### 5.4 *tyrIB*. as a means of creating and maintaining social stability

From inception, Israel as a people derives her sense of identity from the *tyrIB*. relationship with the *YHWH*<sup>501</sup>. Considering the diachronic development of Israelite *tyrIB*. ideology from her literary traditions, the *tyrIB*. arrangement provided the socio-cultural framework for the co-existence of the people as a nation, on the one hand, and their relationship to other peoples, on the other hand. Internally, the terms and provisions of the *tyrIB*. regulate every aspect of her daily life. For instance, the *lex talionis* incorporated into the *tyrIB*. document at the stages represented by the Covenant Code, the Deuteronomic Code, and the Holiness Code is representative of the stipulations governing the social life of the people; the laws of the monarchy in the Deuteronomic code is representative of the aspects governing the political life; while the law of standard metering in the Deuteronomic Code, and the laws of Jubilee in the Holiness Code showcase groups of stipulations that govern the economic life of the people.

At the initial stage of Nomadic life, *tyrIB*. served as the means of providing social cohesiveness among the tribes by means of kinship ties. It also guarantees the human dignity and fundamental rights of individuals within the family and clan. For instance, “the casuistic law sorted out conflicts among people, and helped to establish and order society.”<sup>502</sup> Max Webber captioned the role of the *tyrIB*. idea from

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<sup>500</sup> D. E. Fleming. 2012. *The Legacy of Israel in Judah's Bible*. 42

<sup>501</sup> Eichrodt for instance, Described covenant as a phenomenon “without which Israel would not be Israel”. W. Eichrodt. 1961. *Theology of the Old Testament*. 14

<sup>502</sup> K. Nurnberger. *Theology of the Biblical Witness: an Evolutionary Approach*. Hamburg: Lit Verlag 305

sociological perspective. He aptly summarised it in the following words:

The LORD "...became not only the war god of the confederacy, but also the contractual partner of its law established by *b<sup>e</sup>rith*, above all of the socio-legal orders. ...new statutes, whether cultic or legal in nature, could in principle, originate only by way of agreement (*b<sup>e</sup>rith*) based on oracle like the original covenant. Therewith, all statutes were based on the same ground as the old contract relation which existed between god and people..."<sup>503</sup>

The תַּרְיָב . with the *YHWH* strengthened the filial bond between the tribes and created a form of artificial kinship bond between the patrilineal tribal segments and the assimilated elements.

During the period of the monarchy, particularly in Judah after the fall of Samaria, the תַּרְיָב . tradition is frequently employed as a catalyst for religious and socio-political reforms. It is not unlikely, for instance, that the Covenant Code played a significant role in the Reform under Hezekiah,<sup>504</sup> just as the Deuteronomic Code served to legitimize the Josiah Reform.<sup>505</sup>

It is also notable that the "תַּרְיָב . law of the old confederacy"<sup>506</sup> also formed the basis of the ethical teaching and preaching of the pre-exilic prophets. It is no wonder that Israel's religious convictions and commitments survived the crisis of the exile. The termination of the cultic identity through the destruction of the temple, coupled with the jeopardy of the Davidic Dynasty and the divorce of the people from their theological connection with the Promised Land, definitely, would have caused a great theological confusion during the period of the Babylonian exile.<sup>507</sup> But the dynamic nature of the תַּרְיָב . makes it a ready pillar in the tumult of theological crisis. This is, particularly, possible because of the higher pre-eminence of the moral dimension of the covenant in the nuance of תַּרְיָב . in tension against the rigid legal dimension of ordinary contracts or treaties.

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<sup>503</sup> M. Weber. 1952. *Ancient Judaism*.131

<sup>504</sup> If the Covenant Code is the document of the covenant at Shechem under Joshua, then it is possible that it had been preserved in one form or the other, Albertz Rainer may be right that the Covenant Code informed the reform under Hezekiah. However, the thesis that the Covenant Code originated during the reign of Hezekiah lacks textual and historical-critical basis. R. Albertz.1994. *A History of Israelite Religion*.184.

<sup>505</sup> J. J. Collins. 2004. *Israel*.184

<sup>506</sup> R. Davidson. 1989. *Covenant Ideology in Ancient Israel*. 328

<sup>507</sup> L. C. Jonker. 2004. *Religious Polemics in Exile*. 245-246

## 5.5 Some aspects of human behaviour regulated through the **tyrIB.** concept in ancient Israel in the context of indigenous Ègbá culture

The way the **tyrIB.** between Israel and *YHWH*, as constructed in Deuteronomistic History, placed the whole realm of human existence under the direct supervision of Deity in such a way that the whole of creation, which is construed primarily in anthropocentric terms, is subject to the practical consequences of human moral accountability to Deity. This moral accountability is mirrored in the demands of the **tyrIB.**, and is set out as ‘covenant law’. It consists primarily in the demand of right behaviour in inter-human relationship, and the exploitation of natural resources. Hence, “in entering the **tyrIB.** with Israel, concerns with human affairs becomes *YHWH*’s dominant trait”<sup>508</sup>. This **tyrIB.** served as the legal code which regulated every sphere of the life of the Israelites while they inhabited the Land and **tyrIB.** was their King. It was not only the Law which was in view at Sinai and Moab, but also *YHWH* as King of Israel.<sup>509</sup> Transgression of the law under the **tyrIB.** arrangement is not just an offence in the legal sense, but a “sin” against God, which disrupts the cosmic equilibrium such that the whole of creation is negatively affected. Sin, in Deuteronomistic Theology reflected in Deuteronomistic History, is “transferable”, and “punishment for the sin of one generation can be played out in generations long after the original sin was committed.”<sup>510</sup> Therefore, “the notion of moral wrong as an act of rebellion against the Divine Lawgiver is characteristic of Ancient Israel, forming the heart of prophetic summons to repentance and renewed fidelity to the **tyrIB.**”<sup>511</sup> In order to illustrate the Deuteronomistic presentation of **tyrIB.**, as a means of regulating human behaviour, particularly in the social, political and economic realm, a few cases under particular categories would be examined. This present study reveals that the growth of Israelite **tyrIB.** document shows a systematic expansion of the sphere of human behaviour regulated by the **tyrIB.** in Ancient Israel from the religious realm through the political, then the humanitarian, and then the civil aspects of human life. The earliest core of the document, which is the Ritual Decalogue, is precipitated around religious values. The Ethical Decalogue follows the Ritual Decalogue in enthroning *YHWH* as the King of Israel; and by the combination of the

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<sup>508</sup> J. Assmann. 2004. *Monotheism and Polytheism*. 22

<sup>509</sup> R. Green. 2011. *Deuteronomy Book II*:295

<sup>510</sup> S. Delamarter. 2004. *The Death of Josiah in Scripture and Tradition* .32.

<sup>511</sup> H. W. Atridge. 2004. *Pollution, Sin, Atonement, Salvation*. 77.

Ethical Decalogue with the Ritual Decalogue, the *b<sup>e</sup>rith* relationship takes on the form of a political treaty<sup>512</sup>. The next stage of development of the *tyrIB*. document is the Covenant Code<sup>513</sup>, in which the Humanitarian laws were seen to be older than the civil laws. In the final form of the *tyrIB*. document, which we can tentatively affirm as the Deuteronomic Code that catalysed the reform under Josiah; the civil laws and the Humanitarian Laws were interwoven, and ecological legislations, which bears on the agrarian economy, were added.<sup>514</sup> The following categories can be identified in the preserved texts of the *tyrIB*. laws of Israel: religious categories; political categories, humanitarian categories,<sup>515</sup> civil categories, economic categories and ecological categories.

### 5.5.1 Religious Categories

In Ancient Israel as in African Societies, especially the Ègbá-Yorùbá of Western Nigeria, religion pervades every sphere of life.<sup>516</sup> The hegemony of religion over every aspect of human behaviour in Africa has made it difficult in some instances to delineate between religion and culture.<sup>517</sup> The Ancient Israelite *tyrIB*. and the indigenous Ègbá – Yorùbá *imùlẹ* are basically ways of employing the religious instinct of humanity to regulate its entire behaviour. The case of Ancient Israel proves unique, however, in

<sup>512</sup> Some Scholars like Rowley have argued that the Ethical Decalogue was an adaptation of the Ethical Decalogue by Moses to expand the covenant demand to cover a more sphere of human behaviour. H. H. Rowley.1950. *From Joseph to Joshua*; Furthermore, the ethical Decalogue is seen in Israel as having the imprecative force akin to ancient vassal treaty. D. J. Pleins. 200. *The Social visions of the Hebrew Bible*. 47-48

<sup>513</sup> Scholars like Pfeifer have argued that the Ritual Decalogue forms the core which was embellished with further legislations in the course of Israelite socio-cultural transformation from a nomadic to a sedentary agricultural life after the settlement in Canaan. Pfeifer, R. H. 1931. *Transmission of the Book of Covenant*.102.

<sup>514</sup> This is not a position with regards to the redaction history of Israelite covenant law or Deuteronomistic History, but rather a Narrative Critical position based on the final canonical form of the text.

<sup>515</sup> The Humanitarian Laws are so-called because they centre on the human good. They are mostly concerned with the protection of the poor, the less privileged and the marginal groups in the society. In Deuteronomy and Deuteronomistic History, the Humanitarian and Civil legislations are intermingled. This has led some scholars to postulate a Monarchical period for their enactment because they felt that the egalitarian nature of the social structure in the pre-monarchical period could not have produced such a social stratification, which they felt is the result of the emergent upper class of government officials, military officers and business magnates which is characteristically associated with ancient system of Monarchical government.( For example, Albertz, R. 1994. *A History of Israelite Religion in the Old Testament Period*.)

<sup>516</sup> E. B. Idowu. 1973. *African Traditional Religion – A definition.*;1996. *Olodumare, God in Yoruba Belief*; J. S. Mbiti. 1977. *African Religion and Philosophy*.

<sup>517</sup> For instance, in an informal, casual discussion with Dr. J. K. Ayantayo it is clear that many people simply equate religion with culture. Rather than seeing religion as an aspect of culture, many people felt that the two are so intricately interwoven that they cannot be separated. Informal Discussion with Dr. J. K. Ayantayo at the office of the Head of Department, Department of Religious Studies University of Ibadan, Ibadan, 15<sup>th</sup> March 2011.

the fact that the expression of religion itself is governed by the *tyrIB*. arrangement. It is formally expressed in such a way that the very issue of Israel's existence as a people hangs on her fidelity and exclusive loyalty to the *YHWH*. In the Priestly traditions, especially, Israel's corporate political wellbeing hangs on right relationship with the LORD God of the *tyrIB*., and this relationship subsists in a right ritual, and meticulous adherence to the cultic regulations. The terms of the *tyrIB*. stipulates laws governing the external expression of religion.<sup>518</sup> Major revisions of the *tyrIB*. document during re-enactment, in most cases, deal rigorously, with the modification of the cult. In Deuteronomy, the renewal at Moab reflects the centralization of the cult. In the case of Joshua at Shechem, there was the erection of a stone pillar at the Shechem Sanctuary. The religious reforms under Hezekiah, Jehoshaphat and Josiah involved drastic cultic reforms. The earliest core-text.<sup>519</sup> of the *tyrIB*. document was the Ritual Decalogue,<sup>520</sup> the content of which revolves around cultic practices and religious expression. Particular aspects of religion regulated by the *tyrIB*. include: (i) Relationship to Deity and deities; (ii) Cultic Centres, (iii) Cultic Symbols, (iv) Cultic Personalities and (v) Rituals and Rites. The relationship between *YHWH* and Israel is the crux of the *tyrIB*. arrangement. All other issues of Israel's corporate existence hang on this.

Relationship to Deity and deities, expressed in terms of absolute and exclusive worship of *YHWH*, forms the first pillar of Ancient Israelite *tyrIB*.. It is a consistent feature right from the earliest to the latest strata of Israelite religious documents. The Ethical Decalogue opens with “*y; n"©) P' -l [ ; ~yrIBøxea] ~yhi' îl{a/ • ^±l . -hy<) h . yI a l { \*æ ” (lö|' yihyè|-lükä ´élöhîm ´áHërîm `al-Pänä°y-* You shall not have other gods before me). In the earlier stratum, the relationship is much akin to that of kinship. The *tyrIB*. seems to be construed in the category of a natural bond existing

<sup>518</sup> The Ritual Decalogue, for instance, has been associated with the early stages of the Israelite covenant. R. H. Hiers. 2009. *Justice and Compassion in Biblical Law*. 88; <sup>518</sup> R. H. Pfeifer. 1931. Transmission of the Book of Covenant. 102; J. S. Baden. 2009. *J, E, and the Redaction of the Pentateuch*. 197

<sup>519</sup> The Ritual Decalogue is ascribed to the 'J' stratum of the Pentateuch, which is considered the earliest stratum according to the Documentary Hypothesis. W. J. Doorly. 2002. *The Laws of Yahweh*. 100; I. G. Mathews. 2003. *Old Testament Life and Literature*. 48

<sup>520</sup> Exodus 34:11-26 is technically called “Ritual Decalogue” in Source Criticism. Hess, R. A. 2007. *Law*. 192; J. Jensen. 2006. *Ethical Dimensions of the Prophets*. p.24; B. S. Childs. 2004. *Exodus*. 605. It is also referred to as the “Small Covenant Code”.



between the people and YHWH. However, as the *tyrIB*. became re-interpreted along the changing phases of Israelite political and social experience, the *b<sup>e</sup>rith* became interpreted and re-presented in form of Suzerain-Vassal relationship. It was transformed from a form of “grant” to a form of “covenant treaty”. The final demise of the two kingdoms, Israel and Judah, was ascribed ultimately to their lack of exclusive fidelity to YHWH.

Cultic centres were also regulated by the *tyrIB*.. The *tyrIB*. prescribed the outlook and furnishings of the cultic centres. The Ritual Decalogue, for instance, gave explicit regulations with regards to the construction of the altar. A staircase altar was specifically prohibited to remove any instance of lewdness or sexual impropriety. It is, however, notable that in the Covenant Code, there was a provision for multiple sanctuaries. But even in this stage of development of the *tyrIB*. traditions, the approved centres were places of specific Divine sanction.

“ *y mi ê v . - t a , r y K i ä z > a ; r v < å a ]*  
*` ~ A q M ' h ; - l k ' B . ”*

- in all the places which I put my name there- Exodus 20:24 )

In the Deuteronomic Code, there is a progress to the emphasis on a centralised sanctuary; and specific legislation to destroy the indigenous Canaanite sanctuaries so they would not be taken over for the worship of YHWH. Israel was however later castigated for failing to abide by this rule. In DH, Jerusalem became the divinely elected centralised sanctuary. And Josiah’s reform was, particularly, notable for his zeal to centralize Israelite worship in Jerusalem. Jeroboam, son of Nebat, was severely castigated for dividing the cult. The annihilation of the Northern Kingdom was partly ascribed to its failure to adhere strictly to the *tyrIB*. regulations concerning the sanctuary. In ancient Israel, the major cultic centres were also places of national convocations. For instance, the feasts of Passover, Pentecost and Tabernacles served both religious as well as political purposes. In Ègbá indigenous religious culture, the shrines and cultic centres were often the place of important national convocations and meetings. In every indigenous Ègbá homestead before the dispersion, there were three major houses of meeting. These were the Ògbóni House, Pàràkòyí House and Olórógun House. Of all the three, the Ògbóni House is the seat of political decisions. It is often equipped with religious symbols, which in most cases serves the purpose of instrument of oath. Also, to date, sections of the palace of the monarchs where disputes are resolved are often inundated with religious symbols which inspire a sense of awe, and

give a picture of the presence of the ancestors and divinities, as observed in the case of the Aké palace.<sup>521</sup> The uniqueness of Israelite cultic centres is their an-iconic emphasis.

Israelite  $\text{tyrIB}$ . legislates stringent rules concerning cultic symbols. The cult of the  $\text{tyrIB}$ . is an-iconic, like that of the cult of Olódùmarè in the indigenous Yorùbá culture<sup>522</sup>. This does not imply that the cult is altogether devoid of one sort of symbolism or the other. The prohibition is particularly directed against symbols representing deity Himself. The second legislation of the Ethical Decalogue states this unequivocally:

**“Exodus 20:4-6**

l [ ; M ; <sup>3</sup> êmi ÿ ` ~ yIm : ã ' V ' B ;  
 rv < Ü ä a ] hn " <sup>3</sup> êWmT . - lk ' w >  
 ÿ ` ls , p , ä ' ^ i ä l . - hf , ' [ ] t ; ¥  
 al { \* æ  
 ` # r < a ' a ( l ' tx ; T : i ä mi  
 ÿ ~ yIM : ß ä B ; rv < i ä a ] w :  
 tx ; T ' ; \_ ø mi # r < a ' ' P B '  
 • rv < i a ] w : ¥  
 lae ä ` ^ yh , ' l { a / hw " Ü hy >  
 yki ún Oa ' ¥ yKi ä

**Exodus 20:4-5a** <sup>4</sup> Thou shalt not make unto thee any graven image, or any likeness of *anything* that *is* in heaven above, or that *is* in the earth beneath, or that *is* in the water under the earth: <sup>5</sup>  
 Thou shalt not bow down thyself to them, nor serve them:

The Priestly stratum of the  $\text{tyrIB}$ . documents carefully stipulated the rituals and rites. The Holiness Code, for instance, gives detailed prescriptions for the sacrifices, the feasts and the holy days. One of the outstanding features of the Priestly legislations is the institution of the Sabbath. The Sabbath pericope presented the Sabbath itself as a covenant. However, in the final canonical shape of the Tanakh, the Sabbath is seen in the Priestly documents as a sign not the  $\text{tyrIB}$ ., premised on creational theology. In Deuteronomy and DH, however, the Sabbath became premised

<sup>521</sup> For instance there are Statues and Figurines at “*idí ère*” in the present Aké palace, where the traditional tribunal usually seat to settle disputes: Participant observation at Aké Palace, 19 November 2008, 8:45-11:50a.m.

<sup>522</sup> J. O. Akao. *An-iconic cult of Olodumare*.

on humanitarian ideology. By means of the Sabbath legislation and the annual feasts, the *ṭyṛIB .* is constantly renewed and perpetuated.

### 5.5.2 Political Categories

Right from the beginning of her national consciousness, Israel sees herself as the elect people of YHWH. Apart from the fact that *ṭyṛIB .* lies at the foundation of Israel's national consciousness, there are specific legislations pre-empting or prescribing specific political actions, like the laws governing the monarchy (Deuteronomy 17:14-15) and the legislations concerning the appointment of judges and tribal officers (Deuteronomy 16:18). The positioning of the Ethical Decalogue in the Sinai Pericope indicates that it is meant to serve as the primary national constitution of the tribal league. Moshe Weinfeld for instance, asserted that the Ethical Decalogue "...was accepted as the constitution of the Israelite community at the dawn of her history in the wilderness of Sinai...".<sup>523</sup> It has also been rightly observed that "Under the reign of Josiah, the *ṭyṛIB .* probably became the constitution of the Judean state for a short time. But even when the reform failed after Josiah's death and the Judean state broke down, the *ṭyṛIB .* became the basis of the communal self-control that formed the characteristic traits of Judaism".<sup>524</sup> This shows that the *ṭyṛIB .* document served as the written constitution of the Jewish people, right from the formative period of their history. This document has been continuously reviewed, in order to adapt it to the changing socio-political and cultural situations of the people.

### 5.5.3 Humanitarian categories

Humanitarian<sup>525</sup> laws constitute a significant portion of individual legislations in Israelite covenant law. The humanitarian laws were assigned to the early period of settlement in Canaan under Joshua and the era of the Judges. This was because the content of these legislations reflect the emerging needs of an agrarian community, emerging in transit from a predominantly nomad culture. The humanitarian laws in the Covenant Code are found in Exodus 22, 20-26; 23, 1-9. But in Deuteronomic Code, they are interwoven with the civil legislations.

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<sup>523</sup> M. Weinfeld. 2001. *Decalogue and the Recitation of "Shema": The Development of Confessions*. 99

<sup>524</sup> S. I. Johnston. Ed. 2004. *Religions of Ancient World: A Guide*. 568

<sup>525</sup> In the Covenant Code for example, Pfeifer identified a homogenous segment (Exodus 22:20-26; 23:1-9,3) which he categorised as Humanitarian prescriptions. R. H. Pfeifer. 1931. *Transmission of the Book of Covenant*.

#### 5.5.4 Civil categories

In the realm of civil administrations, a wide range of issues are treated, such as stealing, as reflected in the Ethical Decalogue and in Joshua 7:11-15; treatment of slaves; murder/manslaughter; assault and battery (the *lex tallionis* e.g. Exodus 21:23-25); damages caused by unrestrained animals (Exodus 21:28-32); hazards due to unsafe civil constructions (Exodus 21:33-34; Deuteronomy 22:8); arson (Exodus 22:6); rape (Deuteronomy 22:25); bestialism (Exodus 22:19; Deuteronomy 27:21); and migrations (Leviticus 19:33-34; Deuteronomy 23:15-16).

#### 5.5.5 Economic categories

There are also specific stipulations regulating economic activities. These include the law of standard metering (Leviticus 19:35-36; Deuteronomy 25:13-16); the anti-usury legislation (Exodus 22:25; Leviticus 25:35-37; Deuteronomy 23:19-20); the labour laws (Leviticus 25:39-46) and the slave manumission law (Deuteronomy 15:12-18).

#### 5.5.6 Ecological Categories

Ecological matters are also covered in Israelite **בְּרִית** law. The basic issues of ecological category include agricultural practices (Deuteronomy 22:9); genetic engineering (Leviticus 19:19); deforestation (Deuteronomy 20:19); sanitation (Deuteronomy 23:13) and preservation of the species (Deuteronomy 22:6-7).

In the indigenous Ègbá Yorùbá perspective, the literal meaning of *imùlẹ̀* (to drink the earth) infers that humans exist in dynamic equilibrium with the entire web of creation. The whole of the ecological community is subsumed by the symbolism of the earth, from which all creatures derive their sustenance. Acts of ecological irresponsibility are prohibited in form of “taboo”, or sacrilege. Some of the ecologically tilted taboos in indigenous Ègbá, as representative of the Yorùbá culture tend to preserve endangered animal species, in a way, similar to the law of preservation birds (Deuteronomy 22:6); for instance, it is a taboo for a hunter to kill an antelope or deer while it is in labour. Some Deuteronomic Legislations tend to set rules for hygiene and preservation of the environment (cf. Deuteronomy 23:13-14). Such prohibitions in indigenous Ègbá culture are expressed as taboos. For instance, it is a taboo to defecate on a yam farm or to seat in a mortar or other vessels used for domestic cooking.

In the Ègbá indigenous culture, the ratification process of *imùlẹ̀* involves

drinking a potion of “*ilẹ*” (earth)<sup>526</sup>. The ideology underlying this symbolic act is the cosmic equilibrium reflected concretely in ecological balance maintained on earth. The earth is perceived as a dynamic and living being which has self-maintaining power. As a consequence of this, any element within the eco-system, which behaves in such a way as to cause a disruption of the eco-system, is expunged by the earth<sup>527</sup>. That implies that when a human element commits a moral atrocity, the spiritual powers inherent in the earth, which was virtually drunk during the process of *imùlẹ* would be invoked to exterminate the person from the earth<sup>528</sup>. A concrete example is found in the historical instance of the breach of trust between Ègè, the Balógun Ìjèsà and Lámoḍi, the Balógun Ègbá, during the planned annihilation of the Ègbá prior to the crossing of the River Qnà. Ègè was the one appointed to kill Lámoḍi, in the scheduled council meeting. As a bosom friend to Lámoḍi, he ought to have protected Lámoḍi’s interest, but he did not. As a consequence of this breach of trust, he was killed in the ensuing brawl. This became a pithy saying:

Òré kíì dalẹ̀ òré;  
 Awo kíì dalẹ̀ awo;  
 Ojọ̀ tí Ègè dalẹ̀ Lámoḍi,  
 Ojọ̀ nàà ló dágbére f’áye.<sup>529</sup>

a friend ought not betray<sup>530</sup> his friend;  
 a confidant ought not betray his trust,  
 the day that Ègè betrayed Lámoḍi,  
 that day, he bade the world farewell.

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<sup>526</sup> According to Chief Sofenwa, Jagùná of Ìtókú, in an interview, 15<sup>th</sup> July.2008; 10:00a.m-1:23p.m; the concept of *ilẹ*, as held among the Yoruba, goes beyond the ordinary physical earth. It is seen as the embodiment of spiritual realities. *Ilẹ* Symbolise the continuity and interconnected network of spirit beings that are perpetually in dialogue with the ancestors, the divinities and all other beings that tread on the surface of the earth. Hence *imùlẹ* is an act of calling the ever-present divinities to be implementers and supervisors of inter-personal relationships. It is therefore not possible to break the terms of a relationship under *imùlẹ* and be hidden, or to perjure and escape the repercussion.

<sup>527</sup> Interview with Chief Bola Odebiyi; 28<sup>th</sup> August 2008; 1:00-3:00p.m

<sup>528</sup> Informal discussions with Pa J. B. Adebisi, Dágunró of Ìgbóre.

<sup>529</sup> A. K. Ajisafe. 1972. *Iwé Itàn Abẹ̀òkúta*.

<sup>530</sup> The word “*dalẹ̀*” is translated here as “betray” because it implies a betrayal of trust or to perjure, but it literally means “to disrupt the earth”, which points to the ecological symbolism inherent in the process of ratification *imùlẹ*.

## CHAPTER SIX

### CONCLUSION AND RECOMMENDATION

#### 6 CONCLUSION AND RECOMMENDATION

The conclusions of this thesis were drawn through an analogy of **tyrIb.** in the social, cultural and political contexts of the Ancient Israelite **בְּרִית** relationship with *YHWH*, evaluated with the real-life context of the Ègbá indigenous culture. The aim is to deduce paradigms of relevant import for the African contexts, generally, and by extension, human societies at large. In logic, it is often felt that an argument from particular to general is invalid, but in this particular instance, the validity of the inferences and conclusion lies in the nature of the matter under study. Covenant, in the nuances of **tyrIb.** in the Tanakh and *imùlẹ̀* in the indigenous Ègbá culture is a phenomenon that belonged to the category of “*subjective innate reality.*”<sup>531</sup> It has been affirmed that the first step in knowing the universal God does not begin with generalisations or abstract theories, but rather through particular experiences or relationships.<sup>532</sup> The Tanakh presents Israel’s understanding of God in terms of her particular real-life experiences. These normal life experiences were interpreted in the light of her **tyrIb.** relationship with *YHWH*, and expressed in historical categories. It is, therefore, necessary to give a proper evaluation of this **tyrIb.** relationship from the perspective of indigenous culture, in order to deduce its applicability to the African Context.

##### 6.1.1 Universal principles inherent in the **בְּרִית** concept

Text critical analysis of the focus text and the apposite texts reveal that there is a very little variation among extant texts from diverse geographical locations, and language versions. It means that the tradition preserved in this text is, to a certain extent, endorsed by the scribes of diverse schools and locations. It means that both the Jews of the dispersion in Egypt<sup>533</sup>, Tiberias, Ethiopia, Babylon as well as the

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<sup>531</sup> This is because the effect of a covenant on the individual and ultimately on a society depends greatly on ability of individuals to perceive the gravity of the consequences and benefits inherent in the covenant arrangement. This is a subjective interpretation of the formal procedures, and the cognitive mediating process of the covenant. The process can be understood through the psychological process described by Ray Paul and Robert Macredie, and Stephen Probert. R. J. Paul & R. D. Macredie. 1998. *Issues in Information Systems Development Models*. 81-85; S. K. Probert. 1998. *The Metaphysical Foundations of Soft and Hard Information Systems Methodologies*. 86-102

<sup>532</sup> B. V. Brady. 1998. *The Moral Bond of Community*. 55

<sup>533</sup> This is reflected in Texts from Various parts of Egypt, including the Greek texts from Alexandria, the Sinai Peninsula, as well as the Coptic texts from various other parts of Egypt. However the Codex

Palestinian Jews endorsed the tradition represented by this text. It is also a testimony that the content of the focus text is well received and properly preserved.

By examining the presentation of the **tyrIb.** concept in the various literary traditions in the Tanakh, starting with the Ethical Decalogue (Exodus 20:1-17; Deuteronomy 5:1-19<sup>534</sup>) through the Sinai Pericope (Exodus 24:3-8); the Covenant Code (Exodus 20:22-23:33); the Sabbath Pericope (Exodus 31:12-17); the Ritual Decalogue (Exodus 34:1, 10-28<sup>535</sup>); sections of the Deuteronomic Code (Deuteronomy 4:12-14; 9:9-17; 10:1-4; 17:18; 27:1-8; 28:61-29:20<sup>536</sup>; 30:10-31:26); sections of Deuteronomistic History (Joshua 1:8; 8:30-34; 23:6-24:26; 1 Samuel 10:25; 2 Kings 11:4, 12, 17, 18; 14:6; 17:35-39); and some Deuteronomistic sections of Jeremiah (Jeremiah 7:9; 11:1-17; 31:31-34; 36:1-32); the critical look at these various text-traditions and the narrative plot from D to DH reveal that certain paradigms remain steadily constant, which are also found in the concept of *imùlè* of the indigenous Ègbá culture despite the fact that there is a dynamic growth in the understanding of the meaning and implications of the **tyrIb.** relationship between *YHWH* and Israel in the canon of the Tanakh which grew to a climax in Deuteronomistic Theology.

Throughout DH, the authors employ the literary device of paraenetic orations and editorial comments to indicate the “course of affairs in prospect and retrospect,” based on the ideology of the **tyrIb.**, with the LORD vividly presented in Deuteronomy to draw “the practical consequences”<sup>537</sup> for human behaviour in relation to the **יְרִיָה**. From the storyline of DH, the constant universal principles of the **tyrIb.** with the LORD can be seen through the categories of human behaviour covered by the law of the **tyrIb.**, as preserved in the extant documents in the canon of the Tanakh. When these categories are considered in the light of the methods of ratification of the **tyrIb.**, the underlying principles can be deduced. It is these underlying principles that provide the yardstick for measuring the effectiveness of the **tyrIb.** in regulating the life of Ancient Israel, particularly in the socio-political and economic realm. An important aspect of the **tyrIb.**, which it shares in common

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Sinaiticus was not of much use since the only relevant portion of it was the Jeremiah Tex. It was lacking in the major texts under study.

<sup>534</sup> RSV.5:1-22

<sup>535</sup> Exodus 34:11-26 has been identified as a self-contained pericope called The Ritual Decalogue, in this exegesis, the immediate verses bordering the Ritual Decalogue, i.e. Verses 10 and 28 are also considered because it is these verses that served to incorporate the Ritual Decalogue into the immediate literary context within the canon.

<sup>536</sup> RSV.8:61-29:21

<sup>537</sup> O. Kaiser. 1984. *Introduction to the Old Testament*. 170

with Ancient Near Eastern and African cultures, relates to the consequences of breaking the terms of the **tyrIb.**. The strength and weakness of the **tyrIb.** as a means of regulating human behaviour both in the Ancient Near Eastern as well as in the African indigenous culture is directly related to the gravity of these consequences. Hence, in the course of this study, the following issues have been contemplated:

### 6.1.1 The categories of human behaviour regulated by **קְרִית** in Ancient Israel

The **tyrIb.** between Israel and *YHWH* places the whole realm of human existence under the direct supervision of Deity in such a way that the whole of creation is subject to the practical consequences of human moral accountability to Deity mirrored in the demands of the **tyrIb.**. The demand of the **tyrIb.** is constructed in form of “covenant law” which summed up in the demand of proper behaviour in human relationship and responsible use of natural resources, with accountability before *YHWH*, who became intricately involved with human affairs through the **tyrIb.** with Israel<sup>538</sup>. The LORD of the **tyrIb.** was the King and ultimate Judge and the covenant law was the law of *YHWH*.<sup>539</sup> Transgression of the law was not a mere offence in the legal sense, but a “sin” against God, which creates an imbalance in cosmic equilibrium, thereby disrupting the whole order of creation. Sin, in Deuteronomistic Theology inherent in the focus text, is “transferable”, and “punishment for the sin of one generation can be played out in generations long after the original sin was committed.”<sup>540</sup> Under the **tyrIb.**, relationship, moral wrong is seen as an act of rebellion against the Divine Lawgiver. This becomes “the heart of prophetic summons to repentance and renewed fidelity to the **tyrIb.**.”<sup>541</sup> This study reveals from the growth of Israelite literary traditions that there is a systematic expansion of the sphere of human behaviour, regulated by the **tyrIb.** in Ancient Israel from the religious realm through the Political, then the Humanitarian and civil aspects of human life. The earliest **tyrIb.** document, represented by the Ritual Decalogue, focuses on religious and cultic values. The Ethical Decalogue proceeds to enthrone *YHWH* as the King of Israel, and by the combination of the Ethical Decalogue with the Ritual Decalogue, the **tyrIb.** relationship took on the form of a political

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<sup>538</sup> J. Assmann. 2004. *Monotheism and Polytheism*. 22

<sup>539</sup> R. Green. 2011. *Deuteronomy Book II*. 295

<sup>540</sup> S. Delamarter. 2004. *The Death of Josiah in Scripture and Tradition*. 32.

<sup>541</sup> H. W. Atridge. 2004. *Pollution, Sin, Atonement, Salvation*. 77



treaty<sup>542</sup>. In the Covenant Code<sup>543</sup>, the older Humanitarian laws were complemented with civil laws. In the final form of the **tyrIb.** document, the Deuteronomic Code which catalysed the reform under Josiah, the Civil and Humanitarian Laws were augmented with Ecological Legislations.<sup>544</sup> The categories identified in the preserved texts of the laws of the Israelite **tyrIb.** are therefore classified under religious, political, humanitarian,<sup>545</sup> civil, economic and ecological categories.

The hegemony of religion over every aspect of human behaviour is a phenomenon common to the Ancient Israel and the indigenous African Societies; especially the Ègbá of Western Nigeria, where religion pervades every sphere of life<sup>546</sup>. In both contexts, it has become difficult to delineate between religion and culture<sup>547</sup>. The Ancient Israelite **tyrIb.** and the indigenous Ègbá *ìmùlẹ̀* are basically ways of employing the religious instinct of humankind to regulate its entire behaviour. The uniqueness of Ancient Israel lies in the fact that the expression of religion itself is governed by the **tyrIb.** While religion became the means of national cohesiveness in her formative period, the religion itself was basically formulated as an expression of, and a means of maintaining the **tyrIb.** Israel's religion is formally expressed in such a way that the very issue of Israel's existence as a people hangs on her fidelity and exclusive loyalty to *YHWH*. The Priestly text-traditions predicate Israel's corporate

<sup>542</sup> Some Scholars like Rowley have argued that the Ethical Decalogue was an adaptation of the Ethical Decalogue by Moses to expand the covenant demand to cover a more sphere of human behaviour. H. H. Rowley. 1950. *From Joseph to Joshua.*; Furthermore, the ethical Decalogue is seen in Israel as having the imprecative force akin to ancient vassal treaty. D. J. Pleins. 2001. *The Social visions of the Hebrew Bible.* 47-48

<sup>543</sup> Scholars like Pfeifer have argued that the Ritual Decalogue forms the core which was embellished with further legislations in the course of Israelite socio-cultural transformation from a nomadic to a sedentary agricultural life after the settlement in Canaan. R. H. Pfeifer. 1931. *Transmission of the Book of Covenant.* 102.

<sup>544</sup> This is not a position with regards to the redaction history of Israelite covenant law or Deuteronomistic History, but rather a Narrative Critical position based on the final canonical form of the text.

<sup>545</sup> The Humanitarian Laws are so-called because they centre on the human good. They are mostly concerned with the protection of the poor, the less privileged and the marginal groups in the society. In Deuteronomy and Deuteronomistic History, the Humanitarian and Civil legislations are intermingled. This has led some scholars to postulate a Monarchical period for their enactment because they felt that the egalitarian nature of the social structure in the pre-monarchical period could not have produced such a social stratification, which they felt is the result of the emergent upper class of government officials, military officers and business magnates which is characteristically associated with ancient system of Monarchical government. (For example, R. Albertz. 1994. *A History of Israelite Religion in the Old Testament Period.*)

<sup>546</sup> E. B. Idowu. 1973. *African Traditional Religion – A definition.*; 1996. *Oloдумаре, God in Yoruba Belief*; J. S. Mbiti. 1977. *African Religion and Philosophy.*

<sup>547</sup> For instance, in an informal, casual discussion with Dr. J. K. Ayantayo it is clear that many people simply equate religion with culture. Rather than seeing religion as an aspect of culture, many people felt that the two are so intricately interwoven that they cannot be separated. Informal Discussion with Dr. J. K. Ayantayo in office of the Head of Department, Department of Religious Studies University of Ibadan, Ibadan, 15<sup>th</sup> March 2011.

political wellbeing on a right relationship with the LORD of the **tyrIb.**, which subsists in a right ritual, and meticulous adherence to cultic regulations. The **tyrIb.** stipulated laws governing the external expressions of religion<sup>548</sup>. Major revisions of the **tyrIb.** document during re-enactment in most cases rigorously deal with the modification of the cult. The content of the earliest core-text<sup>549</sup> among the extant documents of the **tyrIb.** is the ritual Decalogue<sup>550</sup>, which prescribes laws concerning cultic practices and religious expressions. The regulations prescribe absolute and exclusive worship of *YHWH*; expressed in outright rejection and annihilation of indigenous Canaanite cults and the observation of Sabbath, religious feasts and particular ritual practices. The relationship between *YHWH* and Israel is the crux of the **tyrIb.**.

In the political parlance, the **tyrIb.** lies at the foundation of Israel's national consciousness. The Ethical Decalogue was positioned strategically in the Sinai Pericope in the final form of the canon to show that it was the foundational constitution of the tribal league.<sup>551</sup> Through the Deuteronomic Reform of Josiah, the stipulations of covenant represented by the discovered *hr" \_ATh; rp, seä* ('*book of the law*'), probably, became renewed as the constitution of the Judean state while the reign of Josiah lasts. It also became the basis of the communal self-control that formed the characteristic trait of Judaism<sup>552</sup> and which governed the Jewish colonies of the diaspora. It is therefore logical to affirm that the **tyrIb.** provided the written constitution of the Jewish People right from the formative period of their history. The **tyrIb.** document has been continuously reviewed and adapted to the changing socio-political and cultural situations of the people.

The humanitarian laws<sup>553</sup> constitute a significant portion of individual

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<sup>548</sup> The Ritual Decalogue, for instance, has been associated with the early stages of the Israelite covenant. R. H. Hiers. 2009. *Justice and Compassion in Biblical Law*. 88; <sup>548</sup> R. H. Pfeifer. 1931. *Transmission of the Book of Covenant*. 102; J. S. Baden. 2009. *J, E, and the Redaction of the Pentateuch*. 197

<sup>549</sup> The Ritual Decalogue is ascribed to the 'J' stratum of the Pentateuch, which is considered the earliest stratum according to the Documentary Hypothesis; W. J. Doorly. 2002. *The Laws of Yahweh*. 100; I. G. Mathews. 2003. *Old Testament Life and Literature*. 48.

<sup>550</sup> Exodus 34:11-26 is technically called "Ritual Decalogue" in Source Criticism. R. A. Hess. 2007. *Law*. 192; J. Jensen. 2006. *Ethical Dimensions of the Prophets*. 24; B. S. Childs. 2004. *Exodus*. 605. It is also referred to as the "Small Covenant Code".

<sup>551</sup> M. Weinfeld. 2001. *Decalogue and the Recitation of "Shema": The Development of Confessions*. 99

<sup>552</sup> Johnston, Sarah I. Ed. 2004. *Religions of Ancient World: A Guide*. USA: Harvard University Press. 568

<sup>553</sup> In the Covenant Code for example, Pfeifer identified a homogenous segment (Exodus 22:20-26; 23:1-9,3) which he categorised as Humanitarian prescriptions. R. H. Pfeifer. 1931. *Transmission of the Book of Covenant*.

legislations in the Israelite **tyrIb.** law, and are assigned to the early period of settlement in Canaan under Joshua and the Judges. The humanitarian laws of the Covenant Code are found in Exodus 22, 20-26; 23, 1-9. But in Deuteronomic Code, they are interwoven with the civil legislations.

A wide range of issues are treated in the realm of civil administrations. All the **tyrIb.** documents contain civil legislations ranging from interpersonal issues such as stealing, economic issues such as loans and deposits, up to corporate issues such as immigrations and international relations. Ecological issues regulated by Israelite **tyrIb.** law include agricultural practices, genetic engineering, deforestation, waste disposal, sanitation and preservation of the species.

### 6.1.2 The principles underlying the **tyrIb.** in Ancient Israel

This study reveals that common fundamental concepts and components underlie the Ancient Israelite **tyrIb.** and indigenous Ègbá *imùlè*. The basic components are (i) contracting parties, who are sovereign entities capable of positive or negative actions based on choice and freewill, but who could be motivated or induced by either positive or negative incentives; (ii) the need to establish or maintain a moral relationship between the two parties; (iii) identified behavioural patterns which to be prevented and others which are to be ensured; (iv) fear appeal *mechanism*; (v) specific formal procedure which is perceived as giving the **tyrIb.** its binding force; and (vi) The perpetual nature of the ensuing relationship.

The overall principle governing both **tyrIb.** and *imùlè* is the principle of “fear appeal”. The effectiveness of this principle is determined by the efficacy of the cognitive mediating process employed. In the focus text, the instrument of cognitive mediating process was the *hr" \_ATh; rp, seä*, (book of the law),<sup>554</sup> found in the Temple, which was equated with the *tyrIêB.h; rp, seä* (book of the covenant).<sup>555</sup> The study reveals that the **tyrIb.** was kept as long as there was effective leadership which teaches and enforces the terms of the **tyrIb.**. As soon as a leader dies, the people break the **tyrIb.** and incur the repercussion of social degeneration, political captivity and economic deprivation. This was presented in DH as a vicious cycle which spiralled to a climax in the eventual catastrophe of the fall of Samaria about 721BC and the fall of Jerusalem and exile of Judah about 586BC. The

<sup>554</sup> 2 Kings 22:8, 11

<sup>555</sup> 2 Kings 23:2

fact that the book was “found” shows that the book had virtually been lost and forgotten, probably under the protracted apostate rule of Manasseh. DH purports that a recast of history also served as a cognitive mediating device. It, therefore, went ahead to provide a means of ensuring the perpetuity of the cognitive mediating mechanism, by presenting a historical document based on extant **tyrIb.** tradition which is reflected in Deuteronomy in such a way that the reader would be motivated to seek a renewal of the **tyrIb.** as a means of averting further catastrophe in the future.

### 6.1.3 The efficacy of *b<sup>e</sup>rith* in regulating human behaviour in Ancient Israel

From the indigenous African perspective, generally, and the Ègbá perspective, in particular, the efficacy of *imùlẹ* is evaluated according to the severity and certainty of occurrence of the consequence for breaking the terms of the pact, hence, the pithy saying “*eni Şàngó bá t’ojú ẹ wọlẹ kì bú kòso lẹ̀rùn,*” meaning “the person who literally witnessed the descending of Sango, the god-king of thunder into the earth would not dare to invoke the god of thunder on an empty oath even in the dry season”. If this is applied to the **tyrIb.** of Ancient Israel, the inference is that the whole of DH and the book of Jeremiah is a testimony to the efficacy of the Ancient Israelite **tyrIb.**, by carefully showing that the threats of the **tyrIb.** were actually fulfilled. Furthermore, they provide a further medium of cognitive mediation process for perpetual continuity of the **tyrIb.**. By furnishing the exiled community with a theologically interpreted historiography, which interpreted the catastrophe of the fall of the two kingdoms as fulfilment of the threat of the **tyrIb.**, it reinforces both the threat appraisal as well as the coping appraisal. The threat appraisal is strengthened since the predicted threat was historically fulfilled. Josiah was influenced by the reading of the **tyrIb.** because he could readily connect the catastrophic fall of the Northern Kingdom with the threatened curse of the **tyrIb.**, documented in the book. In a similar vein, DH is composed in such a way that the post exilic Israelite reader would readily connect the catastrophic fall of Jerusalem with the curse of the **tyrIb.**, thereby strengthening the threat appraisal.

On the other hand, the coping appraisal is strengthened for Josiah by the oracle of Prophetess Huldah. The prophecy of Jeremiah also strengthened the coping appraisal for the post exilic Israelite community by the prediction of restoration after seventy years of exile, and the forecast of the New Covenant. The positive influence of the hope

of restoration after seventy years is clearly depicted in Daniel's prayers in Daniel 9:1-19.

#### 6.1.4 Consequences of breaking the terms of the **קְרִיַת** in Ancient Israel.

Right from the earliest literary compositions of the Israelite **tyrIb.** with *YHWH*, the consequences of breaking the terms of the **tyrIb.** had been associated with corporate national calamity accruing from the withdrawal of the Patron rights granted by *YHWH*. This is portrayed with increasing theological vividness in the Tanakh, until it reached a climax in Deuteronomistic Theology. The historical reality of this calamity is demonstrated in DH and the book of Jeremiah. The ultimate result was the catastrophic destruction, first of the Northern kingdom, and then of the kingdom of Judah. The trauma of the exile as depicted in Deuteronomy and DH was accompanied with famine, pestilence, and all sorts of torture. An aspect of this tortuous situation of important significance in the indigenous Ègbá Yorùbá culture is the aspect of psychological torture. It is discovered that insanity and mental torment of individuals is a very popular result of breaking an *ìmùlẹ̀* pact. Deuteronomistic theology also attributes psychological torture of individuals to the breaking of a **tyrIb.**<sup>556</sup> Interviews and counselling sessions with some students who were undergoing emotional stress reveal that breaking *ìmùlẹ̀* pact often leads to psychological torture, depicted in the curse of the **tyrIb.** in Deuteronomy.<sup>557</sup>

#### 6.1.5 The strengths and weaknesses of the **tyrib.** in Ancient Israel

The research reveals that the strength of **tyrIb.** as a means of regulating human behaviour in ancient Israel, especially in the socio-political and economic realm, lies in the human religious and self-preservation instinct as well as the perpetual nature of the ensuing relationship. The concept is weakened by the varying levels of the ability of the parties or subjects of the **tyrIb.** to perceive the severity and probability of occurrence of the threatened punishment and the promised benefits associated with the **tyrIb.** For instance, the generation that did not take part directly in the theophany at Horeb/Sinai cannot be effectively motivated by the awe-inspiring encounter as those

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<sup>556</sup> Participant Observation at Adeoye Lambo Psychiatric ward, University College Hospital, Ibadan on three occasions 15 June 2011; 21 July 2011 and more recently 16 May 2012 coupled with Interview with Psychiatric Patients confirm that many individuals become subject to psychological torture as a result of breaking *ìmùlẹ̀* pacts with certain esoteric cults.

<sup>557</sup> Cf. Deuteronomy 28:65

who had the actual first-hand experience. It was, therefore, necessary to provide a more relevant means of cognitive mediating process, by re-casting the **tyrIb.** in form of a vassal treaty. Despite this, it was discovered that the **tyrIb.** document got lost at some stage, leading to eventual forsaking of the **tyrIb.** by the people. Hence, the effectiveness of **tyrIb.** is predicated on proper information of the subjects. It also depends on the nature of the “religious formation” of the subjects. Since religion is a phenomenon of innate subjective reality, the level of perception of spiritual/religious realities varies with individuals, generations and cultures. This is clearly shown in the Chronicler’s depictions of Jehoshaphat’s attempt to reform the community which emerged at Northern Israel after the fall of Samaria. These people paid no regard to hr" \_ATh; rp, seä probably because they were non Israelites who had been brought to settle in the land by the king of Assyria from diverse cultures which did not share the same religious formation with the original Israelite tribes. In the same vein, modern Africans do not share the same religious orientation with their forebears due to the effect of civilisation, Christianity and Western education. For instance, in pre-colonial Ègbá communities, one of the major deities invoked during *imùlẹ* pacts, because of its perceived efficacy in oath implementation is Şànpòná<sup>558</sup>, but due to the emancipation of the populace from the menace of the Şànpòná priests by the colonial government, and the introduction of small pox vaccines, the deity had since lost its prestige as a patron deity in oath-taking. Moreover, modern day Yorùbá are more secular oriented than their forebears, hence the fear of the supernatural is not as deep in their mind as it is with their ancestors who were more deeply religious in their worldview.

## 6.2 Common Paradigms in the Ancient Israelite בְּרִית and the Ègbá concept of *imùlẹ*

Though the English word “covenant” as understood by most Yorùbá people, particularly the Ègbá, to whom English is a secondary language, is the most appropriate English rendition of the Hebrew **tyrIb.** (*b<sup>e</sup>rith*); there are certain paradigms in the indigenous Yorùbá concept of *imùlẹ* which an Ègbá person would readily identify in the Hebrew concept of **tyrIb.**, that, otherwise, would not have been readily identified when the English rendition comes as an interface between the original Hebrew **tyrIb.** and the indigenous understanding of *imùlẹ*. This may not be the same with a person for whom English language and culture is indigenous. The disparity is primarily

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<sup>558</sup> Among the Yoruba, Şànpòná is believed to be the god of small pox and measles.

due to the divergence between African and Western European worldviews. As lucidly captured by Obafemi Jegede, “the traditional African cosmology and mode of reasoning are different in many respects from the dominant western paradigm.”<sup>559</sup> Hence, the understanding of the Biblical text becomes more complicated when the text has to be passed through the medium of an intermediate language and culture before interpretation into the Yorùbá language. This increases the hermeneutical gap<sup>560</sup> between the text and the recipient. A method of providing better understanding of **tyrIb.** for the Ègbá, and by extension the African people, in general, is to illuminate, as much as possible, the original Hebrew **tyrIb** with the indigenous Ègbá *ìmùlẹ̀*. This inference is based on the observation that “although the African indigenous cosmologies appear to differ according to geography and regional histories, the degree to which they coincide in fundamental principles and functions define them as multiple expressions of a single cultural and cosmological construct”<sup>561</sup>. This study reveals that the Hebrew **tyrIb** shares certain fundamental conceptual paradigms with the indigenous Ègbá *ìmùlẹ̀*. This provides a contemplative impetus for two pertinent questions:

- (i) How can the **tyrIb.** be understood in the indigenous Ègbá context?
- (ii) What are the parallels between **tyrIb.** and *ìmùlẹ̀*?

The findings concerning these questions as contemplated in this study are summarised as follows:

### 6.2.1 How can the **tyrIb.** be understood in the indigenous Ègbá context

Looking at the **tyrIb.** framework for regulating socio-political and economic behaviour from indigenous Ègbá evaluative perspective, it was discovered that the Ancient Israelite **tyrIb.** could be understood more precisely by the term *ìmùlẹ̀*. Another terminology in close relation to the Ancient Israelite **tyrIb.** is *májẹ̀mu*, which emphasises the legal/contractual aspect of the Israelite **tyrIb.**, and is more closely related to the Greek *sunqekh* (*suntheke*), which the LXX did not use

<sup>559</sup> C. O. Jegede. 2010. *Science and African culture*. 313.

<sup>560</sup> The term “hermeneutic gap” is used here to denote the gap between the written text and the interpretation offered by the exegete based on the divergence between the real life context of the author and the exegete. This contextual difference covers a wide range, including difference in language, philosophical outlook, cosmology and cosmogony, topography, religious ideology, culture, and general worldview. Cf. P. Barry. 2002. *Beginning Theory*. 213. A good example of the negative influence of the hermeneutical gap is encountered in the case of Bede’s exegetical commentaries, where the anti-Semitism of his native culture subtly affected his Scriptural exegesis. Cf. A. P. Scheil. 2004. *The Footsteps of Israel*. 23-33.

<sup>561</sup> M. K. Asante. & A. Mazama. Eds. 2005. *Encyclopedia of Black Studies*. 34.

because it does not capture the full implication of the Hebrew **tyrIb.**.. Comparison with the cognates of the term in the LXX shows that the Greek cognate word, *διαθεκη* (*diatheke*), used in the Greek translation of the text, as well as the word, *covenant*, used in the English translation, do not carry the full import of the Hebrew **tyrIb.** (*b<sup>e</sup>rith*) to the mind of the average Ègbá people. In reality, there is a lack of English vocabulary to adequately express the full connotations of the Hebrew **tyrIb.** in one single word.<sup>562</sup>

**tyrIb.** was rendered as *májèmu*, in the Yorùbá version of the text. The reason for this choice of word is because the translators depend more on the English version for their translation rather than the Hebrew text.<sup>563</sup> This can be considered as inadequate because it did not convey the full connotations to the Ègbá mind as the Hebrew word **tyrIb.** would have conveyed to the Ancient Israelites who were the first recipients of the message. At best, the two words *ìmùlẹ̀* and *májèmu*, could be used together, or alternately, within 2 Kings 23:3 to indicate the specific connotations of the word. The verse would carry a fuller import of the original text; it is rendered as:

“Ọba sì dúró lẹ̀bàá ọ̀pó, ó sì *mulẹ̀* níwájú Olúwa, láti máa ọ̀ Olúwa lẹ̀hìn, àti l’áti máa pa àşẹ, àti àrokò, àti ọ̀fin Rẹ̀ mọ̀ ọ̀kàntọ̀kàn, àti láti fi ọ̀rọ̀ *májèmu* tí a ti kọ̀ sínúu ìwé yì ọ̀fin. Gbogbo àwọn èniyàn nàà sì dúró nínúu *májèmu* nàà.”

If the term *ìmùlẹ̀* would be consistently used throughout, an alternative rendition is to conclude the verse with

...Gbogbo àwọn èniyàn nàà sì **jọhẹn** si *ìmùlẹ̀* nàà.

“**Jọhẹn**” is an Ègbá word meaning “express mutual consent.” *Ìmùlẹ̀* and *májèmu* are used respectively to denote different points of emphasis in the verse. *Ìmùlẹ̀* emphasises the point that King Josiah actually performed a **tyrIb.** ritual in the presence of the people, and took a potent oath. This is denoted by the choice of the Hebrew root *trk*.<sup>564</sup> The use of *májèmu*, on the other hand, emphasises the point that the people

<sup>562</sup> The Aláké of Ègbà Land, HRM Oba Adédòtun, Àrẹ̀mú Gbádébò, Okúkẹ̀nù IV confirmed that the word “covenant” is just a make-shift rendition of the Yoruba word *ìmùlẹ̀* because there is no English word that can capture the full implication of the word.

<sup>563</sup> The dependence of the Yorùbá version on the English version is seen in the abundance of English loan words in the Yoruba text of the Old Testament. For example, “Almondi” from Almond in Jer.1:11; Olifi, from Olives in 2 Kings1:32; “Kedari” and “firi” from Cedar and Fir in 2 Kings 19:23 as well as place and personal names like Egypt, Assyria, to cite a few examples. This textual dependence affects both the philological as well as the philosophical presentation of the message.

<sup>564</sup> The Hebrew phrase used in the focus text for *b<sup>e</sup>rith* ratification, literally interpreted as “to cut” a *b<sup>e</sup>rith* while the indigenous Yoruba terminology for ratification of *ìmùlẹ̀* literally mean “to drink the earth”. Both phrases reflect the process of ratification in their respective cultural contexts at one time in their cultural history.



give their common consent to abide by the terms of the **tyrIb.**, as spelt out in the book, which does not necessarily require all the people partaking in every aspect of the whole process of ratification, since the King has done this on their behalf in his representative capacity as the head of the people, but the people may as well have partook of a fellowship meal. Hence, the usage of the two terms alternately, emphasises that what the king drank was “*Ilè*,” as the formal process of taking a potent oath, while the people also partook of a fellowship meal, in which they drank with “*àjè*” as a symbol of community and solidarity with the king who took the oath on their behalf. This construction would retain the reminiscence of the Sinai Pericope (Exodus 24:5-11) in which the representative of the people performed the ritual rites of the **בְּרִית** and all the people partook in a fellowship meal.

### 6.2.2. What parallels are there between **tyrIb.** and *imùlè*

The parallels between **tyrIb.**, in ancient Israel, and *imùlè*, in the indigenous *Ègbá* culture include: oaths and imprecations, the role of God or other supernatural beings as the supervisory agent, the establishment of a relationship of trust, and the perpetual and moral nature of the ensuing relationship.

Oath imprecations are central to both **tyrIb.** in Ancient Israel as depicted in the Tanakh and *imùlè* in the indigenous *Ègbá* culture. It is the oath that gives the ratification its binding force. In both instances the oath-imprecation provides the medium for the fear appeal. Also, the early stages of both **tyrIb.** and *imùlè* are deeply rooted in the religious parlance.<sup>565</sup> The role of cosmogony in the **tyrIb.** at Sinai, which saw the emergence of Israel as a distinct people and bound the Israelite tribe together as one nation is similar to the role which the indigenous African cosmogony of the *Ègbá* people played in bringing the various *Ègbá* clans together and binding them together as a people of one identity. In the case of Ancient Israel, the earlier stages of the **tyrIb.** represented by the Sinai Pericope, the Ritual Decalogue and the Ethical Decalogue did not contain elaborately spelt out curses. Instead, the fear appeal is provided through a vivid demonstration of Divine immanence by means of the theophany at the “Mountain of God”. The terror of the earth-quake scene, accompanying the giving of the law at Sinai, imbued the Ethical and Ritual Decalogues with the imprecative force akin to that of the curse-imprecations of the Ancient Near

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<sup>565</sup> Cf. J. K. Ayantayo. 1999. *Religious Ethical Issues in the Oath of Office in the Nigerian Constitution*.

East Treaty formulae<sup>566</sup>. In a similar parlance, the Ègbá rallying together at the Olúmo Rock, which was a massive volcanic rock formation, after escaping genocide by the confederate mercenaries at Ibadan, did not enter into any clearly spelt out compact for co-existence of the Ègbá clans. Their source of nationality stems from the common hope in “Olúmo” as a source of refuge, neither was there any record of any official sworn oath between them. It was the common shelter and protection provided by the impressive Olúmo Rock that formed a sort of naturally ensuing *ìmùlẹ̀* of corporate co-existence among them. The common paradigm here is only visible through intimation with the vicissitudes of life which culminated in the coalition of the Ègbá at Olúmo, in the light of the story of emancipation of Israel from Egypt culminating in the **tyrIb.** at mount Sinai / Horeb.

The Ègbá had been vassals to the old Òyó Empire, but under the able leadership and political ingenuity of Líṣàbí, they gained their independence and remained free from tribute for quite some time. Then, due to a spark of inter-tribal hostilities, emerging from a market-place brawl between Òwu and Ìjẹ̀bú at Apòmù market, a coalition of Ìjẹ̀bú and Òyó, aided by other professional mercenaries, began to sack the largely independent Ègbá towns one after the other. In a bid to seek a truce, the erstwhile Ègbá leader, Lámòdi, and a remnant of the Ègbá coalesced at Ìbàdàn, one of the Ègbá settlements which had been sacked, and was then serving as the war base of the enemy confederate. When it was apparent that the Ègbá were continuously being oppressed and sold into captivity, the Ègbá remnants sought to leave Ìbàdàn and sought out a place of rest. They, sought permission to cross the river Ọ̀nà (“*Odò - Ọ̀nà*”) a major river that runs across the former Ègbá Territory, to appease their ancestral gods. Àrẹ̀<sup>567</sup> Máyẹ̀, the Leader of the enemy confederate suspected that the Ègbá were seeking an avenue of escape, so he insisted that an omen must be sought, to confirm their intension. The usual way of doing this among Yorùbá of the time was to “cast the Kola”, in a similar way of throwing the dice or casting of lots. Fortunately, an Ègbá Ògbóni, Lóṣí by name, was elected to cast the Kola. Lóṣí cast the kola, indeed, but when he saw that the result was negative, he started shouting “*èyí àrà,*”<sup>568</sup> meaning “this is spectacular” while tactfully manipulating the kola pieces as he carried it about until he finally presented it to the leaders after it had been manipulated to show the sign

<sup>566</sup> Cf. D. J. Pleins. 2001. *The Social visions of the Hebrew Bible*. 47-48.

<sup>567</sup> Àrẹ̀ is an abbreviation of the title “*Àrẹ̀ ọ̀nà kakanfò*” which is the title equivalent to “commander in chief” given to the supreme commander of the central army of the Old Òyó Empire.

<sup>568</sup> This tradition is preserved orally in the pithy saying “*eyí àrà – obìi Lóṣí*” meaning “this is spectacular, Lóṣí’s kola-cast” cf. Interview with Pa. Akinbode, of Kemta Oke-bode, Ìsábò Abẹ̀òkúta. (now late)

of positive approval. Unable to query the sign of the kola, Màyè agreed that the Ègbá should be allowed to go. However, they later summoned a private meeting of the Ògbóni, in which they plotted to assassinate Lámọ̀di, the war-leader of the Ègbá remnants. In the ensuing brawl, Lámọ̀di eventually sustained a mortal wound, but managed to get the Ègbá remnants across the River Ọ̀nà. In the camp across the river, Lámọ̀di died after committing the Ègbá to the care of Şódeké with a charge to ensure that he leads the Ègbá to a safe and secure abode. After consulting the oracles, “Abèòkúta” literally meaning “the place under the rock” was chosen. The oracle foretold that they would prosper at the place, and that they would receive divine assistance through foreign missionaries. They named the massive rock at the site “*olúfimọ*”, literally meaning “a limit setter” a contraction of “*Oluwa fi wahala wa mọ*” literally meaning “the Lord has put a limit to our sufferings”. This is shortened to “Olúmọ”. The Ègbá, therefore, often call themselves “*omọ Olúmọ*” the people of Olúmọ.

When the missionaries came with the Biblical story of the Israelite Exodus from Egypt it was easy for the Ègbá to link the story with known paradigms in their own national history. For them, Moses and Joshua are typified by Lámọ̀di and Şódeké; Pharaoh and his army are typified by Màyè and his confederate army of mercenaries. The Red Sea is typified by the Ọ̀nà River, and most significantly, Mount Sinai/Horeb is typified by the impressive Olúmọ Rock.

The role of Deity is central to both **tyrIb.**, and *imùlè* in the Ègbá experience. The role of the theophany at Sinai, in the Israelite national history, expressed in terms of **tyrIb.**, is similar to the role of the Olúmọ in the national history of the Ègbá, which can also be constructed in the terms of *imùlè*. The major paradigm here is a cosmogony based mechanism of fear appeal. At Sinai, the Divine immanence is made vivid in form of an awe-inspiring theophany, which is aimed at creating the “fear of God” as a basis for moral uprightness, summarised in the terms of the Ethical Decalogue.

For the Ègbá, the massive rock Olúmọ, is imbued with divine immanence. Sacrifices were offered at designated shrines in the Rock, just as Moses organised a sacrifice at the foot of Mount Sinai in ratifying the כְּרִית as depicted in the Sinai Pericope of Exodus 24:3-8. The Israelites became a distinct people because the tribes were bound together by a common allegiance to *YHWH*. They became “*ʾhw"hy>* ~ [ ; Ū” “the people of the LORD.” In a similar vein, the Ègbá became united as one

people, by virtue of taking common shelter at the site of the Olúmọ Rock. They call themselves “*ọmọ Olúmọ*”- meaning “the people of Olúmọ”. Though there was not a literary production of norms and legislations at the Olúmọ, the African indigenous cosmology and cosmogony inherent in the Ègbá indigenous worldview, provided the norms and values under the construction of a naturally ensuing *ìmùlẹ̀*. For them, the presence of spiritual reality is so vivid that they cannot contemplate any form of antisocial actions without an attendant conception of concomitant spiritual repercussion. There were tales of encounters with spiritual beings around the Olúmọ and its environs. Hence, it was easy to settle the leadership tussle between Déníyì, Balógun Ìjẹmọ and Sódẹkẹ over the paramount leadership of the tribal coalition by the simple intervention of an *Ifá* priest through an oracle declaring that the deities of the tribal league have been offended by the proposed duel<sup>569</sup>.

The need to eliminate arbitrariness in behaviour and to establish a relationship of trust is one of the basic reasons behind any ratification of either **tyrIb.** or *ìmùlẹ̀*. The establishment of a relationship of trust is a central feature of both. Once a **tyrIb.** or *ìmùlẹ̀* is ratified, it is expected that the parties maintain a relationship of trust and confidence. Each party is expected to continually seek the good of the other; including the personal wellbeing (Deuteronomy 15:39-43), material security (Exodus 23:4) and financial prosperity (Deuteronomy 15:7-11) of one another; hence, the Yorùbá saying “*awo kò gbọdọ dalẹ awo...*” meaning “covenant friends ought not betray one another”.

Both cases, however, differ from mere contracts because of the perpetual and moral nature of the ensuing relationship. **tyrIb.** and *ìmùlẹ̀* establish relationships that are not limited in duration or extent. In the indigenous Ègbá culture, once a group of persons enter into *ìmùlẹ̀* they are bound to seek the general good of each other, perpetually. They must not do anything, whatsoever, that would be tantamount to a betrayal of trust. The requirements of the relationship is not limited to specifically listed items. This is also true of the **tyrIb.** concept in Ancient Israel, despite the fact that there are stipulated laws containing specific legal dictates. The text critical analysis revealed that the content of the **tyrIb.** law is not expected to be static. Also, the omission of the specific “laws and statutes” of the Shechem Covenant from Joshua 24; and the detailed “words of this covenant” from the Jeremiah 36, as well as Moses’ affirmation that ...

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<sup>569</sup> A. K. Ajisafe. 1972. *Iwe Itan Abeokuta*. 62.

“`At) fo[]l; ^βb.b'l.bi (W ^ypiîB. dao+m.  
rb"βD"h; ^yl, ^2ae bAriq'-yKi(”

“But the word *is* very near to you, in your mouth, and in your heart, that you might do it.”... - **Deuteronomy 30:14**

points to the moral and perpetual nature of the relationship. As natural kinship cannot be revoked, in the same vein, the relationship ensuing from a **tyrIb**. or *imùlè* is construed to last perpetually. Moshe Weinfeld has also elaborated on the emphasis on perpetual validity of the Ancient Israelite **tyrIb**.<sup>570</sup>

### 6.3 Applicable paradigms of תְּרִיבָה and *imùlè* concepts in the postmodern African Society

The paradigms in **tyrIb** which are applicable to Postmodern African societies are derived from the universal principles inherent in **tyrIb** and *imùlè*. These paradigms must be re-interpreted in specific categories before they can be effectively employed in the present day African societies.

#### 6.3.1 Universal Principles in the תְּרִיבָה concept as a framework for regulating human behaviour applicable to modern African societies

The universal principle that runs across **tyrIb**. and *imùlè* is the principle of fear appeal via a cognitive mediating process, which conforms to the Protection Motivation Theory (PMT). The theory has been applied in the medical field to analyse adaptive and maladaptive behaviour towards coping with a health threat.

Protection Motivation Theory (PMT) was originally proposed to provide conceptual clarity to the understanding of fear appeals<sup>571</sup>. It was later revised and extended to a more general theory of persuasive communication, with an emphasis on the cognitive processes mediating behavioural change<sup>572</sup>. The theory describes the adaptive<sup>573</sup> and maladaptive<sup>574</sup> ways of coping with a health threat as a result of two appraisal processes. The first is a process of threat appraisal<sup>575</sup> and the other is a

<sup>570</sup> M. Weinfeld. 1972. *Deuteronomy and the Deuteronomistic School*. 104-106

<sup>571</sup> R. W. Rogers. 1975. *A protection motivation theory of fear appeals*. 93-114.

<sup>572</sup> R. W. Rogers. 1983. *Cognitive and physiological processes in fear appeals*.

<sup>573</sup> The action taken to avert the threat is called “adaptive response”.

<sup>574</sup> Maladaptive responses are those actions or inactions that make the subject more susceptible to the threat.

<sup>575</sup> The “*threat appraisal*” is the estimation of the chance of occurrence of the threat (vulnerability) and the perceived seriousness of a of the threat (severity)

process of coping appraisal<sup>576</sup>. A person, subject to a threat, evaluates the behavioural options to prevent the occurrence of the threat<sup>577</sup>. The “intention” to take steps to prevent the occurrence of the threat,<sup>578</sup> or to act in the opposite way, depends on the subject’s appraisal of the threat and the appraisal of the coping responses.

The portrait of the **tyrIb**. in Deuteronomy and DH, as well as the book of Prophet Jeremiah shows that fear appeal is employed to motivate the people towards right conduct. The fear appeal was mediated in the earlier textual traditions through the theophany at Sinai. However, Deuteronomy and DH show that the generations of Israelites that were not direct witnesses of the theophany at Sinai, were not effectively motivated by its fear appeal. Hence, the Deuteronomic re-presentation of the **tyrIb**. in the form of Vassal Treaty and Covenant Law, in which the blessings and curse-imprecations formulae served as the cognitive mediating mechanism. Hence, for the generation who directly witnessed the theophany, it was said-

... ~ymi\_Y"h;-lK' yt;PwOc.mi-lK'-ta,  
 rmoðv.liw> yti<sup>2</sup>ao ha'îr>yIl. ~h, <sup>a</sup>l' hz<÷  
 ~b''b'l. •hy"h'w> !Te†yI-ymi (

<sup>29</sup> O that there were such an heart in them, that they would fear me, and keep all my commandments always, that it might be well with them,... (Deuteronomy 5:29a)

But for the generation of those present at the renewal of the **tyrIb** at the plain of Moab who eventually crossed the Jordan and subsequent generations after them-

ar"úq.Ti rx"+b.yI rv<åa] ~AqßM'B;  
 ^yh,êl{a/ hw"âhy> `ynEP.-ta, `tAar"le  
 lae<sup>a</sup>r"f.yI-lk' aAbåB.  
 `~h, (ynEz>a'B. laePr"f.yI-lK' dg<n<i  
 taZO°h; hr"îATH;-ta,  
 W[øm.v.yI ![:m;'l. ^yr<\_['v.Bi rv<åa]  
 ^ßr>gEw> @J;êh;w> `~yviN"h;w>  
 ~yviÛn"a]h' ( ~['<sup>a</sup>h'-ta, lheäq.h;<sup>12</sup>  
 tAfê[]l; Wråm.v'w> ~k,êyhel{)a/

<sup>576</sup> Coping appraisal is the estimation of the cost of taking the action necessary for averting a threat, and the perceived ability of the subject to carry out the prescribed action as well as the perceived efficacy of the prescribed action to avert the threat. R. S. Lazarus. 1966. *Psychological Stress and the Coping Process*; H. Leventhal. 1970. *Findings and theory in the study of fear communications*. 119-86.

<sup>577</sup> H. Boer & E. R. Seydel. 1996. *Protection motivation theory*.

<sup>578</sup> The *intention* to take the action to avert the threat is called “*protection motivation*”.

hw"âhy>-ta, 'War.y")w> Wd<sup>a</sup>m.l.yI  
 ![:m;äl.W  
 `taZO\*h; hr"îATH; yrEËb.DI-lK'-ta,  
 ~ymi<sup>a</sup>Y"h;-lK' ~k, \_yhel{a/ hw"âhy>-ta,  
 ha'Ër>yIl. Wdêm.l'äw> 'W[m.v.yI  
 W[<sup>a</sup>d>y"-al{) rv<âa] ~h, úynEb.W<sup>13</sup>  
 `HT'(v.rIl. hM'v'Ë !DE±r>Y:h;-ta,  
 ~yrIôb.[o ~T,øa; rv,'a] hm'êd"a]h'ä-  
 l[: '~yYIx; ~T,Ûa; rv,'a]

<sup>11</sup> When all Israel is come to appear before the LORD your God in the place which he shall choose, you shall read this law before all Israel in their hearing.

<sup>12</sup> Gather the people together, men, and women, and children, and the stranger that *is* within your gates, that they may hear, and that they may learn, and fear the LORD your God, and observe to do all the words of this law: <sup>13</sup> And *that* their children, which have not known *any thing*, may hear, and learn to fear the LORD your God, as long as ye live in the land whither ye go over Jordan to possess it. (**Deuteronomy 31:11-13**)

DH strengthens this cognitive mediating process through the recurrent theme of apostasy –punishment –repentance – restoration, which culminated in the final catastrophe of the exile to Babylon, constructed categorically to depict the actual fulfilment of the consequences of breaking the **tyrIb** as predicted by Deuteronomy.

Interviews, focus group discussions, participant observation and the questionnaire during the field wok revealed that the cognitive mediating process in *imùlè* was effectively derived from the people’s awareness of the efficacy of oath-imprecations ensured by the local deities of the indigenous Ègbá culture, while they hold oaths or declarations made with foreign oath implements such as the Bible in very low esteem.

### 6.3-2. **How can these principles be applied to the contemporary Nigerian context?**

In the contemporary Nigerian context this principle is already being applied in the form of various oaths taken in the educational, judicial, professional, and civil service domains. In the realm of formal education, students of institutions of higher learning are required to take matriculation oaths in the process of being officially admitted into the institution. In the Judicial parlance, administrators of justice are required to take an oath as a process of being called to the bar, while witnesses, plaintiffs and defendants in every lawsuit are required to swear an oath of truthfulness.

In the medical profession, as well as many other professional guilds, an oath of induction is taken by fresh initiates into the profession. The role of the fundamental principle of **tyrIb.** and *imùlè* in the civil service was well captured by Jacob Ayantayo, when he stated that this principle was “introduced into the Nigerian system of government in the form of an oath of office which public office holders have to swear in order to make them serve the public conscientiously and satisfactorily<sup>579</sup>”.

From the Biblical perspective, the principle can be more precisely applied through religious-moral education as well as through some sacraments of the Church. This would enhance the effectiveness of this principle in the Nigerian context as it would strengthen the cognitive mediating process, by inculcating the “fear of God” as the basis of moral equity and good behaviour.

#### 6.4 **Limitations of the *בְּרִית* and *imùlè* principle as a socio-political and economic regulatory mechanism**

The impression which may be created by a casual reading of the whole of DH as a running narrative is that the **tyrIb.** concept is not effective in the changing socio-political and economic scenes of the Israelite history. But a critical evaluative hermeneutic of the inferences drawn from the Narrative Critical appraisal of the whole of DH reveals otherwise. The effectiveness the **tyrIb.** concept depends heavily on the “cognitive mediating process”.

The **tyrIb.** concept remains effective for regulating human behaviour in Ancient Israel so far as the cognitive mediating process is effective. The consequence of breaching the terms of the **tyrIb.** in Ancient Israel culminated in the eventual exile of the tribes because the custodians of the **tyrIb.** failed to effectively preserve and transmit the implements and mechanisms of the **tyrIb.** to successive generations. The ‘finding of the book in the Temple’, implies that there was a time in which the book of the **tyrIb.** was lost, which implied that its terms and conditions ceased to be transmitted to the people. Hence, they would not be aware of the dangers inherent in evil conduct, and would not be motivated to right conduct.

#### 6.5 **Conclusion**

In conclusion, the present study proposes a hypothesis that according to Deuteronomistic History (DH), Israel went to exile because of breaking the **tyrIb.** with *YHWH*, despite several warnings because the medium of enhancing the cognitive

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<sup>579</sup> J. K. Ayantayo. 1999. Religious Ethical Issues in the Oath of Office in the Nigerian Constitution. 102.



mediating process was not effective. Therefore, part of the purposes of the Deuteronomistic Historian is to provide such a cognitive mediating instrument with a view to modifying the socio-political and economic behaviour of the target audience, which were the post-exilic Israelites. Interpreting this position with an evaluative spectrum of the indigenous *Ègbá* practice of *ìmùlẹ̀*, encapsulated in the indigenous Yorùbá adage “*eèwọ àimọ kí humọ*” meaning “a child is not afflicted for violating a taboo out of ignorance”, it posits an argument that the reason why **tyrIb.** principles had not been effective hither-to in the modern African societies is because there is a lack of awareness of the efficacy of oaths and the implication of breaking the terms of the **tyrIb.** There is, therefore, a need to create a means of educating the African people about the gravity of oath-taking in public parlance such as public office, induction to professions, matriculation of students, and belonging to religious communities.

## 6.6 RECOMMENDATIONS

In order to ensure the effective application of the **tyrIb.** concept in curbing corruption and enhancing proper socio-political and economic behaviour in post-modern African societies, the following were recommended:

### i. **Adequate religious and moral instructions**

First, adequate religious and moral instructions should be incorporated into the formal education curriculum from the primary level to the tertiary level. This should include a thorough inculcation of the reality of the existence of God and the relevance of the fear of God in the daily human endeavours.

### ii. **Proper orientation on the implications of oaths**

The administration of oaths should be preceded by proper orientation and information with adequate references to practical instances of the effects of breaking public oaths. For instance, historical references should be made to the life of previous public office holders, illustrating the effects of compliance and non-compliance with the oaths of offices should be inculcated in the formulae for the administration of public oaths of office; while in the case of students, reference to the past life of previous students should also be cited with reference to compliance or non-compliance with matriculation oaths.

### iii. **Proper contextualisation of the tenets of religious faiths**

There should be a proper interpretation and application of paradigms in the language and terminologies of all religious faiths, which would make them readily understandable in indigenous cultural categories. For instance, the full implication of religious paradigms such as covenanting, oaths, sacraments, e.t.c are better understood when interpreted in the light of the local witness of indigenous cultural paradigms. To achieve this, experts in the field of hermeneutics and exegesis should be engaged.

iv. **Proper theological formation of religious functionaries**

There should also be proper theological formation for religious functionaries, who are usually engaged in the religious leadership, teaching and guidance of the public. Religious functionaries such as pastors, evangelists and clerics should be thoroughly trained in the interpretation and application of religious principles such that they would be able to, accurately interpret and, practically, apply the moral paradigms inherent in the religious faiths to the ever changing socio-cultural contexts of their followers.

v. **Engagement of competent and committed religious clerics in the application of religious tools in social engineering and public administration**

Properly trained and committed religious clerics should be engaged in the administration of oaths instead of administrative or judicial officers, who themselves may not have deep convictions about the practical consequences and practical social-political, economic and moral implications of the oaths. For instance, students would take their matriculation oaths more seriously if it is administered by a religious cleric instead of the Registrar of the institution.

vi. **Use of potent oath implements**

In most instances, persons who take oaths lightly do so because they do not perceive the potency of the religious implements and symbols employed in the administration of the oaths. Many who are not deeply committed Christians may take an oath with the Bible very lightly, not realising the long- term effect of breaking such oaths. The use of potent oath implements would reinforce the fear appeal, and better motivate the participants in the oaths towards compliance with the sworn oath.

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## APPENDIX I. INTERVIEW RESPONDENTS

S/N	RESOURCE PERSON	DESIGNATION /OCCUPATION	AGE	RESIDENSIAL QUATERS	DATE AND TIME OF INTERVIEW
1.	Chief Şofenwa	Jagunà of Itòkú	Above 80	Itòkú	15/07/2008 10:00a.m-1:23p.m
2.	Rt. Rev. M. O. Qwadayo	Bishop of Ègbá (Anglican Church)	Above 65	Oníkólóbó	30. 07. 2008 9:00-9:30a.m
3.	Magistrate Wunmi Oşibogun	Legal Practitioner	Above 50	Isábò	30. 07. 2008 12:00-12:30p.m.
4.	Ven. S. O. Şomorin	Clergy	Above 50	Ogbè	30. 07. 2008 3:00 – 4:00p.m
5.	Rev. J. O. Olubayo	Clergy	Above 40	Ijemò	06. 08. 2008 12:05 -1:00p.m
6.	Mr. Bola Lawal	Secretary, Aláké's Palace, Abèokúta.	Above 65	Aké Palace	07. 08. 2008 8:30-930a.m
7.	Barister. S. A. Oduroye	Legal Practitioner	Above 50	Kémnta Òke-Bodè	07. 08. 2008 7:30-8:00p.m
8.	Oba Adedotun Arẹmu Gbadebo (Okùkẹ̀nù IV)	Aláké of Ègbáland	Above 70	Aké Palace, Abèokúta	14.08. 2008 9:00p.m - 11:00p.m
9.	Chief Amos Işola Odebiyi	Olóri Pàràkòyí of Ijeja	Above75	Ijeja	19.08.2008 1:48- 3:00p.m
10	Rt.Rev. Luke Odubanjo	Bishop of Ègbá-Yewa; (Methodist Church Nigeria)	Above60	Asèrò	20/08/2008 8:17 - 10:15 a.m.
11.	Chief Kasali Sanyaolu	Ságbùà of Ipóró	Above 70	Ipóró	23/08/2008; 11:00-11:30a.m
12.	Chief Ayinla Bankole	Òdòfin Kémnta	Above65	Itòkú	23. 08. 2008 12:05 - 12:36p.m
13.	Pa. Joseph, Akinbiyi	Retired Civil Servant	Above 80	Dágunrò-Igbóre	23. 08. 2008 3:15 - 4:36p.m
14.	Pa Edward Oduroye	Transporter	Above 75	Kémnta Òke-Bodè	26. 08. 2008 10:00-11:00a.m
15.	Mrs.C. O. Ogungbayike	Retired Civil Servant	Above 70	Iyàna Lántóro	28. 08. 2008 9:00-10:00a.m
16.	Chief Bola Odebiyi	Retired Civil Servant	Above 70	Omídá	28. 08. 2008 1:00-3:00p.m
17.	Mr. Kayode Ogungbayike	Paramedic	Above 40	Abulé Olóni,	28. 08. 2008 6:30-7:00p.m
18.	Chief Amos Ayinde Akintoye	Retired Civil Servant	Above 76	Isábò,	06. 09. 2008 4:00-5:30p.m
19	Rev. E. O. Qladoyinbo	Clergy	Above 45	Kájolà, Owódé	06.10. 2011 8:00 -8:30a.m.
20.	Chief. O. Dosunmu	Baalè (Kajola Village)	Above 75	Kájolà, Owódé	06.10. 2011 9:00 – 9:45a.m.
21.	J. O. Oyebitan	Retired Teacher	Above 80	Erunbé	08.10.2011 10.05-11:00a.m
22.	Ven. V. O. Şotunde	Retired Clergy	Above 75	Kémnta-ÌdíAbà	08:10:2011 2:30-3:30p.m
23.	Chief. D. O. Şopeju	Bàbá-Ijo	Above 70	Èlégà	21. 10.2011 9:00-10:00a.m
24.	Mr. A. A. Fadipe	Retired Civil Servant	Above 70	Kéesi	23. 10.2011 10:00-11:00a.m
25.	Yosef Ben Daud	Staff, Israel Museum	Below 40	Jerusalem	12/11/2011

## APPENDIX II

### Focus group discussions with the Aláké's Regency Council

VENUE: Aké Palace

DATE: Monday 18<sup>th</sup> August 2008;

TIME 11:15 - 11:50 a.m.

#### LIST OF PARTICIPANTS:

S/N	PARTICIPANT	DESIGNATION / OCCUPATION	LEVEL OF PARTICIPATION
1.	Chief (Engr) J.O. Şodipe	Òdòfin Aké	Chairman of the Regency Council; Active participant
2.	Chief E.O. Famuyiwa	Apèná Ìtokò	Secretary to the Regency Council; Active Participant
3.	Chief J.O. Qsanyintolu	Jagùnà Kémnta	Active Participant
4.	Chief B.A. Şofoluwe	Apèná Ìtókú	Active Participant
5.	Chief Akanbi Kuşimọ	Balógun Ìjeùn	Active Participant
6.	Chief M.A. Makinde	Jagùnà Ìpóró Şodeke	Active Participant
7.	Chief Bajomọ	Balógun Ìjejà	Absent with apology

## APPENDIX III: SAMPLE OF THE QUESTIONNAIRE

DEPARTMENT OF RELIGIOUS STUDIES, UNIVERSITY OF IBADAN; IBADAN  
NIGERIA  
RESEARCH QUESTIONNAIRE

### INTRODUCTION:

This questionnaire is designed for the purpose of carrying out a research on the topic 'Berith as a socio-political and economic regulatory mechanism in Ancient Israel and traditional Ègbá-Yoruba culture. It is purely an academic exercise, with the aim of evaluating popular opinion concerning the issues raised. Strict confidentiality is guaranteed. I therefore seek your cooperation by freely and honestly responding to the questions.

### INSTRUCTIONS:

Please tick the appropriate option (√); where necessary, write out your response in the space provided.

### SECTION -A- BIOGRAPHICAL DATA

1. **Age:** Below 30yrs ( ) 30-50yrs ( ) 50-70yrs ( ) Above 70 ( )
2. **Sex:** Male ( ) Female ( )
3. **Title:** Mr./Mrs./Dr./Sir/Chief (Please Specify).....
4. **Occupation:** Student ( ) Employed ( ) Self Employed ( ) Retired ( )
5. **Religion:** Moslem( ) Christian ( ) Traditional Religion( ) Others (Please Specify).....
6. **Educational Qualification:** Pry School ( ) School Cert. ( ) National Diploma / NCE ( ) Graduate ( ) Post Graduate ( )
7. **Ethnicity:** Ègbá Alake ( ) Oke ona ( ) Gbagura ( ) Ègbá Owu ( ) Ìbarà ( ) I am not sure ( ) Others(Please specify).....
8. **Residential Quarters,** (e.g.Ìsábò, Àdátán e.t.c specific address is not necessary).....
9. Do you belong to a Cooperative Society, Student Union, Trade Union or Association? If Yes, please Specify.....

### SECTION -B- RESEARCH QUESTIONS

1. Do you agree that Covenant is an agreement between two parties which call on God or a supernatural power to ensure conformity to the terms of the Agreement?  
Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )
2. The major principle in covenant-making in Ègbá – Yoruba belief is to instil the fear of God in people with regards to normal day to day behaviour in society  
Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )
3. Covenant among the Ègbá people emphasises trust and clear conscience  
Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )
4. The idea that God would punish people who do evil secretly is common to all religions  
Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )
5. Instilling the fear of the wrath of God could be used to prevent people from bad behaviour like cheating, fraud, stealing corruption, sexual immorality, telling lies e.t.c.  
Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )
6. Do you agree that people are liable to show love, justice, and faithfulness to one



another because they are bound together by covenant?

Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )

7. Do you think people are more careful not to break a covenant than they are not to break civil or moral laws?

Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )

8. If you agree with 7 above, do you think people don't want to break the terms of a covenant because they fear the wrath of God or other spiritual forces?

Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )

9. Many trade associations in Ègbáland can be regarded as covenant societies

Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )

10. The Ògbóni System of Statecraft in indigenous Ègbá setting is not a secret cult or fraternity

Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )

11. The Ògbóni statecraft was a means of maintaining political stability in Ègbáland

Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )

12. The Pàràkòyí of Ègbáland is not a secret society of fraternity

Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )

13. The Pàràkòyí of can be regarded as a mechanism of regulating commercial activities in Ègbáland

Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )

14. The Pàràkòyí employs covenant concept in regulating commercial activities in Ègbáland

Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )

15. Cooperative thrifts and trade associations in Ègbáland employ covenant concept in regulating the behaviour or their members

Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )

16. The covenant principles used in the Covenant of God with Israel recorded in the Bible are very similar to the principles used by many covenant societies, trade unions and cooperative thrifts in Ègbáland

Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )

17. The use of covenant concepts such as instilling the fear of God, and appeal to conscience and emphasis on trust, could be used in regulating human behaviour in modern societies

Partially Agree ( ) Agree ( ) Strongly Agree ( ) Disagree ( ) Strongly disagree ( ) Neutral ( )

18. What is the likely result of breaking a covenant?

## LEGEND:

Total Number administered = 1000; Total Retrieved = 1000 Percentage Retrieved =100%

SN = Serial Number T R = Total Number of respondents to the particular Question

N = Neutral; %N Percentage of Neutral Response =  $N/1000 \times 100 = N/10$

S.A = Strongly Agree % SA=  $SA/TR \times 100$

A = Agree; % A=  $A/TR \times 100$

PA = Partially Agree %PA =  $PA/TR \times 100$

D = Disagree % D =  $D/TR \times 100$

SD = Strongly Disagree ; %SD =  $SD/TR \times 100$

TPR = Total Positive Response = SA+PA+A; % TPR =  $TPR/TR \times 100$

TNR= Total Negative Response = D+SD; % TNR =  $TNR/TR \times 100$

## INFERENCE :

Each Question on the Questionnaire is constructed as a proposition, to which the Respondent is required to show the level of Agreement of Disagreement. A Question with more than 50% Total Positive Response is considered a valid proposition, while a question with less than 50% Total Positive Response is considered an invalid proposition.

+ve = Affirmative, valid proposition

-ve = Negative, invalid proposition.

## DEMOGRAPHIC INFORMATION

### A. GEOGRAPHICAL DISTRIBUTION

A total of One Thousand copies of the Questionnaire were distributed within the research populace which covered The Administration of the Questionnaire is as follows:

Abẹ̀òkúta North Local Government, Ogun State	250
Abẹ̀òkúta South Local Government, Ogun State	250
Odeda Local Government, Ogun State	200
Obafemi Owode Local Government, Ogun State	200
Ido Local Government, Oyo State	100
TOTAL	1000

100% Retrieval was achieved because copies of the Questionnaire were administered on a wait-and-get basis. A research assistant was employed in the administration of the Questionnaire to assist in locating Older respondents and the interpretation of the research questions to respondents who were not literate<sup>580</sup>.

Abẹ̀òkúta was given the largest number because nearly all the clans and sub-

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<sup>580</sup> The Rev. E. O. Oladoyinbo of St. Andrews Anglican Church, Kajola was very helpful in assisting with the administration of the Questionnaire, and locating Older respondents for the Interview as well as for the Questionnaire.

ethnic groups of the Ègbá have representative quarters at Abéòkúta. Odédá and Obáfèmi Owódé Local Governments are also given relatively large number because the indigenous Ègbá Homesteads are still represented in these Local Governments and they have not been displaced by foreigners. Ìdó Local Government is given least because the indigenous Ègbá Populace have been dislodged to a greater extent during the Inter-tribal wars. This affords the opportunity of fairly even distribution of the Questionnaire among the major sub-ethnic groups and clans of the Ègbá people.

**B. AGE CLASSIFICATION**

- 05% of the respondents were below the age of 30yrs
- 10% were between 30 and 50yrs
- 60% were between 50 and 70 yrs
- 25% were above 70yrs.

Since the majority of the respondents were above the age of 50, it shows that the views of the respondents would be a closer representation of indigenous Ègbá-Yoruba perspective.

**C. GENDER**

90% of the Questionnaire respondents were male. This enhances the validity of the inference from the Questionnaire because the male are more involved in the statecraft and religious administration of the Ègbá People.

**D. OCCUPATION**

- 5% of the respondents were students
- 8% were self-employed, and majority of these were Road Transport Workers or Petite traders
- 27% were active civil servants
- 60% were retired from active employment because of Old Age.

A total of 95% of the respondents have been involved in active employment at one time or the other and have been involved in one trade union, cooperative or trade guild.

**E. RELIGION:**

- 95% the respondents were Christians.

5% were not Christians, but are related to Christians either by marriage or as members of their families. Respondents who have some knowledge of the Biblical concept of covenant, at least in the way it has been presented through the Christian Missionaries, were purposively selected.

#### F. EDUCATIONAL QUALIFICATION:

0.48% of the Respondents had post-graduate education, or are Post Graduate Students

8.02% were graduates

13.4% had equivalent of National Diploma (NCE; Advanced Teachers' Certificate; GCE A/Level & Cambridge A/Level)

20.7% had equivalent of School Certificate.

30.3% had Primary School education

27.1% had no formal education.

The researcher and a research assistant helped in explaining the content of the Questionnaire to the respondents that were not literate. This ensures that the respondents fully understood the research questions.

#### G. PARTICIPATION IN COOPERATIVE OR TRADE ASSOCIATIONS

All the respondents had participated in one religious association, trade guild, student union, social club or cooperative association at one time or the other. The respondents were purposively selected. Some of the targeted respondents were trade unions and cooperative thrifts. However due to the importance of the views of older people, majority of the older respondents were visited at home, and after church services. Majority had taken part in one guild or the other, while they were younger, and were currently members of religious associations.

**SUMMARY CHART OF QUESTIONNARE RESULTS**

SN	T R	N	%N N/10	S.A	% SA= SA/TRx100	A	% A= A/TRx100	PA	%PA= PA/TRx100	D	% D D/TRx100	SD	%SD SD/TRx100
1	985	015	1.5%	306	31.07%	391	40%	157	15.94%	113	11.47%	018	1.83%
2	969	031	3.1	187	19.30%	485	50.05%	173	17.85%	101	10.42%	023	2.37%
3	959	041	4.1%	194	20.23%	417	43.48%	228	23.78%	097	10.15%	023	2.40%
4	985	015	1.5%	267	27.11%	416	42.23%	187	18.99%	081	8.22%	034	3.45%
5	968	032	3.2%	215	22.21%	427	44.1%	228	23.55%	076	7.85%	022	2.27%
6	982	018	1.8%	147	14.97%	380	38.70%	246	25.05%	186	18.94%	023	2.34%
7	977	023	2.3%	139	14.23%	351	35.93%	262	26.82%	191	19.55%	034	3.48%
8	950	050	5.0%	101	10.63%	341	35.90%	270	28.42%	204	21.47%	034	3.58%
9	918	082	8.2%	055	6.00%	207	22.55%	290	31.59%	322	35.08%	044	4.79%
10	628	372	37.2%	005	0.80%	109	17.36%	256	40.76%	251	39.97%	007	1.11%
11	838	162	16.2%	084	10.02%	168	20.05%	199	23.75%	285	34.01%	102	12.17%
12	794	206	20.6%	079	9.95%	165	20.78%	215	27.08%	233	29.35%	102	12.85%
13	769	231	23.1%	102	13.26%	246	31.99%	157	20.42%	188	24.45%	076	9.88%
14	789	211	21.1%	058	7.35%	197	24.97%	241	30.55%	209	26.49%	084	10.65%
15	856	144	14.4%	081	9.46%	207	24.18%	262	30.61%	243	28.39%	063	7.36%
16	864	136	13.6%	029	3.36%	207	23.96%	293	33.91%	243	28.13%	092	10.65%
17	917	083	8.3	123	13.41%	404	44.06%	233	25.41%	107	11.67%	050	5.45%

**APPENDIX IV**  
**DETAILS OF PARTICIPANT OBSERVATION**

S/N	DATE AND TIME	VENUE	LEVEL/NATURE OF PARTICIPATION	OBSERVATIONS
1.	07. 08.08 12:00-2:00p.m	The Olúwo Ègbá's (Chief E.A. Adeboye)Residence, Ìyàná - Lísàbí, Ìdí-àbà, Abẹ̀òkúta	Observation of dispute resolution proceedings (pictures and video coverage were not permitted)	The native court was in session, with the Oluwo and his council on seat, a civil case was being presented, there were witnesses.
2.	11.08. 2008 10:25a.m - 4:00p.m	Olumo Rocks, Ikija, Abẹ̀òkúta	Research tour of the monumental Olúmọ Rocks Pictures and video clips were taken; I was assisted by a tour guide, Mrs. Modupe Adebayo	Pictures of historic artefacts and places on the rock. These are documented in the Plates and resource CD
3	19.08.2008 8:45-11:50a.m	Aké Palace, Aké Abẹ̀òkúta	Observation of indigenous Jurisprudence by the Aláké's complaint council <i>Ìdí-ère</i> ". Pictures of artefacts and video clips of proceedings were taken	i. The mode of greeting ii. Mode of dressing (See Pictures in Plate i.; and resource CD Rom) iii. Court etiquette iv. Court charges
4	08.11.2011 – 10. 11. 2011 8.30a.m - 4:51p.m (Israeli Time) Ticket No: 100453316	(i) Shrine of the Book Complex, Israel Museum, Jerusalem.	Examination of Ancient manuscripts. The originals of the Dead Sea Scrolls, The Aleppo Codex, and some dated fragments were consulted. At the time of the visit, The Originals of the Aleppo Codex and some of the Dead Seas Scrolls manuscripts were on display at the dome. Pictures and video clips were forbidden in the Museum.	i. The ancient texts were preserved in good condition. ii. All the manuscripts were handwritten. iii. There were no verse numbering on majority of the manuscripts iv. In many instances, the paragraph breaks are not uniform.
		(ii) The Aleppo Codex resource centre, Israel Museum, Jerusalem, Israel.	The microfilms of the Aleppo Codex, and other resource documents were accessed. Links was gained to the online Electronic microfilms of the Aleppo Codex, the Codex Sinaiticus, and the Codex Allexandrianus.	i. The Aleppo Codex is a Massoretic text, even though the verse numbers are absent. ii. The microfilms of some chapters and some books were not available. iii. Only Deuteronomy is available of all the books of the Pentateuch.
		(iii) The Dead Sea Scrolls information and study centre, Israel Museum, Jerusalem, Israel.	Microfilms of the ancient manuscripts from the Qumran community were accessed. There were also commentaries and	i. Many of the Dead Sea Scrolls consulted were Masoretic texts, though a few do not have the nikud. ii. The entries in the Critical apparatus of the BHS correspond

			monographs which were helpful.	with the verifications made so far with the microfilms of the ancient texts.
6	11. 11. 2011 10.00pm Egypt Time	Mount Sinai, Sinai Peninsula, Egypt	Observation at the Mount Sinai, the supposed site of the Theophany, and Sinai Covenant. Pictures are provided in the Picture Plates.	The actual site of the theophany was not certain. The present location is largely based on Scholarly speculation. However, the texture of the rock formations depict charred rocks while there was no certain evidence that there had been an active earthquake. This is one of the evidence advanced to support the location as the site of the Theophany.
7.	12. 11.2011 9:00a.m – 2:00 pm.	St. Catherine Monastery, Sinai Peninsula, Egypt	Observation of the Codex Sinaiticus	The Codex Sinaiticus was written in unpointed running scripts (i.e. scriptio continua without the Greek breathings and accents.) The folios are made of vellum parchment derived from animal skins. Each page is rectangular in shape, roughly 40x35c.m. Each page has 4 columns of 48 lines each, and each line has between 12 and 14 Uncial Greek letters, written in Alexandrian Greek. The available portions at St. Catherine are the book of Isaiah, 1Maccabees and 4Maccabees. There was no relevant text for the present study. The only extant portion of the Codex relevant to the present study is the book of Jeremiah, and this, along with majority of the portions were at the British Museum in London at the moment, but the Electronic Facsimile is available online.
8.	05. 02. 2012 8:00-8:30p.m	Live Telecast on BCOS Television by Most Rev. J.O.Akinfēnwa Archbishop of Ibadan Archdiocese Church of Nigeria Anglican Communion	Listening to the live sermon By the Archbishop on the topic: “Should a Christian take revenge?”	The Archbishop affirmed that public officers who break their oaths of office would definitely suffer the consequence. What happens to them after they leave office often reflect the impact of the oath they had taken while in office. It may be negative or positive depending on their compliance.

**SUMMARY CHART OF QUESTIONNAIRE RESULTS**

SN	TR	N	%N N/10	S.A	% SA= SA/TRx100	A	% A= A/TRx100	PA	%PA= PA/TRx100	D	% D D/TRx100	SD	%SD SD/TRx100	TPR SA+PA+A	%TPR TPR/TRx100	TNR D+SD	%TNR TNR/TRx100	Inferenc e
1	985	015	1.5%	306	31.07%	391	40%	157	15.94%	113	11.47%	018	1.83%	854	86.70%	131	13.30%	+ve
2	969	031	3.1	187	19.30%	485	50.05%	173	17.85%	101	10.42%	023	2.37%	845	87.20%	124	12.80%	+ve
3	959	041	4.1%	194	20.23%	417	43.48%	228	23.78%	097	10.15%	023	2.40%	839	87.49%	120	12.51%	+ve
4	985	015	1.5%	267	27.11%	416	42.23%	187	18.99%	081	8.22%	034	3.45%	870	88.32%	115	11.68%	+ve
5	968	032	3.2%	215	22.21%	427	44.1%	228	23.55%	076	7.85%	022	2.27%	870	89.88%	098	10.12%	+ve
6	982	018	1.8%	147	14.97%	380	38.70%	246	25.05%	186	18.94%	023	2.34%	773	78.82%	209	21.28%	+ve
7	977	023	2.3%	139	14.23%	351	35.93%	262	26.82%	191	19.55%	034	3.48%	752	76.97%	225	23.03%	+ve
8	950	050	5.0%	101	10.63%	341	35.90%	270	28.42%	204	21.47%	034	3.58%	712	74.95%	238	25.05%	+ve
9	918	082	8.2%	055	6.00%	207	22.55%	290	31.59%	322	35.08%	044	4.79%	552	60.13%	366	39.87%	+ve
10	628	372	37.2%	005	0.80%	109	17.36%	256	40.76%	251	39.97%	007	1.11%	370	58.92%	258	41.08%	+ve
11	838	162	16.2%	084	10.02%	168	20.05%	199	23.75%	285	34.01%	102	12.17%	451	53.82%	387	46.18%	+ve
12	794	206	20.6%	079	9.95%	165	20.78%	215	27.08%	233	29.35%	102	12.85%	459	57.81%	335	42.19%	+ve
13	769	231	23.1%	102	13.26%	246	31.99%	157	20.42%	188	24.45%	076	9.88%	505	65.67%	264	34.33%	+ve
14	789	211	21.1%	058	7.35%	197	24.97%	241	30.55%	209	26.49%	084	10.65%	496	62.86%	293	37.14%	+ve
15	856	144	14.4%	081	9.46%	207	24.18%	262	30.61%	243	28.39%	063	7.36%	550	64.25%	309	35.75%	+ve
16	864	136	13.6%	029	3.36%	207	23.96%	293	33.91%	243	28.13%	092	10.65%	529	61.23%	335	38.77%	+ve
17	917	083	8.3	123	13.41%	404	44.06%	233	25.41%	107	11.67%	050	5.45%	760	82.88%	157	17.12%	+ve