Memories of Enslavement as Identity Formation in the Legal Collections of the Pentateuch

By

Bitrus Bulus Cobongs

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Declaration

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Acknowledgement

I thank my God, who lavished the love of Christ on me and gave me the ability to love Christ and proclaim with Paul, "I have been crucified with Christ and I no longer live but Christ lives in me. The life I live in the body I live by faith in the Son of God who loved me and gave himself for me (Gal 2:20).

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Dedication

To the memories

of

Salamatu & Bulus Sabo Ajebu

&

John Raymond Keith

Abstract

This dissertation is a study of memories of enslavement as identity formation embedded in the slave instructions of the legal collections of the Pentateuch. The personal experiences of the writer in his native country of Nigeria and the last twenty years in the USA, became the impetus for the scrutiny of these slave instructions. The constant tribal and religious conflicts in Northern Nigeria are usually accompanied by the mention of past experiences of slavery and colonialism. Similarly, the black community in the USA seems weighed down by the memories of slavery and segregation as it wrestles with the matters of dignity, poverty and lack of education that affect it disproportionately. These concerns caused the author to reflect on the biblical material in the Pentateuch that relates to memories of slavery as the communities seek an identity of their own. Hence, this dissertation, with the title "Memories of Enslavement as Identity Formation in the Legal Collection of the Pentateuch", seeks to investigate how those passages addressed ancient Israel regarding the ethical treatment of the poor and downtrodden.

The author approached the passages from the point of view of a historical-grammatical study, where attention is paid to the grammar and syntax of the text, and similarities and dissimilarities in the synoptic texts where they address the subject of slave instructions in the Covenant Code (CC) in Exodus 21:1-11; the Holiness Code (HC) in Leviticus 25:39-55; and the Deuteronomic Code (DC) in Deuteronomy 15:12-18. An observation of the contexts surrounding these instructions shed light on their individual contexts and the guiding interests of the authors. The references to Egypt as a house of slavery in these instructions is considered a literary device to jolt the memory and direct behaviour in the right direction for the treatment of workers, especially fellow Israelites. It appears that, in each instruction, the setting of the pre-exilic and post-exilic world events of the ANE had influenced the behaviour of the audience so that the appeal to consider kinship relationships was prominent in the Deuteronomic and Holiness codes, where the term "brother" is employed as the true identity of the Hebrew slave. First, the CC and DC limit the service of Hebrew slaves to six years. The HC, which appears to be the latest instruction, removes the term "slave" entirely and draws attention to the claims of Yahweh, that Israel was redeemed to be "servants" of God and not anyone else's. Second, in the effort to guarantee the freedom of Israelite slaves at the Jubilee, the HC further removes "female slaves" as a possibility for Israelites. In the narrative sections of the Pentateuch, descriptive narrations of slavery require the attention of further research, because this

dissertation focused narrowly on the slave instructions. Any further research into those narratives will yield helpful information on how oral cultures tell and retell stories as a collective, identity-forming mechanism.

The dissertation seeks to bring to light analogies from the above Pentateuchal passages to the Nigerian experiences of tribal and religious relationships, as discussed in Chapter 2. The topic, "Memories of Enslavement as Identity Formation in the Legal Collections of the Pentateuch", indicates the initial intention of the study. However, the historical-grammatical study revealed that memories are tied to kinship in ancient Israel – illustrated by the metaphors related to family. The exilic community found a strong tie in kinship through the recollection of a common past. The common identity, in turn, was at the heart of the theological and ethical call to acknowledge the authority of Yahweh as the true Lord of all Israel. The slave instructions provide a sense of theological and ethical direction for the audience of each instruction. Likewise, the instructions appear relevant for theological and ethical direction for the modern world. The theological-ethical motivations of the slave instructions are relevant for Nigeria and other countries struggling to devise an identity from the memories of slavery and colonialism.

Opsomming

Hierdie proefskrif stel ondersoek in na die herinneringe aan slawerny as identiteitsvorming ingebed in die slawebepalings van die regsversamelings van die Pentateug. Die persoonlike ervarings van die skrywer in sy land van herkoms, Nigerië, en die afgelope twintig jaar se verblyf in die VSA het aanleiding tot die ondersoek van die slawebepalings gegee. Die voortdurende stam- en godsdienstige konflik in Noord-Nigerië gaan dikwels gepaard met verwysings na vorige ervarings van slawerny en kolonialisme. Ooreenstemmend het die swart gemeenskap in die VSA druk ervaar van die herinneringe aan slawerny en segregasie tydens die stryd om waardigheid, armoede en gebrek aan opvoedingsgeleenthede aan te spreek. Hierdie besorgdhede het aanleiding gegee tot die bestudering van die regsversamelings van die Pentateug om vas te stel hoe dit verband hou met die herinneringe aan slawerny as deel van die proses waartydens 'n eie identiteit ontwikkel word. Vandaar die titel, "Herinneringe aan slawerny as identiteitsvorming in die regsversamelings van die Pentateug", wat ondersoek instel na hoe hierdie gedeelte antieke Israel aangespreek het ten opsigte etiese optrede teenoor slawe, werkers en die verdruktes.

Die skrywer benader die teksgedeeltes vanuit die hoek van histories-grammatiese eksegese, waarbinne aandag geskenk word aan die grammatika en sintaksis van die teks, asook ooreenkomste en verskille in die sinoptiese tekste wat die onderwerp van slawebepalings in die Verbondsboek (Ex 21:1-11), Heiligheidswetgewing (Lev 25:39-55) en die Deuteronomistiese wette (Deut 15:12-18) aanspreek. Aandag vir die literêre kontekste van hierdie bepalings werp lig op die individuele kontekste en die rigtinggewende belange van die skrywers. Die verwysings na Egipte as 'n slawehuis in hierdie bepalings word as 'n literêre middel beskou om herinnering aan te wakker en om gedrag te rig ten opsigte van die behandeling van werkers, veral mede-Israeliete. Dit blyk dat, in elke bepaling, die konteks van die voor-eksiliese, eksiliese en na-eksiliese wêreld van die Ou Nabye Ooste 'n invloed uitgeoefen het op die gedrag van die gehoor sodat die aanspraak op die inagneming van die verwantskapsverhoudings voorrang geniet het binne die Deuteronomiese en Heiligheidswette, waar die begrip "broer" gebruik word om uitdrukking aan die ware identiteit van die Hebreeuse slaaf te gee. Ten eerste beperk die Verbondsboek en die Deuteronomistiese wette die dienstydperk van Hebreeuse slawe tot ses jaar. Die Heiligheidswette, as die jongste bepalings, verwyder die begrip "slaaf" as geheel en fokus die aandag op die aansprake van Jahwe, dat

Israel uit slawerny gered is om as "dienaars" van God en niemand anders op te tree. Tweedens, as deel van die poging om die vryheid van Israelitiese slawe tydens die Jubeljaar te waarborg, verwyder die Heiligheidswette "vroulike slawerny" as 'n moontlikheid vir Israeliete. In die verhalende dele van die Pentateug verlang die vertellende verwysings na slawerny verdere navorsing omdat hierdie proefskrif spesifiek op die slawebepalings gefokus het. Verdere navorsing oor hierdie vertellings behoort nuttige inligting te bied oor hoe mondelinge kulture stories vertel en hervertel het as deel van 'n identiteitsvormingsproses.

Die proefskrif probeer om analogieë tussen bogenoemde gedeeltes van die Pentateug en die Nigeriese ervarings van stam- en godsdienstige verhoudings aan die lig te bring soos in hoofstuk twee bespreek. Die onderwerp, "Herinneringe aan Slawerny as Identiteitsvorming binne die Regsversamelings van die Pentateug" verwoord die aanvanklike bedoeling van die proefskrif. Die histories-grammatiese ondersoek toon hoe die herinneringe verband hou met verwantskap in antieke Israel – soos uitgebeeld deur die familiemetafore. Die ballingskapsgemeenskap het deur herinneringe aan 'n gemeenskaplike verlede sterk verwantskapsbande gebou. Die gemeenskaplike identiteit was op sy beurt die middelpunt van die teologiese en etiese oproep om Jahwe as die ware Here van Israel as geheel te erken. Die slawebepalings verskaf teologiese en etiese rigtinggewing vir elke bepaling se gehoor. Op 'n soortgelyke wyse blyk die slawebepalings van toepassing te wees vir teologiese en etiese koersgewing in die moderne wêreld. Die teologies-etiese motiverings vir die slawebepalings is ter sake vir Nigerië en ander lande wat worstel met identiteitsvorming te midde van herinneringe aan slawerny en kolonialisme.

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CHAPTER 1

INTRODUCTION

1. Background to the Study

Should one obliterate all recollections of horrendous chapters in history like slavery? Must we delete any mention made of enslavement in our collective memory? Is it possible to maintain references of enslavement in our personal and collective memories in such a way that it will make a constructive contribution to our identity formation, not only individually but also as part of a faith community that shares collective memories of enslavement?

We start our discussion with two folk stories that illustrate the point in response to the above questions. The small indigenous Tangale tribe lived on the Tangale hills until the dominance of the British colonial administration. Because peasant farming and hunting were the means of survival, any male deemed lazy by the family could be sold as an enslaved person. Our parents told stories of their relatives who encountered that fate. Mothers[1] especially inspired their children by fireside stories of bravery and cowardice for that reason. One of the prominent Tangale plays involves the story of a man whose father sold him to another tribe for a grain of corn due to hunger. The stories of slavery became a motivation for self-discipline for the young people only a generation ago.

The other story takes place in southern-western Nigeria. One of the slave-trade monuments in Lagos, Nigeria, is located on Marina Road in Badagry. It is a six-foot green

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[1] If my writing does not appear to be gender inclusive, I apologize. Any gender reference in narration is only to keep to the original setting of the story (especially in chapter 4). I must say that I have every ounce of respect for my mother and four sisters. In fact, I had a personal traumatic experience when I was 15. My parents were ministers in a small village in Tangale land. One day I was called by a group of elders from the family of my girlfriend. They sat me down with my girlfriend and asked me questions about marriage. I was only 15 and in secondary school. They did not send her to school but wanted to marry her off to her wealthy man who was ready to pay the dowry, enough money for them to buy two bulls for the plough. My girlfriend was very afraid and wanted our relationship to save her from the quagmire. Unfortunately, we were both children. Marriage was nowhere close in my plans and my family could not compete with the wealthy man. They married her off to that man at 15 when she wanted to go to school. That was a form of slavery.

sculpture of a London Dry Gin bottle displayed on the street. Oral tradition holds that this monument is because Badagry was one of the largest slave ports in Africa, and the town's economy was built almost entirely on revenues from trade by barter, in which gin, guns, cannons, and corrugated roofing sheets were exchanged for humans. One major incident was when a man traded his wife and daughter into slavery for a bottle of gin. After the joy of the gin was gone, the man regretted his action, but there was nothing he could do to retrieve his family. The monument stands to caution Nigerians against greed and short-sightedness, which had led to the exportation of over 12 million Africans into the western world as enslaved people.

There are numerous oral stories of the slave trade among tribes all over Nigeria (Hundeyin, 2020:1). The more than 200 ethnic groups in Nigeria remember the collective past as characterised by slavery and the slave trade. Tribal identities shape the way people think and remember and, although what they remember may vary from one tribe to another, the social settings are generally the same (Misztal, 2003:124). For instance, there has been a special relationship between the Tangale and Waja tribes, where one refers to the other as its slave/servant. This particular affinity is so strong that the current political structure has the two tribes form a constituent for the House of Representatives, even though several other tribes are surrounding them.[2] Whatever happened in the past is unclear, but the paradox remains the communities jest about a distant past when a slave relationship existed. Yet, the memories do not engender animosity between the tribes today. It is not clear what changed over the years, but what is clear is that they have a special relationship that is treasured.

However, there is a big contrast between the internal African slave relationships and the memories of enslavement by European powers in African societies. Many African

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[2] The Federal House of Representatives is made up of delegates in terms of the population size of each state of the federation. The Billiri/Balanga constituency is made up of the Tangale and Waja people and they work together for the political benefits of the two tribes.

thinkers, such as Kenyatta (1965), Likaka (2009), Rodney (2009), generally agree that the abolition of slavery and enslavement of Africans in the 19th century was mainly a change of focus to dominating Africans on their homeland in the form of colonialism. The abolition of slavery was never for the benefit of the Africans because a black person remained subdued and subjected to racism at home and abroad. The Europeans divided Africa for economic exploitation in the Berlin Conference of 1884-85. The education and health care provided through missionaries served to enhance economic exploitation. We saw a two-faced approach of the powers of guns and the Bible where the state and church were partners with one goal. Consequently, with the advent of colonialism, the indigenous people's social, economic, political, and religious lives were changed. The result was the takeover and alteration of the identity of the Sub-Saharan societies (Mukaria, 2004:4).

The above considerations lead to another factor behind this research, which is the constant question in the minds of Bible students and congregants regarding the so-called "curse of Ham" from the story of Noah and his sons. Although erroneous, the idea remains that Africans are a cursed race because they are dark-skinned and uncivilised descendants of Ham, who justly received punishment from their ancestors (Goldenberg, 2003:157). The Hamitic presupposition, which was strengthened by an exegetical fallacy[3] from Genesis 9, has a long history dating back to the early centuries of the church (Burrell, 2020: 46).[4] The notion that dark skin was a sign of punishment from God also erroneously cites Gen. 4:15 that the unspecified mark God put on Cain was dark skin. This belief was commonly held in European and American writings from the 17th century into the mid-20th century's argument for segregation in America (Goldenberg, 2017: 154).

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[3]Something a bold minister described as a "singular perverseness of interpretation, and a singular perseverance in that perverseness notwithstanding the plainest rules of exegesis" (Barnes, 1846: 207).

[4] The quotation from Fidel Castro aptly demonstrates the enormity of the problem in church history, "Noah cultivated a vineyard, grapes, produced wine and drank a little too much. One of his sons mocked him, and Noah cursed him and condemned him to be black (*negro*). It is one of the things in the Bible that I think someday the Church should change, because it seems that being black is a punishment from God (Goldenberg 2017:14).

The history of slavery and colonisation, the rate of poverty, and corruption in government add to the perception that something must be wrong with Africans and that there is nothing they can do about a curse from God. A three-year stay in Kenya, another former British colony, revealed the same outlook and worldview. The "white man" enjoys a privileged status from the days of colonialism. The first sight of the black community in Dallas is reminiscent of the Lagos and Nairobi slums. The history of descendants of enslaved people in the USA shows that the abolition of slavery did not change the way former enslavers viewed and treated the descendants of enslaved people. Segregation was a policy that officially ended through the efforts of the civil rights movement in 1964. Policies, such as the infamous Jim Crow laws, the emergence of the Ku Klux Klan, and segregation, have all contributed to suppressing the black population in terms of education and opportunities.

Yet politicians have managed to convince black people that they are the victims of systemic racism and do not have a chance to advance in society, a society created and gentrified by the same politicians. As a result, black neighbourhoods in all major cities in the USA remain backward and drug-infested. Businesses stay out of such areas, and children have little chance of attending good schools and proper education (Trounstine, 2018:73).[5] Moreover, being involved in the drug business has resulted in the disproportionate incarceration of black males in prisons, resulting in a lack of male role models for young boys. The cycle continues, with little hope for change. Hence, when policing black neighbourhoods results in the deaths of unarmed black men, as has happened recently, the result is a revisit of memory banks where black people were lynched only decades ago based on a simple accusation of impropriety, as in the case of Emmitt Till.[6]

[5] Trounstine elaborates on how the growth of cities was designed in tandem with segregation along race and class lines (Chapter 3); and details how local governments engineered and produced segregated enclaves in all major cities in America (Chapter 4).

[6] Emmitt Till was a young man who was accused of making a pass at a young, married woman and was lynched in 1955 at the age of 14. Hence, the death of Richard Floyd at the hands of police in May 2020

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These developments have given birth to engaged discussions on race relations and the memories of slavery in the USA. The National Museum of African American History and Culture (NMAAHC) has produced provocative items for discussion that reveal the intricacies of race relations. Nikole Hannah-Jones, a Pulitzer Prize-winning reporter for the New York Times, spearheaded the 1619 Project published in the New York Times.[7]

The third reason behind this study was the discovery of an article published in the Canadian Social Science journal, in which fellow Nigerians expressed concerns about the social wellbeing of the nation based on their identity and memories of the past. The proposals they put forward are not without consequences in the country's current political climate, where regional and sectional groups agitate for one right or the other (Salisu & Abdullahi 2013:208).[8] This research hopes to draw the attention of all parties to acknowledge the identity differences and how each group utilises memories of the past for the benefit of a new Nigeria. Cognitive memory reminds us of things we need from the past so that we can act in the present, but conative memory, on the other hand, constrains our ability to pursue current projects because it brings up bad news by reminding us of responsibilities from the past, the things that we failed to do, and guides us towards actions we must take to correct those (Poole, 2008:263). The formation of memories of enslavement, as described in the legal codes of the Pentateuch, serves as a valid beginning

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is reminiscent of the 1960s and has led to protests and riots in response. This has further triggered other memories of slavery, so that past experiences enshrined in the statues of leaders and monuments have become objects of repulsion today. Because black people historically have been mistreated by the legal system, the memories of slavery and segregation are as vivid and experiential as they can be, even though most black people today did not experience them personally.

[7] The Project took its title from the year 1619, when 20 Africans – believed to be the first enslaved in American history – arrived in the colony of Virginia. It sought to paint the history of early America in a different light than the rosy picture in many history books. The chief claim of the Project was that the Revolutionary War was fought to preserve slavery (see review by Leslie M. Harris, in https://www.politico.com/news/magazine/2020/03/06/1619-project-new-york-times-mistake-122248).

[8] This subject will be discussed in Chapter 2. Suffice to note here that the call to restore or implement the study of Arabic as an official language in Nigeria was done on the basis of memories of the glory of the language among adherents of Islam. However, this was truly a religious practice of the North. The call further exacerbates the outcry of non-Muslims in what is still Northern Nigeria, asking for a different geopolitical region of the Middle Belt (cf. Obadiah Mailafia, www.punchni.com).

juncture for a fair discussion of Nigeria's memories of slavery and British colonial administration. The observations of the life of the black communities in Africa and the USA are the bedrock of the research into how our experiences relate to memories of past treatment, how we form identities based on a shared past, and how biblical Israel utilised memories of enslavement as a tool to correct the behaviours of slave-owners.

Recent studies in psychology, specifically in memory studies,[9] have yielded significant findings concerning the role of memory in identity formation. Therefore, it is essential to relate those studies to the biblical narrative to see the correlation between Israel's perception of its history, its memories about enslavement, and their role in its identity formation.

1.2 Research Question

The following question guides the focus of the research in the hope that the answers will contribute to knowledge and a better understanding of the subject.

The main question is: how did the memories of enslavement in the Legal Collections of the Pentateuch affect the identity formation of ancient Israel? The main question further implies the following related questions:

1.2.1 How were the Israelites reminded that they once were enslaved in Egypt?

1.2.2 Why were the Israelites reminded that they once were enslaved in Egypt?

1.2.3 What effect(s) did the memories of enslavement, particularly in the legal collections, have on theological and ethical reflections in the Old Testament?

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[9] Cf. Assmann & Templer (1990:5-33), Gensburger (2016), Poole (2008), Wenguang and Mosher (2014), as well as Luczewski, Maslanka and Bednarz-Luczewska (2013:335), who argue that "memory" prepares claims to validity, "history" articulates claims to truth, and "dialogue" articulates claims to rightness. Gebauer (2010:163) notes that, 20 years after the fall of the Berlin Wall, East Germans remember certain aspects of communism in a positive light. The shortcomings and injustices of communist domination are basically blocked out. In contrast, victims of the communist repressive government cannot forget the pain exacted on them. Memories of past experiences affect both older and younger generations of victims in their social and health situations, in contrast to those who were not victimised in the past. Also, Gould and Silverman (2013:791ff) point out that notable historical events are most commonly remembered by state-directed monuments as collective memorials, yet Jewish American participants on a trip to Berlin had a different experience of the monumental memorials, hence the discussion on counter-memorials.

1.3 Hypotheses of the Study

The following suppositions guide the intent of the study. It is hoped that they will at least open doors for further investigation of the topic to enhance fruitful results for the academic guild and faith communities burdened with the memories of enslavement.

1.3.1 Throughout the Legal Collections, Israel was reminded of enslavement by different sets of instructions in the three legal codes; and by several narratives in which male and female slaves played a critical role in Israel's past. Slave narratives, such as the story of Hagar in Genesis 16, serve to illustrate the goal of the instructions in the Torah. The focus in this dissertation is on the former and not the latter.

1.3.2 That the three Legal Collections in the Pentateuch, influenced by their contexts, have different emphases concerning enslavement: the Covenant Code sets the tone of the instruction to slave owners in pre-exilic society; the Deuteronomic Code expounds on it for a later exilic generation; and the latest, the Holiness Code, removes the possibility of owning fellow Hebrews as slaves entirely, combining elements of the two older Legal Collections in a post-exilic society (cf. Albertz, 2018:74-85).

1.3.3 That the memories of enslavement were important in the ongoing process of identity formation and crucial for establishing more humane conditions for slaves owned by Israelites.

1.3.4. That the Legal Collections revealed a unique concept that Israel, a slave of Egypt, now analogically owed absolute obedience only to Yahweh, who led them out of Egypt to become His people, His servants – but not slaves. This claim separates Israel's belief system from Mesopotamian anthropology, in terms of which humans were considered slaves of the gods and had to do menial slave work for them. The Pentateuch, on the other hand, elevates humans to creatures made in the image of their maker, like the Elohim (cf. Gen. 1:26; Ps. 8).

1.4 Conceptual Clarifications

The following terms and their cognates are defined and clarified in how they are used in the research. The essential dictionary or lexical uses are not significant for the study. Interest is in their use within specific literary, historical and theological contexts in the Pentateuchal legal collections.

Slavery: Owens (2013:142) describes *slavery* as any condition in which an individual is forced to work against their will. It is a system in which the principles of property laws are applied to the ownership of human beings so that an individual can own another person without remuneration and consensual permission to serve. This includes ownership of the personhood of the slave by the master (Ingram, 1895: 265). It primarily treats a person as property that separates slavery from all other forms of dependence and involuntary labour (Watson, 1980: 809). The League of Nations' Advisory Committee of Experts on Slavery (1938: 16) defines it as "The status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised". In fact, Vengeyi (2013: 31) rejects the legal definition of slavery as too simplistic but maintains that it is the power relationship that should be considered in the true definition of slavery. The term captures the state of subjection or subordination like that of a slave, the fact of slaves existing as a class in a community, keeping slaves as a practice of the institution. Figurative use of the term implies being entirely subject to or dominated by some power or idea. Relatives of the term include bondage, enslavement, servitude, subjugation, captivity, bonds, etc.

Enslavement is defined as the action of subjugating or reducing someone or people to the position of a slave. It is the act of making a slave of someone, the act of controlling someone's actions, thoughts, or the process of forcing someone to remain in a bad situation. Terms such as disenfranchisement, suppression, tyranny, subjection, oppression, domination, exploitation, persecution, and bondage have similar connotations in general

(https://dictionary.cambridge.org/dictionary/english/enslave).   Even   slave   owners acknowledge that enslaving a person entails an obligation to labour for the benefit of the enslaver without the contract or consent of the enslaved (Barnes 1846: 38). A foreign power can enslave an entire people as we see in biblical times, "In times of hardship Hebrew communities were threatened with the possibility of enslavement" (Ryken, 1998: 797). Hence, the term has two aspects: the perpetrator, who enslaves another, and the victim, the one enslaved. In this dissertation, both slavery and enslavement are used to describe the condition of servitude and the perpetrator's position.

Servant: The Oxford Languages (https://dictionary.com) defines the word as a person who performs duties for others, especially a person employed in a house on domestic duties or as a personal attendant". For example, a person working for the government is called a civil servant, a religious devotee is called a servant of God. Synonyms include attendant, retainer, domestic help, domestic worker helper, supporter, and follower. In the Hausa language, the term *Bawa* is akin in use to the Hebrew עֶבֶד and Greek δοῦλος, where they refer to a slave, bondservant, and servant equally (ISBE 8166).[10] Some of the references will more accurately refer to a household servant. This causes difficulties in distinguishing between the slavery that was abolished and servitude that is still common in palaces in Northern Nigeria. Some of these household servants are descendants of slaves – for generations.

In this dissertation, slavery describes the labour of a slave and the state of being conditioned as slaves. For example, "memories of enslavement" refers to memories or

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[10] Consider, for example, the varied ways we can view this: 1. Slave, as one held in bondage (Pharaoh gave Abraham male and female slaves in Gen 12:16; we see state slaves in 1 Kings 9:27); 2. Servant for a period of time, but not in bondage (in 1 Sam 29:3, we see a subordinate in a military rank is called a servant), political subordinates are called servants in Gen 20:8, and subjects call themselves servants as a formula of submission in 2 Kings 10:5; 3. Someone in a position of trust, e.g. a minister or advisor, is called a servant, as in 2 Kings 22:12; 4. It is also a formula of polite self-abasement in Gen 18:3; and 5. A position before deity, either as a slave or a trustworthy servant, as in Gen 24:14 (HALOT 262). Cf. Dandamayaev (1992:62-65), who addresses terms designating slaves, sources of slavery, the use of slave labour and the legal status and actual position of slaves.

remembrance of a state or condition in which the entire nation of Israel saw itself as subjugated to slavery in Egypt. In this sense, memory does not necessarily come from a recall of the experience by the audience, but a sense of connection to or association with ancestors who either told the stories as they received them or had the experience. The notion is synonymous with the enslavement of black people brought to the USA from Africa. The population count of 1800 indicated a black resident of 1 002 037 (18.9%) of the total US population. Of those, 893 602 were slaves, and 108 435 were free.[11] Nevertheless, this study focuses on how the legal instructions provide guidelines and criteria for slave owners to take care of their slaves even though the instructions do not address or question "slavery" itself. Hence, the focus of the title is on "enslavement".

Colonialism: The Stanford Encyclopaedia of Philosophy (2021:1) defines colonialism as the practice of domination, which involves subjugating one people to another. This research uses the term to refer to an economic, political, social, or religious policy where the European powers explored, conquered, settled and exploited the people and large local resources for their benefit (Mukaria, 2021:5). The accompanying inhuman activities and injustices had the same result as the enslavement of a people. Colonialism caused indigenous people to become dependent on the colonial masters in the same way enslaved people depended on their enslavers. In Africa, because small, independent, tribal nations did not dominate others, even in the cases of large empires, there were no racial tensions, the idea of European-style exploitation and materialism was uncommon (Mukaria 2021: 5).

Identity & Identity Formation: Identity is infamously tricky to define because different fields define identity in distinct ways. For example, psychologists usually use terms such as "the inner self", while anthropologists and sociologists consider "identity" as a collective trademark denoting different groups. Social psychologists connect these

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[11] See also Bergman, 1969:82.

opposed notions by examining "identity negotiation" between individuals and groups (Green, 2013:42). Identity formation implies a process that begins from childhood or during the early stages of growth of either a person or community. Erikson's thesis explains eight stages of identity formation, ranging from childhood to adulthood. What he described as our emotional and social circumstances involve the processes of conflict and resolution. Each step of physical development (age) has specific challenges/conflicts and a method for resolution. These processes can and do apply to group psychosocial development or identity formation (Green, 2014:1). It is the case even in national identity politics, where individual nations see an element of their identity based on their history (e.g., China under Xi Jinping and Russia under Vladimir Putin), a group are identified within a nation, such as the Black Lives Matters movement targeting police brutality and the #MeToo campaign against sexual assault. In these examples, the main instigator is the desire for the various identities – whether national, religious, ethnic, sexual, or gender – to be recognised (Fukuyama, 2018a:6).

The debate on identity and human relations in theology and science takes us as far back as the book of Genesis, from whence the identity of the negro was determined to be inferior to whites by European and American scholars of the 18th and 19th centuries. The Bible was used as the springboard for racial hierarchy and the enslavement of Africans (Burrell, 2021:2).[12] The position was adopted by the famous Chaplain Jacobus Capitein, who was a freed slave in the 18th century (cf. Bosman 2021:1-18).

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[12] Burrell's extensive historical survey of the history of the debate on racial origins among European and American scientists and theologians of the day is full of perplexing ironies in the positions taken by many. Both the monogenists and polygenists managed to find ways to defend the enslavement of the negro in their theology. The monogenists find solace in their interpretation of the curse of Ham to justify enslavement of blacks (see. Burrell 2021: 9-14). Although the Bible does not refer to skin colour in Genesis 9 (the story about Noah and his sons), the biblical narrative was reformulated over centuries to change the cursing of Canaan to become a slave (anticipating the occupation of the Promised Land by the Israelites), into the cursing of Ham as an etiological "origins myth" that explained "the existence of black slavery".[12] The development of a dual curse of Ham (being both black and a slave) seems to be the result of "historical forces affecting black Africans" – for example: "the enslavement of blacks in ancient times, the Muslim conquests of North Africa, the commercial and cultural influences of Islam on Christian Europe",

However, our study of identity and identity formation will show that every person's identity comprises the above two concentrations of core identity and social/collective identity (Adams, 2015:574). Consequently, since human beings will naturally think of themselves by their identities, the term "Nigerians" is a statement of identity in a broad sense because it is an identity in the formation process. Furthermore, the ethnic and religious identities within Nigeria are the bedrock for understanding Nigeria itself. Therefore, the possibility remains that we can bend our identities or channel them to build and destroy society, integrate or segregate (Fukuyama, 2018a:82). This is especially important since, in discussing the identity of Israel based on the Legal Collections, one encounters more challenges inside Judaism itself because there seems to be no single Jewish identity (Magonet, 1992:9). Subsequently, while our exploration of the biblical roots of these identities is incomplete, the discussion of Nigeria's society in this research is only exploratory and calls for more attention in future studies.

Memory/Remembrance: The term "memory" is from the Greek *mneme* and the Latin *memoria* and refers to the cognitive faculty or residence by which the mind stores and retrieves information. Each act of knowing is conditioned by a context in which experience can be integrated, and this context is present in memory (Assmann & Templer, 1990:6). Philosophers have long discussed memory in such a way that they provide a starting place for our discussion. Plato identified knowledge itself as the memory from pre-existent ideas. Aristotle saw memory simply as the capacity to preserve sensory perceptions and concluded that the real condition of knowledge is the capability, facilitated by language, to bring the wealth in memory under a general concept (Assmann & Templer, 1990:7). Both the concepts of Plato and Aristotle combine into the idea of an enormous room, where both the images of things and the ideas are stored in Augustine's conception

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and last but not least, "the development of the Atlantic slave trade (that) gave birth to the gradual and diverse expressions linking blackness and slavery, culminating in the Curse of Ham" (Goldenberg 2017:1)

of memory. Nietzsche saw memory as the interplay between remembering and forgetting, enhanced by the concept of punishment. This is explained by the idea of learning through pain (Figal, 2010:236). To remember something is to delve into that locale in the brain. Memory can also refer to how internalised past relates to imaginary, not historical, time. This is because imaginary time refers to a process of formation, while historical time continues what has already become (Assmann & Templer, 1990:6).

Individual memory has a communicative character because it is conditioned through language, socialisation and the cultural setting. Collective memory refers to how a group reflects on the past, whether factual or perceived history, through the creation of monuments and remembrance of the dead (Assmann, 2010:235). In the case of Israel, much like any other culture, remembrances not only shape the present experience but are also influenced by our present knowledge in a constant reaction circle. Hence, the difference between memory and history is that, while history is right or wrong, and true or false, memory is either alive or dead, connecting or fractured, profound or meaningless, beneficial or damaging (Uhrbach, 2019:1). Nevertheless, as observed earlier, the relationship between memory and historiography is so complex that the two are easily conflated so that one is taken for the other, even in scholarly writings. It is difficult for a third party to write a history of a people without hearing from the subject of the writing, and when such a conversation takes place, both tradition and memory are naturally brought into the narrative (cf. Pioske, 2015:5-7). It is observed that biblical writers have addressed the changing perspectives of what they remembered in terms of cultural and national memories. In other words, there were changes over time in how they perceived or remembered and adapted their past experiences in their communities (Pioske, 2015:6).

The way the past is remembered and appropriated in a changing environment is true of Israel and other communities, such as the black race in the United States. Recent protests arising from the aftermath of the murder of a black man by a white policeman show how

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the collective memory of slavery and mistreatment of black people during the segregation era was re-lived by Americans. Although no black person living today experienced the pains of slavery, and most black people were born after the era of segregation, the effects of those horrid experiences are such that images of the killing of a black person by anyone wearing a symbol of authority are considered more horrendous than any other kind of murder of a black person. Consequently, protests, which are acts of civil disobedience but legal, are organised in the mould of Rosa Parks and Martin Luther King Jr. to compel the government to act to correct a wrong. In religious life, black churches have retained memories of the past through certain songs in hymnals from the days of slavery. Many black people who convert from Christianity to Islam, such as Louis Farrakhan, Mohammed Ali, and Mike Tyson, do so based on a perceived or real injustice against blacks in the church. To the extent that memories are either alive or dead, in America, the issue is complicated. Native Americans are consigned to reservations, thereby relegating their history to textbooks and museums. While they maintain their cultural memories, visitors to America essentially have no visual way of connecting with native Americans unless they visit a reservation.

Memory and Identity Formation: As we reflect on the role of memory in the formation of the identity of biblical Israel, memory describes the knowledge that Israelites related to experiences of the past through acts of remembrance and therefore assured cultural identity (Assmann, 2010:235). These cultural or social memories are generally transmitted through cultural artefacts and religious rituals, which are available to people to construct and (re)define their relation to the past, the present, and sometimes the future (Anton, 2016:130). The Passover meal is an example of a religious ritual designed to trigger the memory of the biblical narrative of enslavement and freedom and has become a part of the identity of Israel (Love, 2019: v).

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We shall begin the discussion of the workings of memory by overviewing the workings of both individual and collective memories as we seek to understand current societal relationships in Nigeria. Bergson (1911:92-93) postulates that we are challenged by two separate memories that are hypothetically autonomous. The first documents in the form of memory reflections all the events of everyday existence as they happen in time, neglecting no detail but accounts a place and date for each fact and each movement. Notwithstanding functionality or practical usage, this memory stores up the past by the simple requirement of its nature. This memory is responsible for the rational acknowledgement of a view already undergone. We turn for help every time we search for a specific image from the past to this memory. Hence, we become cognisant of these devices as they come into play. This awareness of a whole past of energies deposited in the present is also a recollection, but it is a remembrance overwhelmingly unlike the first, continuously determined by deed, settled in the current and watching only to the forthcoming. In reality, this memory no longer characterises our past but plays it out; it is only memory because it prolongs past images rather than conserves their beneficial effect in the present moment (Hendel, 2001:601).

This state of memory is what is at stake in the discussion of memories. In other words, it is the type of memory that matters because it is consequential in relationships and actions. Ronald Hendel (2001:602) argues that the past and the present are interrelated in collective remembrance, and the task of memory history is to study the forces, tensions and revolutions in this connection. The systematic effort is from history to dialogue and back again, rather than keeping the recollections still as "evidence" of crucial ancient reconstructions.

A lesson learned by heart is indeed the state of the memory of the action. The phrase "remember you were slaves in Egypt" seeks to instil this kind of behaviour in the audience's daily activities. It is not only an invitation to cognitive memory but the ritual of the Passover meal was instituted and observed with detailed, meticulous gestures aimed at causing the participant to re-live the experience of the exodus; yet, the participant knows the exodus only in memory handed down over the ages. As Bergson (1911:95) observes, this is the "habit interpreted by memory" rather than memory itself. It is the virtual memory because it is the kind of memory that has significance in human relationships. As they further clarify, the ordinary awareness calls up only those memory images that can usefully be combined with the current condition.

These movements in consciousness engineer a method for themselves, develop into a pattern and establish mindsets that instinctively follow our awareness of things. Built in the nerve system is a mechanism that transmits the appropriate reaction, the adaptation, which is the general aim of life. To remember the pains of enslavement is to engage with the emotion and choose action contrary to that remembered experience. Hence, the instruction to slave owners, and by application, to those who hold authority over others, is to be careful not to mistreat them. Therefore, memory instils an experience in consciousness and refers to it when a similar situation is perceived to arrive. A person produces an action or behaviour from what memory brought out.

Does recollection of enslavement result in positive action in the present or does it inspire a negative response against the descendants of the perpetrators? The answer is that they would inspire a negative response against descendants of the perpetrators unless our perception puts away the past images irreconcilable with the present assessment. This calls

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for the ability to judge the images we recall as we face the current setting. Even our physical muscle movements of the body have the workings of motor memory versus declarative memory. We see it demonstrated through adaptation to new skills, yet after several trials or practice, the new pattern becomes a habit (Krakauer, 2009:405). The same is true for the utility of memories of the past, most of which are memories we inherit from our forebearers and society. Therefore, motor and declarative memory help us connect a present situation to past images in their interactions. However, because they rely on triggers, we are not in control of them, and they seem to show up and disappear at will. In the example of Israel, we see that, when the situation changed, slave owners who had obeyed the instruction to free Hebrew slaves according to law broke their pledges and recaptured their slaves (Jer 34:8-22).

Therefore, the philosophical discussion of the nature of memory highlights two significant aspects of memory. First, it shows that the past indeed appears to be stockpiled beneath two divergent types of memory. "On the one hand, motor mechanisms, which make use of memory; and on the other, personal memory images, which picture all past events with their outline, their colour and their place in time". The second type of memory provides the images of what preceded or followed circumstances are comparable to the current condition, guiding its choice. It associates ideas in such a way that leads to action. (Bergson, 1911:102-103).[13]

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[13] Although this material is aged, it is used a few times to show the relevance of the discussion from over 100 years ago. Other recent resources have been consulted and they agree on the substance of the argument.

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Another illustration of the use of memory is in the functions of the body. Stalpaert (2008:138) portrays memory in play. She confabulates that Artaud's character Antigone is depicted in stark contrast to Descartes' famous phrase, *Je pense, donc je suis*.[14] Artaud draws attention to bodily awareness as a depository of memory instead of the mind being the solid domiciliary of thinking. For example, the bodily experience of suffering and severe pain leaves behind a residue of memory in the body's mechanism. This memory resides in the stammering of language, the failure of intellect, and the inability to verbal expression. In this way, the growing failure of reason and referentiality in logical memory allows for an alternative way of recalling physical memory. Far detached from common sense, the aching body can be grasped in connection to a new self-concept. In a body poetic, thought can find the relationship to its body, and its history can be heard (Stalpaert, 2008:138). We have observed that perception and recognition indicate that the past operates as a unified form rather than a group of separate rudiments, each retaining its specific quality.

Memorialisation: The term refers to visible items built or erected as a permanent marker of memory and specific instructions that accompany them. They remain in place to remember a person or an event of significance to the group. Assmann & Templer (1990:7) describe the Egyptian culture as a society whose past was present in monumentally impressive form, such as annals and lists of kings. In America, the current actions of some cities in removing the statues of specific past leaders based on the current view of their contribution to society raise questions about the purpose of memorialisation.

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[14] According to Descartes, "it is the identity of the Self in the phrase *Je pense, donc je suis* that grounds the harmony of all the faculties and guarantees the coordinating principle of the cogito or reason. Descartes' disembodied conception of the mind and his argument, *Je pense, donc je suis*, can be translated as 'that which I can never doubt is that when I think, I exist'. Descartes drew an important conclusion from this: being able to think constitutes our essence as human beings, as disembodied minds".

Mnemohistory: The term refers to cultural memories – the past as remembered by a group or culture. It seeks to understand storylines of belief, the networks of intertextuality, and the historical connections and disconnections in studying the past. In doing so, mnemohistory relies on texts, artefacts, and other proof of social treatises about the recalled past, and the goal is to understand how such discourses are organised and how they work to enlighten and impact the social present (Hendel, 2005:58). An example of mnemohistory related to our discussion is the Passover Seder or meal in today's Jewish religion and culture. The ritual is set in the context of the exodus from Egypt on the night when Egyptian first-born sons were killed by the angel of death (cf. Exod 12-13), but the firstborn sons of Israel were consecrated to the Lord, and they observed the Passover and the festival of Unleavened bread. Over the centuries, and with the loss of the Temple, Jewish Rabbis innovated the ritual of the Passover Seder, which transformed the basis for the holiday into something different from what it used to be; they created a memory that allowed later generations to imagine that in celebrating this ritual they were in essence, fulfilling the requirements of the biblical practice of old. As a result, the Seder became the collective memory of a ritual that could not possibly have been authentic for the period it portrays but became the perceived correct form for those wanting to practice rabbinic Judaism (Love, 2019: 5).

Memory Carriers: This term is employed in this writing to refer to features, avenues, tools, people and resources that retain, maintain and make available information on how different past events were understood, addressed, and dealt with before (Williams, 2019:130). These, in turn, are conveyed by social norms called social memory carriers and include traditions, songs, artefacts, music, religious practices, and other traditional conveyors of memories.

Culture/Cultural Memory: Culture is the way of life that characterises people identified by common art, music, literature, politics, family relations, religion, power,

communication, geographic location and dress (Block, 1984:322). The term is utilised in describing differences and relationships within Nigeria throughout slavery, colonialism and post-independence. Cultural memory refers to information provided by a community regarding its remembrance of the past. In general, traditions enshrined in texts, pictures, works of art, buildings, songs, rites and customs form a culture's sphere of remembrance and identification (Assmann, 2010:235). In Northern Nigeria, one is hard-pressed to find such artefacts of memory beyond the night-time folk tales, of which the goals are to teach life lessons to children, although they do not separate between stories from the animal sphere and human experiences.[15] This makes it difficult to separate between what the society remembers as events of the past and concocted narratives for teaching purposes.

The discussion of this subject in the current scholarship is not without difficulties. It still hangs on whether or not a biblical narrative contains information of historical value. Since a group can temper cultural memory in such a way as to transform or reinvent it to meet certain present needs, it is susceptible to a misrepresentation of the truth. Pioske illustrates his point by citing two examples of cultural memory from the Hebrew Bible. First, he observed the need for a balance between adopting cultural memories as historical facts and a disparate epistemological substructure that separates memory from history, which rejects, a priori, the remembered past of a group (cf. Pioske, 2015:8-9, 15). The lack of archaeological finds of Ai, consistent with the Joshua conquests in Joshua 7-8, indicates a discontinuity in the memories of Joshua's conquest and the archaeological remains of Ai; and the abandonment and deterioration of Ai were therefore melodramatically reframed through what both Halbwachs and Davies call cultural memory (Pioske, 2015:17-19).[16] However, Pioske distinguishes the Ai conquest narrative from the biblical references to

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[15] Even the most prominent Hausa musicians, such as the late Musa Dankwairo, Abdu Wazirin Danduna, Haruna Uji and Dan Maraya, and the prince of them all, Mamman Shata, never sang a song about slavery or its vices. Shata has mentioned colonial government, but even then, the song was in praise of the Emirate system that worked with the colonial government.

[16] Cf. Davies, 2008:111-112, 122; Halbwachs, 1992:213-214.

Bethel in the period before the rise of Saul. He cautions against applying the same criteria to Bethel narratives as was done to the Ai conquest narrative, in which the past was a product of cultural memory through consistent revision and invention. He maintains that, although the archaeological evidence from Bethel, like Ai, cannot verify the historicity of the biblical references to the site during the Iron I period, other biblical passages and extra-biblical sources supply enough reason to give credibility to the Bethel accounts (Pioske, 2015:19). However, the danger of this approach in general, and Halbwachs's and Davies's argument in particular, is that they put the authority to decide truth from error in the hands of the historian/researcher.

In its several aspects above, memory is applied in this study concerning remembrance or recollection of experiences, either transmitted memories or lived. Understanding these aspects of memory shed light on how biblical Israel used memories of enslavement in the instructions to slave owners in the legal collections.

The same concept fits the application of historiography to Nigeria's setting, where factors outside of intellectual history come into play. For example, the process of documentation and reflection on Nigeria's past and, to a large extent, its present was heavily accomplished by external historians (Falola, 2013:4). Historians, whose adherence is sole to an epistemological stance in history writing, are called to question and scepticism by native Nigerians. Such concerns are already prevalent concerning ancient texts and the possibility of biblical memory being recounted in historically meaningful narratives (Pioske, 2015:8). Naaman (2015:41-43) argues that the exodus story was a composition that sought to paint a self-portrait and consciousness of early Israelite society in Canaan. By bringing the oppressive Egyptian rule of the Nineteenth and Twentieth dynasties into the experiential knowledge of Israel in Canaan, the story of the Exodus became the memories of enslavement, not just by the Egyptian Pharaohs, but also in Egypt itself, rather than in Canaan. Pioske's (2015) caution is relevant when he argues that a hermeneutic

mindful of the shortcomings of historical understanding must advance with humble aims. Instead of pursuing historical substantiation of certain social memories through independent verification, the historiographer challenged by the referential assertions of a civilisation's memories is better assisted, from an epistemological standpoint, through the triangulation of an incongruent assortment of past referents – written documents – that confirm the place and time being recalled. What is obtained through this important evaluation of a remembered past then is not assurance concerning a specific situation's historicity but rather the believability or unlikelihood of a memory's assertion (Pioske, 2015:19).

Regarding Nigeria, because the expressions and preservation of history and memory were commonly in oral form all over the country, the emergence of the formal writing of history by natives allowed attention to be drawn to the extensive body of oral knowledge to be treated as history by writing it in newspapers, almanacs, pamphlets and books. This body of knowledge is also interpreted as facts from which to transcribe memory. This should not relegate oral history and memory to a simple narrative device for conveying the past to the present. Rather, oral history is also a mechanism that enhances group identity. In this regard, the language of communication, such as idioms, proverbs, tales and stories, reveal the creation of communities, groups and sub-groups; all use oral history to affirm independence, sovereignty and autonomy. It is based on the memories of the lineage and group relationships that political alliances, the nature and structure of states, and even citizenships are defined in members of such communities (Falola, 2011:5-6).[17] In

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[17] This is true of all tribal relationships and diplomatic affinities found between tribes in northern Nigeria today. The stories, whether simple or fantastic, of tribal affiliations are connected to the history of migration and settlements from hundreds of years ago. Such sentiments are supported by linguistic relationships, in which certain words, and even worldviews, are shared between tribes settled in different states in the current setting. For example, the Tangale tribe, a much smaller group in Gombe state, has a relationship with the Kanuri tribe in Borno state, which is a larger tribe with a long-written history from the days of the Kanuri Empire. While the Tangale tribe has no documented history of its origins, there is evidence of the linguistic relationship with the Kanuri tribe, and the Kanuri people feel the same sentiment about their Tangale cousins. This, in essence, is the argument that oral history constructs the basis on which to formulate

the religious sphere, much as the Torah is Israel's foundational document and the basis of Judaism's cultural memory (Figal, 2010: 235), the Tangale tribe maintains cultural memory and identity in a highly emotional dimension through cultural dances and tribal festivals, such as a harvest festival and rites of initiation.

1.5 Demarcation of the Study

This study focuses attention on the memories of enslavement as described in the Legal Collections in the Pentateuch but will also interact with other narrative references in the Pentateuch and the rest of the Old Testament, where it is of direct relevance for the main research question. Attention will be paid to the significance of the call to remember slavery in Egypt as the foundation for identity formation. The invitation to recall the exodus is considered a rhetorical device for collective memory, which became a tool for defining a distinct identity for Israel. Recent studies on memory were utilised in applying the principle to the Nigerian setting. The implications of Memory Studies for the research were utilised to analyse the postcolonial Nigerian society. Although Nigeria as a country is in view throughout the study, specific attention is paid to Northern Nigeria due to the researcher's personal experiences in two specific areas.

1.6 Methodology and Design of the Study

It would be irresponsible to study a serious topic without addressing the hermeneutical framework that governs one's perspective on the biblical text. The way such a perspective is portrayed may be seen in one's interaction with the text through the exegetical process. To that end, the watershed discourse on African biblical hermeneutics by the late Nigerian New Testament scholar Justin Ukpong (1995), opens wide the door for African biblical scholars to own an African biblical hermeneutics relevant to African contexts. The main tenet of the approach is the argument that the biblical text must be

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theories and concepts about the past, religion, philosophy, worldview and identity. Oral traditions are the sources of answers regarding both memories and identity (see Falola, 2011:8-12).

studied as a means to an end. Hence, in what he calls "Inculturation hermeneutics", "the past collapses into the present, and exegesis fuses with hermeneutics" (2002:18). Ukpong's (1995:7) definition of a framework is helpful. He says:

> An exegetical framework is a mental construct within which exegetes are trained, into which they grow and with which they operate . . an orientation . . . towards certain areas of concern about the biblical text". He further asserts that, "The goal of interpretation is the actualization of the theological meaning of the text in today's context to forge integration between faith and life and engender commitment to personal and societal transformation" (Ukpong, 2000: 24)[18].

It is also important to note that while Ukpong, a Catholic scholar, sought ways for Africans to engage the Bible, other African theologians have sought to do the same from an evangelical perspective. Ngong (2014) and Wünch (2015) have shared some reflections on the efforts from the evangelical circles to address the same concerns. The centrality of the Bible in African Christianity and the need for its interpretation in such a way that it meets African interests are the reasons that led to the publication of Africa Bible Commentary (2006) by African evangelical theologians in Africa; and the Africana Bible (1991) by Africans in the diaspora. Therefore, the desire to make the Bible relevant to the African context is great from many theological persuasions[19].

Therefore, as an African student of the Bible whose education is steeped in the evangelical tradition of the West, I struggle with the balance between my identity, cultural worldview, and education, and how those play a role in my interpretation of scriptures. Is there an African exegesis that can be distinguished from, say, European or American exegeses? Does my chosen method of a historical-grammatical study of a passage imply an objective exegesis? Can I teach the Bible differently in the West than in Africa? As I delve into the passage at hand, I find that the scientific approach to Pentateuchal studies

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[18] The same idea is understood by Masenya (2016) in her rumination on Ukpong's hermeneutics (5-6).

[19] Ngong (2014) notes that the Inculturation biblical hermeneutics of Ukpong has become the dominant feature of Bible reading among Pentecostal Christians because of the emphasis on the enchanted worldview (176).

does not seem to be concerned with applicational matters, yet in African biblical studies, the concern is primarily with the question, "what does it mean for us?"[20] I come to these passages in the legal collections with the burdens I bear from my African context and seek to find answers in them. For example, West (2015) has maintained that African biblical interpretation is principally interested in the historical and sociological components of the biblical text.

In biblical exegesis, the African exegete comes to the text with African life interests and concerns, which are deliberately and unambiguously a part of the interpretive course. When it comes to the relationship between exegesis and hermeneutics in African biblical scholarship, the predominant interpretive interest of the African biblical scholar is socio-historical (West, 2015:55). However, this research does not follow his conclusion that "the recognition that African biblical interpretation is always in some sense 'over against', or in opposition to, the forms of biblical interpretation imposed by and inherited from missionary Christianity and Western academic biblical studies" (West, 2010: 24). Rather, as an African, this researcher's Bible and theology from missionaries and influenced by Western academic training did not hinder an African application of the biblical text in the Nigerian context[21]. On the contrary, it allowed for the opportunity to wrestle with the important topic of the relationship between the Bible and Nigeria's experiences with slavery and colonialism in such a way that answers to these questions were found through the Historical-Grammatical hermeneutical lens.

The Historical-Grammatical hermeneutical model utilised in this study is a method of biblical interpretation that seeks to discover the meaning of a biblical passage using the

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[20] This question is what De Wit (2018: 3) describes as manifesting in different terms such as appropriation, updating (*actualización*), or application; a dialectic between the transmitted text and the dynamics of transmission and re-contextualization of the text.

[21] It is also noteworthy that other African theologians have sought to integrate real life concerns of the African society in such important works as the Africa Bible Commentary (ABC 2006:IX) where Adeyemo describes its task as to "…apply biblical teachings and truths to African realities."

tools of historical and grammatical research (Longman & Strauss, 2018: 75)[22]. As indicated in the name, this hermeneutic approach is concerned primarily with the roles historical and grammatical contexts play in guiding and limiting interpretation. It maintains that a detailed understanding of the original language and the original setting of the author and audience leads the reader toward interpretations that fit them. A proper understanding of the passage's historical context involves paying attention to archaeological studies and historical discoveries, which are material witnesses and sociocultural data that inhibit the reader from overlooking its original context yet allowing new concepts that shed light on what the text meant to the original audience. The historical context includes seeking answers to when the text was written, by whom, to whom, and for what reason. The text itself has a history that began in its time to the present era (Odor, 2016: 27, 40)

However, the Historical-Grammatical hermeneutic is not without some weaknesses. For example, the three basic tenets of the approach hold that (1) words indicate a single antecedent, (2) this antecedent is equivalent to the word's meaning, (3) the meanings of words can be identified with certainty and do not change majorly based on context (Odor, 2016: 28). These claims imply that an objective interpretation is possible, yet we know that a text may deliberately bear more than one meaning at a time, use symbolic language, or use vagueness for rhetorical purposes (Odor, 2016: 46). Therefore, caution must accompany the quest for the author-intended meaning in each text as much as discernible. It is better to allow the text to produce all possible meanings an interpreter draws from the text. In this sense, this dissertation will seek to maintain a balance between a historical context of a text and the grammatical analysis so that there is room for the theological and philosophical convictions of the reader (Odor, 2016: 43).

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[22] The influence of the historical-grammatical hermeneutic can be seen in critical approaches such as source criticism, form criticism, redaction criticism, while other methods such as the reader-oriented hermeneutics ignore the historical-grammatical approach in favor of an individual-centered interpretation (Odor, 2016: 1).

Aware of the shortcomings of the Historical-Grammatical hermeneutic, I have approached the legal collections bearing in mind the four-step analysis in the interpretive process: (1) identifying the interpreter's specific context that approximates the historical context of the text (2) analysis of the context of interpretation wherein the interpreter's context forms the background against which the text is read[23] (3) analysis of the historical context of the text and (4) analysis of the text in the light of the previously analysed contemporary context (Ukpong 1995:12). Because he places textual analysis, including the requirement to put the text in its larger context within the canon, in the fourth step of the interpretive process, I see a balance between consciousness for the historical text and the contemporary context of the text in this step. Ukpong (1995:10) had earlier on maintained that the meaning of a text is not seen as concealed in the history of the text but a product of the interaction of present context with the text's own context. I seek to maintain or portray a link between the meaning of the text in its time and a contemporary application of that meaning and its relevance to Nigeria.[24] Perhaps, the best lesson I take from Ukpong is the emphasis on the strong desire to read the Bible so that it effectively reflects the concerns of my African context (Ukpong 1995:13).

His work on Inculturation hermeneutics has led to African biblical scholars seeking fundamental ways to put hermeneutics in the locale between scholars and ordinary readers without critical tools. Anum (2008: 144) says, "Therefore, biblical scholars in Africa need to provide the conditions under which a dialogue can genuinely take place. This implies

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[23] The position of my second chapter on Nigeria reflects the significance of this point.

[24] The description of Inculturation hermeneutic framework holds that the focus of interpretation is on the actualization of the theological meaning of the text in a contemporary context, hence, the exegete must pay attention to the historical context of the text itself. Since an exegetical framework comprises theoretical assumptions that frame the understanding of exegesis, how it operates in practice varies by an exegete's framework. As a result, the interest of the historical critical method is the recovery of the historical conditions of the text and the meaning intended by the author, the assumption is that there is only one meaning intended by the author. This, he concludes, is the product of cultural factors that influence the exegetical framework (Ukpong 1995:8). Whereas it is true that cultural factors affect the framework of an exegete, the key is for the exegete to be aware of his/her context and how it influences his/her exegesis. If we make the contemporary context the primary focus of our exegesis, at the expense of the original context, we may border on the dangers of eisegesis.

that a hermeneutic is needed that can provide the conditions for such a dialogue to take place". His "Collaborative Hermeneutics" wishes to welcome the voice of the ordinary, non-critical African into the discussion of the meaning of the biblical text for the African context.

It is in congruence with Ukpong's, and by extension, Anum's arguments above that this research undertakes to delineate the blending of two crucial aspects of the study, the African background that informed the interest in the topic and the understanding of the text (s) at hand.[25] It is worth reiterating that both Jonker (2018) and West (2005) sought to address the specific concerns of relating the text to the life interests of the African biblical student. My interpretive interests are portrayed in the exegetical approach in chapter four, while my life interests that led to the research are highlighted in chapter two (see West 2005:209 and 2008: 38). In my opinion, this concern is what Jonker (2018:112-13) delineated in the discussion of several contextualities in the interpretive tasks. Hence, the method employed in this research understands exegesis to entail respect for the interests of the text (De Wit 2008:4) by bringing to the forefront the African concerns in chapter two and exegetical study in chapter four. A hermeneutical framework describes the interpretive method or approaches applied in the interaction with the biblical material. What is the best or most appropriate approach when analysing any portion(s) of the Hebrew Bible to apply its message to the African context? African scholars have wrestled with this question in the last few decades,[26] but there is no easy answer to the question regarding the appropriate hermeneutic.

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[25] De Wit (2008: 4) explains exegesis as a process in which the reader talks with the text. A systematic and analytical dialogue diachronically or synchronically wherein focus is on grammar and syntax, the meaning in original context (s), the referents in the historical background (s), the history of growth, literary aspects, history of reception; the exploration of any elements of meaning and language the texts are made up of.

[26] See Jonker (2018), Ramantswana (2016) and West (2008) who have raised important points on the challenges of balancing a comparative studies approach and a historical approach in doing biblical exegesis in Africa.

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Although West (2008: 40) made an important observation regarding the application of biblical lessons to the African context, it is hard to find a blanket approach to the biblical application since Africa does not comprise a monolithic religious and cultural worldview. How a biblical scholar approaches exegesis and application may have to do with his/her theological presuppositions and beliefs about the text. This is what De Wit (2008:3) describes as navigating the relationship between exegesis and contextuality. The concern is on the effect, the use, and the application of the biblical text from its previous context to the current one. Therefore, a comparative paradigm approach to biblical studies do not and should not necessarily imply neglect of a comprehensive process, where the historical-critical method is deemed a Western style of biblical hermeneutics (Jonker, 2018:81).

Jonker's response to West advocates for historical consciousness in African biblical hermeneutics. The consciousness where the benefits of a historical-critical approach and comparative paradigm combine to enhance biblical scholarship in Africa. Jonker (2018: 82, 84ff) observes, "texts, therefore also biblical texts, are never written without committing to communicate in particular socio-historical circumstances … never context-less … there is always a world-behind-a-text". He adds that his proposal of an analogical approach to facilitating the interculturality between ancient writers and contemporary readers is the mode of appropriation of the text in ancient and contemporary contexts (Jonker, 2018: 92).[27] I understand this position to caution African exegetes to carefully

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[27] A few concepts of Jonker need clarifying as they relate to the approach in this research. First, Jonker holds that biblical writers reinterpreted and re-appropriated authoritative and transmitted traditions. But the point of his argument here is that biblical writers were influenced by the contexts of their time, such as empires, processes of identity negotiation, and responses to changed sociocultural, socio-political and socioreligious circumstances in their writings. Consequently, their writing was the result of the process of appropriation that is analogical to contemporary interpretations of those texts. Where he decries the simplicity with which many African biblical scholars utilise comparative paradigm without due accord to the socio-historical circumstances of the biblical authors, he proposes a historical consciousness that respects the original context of the biblical authors. The analogical interpretation he proposes (Jonker, 2015:299) would certainly involve a good study supplied in the Historical-Grammatical method. Hence, our approach draws from his argument and maintains that because the biblical text is not context-free, the exegesis must respect the original contexts of the passage while addressing the specific life interests of the interpreter.

acknowledge the inner workings of a text before any attempt to seek a direct appropriation of the text.[28] To that point, the Historical-Grammatical method allows room for the exploration of the world behind the text, its dynamic reception, and reinterpretation (theological meaning of the text) in order to apply it to the modern interpreter's context

Akin to Jonker above is the position of De Wit (2008: 5), who explains hermeneutics as a scholarly reflection on the relationship between the text (exegesis) and understanding them (appropriation). He, however, approaches the biblical text as a dialectic relationship with the interpreter in which the original reference of the text is replaced with the reader's, the old text inserted into the new one in the reader's life-giving the reader ownership so that there is a hermeneutical circulation between the two. His argument clarifies the elaborate relationship between exegesis and hermeneutics and reveals that despite different views of the old text, the African biblical exegete is ultimately concerned with applying the message to his/her context. However, Jonker's argument is essential for African biblical hermeneutic; the issue of the relationship between the text and how we interpret it in Africa remains a meaningful discussion. Biblical hermeneutics is our attempt to understand, interpret, and apply the holy texts in our African setting. The Bible communicates the mind of God to the modern African reader through human language; therefore, elucidating its contents for our benefit is the task of the African biblical scholar. To do that, this dissertation's hermeneutic employs the necessity of understanding the historical-grammatical construction of the text because it allows for the study of the text in its original context then seeks the appropriation of the message.

Consequently, the inductive approach balances the authoritative word of God and my life experiences as an African student of the Bible. This approach makes for a compelling application of the message of the passages under study – memories of enslavement. To that extent, African biblical hermeneutic that seeks a direct correlation

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[28]See his samples of African exegetes who applied the comparative paradigm on pp. 84-89.

between the text and the African context is exegetical (per West above). The criticism that African hermeneutics ignores the original context (per Jonker above) is addressed through a historical-grammatical method. There are several examples of integration of a theologian's life into one's theology in the ABC (2006) so that Wünch (2015: 7) observes African readers may not see its significance, but a Western reader would find it odd that the personal experience of an author is reflected in their commentary.

This dissertation employs a close analysis of the Hebrew Bible, emphasising the grammatical and literary characteristics of the final form and the historical context of the final form with particular weight on the role of memories of enslavement in the theological-ethical reflection of post-exilic Jews, with particular attention to the process of identity formation. It also focuses attention on the final form of the text as we have it – the grammar, semantics, and syntax of the text. Seeking to understand how an ancient text influenced ancient audiences requires interpreters to enter the text's rhetorical world to examine Israel's reading patterns in their own terms (Huddleston, 2012:13). Incidentally, the hermeneutic that respects the original context through exegesis does not hinder the application of its message to an African context. Yet, it appears that the argument being made for the comparative socio-historical approach is to take one approach or the other.

Consequently, this research utilises the historical-grammatical method[29] in exegesis and compares, correlates, and applies the concepts to Nigeria's interaction with slavery and colonialism in the past. Indeed, the essence of the analogical biblical interpretation acknowledges that the act of appropriation of biblical texts requires the acknowledgement

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[29] I am acutely aware of the shortcomings of this approach. Decock (2008: 330) observes that in protest against the failures of allegorical interpretation of the 17th century, the newer approach saw meaning of Scripture as limited to the literal/historical meaning, relegating aside the traditional spiritual sense to the side as arbitrary speculation. Focus turned to critical investigation of the texts in their original contexts, once the original meaning was established, it became the task of reason to extract the timeless, universal truth from the time-bound individual views of the original biblical writers. The key failure of this Hegelian, mathematical approach to the biblical text was the removal of the text from the ordinary person and making it an exercise of reason by scholars. However, the historical-grammatical method is different because of its concerns with applicational interests. It is employed in this research being aware of my own context since "exegetical methods are never contextually neutral" (Jonker 2008:112).

that the experiences and encounters of the biblical authors can be contrasted to our contemporary realities and encounters (Jonker, 2018:85). Memories of colonialism and enslavement shape the researcher's perspectives as a Nigerian. Against that background, the exegesis of memories of enslavement in the Pentateuch is undertaken, but this study challenges the original presuppositions, and it is hoped that the result opens the door for further inquiry into the subject.

Chapter 1 introduces the thesis of the study, as well as other introductory matters, including the background that informs the study, the research questions, current trends in Memory Studies, the definition of specific terms as used in the study, the design and method of the study, and the intended contributions of the study.

Chapter 2 addresses memories of enslavement and colonialism in West Africa and Nigeria, with particular attention paid to Northern Nigeria. It also discusses the process of identity formation in colonial and postcolonial Nigeria. The correlation of memories of enslavement in the Legal Collections and colonial period in Nigeria is significant for studying and analysing the effects of colonisation on society. The study will show why a sense, or lack thereof, of identity as a society that shared common experience is important in revealing Nigeria's present and defining its future. There is an ongoing discussion in Nigeria about the struggles of tribal and regional identities and how these fit into a broad picture of the country's identity. This chapter discusses how Nigeria can address matters of religious, tribal, cultural, and political identity as a nation.[30] However, I am conscious that my reflection on memories of colonialism and enslavement in Nigeria may shape my awareness and influence how enslavement in the Old Testament (OT) Legal Collections is interpreted. To avoid the danger of eisegesis, in which my presuppositions may influence my hermeneutical lens, I engage with the three Legal Collections as they present

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[30] A recent paper by Prof. Yusufu Turaki (2020) published by CSW (www.csw.org.uk) brings to light some of the grievances of minority groups in Nigeria, who feel marginalised by the dominant tribes. An identity therefore is formed within an identity.

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themselves from three different socio-economical-political-religious contexts. This hopefully will allow me to wrestle honestly with my own biases and presuppositions.

Chapter 3 reviews the previous and current literature about identity formation that is relevant to the study. It will interact heavily with memory studies, both in the field of psychological studies and biblical studies. The literature review serves as a bridge between the preceding chapter on Nigeria, and the following chapter, on memories of enslavement in the Legal Collections of the Pentateuch.

Chapter 4 takes a historical-grammatical approach to studying select passages in the Legal Collections of the Pentateuch. It complements our hermeneutical focus on the final form of the text. It will do so because of the complex relations between the materials in the Legal Collections and the surrounding environment from which they develop, and the relationships within the Legal Collections. Attention will be on preliminary, literary, verbal and literary analyses of a given passage. The exegesis provides a synthesis and the theological significance of the passages, hoping that key concepts can be applied to current events in Nigeria, as discussed in Chapter 2. Matters of lexical significance are selected for word studies and grammatical analysis, where necessary. Commentaries and dictionaries were consulted for interaction on interpretive matters. Because of the interest in addressing the text using the historical-grammatical method, the study's conclusions are not pre-empted at the start. Rather, the reader is invited to follow the analysis of the legal collections to the logical conclusion regarding their relationship.

Chapter 5 summarises the study, develops a conclusion that will suggest how this research contributes to biblical studies and offers recommendations for further study. Matters of hermeneutical presuppositions are revisited to show how they influenced certain conclusions adopted in the study. The chapter also indicates the effect of the study on my understanding of the role of enslavement in Nigeria and suggests ways in which faith communities in the country should respond to the effect of memories of enslavement on

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the ongoing process of identity formation. The end of the study makes recommendations for further studies on the effects of memories of colonialism on Nigeria's hegemony.

Chapter 2

MEMORIES OF ENSLAVEMENT AND IDENTITY FORMATION IN

NORTHERN NIGERIA

"Dare mahucin bawa" (The night is the slave's rest) – Hausa Proverb.

2.1 Residues of Memories of Enslavement in West Africa

Because of the benefits of Ukpong's (1995) inculturation hermeneutical method

discussed in chapter one, this chapter begins with an analysis of the interpreter's context.

Then, it will discuss pre-colonial, colonial, and post-colonial Nigeria with its attendant

challenges. This chapter will utilize concepts defined in the preceding chapter.

The above Hausa proverb comes from a tale of a slave and his master. It is said that,

after a long day of hard work, the taskmaster overhead the slave that night say, with a sigh

of relief, "the night is the slave's break", implying the master has no choice but to let the

slave sleep. However, when the master overhead the slave, he called him and asked him to

weave some rope through the night. The tale paints an image of slavery that sends chills

down the listener's spine, especially children. The point is that you do not want to be a

slave. The terms for slave and servant are the same in Hausa, *Bawa*, just as *shobok* is in

both Tangale and Waja, and עֶבֶד in Hebrew. Yet, the listener can distinguish between

slavery and servanthood from the context and the nature of labour. This perhaps makes it

difficult to separate the nature of slave labour from the ordinary work of a household

servant in Northern Nigeria. For example, because slavery was a common practice, either

from war spoils or abductions, and trade between the Hausa and North Africa and the Arab

world, there was no sensitivity regarding the horrific nature of the trans-Saharan slave

trade. Perhaps there is little curiosity about memories of this kind of slavery and slave trade because no one sees any difference between the two.

Slavery continued as a norm, at least in terms of household servitude, so what are the histories of slavery to dwell on when there are far more pressing contemporary needs to handle (MacGonagle, 2007:92ff). This is what Manning (2006:13-14) observes about the differences between memories of and memorials to slavery in Northern Nigeria versus Southern Nigeria and coastal slave towns. After the abolition of slavery in the English Empire in 1830, the slave population in Northern Nigeria remained at about three million in the mid-1920s because slavery continued to exist legally there until 1936. There were no public holiday or liberation announcements to commemorate the status change of slaves to freedom, but only a gradual and specific increase of the rights and opportunities of common life. In fact, after the ending of the slave trade, slave owners in Africa started treating their slaves more munificently since they could no longer replace them with inexpensive captives. In the end, "African slavery in the post-slave-raiding days of the twentieth century was analogous to that in America's 'antebellum' and similar practices in Europe" (Lovejoy, 2012:137).

Therefore, the discussion of memories of slavery and enslavement in Nigeria is conducted within its West African context and will focus on the coastal forts of Nigeria, Benin and Ghana, where memories, memorials and artefacts are available. Moreover, the slave trade in these regions relates to the Western world, as colonial administrators and missionaries documented some of the events enacted in the coastal regions of West Africa because most slave raids and trans-Atlantic trade took place in these regions, while the North traded with North Africa, as mentioned above. Some of these reports were written

by freed Africans in Sierra Leone and form an important repository of narrative accounts of enslaved Africans (Anderson, 2017:622).[31] However, even the Atlantic slave trade is hardly memorialised in the regions that later became Nigeria, Benin and Ghana. For instance, Calabar in south-eastern Nigeria was known as a major centre of the Atlantic slave trade because of its proximity to the Atlantic Ocean, and it is believed that this region exported 275 000 slaves between 1650 and 1838, ranking it fifth in total slave exports behind Luanda and Benguela in Angola, Bonny in Nigeria and Ouidah in Benin (Imbua, 2013:114).[32]

Following the Independence granted to African countries in the 1960s, the United Nations Educational Scientific and Cultural Organization (UNESCO), in partnership with African nations, embarked on organised festivities and the building of museums to preserve cultural artefacts relics and traditions. The most prominent event was the 1977 Second World Black and African Festival of Arts and Culture (FESTAC) in Lagos, Nigeria.[33]

While the outworking of memory communicated through festivals, monuments, and local museums commemorating slavery and the Atlantic slave trade made it possible to recreate, reinvent and rethink the past, it does not imply a direct transmission of memory.

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[31] This important source of information for memory studies of the slave trade is hardly touched on by the West African school system. Anderson (2017:621) noted that the vagueness of memory and the prism of subsequent experiences are evident in the subject matter of these narratives.

[32] See also the records of the Dutch West India ships and the sixteen British voyages to Calabar between 1638 and 1647, in Behrendt, Latham, and Northrup (2010:46-48). According to Latham (1990:71), between 1668 and 1670 slaves were shipped from Old Calabar to Barbados, with 278 slaves to Jamaica, and many English ships from London, Bristol and Liverpool dominated the period until the slave trade ban of 1807. They purchased three-quarters of all enslaved Africans sold at Old Calabar, and the locals still speak of the events as though they happened recently. See also Northrup (1978:53).

[33] The month-long event attracted about 16 000 participants from 56 African nations and countries of the African Diaspora to showcase to the world African music, fine art, literature, drama, dance and religion (https://www.youtube.com/watch?v=BzAIGgWNHbY&t=403s). A broadcast on CNN Inside Africa, namely Afro Brazilians from Slaves to Returnees, featured Brazilians of Yoruba descent returning to Lagos for reunion and remembrance in July 2017 (https://www.youtube.com/watch?v=N20D43W0uyE).

However, it provided a space for reliving, re-enacting and re-experiencing the past for those who sought it (Araujo, 2010:145). A look at the preservation of slave forts in Ghana reveals that the slave forts that are preserved the most are only a third of the more than 60 original structures built from 1482 to 1787. While these original structures along the coast of Ghana are vivid reminders of the slave passage of millions of Africans to the Americas, they are today preserved as memorials that attract tourists worldwide. Nevertheless, MacGonagle (2006:249) argues that, despite the abstemious historic sites at these slave forts, they are "sites of memory that 'escape from history'". She continued that neither the initial European uses of the forts in the sixteenth century nor the Ghanaian use of them in the twentieth century as tourist attractions has become part of the overriding memory.[34] The situation is akin to what is characterised as the development of the collective memory of slavery and the Atlantic slave trade in the Republic of Benin, in terms of which the legacy of slavery became important for the development of the local tourism industry. The target audience for these places of public memory of slavery are African Americans and Afro-Caribbean tourists, who are interested in exploring their roots in the quest for identity (Araujo, 2010:145).

Today's slave trade relics found in Calabar include trade currencies, forts and barracoons, imported prefabricated buildings, beaches/ports for slave embarkation, market sites, squares and compounds to quarantine slaves clocks, paintings and alcohol bottles. Other effects of the trade include the social relationships between the coastal dwellers, who were the principal traders with the Europeans, and the neighbourhood people, who were

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[34] Some of the international tourists to these sites include political and religious leaders, who come to publicly apologise for the more than 300 years of slave trade (Araujo, 2010:147).

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victims of the trade. The psychological impact on these people as inferior slaves and their sense of exploitation have negatively affected relationships. Other reserves of memories of the slave trade include music, poetry, local literature and television drama series (Imbua, 2013:120). The infamous Chinua Achebe novel *Things Fall Apart*, which is popular in world literature, features the lives of people wrestling with the question of religious loyalty. The protagonist, Okonkwo, is a tribal leader who fights neighbouring villages, the English, and his own problems in colonial Nigeria.[35] The novel has been turned into plays and dramas that illustrate many cultural features of the Igbo people and features such as farm equipment, local wrestling, folk tales, and cultural habits with which other Africans identify (Achebe, 1994:1ff).

2.2 Memories of Enslavement and Identity Formation in West Africa During the British And French Colonial Administration

A society that is not self-aware and does not define its cultural identity cannot control its fate or fortune. Ilo laments that when a society does not believe in its essential qualities and strive to determine its destiny, it will not succeed as a unique identity. Cultural identity separates society and gives it the foundational impetus to appropriate its unique riches and strengths (Ilo, 2012:28). His assessment seems to be calling on African societies to uphold their specific identities as a springboard for healthy relationships and progress.

The above observation and critique of the continent touch on several matters worthy of attention. The problem of identity formation and the many facets of manifesting are addressed regarding Nigeria. For the benefit of this research, the political, religious and

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[35] For examples of plays made on the basis of each chapter, see https://www.learner.org/series/invitation-to-world-literature/things-fall-apart/

socio-cultural identity crisis is interwoven in the discussion concerning memories of slavery and colonialism. While the observation applies to the African continent, Nigeria will focus on attention in this chapter. For Nigeria to take firm control of its destiny, these three areas must be revisited from its past, its process of formation as a nation, and its destiny. Such observations, followed by recommendations, will hopefully lead to an appreciation of its political, religious and socio-cultural riches and strengths.

The interaction of memories of religion, politics, culture and tribal affiliations have attendant consequences for the identity of West African countries in general and Nigeria in particular. These aspects of West African life were touched and influenced in different degrees by the decision of Europeans to enslave the people right after they abolished slavery. Hiribarren (2018: 117) notes that "After being responsible for the enslavement of more than twelve million Africans between the sixteenth and nineteenth centuries, the Europeans ironically justified their African conquests in the name of the abolition of slavery". The story of West Africa after the Berlin Conference circles around five major subjects: the formation of European colonies, the consolidation of political power, the expansion of the colonies through forced labour, the cultural and economic transformation of West Africa, and West African Resistance (Achebe, 2018: 121)[36]. For example, the Yoruba people are divided between English Nigeria and French Benin/Togo, the Igbo of Eastern Nigeria divided between Nigeria and Cameroon, and the Hausa of Northern

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[36] He noted that in 2018, African borders are 83,500 kilometers (51,884 miles) long. Apart from the cases of Liberia and Ethiopia, most African borders were defined in Europe in a very short period between the end of the nineteenth century and the end of the First World War. Nearly 44% of them were defined after astronomical lines (meridians and parallels), 30% after mathematical lines (arcs and lines) and 26% after geographic landmarks (mainly rivers and mountains). France is behind the creation of 32% of African borders, the United Kingdom 26.8%, Germany 8.7%, Belgium 7.6%, Portugal 6.9%, the Ottoman Empire 4%, Italy 1.7% and Spain 1.5%.

Nigeria between English Nigeria and French Niger. Therefore, the discussion of the challenges of the aftermath of the British colonisation of Nigeria always affects its neighbouring countries, making the British, French, and German division of the colonies. The primary reason for the discussion of Nigeria's memories of enslavement and identity crisis beginning with the British influence is the fact that the British administration gave us documentation on Northern Nigeria as a single unit of reference.

Before this period, one could speak of individual communities and civilisations within Northern Nigeria, but there was no organised North until the implementation of British rule. The identities that existed in Northern Nigeria were ethnic or tribal governments in the modes of the remains of the Kanem Borno in the Northeast, the Hausa/Fulani emirate in the North and Northwest, and the Kwararafa confederacy in Northcentral. Therefore, this section seeks to address the picture of Northern Nigeria as portrayed in scholarship relating to several topics during the British governance of Northern Nigeria and Nigeria as a whole.

The identity crisis in Nigeria and the role of memories of British colonialism and its effects on the current structure of the nation are intertwined. The distinctive colonial policy of indirect rule in Northern Nigeria and its enduring consequence on the religious, economic, political, tribal and cultural relationships in the region since Independence are noted because they bear consequence for the current governance of the nation. The current crisis involves the mass movement of Fulani from other West African countries into Nigeria as they identify themselves with their fellow tribal people of the Sokoto Caliphate. The Nigerian Indigenous Nationalities Alliance for Self-determination (NINAS) is a multi-ethnic alliance of people of the Middle Belt and Southern Nigeria seeking a referendum to

reverse the adverse effects of Nigeria's British colonial political map, which gives power to the North. The Igbo people of Eastern Nigeria agitate for an independent Biafra nation, as seen in the activities of the Independent People of Biafra (IPOB) as discussed below (www.thenigerianvoice.com). This shows how fragile the present political union of Nigeria stands. The sense of patriotism in Nigeria from the days of independence agitation into the early 1980s has diminished in postcolonial Nigeria because the country's foundation was laid on colonial ideals rather than the identity of the peoples.

After British rule was established in Southern Nigeria between 1880 and 1905, Frederick Lugard annexed Northern Nigeria and set up headquarters in Lokoja between 1907 and 1914. Meanwhile, unlike the case in Southern Nigeria, the Usman Dan Fodio's conquest of the Hausa and the subsequent establishment of the Sokoto Caliphate in the early 1800s had already resulted in a functioning Islamic administrative system in all the conquered regions of the North. Therefore, when Lord Frederick Lugard was appointed governor of the Protectorate of Northern Nigeria in 1914 and the governor of the colony and Protectorate of Southern Nigeria, he amalgamated both regions. Because of the functioning emirate government in the North, Lugard introduced the indirect rule in the entire North (Beckett & Young, 1997:1). Two of the many implications of the indirect rule system were: 1. The imposition of emirate rulers on ethnic groups that were never conquered by the Islamic conquests of Dan Fodio, and 2. The acquiescence of the colonial administration to the requests of the Sokoto caliphate to hinder Christian missionaries

moving north from the South from proselytising the Muslim north. As a result, Western missionaries settled among the ethnic minorities in the Middle Belt (Central Nigeria).[37]

The colonial policies of the British government included the use of the military, antislavery legislation, taxation and indirect rule, and all had their imprint on the socio-cultural identity of Northern Nigeria (Ferdnance, 1998:34).[38] Before the British invasion of Northern Nigeria, the Sokoto emirate of Hausa land, the members of which are to this date the descendants of the nomadic Fulani of Usman Dan Fodio, was a government that utilised slaves in the households and for the smooth administration of government, much like the long tradition in the ancient Near East. As observed earlier, while slavery and slave trade were minimised in the coastal regions, a flourishing slavery and slave trade system developed in the Northern region, in middle Niger, Borno and the Sokoto Caliphate. Slave labour was employed for farming, textiles industry and leather work. Control of slave women and children became the entitlement of affluent oligarchs all over the territory. The

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[37] The geopolitical term "North" in Nigeria has many other connotations among Nigerians. A southerner may view the term to refer to all Nigerians in the North and equate it with Hausa/Fulani, which in essence is what the Hausa/Fulani call North. However, because the term that combines the Hausa and Fulani tribe has only been used in the religio-political sense of the Emirate system of the Dan Fodio conquest and the Islamisation of Hausa land, no one from the minority and unconquered tribes in Northern Nigeria accept the term as a description of their identity. This matter is so serious that even the term "North Central" as a geopolitical description of what is referred to as the Middle Belt is a subject of congressional debate. Proponents of the name change argue that the Middle Belt is both a geographical description as well as a political identity. Herein lies the reasoning: the tribal groups that make up the southern parts of Kaduna, Borno, Yobe, Gombe, Bauchi and Adamawa into all of the Plateau and Benue were never conquered by the Fulani/Dan Fodio Islamic Jihad. They also consider their common origins to be from Egypt, and take pride in the great Nok civilization known as the Kwararafa kingdom, which ruled parts of the Hausa land for more than 200 years. The Middle Belt region comprises a population of 40 million and over 100 tribal groups on a landmass of 300 000 square kilometres of agricultural land of the Savannah (Mailafia, 2020:2).

[38] It is interesting to note that Ferdnance appears to decry the case that the British colonial masters interrupted a lucrative slave business of the higher social classes of Northern Nigeria when they implemented their indirect rule. These slave owners had slaves working on plantations, and in mining, leather work and the textile industry. When the British weakened the slave-labour market, they turned these slave owners into class positions, thereby weakening their economic prowess. While the British intent was not necessarily benevolent, it was intended to ease the process of ending slavery and slave trade. Therefore, it is odd that they are blamed for ending slavery in this case.

new system became sophisticated, as large numbers of men were held in bondage, slave families altered, and slave households developed with family trees subservient to those of their masters (Manning, 2006:12). Both male and female slaves continued to work in tandem to ensure the steady expansion and advancement of the emirate. The most advanced and widespread slave establishment was in Kano emirate, the commercial centre of the caliphate (Nast, 1994:34). Hence, Manning summarises the colonial policies by saying that, following the effect of dwindling market demand through the external force of imperial armies and administration, which halted the expansion of slavery, the colonial regimes devoted themselves more to social hierarchy than social equality. As a result, they prevented the full elimination of slavery from Northern Nigeria (Manning, 1990:12).

Ending slavery in Northern Nigeria was based on the declaration of abolition in Britain and its colonies. Hence, Northern Nigeria's case started with a series of statements by Lord Lugard in 1903. Slavery was declared illegal. Slave raids were abolished, and all children of slaves were declared free, with no remuneration for their slave masters. Although this process was what should have been the case, the actual action taken from the British policy was to effectively abolish the lawful status of slavery without altering the current relationships between masters and the subjugated people. Essentially, slaves were not liberated, yet the courts were no longer able to enforce the rights of slave owners over their slaves (Lovejoy, 2012:137). Despite the lack of clarity in the declaration, it still served to slowly reduce the influence of slave owners and eventually led to the end of slavery. However, there was evidence that Lugard used memoranda to specify how he wanted to see the end of slavery. These included the following: 1. Enslavement and slave trade were proclaimed unlawful and as criminal offences to be tried in colonial courts. 2.

Children born after 1 March 1901 were born free. 3. People were urged to negotiate the terms of emancipation based on existing Muslim traditions and precedents, but otherwise, the existing social relations were considered valid. Lovejoy (2012:138) adds that it should be noted with caution that even with the above memoranda, Lugard made it clear that it was not his intention to interfere with the existing domestic slaves. This is validated by Nast (1994:34ff), who said that domestic female slaves continued to serve after the abolition, albeit her argument was for a different reason.

Given the role of the enslavement, slavery, and the slave trade that existed in Muslim West Africa between the sixteenth and nineteenth centuries, the enslavement of freeborn Muslims and the problem of captivity and ransoming was a point of concern for Muslim intellectuals (Lofkrantz, 2014:87). Consequently, the confusion regarding the abolition of status remained through the first decade of the 20th century, as evident from many memoranda that followed the 1903 Kano emirate occupation. On the one hand, the legal system abolished slavery, while on the other hand, they were not emancipated in the streets. Moreover, Lugard's memoranda completely failed to square with the practice in other British colonies. Lovejoy (2012:138) notes that the "policy derived from British colonial rule in India, Burma and elsewhere in Asia as enacted in the 1850s and was similar to policies introduced in East Africa, Sierra Leone, the Gold Coast (Ghana) and elsewhere in Africa". This policy was nowhere to be found in Northern Nigeria or Nigeria as a whole. The key difference was the fact that:

> Whereas slaves had been emancipated in British colonies in 1834, as is well known, this was not the case for colonial administrative areas that were designated 'Protectorates'. In Africa, the emancipation of slaves only occurred in the Colony of South Africa and the Colony of Sierra Leone, which included only the peninsula on which Freetown is located and then later also Sherbro Island, but not other parts of Sierra Leone that were designated as a Protectorate (Lovejoy, 2012:140).

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It appears that emancipation in these colonies did not carry the level of bewilderment that was the norm in Nigeria. Lugard continued to find himself answering questions about slaves and emancipation in the subsequent years. For example, in 1906, he wrote memoranda number 5, titled "Instructions to Political and Other Officers on Subjects Chiefly Political and Administrative", regarding the situation of slaves and the native law concerning slavery. This was specifically concerned with the rapport between British administrators and local Muslim jurists on how Islamic law was being interpreted in matters of slavery. The other memorandum, number 6, was concerned with slavery matters, where a general examination of the policy of the abolition of legal status throughout the provinces was addressed (Lovejoy, 2012:140).

Consequently, "[b]oth Memoranda provide invaluable information on how British officials viewed slavery and the impact of British policy on the very substantial enslaved population that had come under the colonial rule" (Lovejoy, 2012:140). This was at a time when the abolition of slavery was being implemented in all British colonies and protectorates. However, the local aristocrats were not ready to welcome the change, which would affect their status and wealth.

Meanwhile, abolition was not a smooth process, as there were a few instances where slave owners had difficulty letting go of their slaves, and in some cases, the slaves chose to retain their status. Moreover, because the elimination of slavery was a danger to the financial system of the slave masters/owners, there was resistance to the colonial masters' efforts to end slavery. For instance, Ferdnance (1998:39) maintains that the Emir of Kontagora vehemently objected to the move to end slavery and vowed to "die with a slave in his mouth". It took British military prowess to stop him. In fact, the problem

was so common among the emirates that slave raids continued into the 1920s all over Northern Nigeria, culminating in the sacking and replacement of several emirs. It is noted that the Emir of Kano never released any slaves (Salau, 2010:161). Meanwhile, when the news of abolition reached the ears of slaves, many of them started to desert their masters, which was not the intent of the memoranda. Consequently, the British government made it very difficult to desert but refused to establish colonies of freed slaves (Salau, 2010:156).[39]

The problem of slavery continued in all of Northern Nigeria well into the 1930s. This is partly because the British colonial government was side-tracked by the "legitimate commerce" of palm oil and cotton and overlooked the actions of the Sokoto Caliphate, which they considered "civilised" because of their aristocracy and religion. In the end, not only did they ignore the ongoing slavery in the North, but they also did not appear interested in fostering unity among Nigeria's disparate peoples (Afigbo, 1991:27). Moreover, because of the ongoing interests in agricultural commerce, Salau (2010:163) observes that many Hausa traders hid their slave trade under the disguise of the groundnut business. They would settle among non-Hausa people and pretend to be doing groundnut business, yet they were acquiring child slaves.

The process of Hausa traders mingling with other tribal groups in what is known as the Middle Belt and the attendant implications for the religious, educational and economic sectors can be seen as the consequence of the work of missionaries in Nigeria. While the above situation of slavery was thriving in Northern Nigeria, missionaries settled and

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[39] However, the British did announce, on the occupation of Kano, that they encouraged both the slave flight and the growth of Fanisau as a freed slave colony. Salau (2010:161) maintains the proclamation was, "Let everybody go where he wanted to go, we have captured this town, no more slavery. And anybody who remains in slavery, he should blame himself. He also works for nothing."

focused their work in Southern and Central Nigeria at the request of the Sokoto Caliphate, enforced by the authority of the British colonial administration. Subsequently, the Christian missionaries educated their converts in Western education and only went into Northern Nigeria to establish humanitarian work, such as the Leprosaria in the Bauchi and Kano areas, and abstained from engaging in social matters such as slavery.[40] In the end, one can argue that the arrival of the British colonial masters with the message of abolition did initiate a new era of freedom in Northern Nigeria. What remained a challenge was the fruits of indirect rule from the early 1900s into Nigeria's declaration of Independence in 1960.

The Independence from British rule in 1960 did not cloud the ethnoreligious identities that have continued to deter an encompassing Nigerian identity. The three elements of state identity under discussion are language, culture (border) and religion, encircled by a border in a national or state identity. According to recent reports, Nigeria is the most populous country in Africa and is projected to become the world's fourth-largest population, of 392 million, by 2050. It prides itself on 36 states, 250 ethnic groups and 500 languages spoken (CIA, World Factbook, 2020). While overshadowed by the three dominant tribes – the Hausa-Fulani in the North, the Yoruba in the South and the Igbo in the East, the small homogenous societies exist side by side as small independent tribal groups with their systems of government. They were, and still are, so independent of each other that a person from another tribe is considered a foreigner, even after generations in an area (Aapenguo, 2010:7). Yet despite the independent political systems, they share varying similarities in culture, language and religion. These differences and similarities

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[40] See *The Colonial Era (1882-1960) in Religious Literacy Project of Harvard Divinity School* (https://rlp.hds.harvard.edu/for-educators/country-profiles/nigeria/colonial-era-1882-1960).

allowed for co-existence despite typical tribal fights and wars. No tribal or ethnic group saw another as inferior unless they had conquered them. Every tribe, large or small in population, considered its territory, land or borders to be its inheritance, and these criteria were governed by a notion of kinship defined by a common language or mother tongue. Such was the state of African populations on the arrival of European explorers and colonisers.

However, with colonisation and the resultant partitioning of the continent with a total disregard for culture, language, religion and ethnic affiliations, the new face of the continent was what has hitherto become 54 countries. Therefore, building a political or any other identity on the foundations of colonial masters is a very daunting task because the states' political, cultural, and economic character was entirely new (Talton, 2011:1).

The common criticism of the colonial masters has been that they exploited the resources of native Africans and left them in disarray when they gave them Independence (Salisu, 2002:15). As Kuna's (2005:8) depiction of the state of Nigeria makes clear, there is hardly any doubt that the colonial government fundamentally changed inter-group relations in Nigeria in general and in Northern Nigeria in particular. That kind of influence then and now is replicated in the disintegration of peoples and communities into distinct entities bearing different identities, and then their forced unification within colonially fashioned geographic and cultural boundaries. These observations are true, and this research will touch on some of these problems, yet consideration also will be given to addressing the history of Nigeria's formation as a country and the intricate dynamics that make up its present identity. The memories of colonisation are not being probed with the aim of assigning blame but rather to appreciate the challenges Nigeria faces in forming a

unique identity. Therefore, in so doing, it is important that Nigeria in particular, and Africa in general, remember that the broad problems and challenges of identity formation are not limited to African nations that were formed in the last sixty years, but that the colonial European nations went through the same processes, and that current world events are affecting and still defining the identity of those nations.

> A fitting background to nation-building in today's Europe can be found in the monument to Vercingetorix … over the ruined ramparts of Alesia, the town that Caesar besieged and finally conquered in 52 BC. On the pedestal of the monument is an inscription taken from Caesar's commentary: '*La Gaule unie, formant une seule nation, animée d'un même esprit, peut défier l'univers*'" (Schulze, 1996:96).

Yet, the sentiment of France as a nation in Vercingetorix does not imply that he was French. In other words, France has not always existed as a unified nation from the time of Caesar. Consequently, the periods of development that led to present-day France over time were marked by identity crises, identity formation and identity reformation, as encapsulated in the Vercingetorix statue.

French identity formation is further wrestled with the French theologian Ernest Renan, who lived more than a century ago (1823 to 1892). He observed that we should not conflate "nation" with a "race" because all modern nations are ethnically mixed. Therefore, any policy that employs a racial argument to define the unity of a nation is clearly illusory and would destroy European civilisation. Also, a nation is not the same thing as its official language – otherwise, one could not separate the United States from Great Britain, or South America from Spain, or explain the unity of Switzerland with its four major official languages. Neither can religious beliefs be considered the basis for the contemporary nation, as seen from the disparity of political boundaries and the distribution of the various confessions. Concerning geography, Schulze (1996) contends that there is no more

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capricious and dangerous theory than that which seeks to set up a nation within natural boundaries. In other words, the "living space" of nations has always been subject to change (Schulze, 1996:96).

The three elements of identity observed in his address, namely language, borders, and religion, the same elements observed by Ilo, remain crucial to the discussion of national identity formation in all African countries, both before and after colonial rule. While only the black race in Nigeria and most of Africa, religion, language and culture remain the major dividing factors in African communities. In Nigeria, the language and cultural differences are dwarfed only by religious differences. This is perhaps because politicians have figured out the best way to set the masses against each other is to appeal to their religious differences in Nigeria. The idea that one's belief system surpasses other areas of relationships has become the refrain of politicians when addressing the masses (cf. Chima Azubuike, 10 Jan 2021, www.punchng.com).[41] Ilo (2006:29) notes:

> An essential component of survival is an innate belief in oneself. Believing in oneself demands an admission of the fact of one's history, the acceptance of the truth of one's present reality and courageous confrontation with the challenges of the moment with an eye on charting a new path for the future.

The call to acceptance of the facts of history echoes the call to revisit the status quo and answer the query of who are we and where are we going. On the one hand, this is a rhetorical question since the answer is obvious to students of African society and its challenges. On the other hand, this is not a rhetorical question because players in African

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[41] The irony in the speech of Gov. Inuwa Yahaya is that he did the exact thing he was complaining about when he disregarded the customs and traditions of the Tangale people in their chieftaincy stool and imposed a Muslim who was not elected by the kingmakers (cf. Awofadeji, Mar 4, 2021 www.thisdaylive.com and March 3, 2021 www.saharareporters.com)

politics have not attempted to answer the question by their failure to address the pressing challenges posed by the identity crisis.

The challenges confronting Africa can be addressed once we have come to terms with the wounds of the past and how to heal them. Certainly, the unique nature of nation-formation in Africa in general, and Nigeria in particular, compared to the situation of the Europeans mentioned above, calls for an analysis of the consequences of a third party's decision imposed on the natives. The reality is that those elements of the past described above make up the present situation of Nigeria's political, cultural and religious atmosphere. The definition of a nation does not relate to what has come to be Nigeria because of its formation by Great Britain. In anthropomorphic language, a nation is described as having a soul and mental capacities and notes that one of these mental abilities is the caching of memories on the one hand and the desire, in the light of those memories, to live together as a community. Consequently, he concludes that a nation is an expanded society with a distinctive sense of affinity maintained by an appreciation of the sacrifices that have been made in the past and the defensive expenses the nation is willing to make in the future (Schulze, 1996:97).

However, the descendants of slaves in Europe and the Americas are considered Africans in the diaspora. Although they are home, they are still not entirely at home. As we investigate the workings of the memory of enslavement in the regions of Africa, the diasporan memory is perhaps of greater significance than the local, postcolonial perspective. There is a multi-voiced narrative of black people regarding these sites of memory designed to reach audiences on many continents. This is the place where history and memory coincide, and efforts must be made to preserve the slave forts and artefacts.

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But, as Imbua (2013:120) observes, despite the many tangible relics available, there is little appreciation of them because of a disconnect between modern life challenges and the memories of slavery and the slave trade. Although Imbua (2013:120) had called for the collection of important slave trade relics and their preservation in a museum, such effort can only be rewarded by the level of interest in the history of the slave trade. What is the use of a distant memory when the current life settings of Africans do not seem any different from the past?[42]

The idea of a nation presupposes a past, but the past is summed up in one tangible truth: there was an agreement to such an identity and the desire to continue a life in that common identity (Schulze, 1996:97). Similarly, Anderson (2006:6) notes that nations are imagined as sovereign – they answer to no other nation, are limited to a geographical demarcation and are viewed as a community – with a shared sense of belonging. Yet even these concepts of nations and nation-states of the West are not without difficulties. Sociological studies have observed the disintegration of what was once perceived as a monolithic setting but today is being dismantled by the re-emergence of cultural and ethnic identities. In other words, the initial assumption that societies could merge into states in

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[42] Even in the United States, the Smithsonian National Museum of African American History and Culture (NMAAHC) in Washington, DC was opened to the public only in 2016. There are many other museums of African American history, in cities such as Detroit and New Orleans, that have existed since 1965. The annual Black History Month in February features significant African American contributions to American culture, government, technology, education and civil right advances in churches and places of work. However, neither the museums nor the annual celebrations have energised African Americans to express a deep connection to memories of the past as has the recent Black Lives Matter movement. Even the election of a black man as president twice, which many people thought would end the discussion about racism, did not do much to heal racial tensions. The argument of systemic racism falls on its face when one observes that the leaders of the cities where people protest racism are the same leaders responsible for a law enforcement system that re perceived as unfair to black people. As Trounstine (2018:74-75) observes, it is the local governments that marshal the power of city governments to institutionalise prejudicial behaviour and deny victims recourse. It is during public protests that black identity and black memories of past misgivings and mistreatments become plain.

the West is proving difficult to sustain.[43] This is because the state cannot penetrate societies and cultures, where identity lies, especially in the African context. Yet, the existence of the state today is indispensable for the presence of modern institutions.

In the light of the above observation, it is reasonable to assert that Renan's description of a nation should be informative for Nigeria. The implication of the concept of 'the nation' is that it converts a group or array of people into a single entity, one that has a constructive nature, unlike, for example, a 'mob'. This entity is more than a collective noun because it is more than the individuals who are its constituent parts. It has sovereignty over the people who consist of it and can assign authority to them. A nation has an abstract, transcendent quality (Taylor, 2008:15). However, in the case of Northern Nigeria, the issue is not a transition from a 'mob' to a 'state' because the notion of the state has existed long before the advent of the colonial government. The debate is whether that 'state' has the same power over Northern Nigeria as the modern post-independent state does. This is why Salisu (2002) arguments call for a revisit of how Northern Nigeria constituted a unified state before Independence. Yet the state Salisu envisions is the same one Yusufu contests as Lugard's design, which had favoured the emirate system.

The sense of community and kinship and the memories of past sacrifices in the days of colonialism should prompt Nigerians to accept the state of affairs and start nation-

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[43] Consider the recent debate on Brexit, where the UK voted itself out of the EU. After 40 years of membership, Britain has developed a level of distrust of the EU relationships and wants to return to a past identity, independent of "others" who do not share that identity. Yet inside the UK remains questions of other identities posed by Scotland and Northern Ireland, for example. These countries have their individual culture and native language. Should Ireland seek independence from Great Britain on account of its own identity? Afterall, language "can be a powerful symbol and expression of shared national identity" (Luu, 2019:4). The point here is not to make a case one way or the other, but to highlight the universal challenges of identity crisis in the hope that Nigeria recognises such and focuses attention on fixing its problems in the current state.

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building from that point. It did. Right from Independence on 1 October 1960, the government was fashioned after the British parliamentary system. It was a representative government with members from all parts of the country. The President was from the Southeast, and the Prime minister was from the North.[44] However, that dispensation lasted only six years, and the entrance of a military junta on the political scene left bittersweet memories in the minds and hearts of Nigerians for a very long time. It was a time when Nigeria experienced civil war, from 1967 to 1970, and the loss of over one million lives from Eastern Nigeria alone, a consequence of which has been a further loss of trust (Falode, 2011:121). The military gave Nigeria a different kind of identity, one of fear and discord. The Biafra War, started by the military governor of the Eastern region, Chukwuemeka Ojukwu, was in response to the perceived marginalisation of the East by the North under the military regime. Although the Easterners were as qualified to lead as the Northerners, as indicated by the first president being from the East, the military power gave Northerners a cover to hijack power and put themselves forward as the only people qualified to rule Nigeria (Matthew, 2009:1). Such a vote of self-confidence resulted from the colonial masters' view of the North, as will be seen later in this chapter.

Unfortunately, Nigeria is currently in a state where it needs to hear the warning that a loss of identity creates cultural bereavement, which leaves a society with disjointed systems, an ambiguous sense of morality, a lack of direction, and confinement in juxtaposition and self-interest. It also weakens the people's competence to work together to build an improved society. Many Africans do believe that the recuperation of African

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[44] See Appendix II for a detailed description of the First and Second Republics of Nigeria, which reveals the lasting impact of the Lugard legacy of favouring the Northern Nigerian elites as leaders of Nigeria.

identity will entail the resurgence of an African memory, a retelling of the African story in an objective way that leads to a healing of memories (Ilo, 2012:30). Cilliers (2007:2) rightly observes that there has to be room for public memory processes for healing to take place objectively. This means that remembering and honouring is a thoughtful and objective process of reflecting on the past.

Consequently, the space for the healing of memories is essential for objectivity. It is that process of revisiting memories of colonialism that seems to be lacking in the current Nigerian political climate. Memories, not only of the colonial period but also of the early days of Independence, are the foundations upon which the current society is built. For these painful memories to heal, a discussion of them in a respectful but truthful manner is necessary.

Two things can be said regarding the roles of public memory for Africans and for African-Americans and Afro-Caribbean groups (known as "the roots tourists"). First, while the latter group seeks identity through a connection with memories of the past, the former does not contemplate memory in the same way. Of course, there is a history of slavery, but that history is only a segment of the past; there is still the unbroken identity entrenched in tribal connection and affiliation. Moreover, that history of slavery is not in the distant past for most Nigerians since we still have families who have been known to be slaves or servants of the chief or Emir for generations. In that regard, the only difference between slaves sold in the trans-Saharan or trans-Atlantic trade and those within Nigeria is location. Secondly, as observed above, the instruments of memory of slavery, such as artefacts and relics, are readily available and in use by native Africans today (Imbua, 2013:120), hence the lack of urgency to preserve them. But the way Nigerians approach memory in Northern

Nigerian discussions of the subject is through a debate about what individual interest groups remember about their past concerning the present.

In the light of the above examples of the public memory of slavery, enslavement and slave trade in West Africa, the notion of identity formation and identity crisis in African states can hardly be separated from what Africans remember as their identity. The complex issue of national identity has been a subject of much discussion and contemplation by observers and players in the political arena.[45] The British colonisation of Nigeria has left a memory and identity of what came to be the nation of Nigeria. The identity crisis in Nigeria is that most Nigerians tend to derive their perception of identity from an ethnoreligious viewpoint rather than a sense of belonging to the larger inclusive unit. Although there is the concept of Nigeria as a national unifying factor, there remains a lack of common citizenship in practice, which is why the polarities in ethnic, religious and regional identities betray a lack of commitment to meaningful engagement in the national discourse (Aapanguo, 2010:7).

2.3 Memories of Enslavement and Identity Formation in Nigeria During the Colonial Period – with special attention to Northern Nigeria

The first result of the British colonial footprint in Nigeria is the lingua franca that unites Nigeria in terms of education and communication. This is a positive outcome, but

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[45] For instance, current security problems in Nigeria draw the attention and ire of political activists as well as religious leaders because the victims of violence are Nigerians of all religious and geographical identities. A very sobering WhatsApp video by a northern Nigerian Muslim captures the concerns of many Nigerians. The issues raised in the video are especially poignant, not just for their substance but also because they come from a Northern Nigerian (Hausa/Fulani). He noted three kinds of people in a given country based on the Greek philosophy of a nation: The first group he called Fools. These are people who pay no attention to the interests of others. The second group he called Tribalists. This group is only interested in issues that interest their group. The third group is called citizens. This group is concerned with humanity and what happens to everyone. This group is required in building a nation. However, he lamented that leaders have increased the number of the first and second groups in Nigeria. This is important to the discussion of the memories of the past and the concern for identity in Nigeria.

not without its own difficulties. For example, the National Policy on Education (Moduekwe, 2004: online) also acknowledges and "appreciates the importance of language as a means of promoting social interaction and national cohesion and preserving cultures". Hence, it mandates that, in addition to the English language, every child must learn the language of their immediate environment, primarily Hausa, Igbo and Yoruba. These have become commercial languages that allow for smooth interaction with neighbours and a segregating mark of identity that abrogates individual tribal identities in a given region. A person from a tribe in Northern Nigeria is generally considered a Hausa person at the expense of his/her own tribal identity. The imposition of both English and regional languages on minority tribes further relegates to the rear the importance of speaking their native languages, affecting the survival of those languages, especially because most of them are not written languages.

While the British colonial administration brought together many indigenous nationalities under its political rule, the other aspect of its imprint has been the realm of religion. Religion is given special attention in this chapter because it plays a significant role in Nigeria's cultural and political milieu. Generally speaking, religion is an innate part of African life; as Mbiti (1969:1) radically states, "[t]he African is notoriously religious." It is important to point out that most African "creation narratives" always have a religious dimension, which is intrinsically connected to cultural habits and actions. Landman (2013:1) rightly notes that religious identity connects a person to his or her religious views. As a result, religious identity, like all other identities, is fashioned by social discourses. Therefore, despite the connectedness of religion to the social, cultural, educational, and political aspects of society, its role in Northern Nigeria must get special attention. Not only

is religion the most dominant factor in Nigeria's government, but it is also generally perceived that political leaders tend to be subservient to religious leaders (Campbell, 2012:216). This becomes important for addressing the religious influence in society as we study the biblical injunctions for slave owners to observe laws of freedom, such as the Jubilee laws in Leviticus.

The message of the legal collections applies to the British colonial masters, and even Western missionaries, as many of them were guilty of suppressing the idea of equality in the eyes of these biblical instructions in the legal collections. For example, some mainland denominations defended the institution of colour-based slavery using these very slave instructions in the Pentateuch as their basis (Burrell, 2021: 741-42). Some preachers manipulated Genesis 9:25 to place Noah's curse on Ham instead of his son Canaan to justify the interpretation that allows blacks' enslavement (Burrell, 2021: 742). This was the backdrop of the Western missionary activities in West Africa in the nineteenth century. Surely, this does not make missionaries of the colonial era in Africa guilty of mistreatment of natives, but it explains the negative attitude of the British colonial administrator of Nigeria, Lord Frederick Luggard, who was the son of a preacher (www.britannica.com). Such outlook on the native converts did not bode well for the image of Christianity in Northern Nigeria. The image of missionaries was that of the gun in the one hand and the Bible in the other because one could not differentiate between the missionary and the colonial master in their relationship to the natives. The interaction between missionaries and natives in other African countries was worse than Nigeria's experience. The "sour grapes" in the mouth of some African Christians is surmised in the saying, "When the white man came to Africa, he had the Bible, and the black man had the land. The white man said,

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'let us close our eyes for prayer'. When they opened their eyes, the white man had the land, and the black man was left with the Bible" (Paustian, 2014: 1). As discussed in the following pages, Christian missionaries were implicated in colonialism despite the modern healthcare and education accompanying their work.

Before the advent of Christianity and Islam, African traditional religion was as diverse as the tribes on the continent. As such, every decision-making process, whether political, economic, or social, in any given community had a religious bearing in some respect. Consequently, in modern-day Africa, religion has a tremendous impact on the life of the community. Religion is a pertinent tool in efforts at conflict resolution. The best example of the public role of religion can be seen in the aftermath of the Apartheid era in South Africa. Addressing South Africa's unique challenges of political and racial tensions through the lenses of religion, Villa-Vicencio (1994:29) observed the major need as that of the affirmation of individual rights and the recognition of cultural, religious and gender particularities, as well as a sense of common national identity. He asked two poignant key questions: whether the avowal of ethnic identity eventually destabilises a universalist political theory and whether a society can maintain both national unity and the observance of various cultures and religions ethnic identities at the same time.

These questions must be answered fully in the African setting because cultural and religious particularism are the primary aspects of identity formation and crisis in Africa in general and in Nigeria in particular. However, to address the problem of religious identity, it is important to provide an overview of the key theological differences between the two major religions that supplanted African traditional religious practices through the advent of the trans-Saharan and trans-Atlantic slave trades. Islam and Christianity both left

footprints on Nigeria in such a way that it is nearly impossible to discuss the cultural or political identity of the country without discussing the murky religious topography.

The theological imprint of these religions is observed by Stark when he summarises the contrast between Islam and Judaism on the one hand and Christianity on the other. He notes that it is true that Judaism and Islam both accept an image of God adequate to uphold theology, but some of their academics have decided not to engage in such issues. Instead, most academics often refer to Judaism and Islam as orthopraxis religions, concerned with proper (*ortho*) procedure (*praxis*), assigning their underlying weight on law and management of public life. On the other hand, researchers portray Christianity as an "orthodox" religion for the reason that it emphasises proper (*ortho*) view (*doxa*), putting "greater emphasis on belief and its intellectual structuring of creeds, catechisms, and theologies" (Stark, 2005:8). This description of the three religions will answer how Islamic and Christian practice in Nigeria has lasting consequences not only for religious matters but also in the political realm. Some of these issues are discussed below.

On the subject of religious identity in Nigeria, this research takes a different perspective from Ilo's position on the influence of the two major religions, Christianity and Islam. While he makes a case for the separation of 'church and state', he does not give examples of why Christianity, for example, is not relevant to African ethical and moral issues in governance. He simply argues that religion is losing ground in the West. Yet his definition of true religion does not indicate any uniqueness or distinctiveness of what he would argue to be African Christianity. He asserts that "true religion has three basic components: conversion, transformation and transcendence" (Ilo, 2006:35). He defines the

nature of each of these components of true religion, beginning with conversion, which is the recognition of who we are, or rather, the start of a new identity. Conversion is a turning away from one form of identity and embracing a new one (Ilo, 2006:35). He describes seeing ourselves in a mirror and taking off our masks is the spiritual experience of conversion itself. One can argue that the 'discovery' in conversion and the subsequent identification with the new community in the new faith is quite subjective for the individual convert. The argument is that conversion leads to transformation, which leads the human person to long for a change in his or her life and the lives of others and society. The spiritual transformation leads to a deeper appreciation of the new identity and meaning of life, community, death, happiness, peace, and justice (Ilo, 2006:35).

The above elaboration on the nature of "true religion" came after advocating for an African Christianity because African Christians must evolve a uniquely African deviation of the Christian faith to escape from the noted crisis. The crisis in question is what he decries as the failure of Western civilisation to allow the influence of the Christian faith in their government. He then proposes that "[w]hen Western civilisation, which defines itself historically as Christian, institutionally denies the place of Christianity in any aspect of the public square, it loses the inner dynamics of her life and places herself in the bumps and bends of ethical relativism, and an amorphous multiculturalism that has no real content" (Ilo, 2006:34).

There are two observations to be made regarding Ilo's assessment of Western civilisation and Christianity. First, the case he makes for an authentic, unique African Christianity is simply a case for applying the faith, not different content. In other words, Christianity did not emerge from the West but the Middle East, long before the West

received it. Moreover, nothing in his definition of a true religion contradicts the contents of the religion that came from Western civilisation. It is worthwhile to bear in mind the nature of the religion itself rather than its practice by any culture or civilisation. One must distinguish between the creedal teachings of the religion and the behaviour of its practitioners. To clarify this point, Stark (2005:8) notes that, from its earliest days, Christianity was similarly innovative in its perceptions of human nature and in confronting issues of morality. Prominent among these were propositioning about fundamental human rights such as emancipation. And fundamental to these ideas was something even more basic, namely the "discovery" of the self, or individualism.

Nevertheless, it is true that, concerning the colonial enslavement of natives and the struggle for its abolition, one finds both sides of the argument within Christendom in England. This is the observation of Taylor (2016:140) when he asserts, "Christianity and the Bible, however, were, in fact, central to the British defence of colonial slavery". Regarding the arguments for slavery within Christianity, Taylor highlights three major propositions made during the discourse in England. The first and most apparent was that antislavery reasons were often expressed within unambiguously Christian representations. Emancipationists argued that slavery was anathema to the Christian and, as such, Britain, a Christian nation, should abolish the practice. The second point was on using the Christian creed in the debate against slavery and the slave trade. Based on scriptural argument, the former British traffic in African slaves was indefensible. The final reason for the ending of the African slave trade was the social, religious, and political change in Great Britain (Taylor, 2016:141-143). These developments in Britain indicate changes in the attitude of adherents of the Christian faith about their understanding of Christian teaching.

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Although the abolition of slavery and slave trade took place in Great Britain in 1838, winding down the entire practice took a while to achieve. This should not come as a surprise in the light of the economic footprints on the nation and the world. Even when Lugard implemented the policy in Northern Nigeria, it was not a simple proclamation that ended it. It took a long process in which the Northern elites struggled to give up the benefits of slave ownership. Key highlights of the process of abolishing slavery in Northern Nigeria are 1). Enslavement and the slave trade were declared illegal, with criminal offences to be tried in colonial courts; 2). Children born after 1 March 1901 were born free, and 3). Individuals were encouraged to negotiate terms of emancipation based on existing Muslim practices and precedents, but otherwise, existing social relations were considered to remain in place (Lovejoy, 2012:137).[46]

Consequently, Ilo's critique of Christianity, the problem with Christianity and its nature of influence on African converts is simply the opposite of the influence of Islam on its African converts. Ilo (2012:32) earlier contrasted the two religions by noting that "Islam appears to adopt a universalism, which yokes all Muslims in a brotherhood, which is clothed in an Arabic cultural garment". In other words, while Christianity appears not to apply the specific rules of the faith to its adherents, Islam, on the other hand, appears to be more uniform in its application of the standards to its adherents. Secondly, his critique of Western Christianity and its separation of church and state philosophy is valid only because it is the very footprint it left on the African socio-economic and political topography. Therefore, the process of returning to what he calls "authentic religion" (Ilo, 2012:32) is

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[46] Nevertheless, scholars today seem to wrestle with the idea that slavery and slave trade did not end abruptly with the passage of law (cf. the argument of James Walvin (2009).

simply a matter of Africans living out the biblical principles of the Christian life. The process through which the Western garment in which Christianity is cloaked and African Christians own the faith within their culture is a simple return to the gospel. However, that process is not easy to figure out since African nations are already heavily influenced by both the West and Islamic cultures.

Regarding the nature of Islam and its universal practice among its adherents, the following discussion highlights certain areas of memories of colonialism and the specific role of the Islamic religion in the past of Northern Nigeria and the making of present-day Nigeria. The section highlights the positive footprints of the religion in Northern Nigeria and some of the unique challenges it poses for Northern Nigerian Muslims that are not necessarily seen in Southwestern Nigeria, where Islam is strong. In general, Islam in northern Nigeria benefited from Western education brought by Christian missionaries without conversion or accepting the tenets of the Christian faith (Paustian, 2014:10).

As mentioned above, Ilo's critique of Christianity in Africa analyses only one side of the coin. The influence of Islam in Nigeria is of far greater consequence than that of Christianity. Islam has been in Nigeria for much longer than Christianity; hence one would naturally expect a bigger footprint in the culture and society. The second and more pertinent reason for discussing Islam in Nigeria is that the notion of the separation of church and state is absent in Islam. In contrast, religion and state are inseparable in Islam. Therefore, in their critique of colonial powers regarding the limitations imposed on Arabic as a language of communication in Northern Nigeria, Salisu and Abdullahi (2013) decry the bridle imposed by the colonial government, which held back the progress of Arabic and Islam as the civilisation in control of Nigeria. First, they remind us that "[i]t is believed

that with the expansion of Islam, Arabic also spread and eventually became the official language of government and correspondence in some of the defunct kingdoms as far back as 13th century" (Salisu & Abdullahi, 2013:206).

The findings above indicate that Northern Nigeria has been the locus of widespread grievances over many issues, including ethnoreligious differences. The ethnoreligious divide was not a problem before colonialism but has now become a major source of religious radicalisation and terrorist recruitment in the region. The upsurge in youth radicalisation in Northern Nigeria since 2009 alone is alarming. According to Sodipo's (2013) brief on Combating Radicalism in Northern Nigeria, Nigeria's ranking on the Global Terrorism Index had risen from 16th out of 158 countries in 2008 to 6th by the end of 2011. The situation has only become worse since then, to the point where President Goodluck Jonathan declared a state of emergency in the Northeast region in 2013 (2013:1).[47]

Sodipo's (2013:1) conclusions are that frustrations arising from "poverty, government corruption, ethnoreligious divides and abuses by security forces fuel a rise in Islamic radicalisation in Northern Nigeria". While these factors are reasons for despair, one must be careful not to imply they are legitimate excuses for the violence that has held much of north-eastern Nigeria and its neighbouring countries captive to terror and death by Boko Haram. An example of this difficulty remains today, as seen in Boko Haram's current

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[47] See Addendum A, a Geopolitical Map of Nigeria. The tragedy of religious radicalisation in Northern Nigeria should draw the attention of all well-meaning Nigerians, irrespective of their religious leanings. The recent terrorist attacks in Sri Lanka contributed to 31 222 attacks in the last 18 years that have killed 146 811 people around the world since the 9/11 terrorist attack on the World Trade Centre in New York. Most of the victims of these attacks have been Muslims (https://imamtawhidi.com/wp-content/uploads/2018/10/References-for-The-Tragedy-of-Islam.pdf)

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crisis, as reflected in news flashes and the resultant experts' opinions on the reasons for those crises. In a recent French television news item, the Debate, discussing another Boko Haram kidnapping of schoolgirls in Yobe state, one of the panellists blamed Herbert Macaulay for the grievances of Boko Haram.[48] The insinuation that Macaulay denied Northern Nigeria access to education is a complete misrepresentation of history, as will be seen from the arguments of Northern Nigerians below.

This kind of argument comes from a passion for explaining every crisis as a consequence of some political grievance instead of the claims of the aggrieved. In this case, the grievances of Boko Haram are summed up in the meaning of the organisation's name: Western education is prohibited or forbidden. Yet their main issue has to do with government, not religion. The economic recession initiated by the plunging oil prices of the 1980s led to the collapse of basic services, such as medical care, universal free primary education (UPE) and electricity, and petrol scarcity. This period gave rise to Izala, an Islamist movement sponsored by Islamists in Saudi Arabia, Kuwait and Iraq. Leaders of this movement accused the Nigerian government of using secularism to promote Christianity and Western agendas and stifling Muslim's desire for a godly life (Vaughan, 2013:2). They wanted an Islamic government that would restore justice as the answer to the rampant corruption in government. They viewed the national celebration of Christian holidays and the weekend that included Sunday as evidence of a European Christian and

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[48] The Debate: Boko Haram Kidnappings: Can Nigerian Schoolgirls be Protected? http://www.france24.com/en/20180222-debate-boko-haram-nigeria-schoolgirls-terrorism-security-kidnapping. Herbert Macaulay (1864-1946) was the pioneer of Nigerian Nationalism. His father was the founder of the Church Missionary Society in Lagos, and his mother was the daughter of the famous Bishop Samuel Ajayi Crowther. Macaulay was, among many skills, an engineer, journalist and politician (the National Council of Nigeria and the Cameroons [NCNC] was the first national political party founded by him). Other great Nigerian leaders of the First Republic, such as Dr Nnamdi Azikiwe, Sir Abubakar Tafawa Balewa, Sir Ahmadu Bello and Anthony Enahoro, followed in his footsteps.

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colonial model, which they believed discriminated against Muslims. In their defence, the call of the Izala Islamic movement to spiritual renewal is unquestioned, and they are not afraid to confront vices in government, as they speak for justice and fairness, at least from their worldview.

The emergence of new, exclusively Christian movements also took form in the 1970s and 1980s as the growth of Evangelicalism and Pentecostalism in the United States and Britain reached Nigeria. With the rural-urban migration spurred by the oil boom, the growing power of military dictatorship and fear of the occult world came the 'born-again' movement, accompanied by the 'health and wealth' prosperity gospel, modernity and individualism. The Christian Association of Nigeria (CAN) was formed to provide a unified response by Christians against religious oppression in the North, and it became the unified voice of Christians against Nigeria's membership in the Organization of Islamic Conference (OIC) in 1986 (Olupona, 2013:24). However, CAN has become such a powerful political activist organisation that one wonders if it is losing its authority to provide unity among its members. The instruction to slave masters in the Legal Collections of the Pentateuch applies to religious leaders who hold on to the pulpit and microphone to speak up for the downtrodden and masses.

The memories of traditional religious practices by the Evangelical and Pentecostal movements were based on missionaries' teachings regarding idol worship. Hence, these groups became forthright in their renouncement of homegrown religions as demonic, yet some find resemblances in the worldview and worship of these movements and the indigenous traditional religions, despite their protests (Olupona, 2013:26).

While Sodipo's observation is partially true, many other poor and aggrieved youth in Northern Nigeria have not resorted to violence. There are no examples of poor youth in other parts of Nigeria who resort to violence does not mean their situation is better off. The key point is to simply accept that some youths are susceptible to indoctrination but for reasons beyond poverty or perceived injustice. Sodipo's (2013:1) second point on mitigating religious disharmony is a recommendation of dialogue among youth of different backgrounds, teaching values of tolerance, non-violent conflict resolution and peacebuilding programmes that mitigate the influence of radical ideologies.

On the political front of pre-independent Nigeria, the role of Nnamdi Azikiwe features as a pioneer pan-Africanist in British West Africa from the 1930s to the 1950s (Mbah & Aderinto, 2021:vi). As the Governor-General of Nigeria at the dawn of Independence (1960-1963), he worked to find a balance between the interests of nationalist interests of anticolonialism and the diverse patterns of decolonisation among individuals, regions, religious groups, and ethnicities within Nigeria (Mbah & Aderinto, 2021:vi).

In the background of Azikiwe's challenges was the Richards Constitution of the late 1940s, which was an answer to the agitations for self-governance by the nationalists. However, the constitution resulted in a socio-cultural crisis in the Northern People's Congress (NPC) party primarily because oligarchs of the Sokoto Caliphate wanted to structure power based on the pre-colonial style that separated the people by class (Feinstein, 1974: 24). However, even within the heart of Hausa-Fulani civilisation, the city of Kano produced Mallam Aminu Kano, who sought a transformation of the socio-cultural dynamics of the North by championing a political front. It was a socialist revolution in Northern Nigeria meant to dislodge the powers of the elites with a manifesto called the

Northern Elements Progressive Association (NEPA), which was disbanded in 1949 to later become the Northern Elements Progressive Union (NEPU), which aligned itself with the National Council of Nigeria and the Cameroons (NCNC) of Nnamdi Azikiwe of Eastern Nigeria (Reynolds 2021: 55).

Conduits of memories of colonialism to remind Nigerians of the past include the role of newspapers. The anticolonial newspapers, such as the Daily Service, the Daily Times, and the West African Pilot, used photography to become essential tools of decolonisation and promote African traditions and nationalism (Mbah & Aderinto, 2021: vii). Herbert Macaulay founded the first political part in British West Africa called the Nigerian National Democratic Party (NNDP), which embodied Nigeria's anticolonial visions in print (Mbah & Aderinto, 2021: viii). Those were how Nigerians were and are still reminded of their past, and those were some efforts to lead to Independence by the "founding fathers"[49] of Nigeria.

2.4 Memories of Enslavement and Identity Formation in Nigeria in Postcolonial Period – with focus on Northern Nigeria

The correlation of memories about enslavement in the legal collection and colonial period in Nigeria is significant for studying and analysing the effects of colonisation on

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[49] I use this term here because it is reminiscent of the term in the United States when they think of their fight against the British colonial administration. It became a memory term to recall the struggles and how to maintain an American identity based on the struggles of the past. Nigerians seem to have lost the sense of connection with the struggles for independence that shaped its identity as a nation. The irony remains that despite the fight against the British colonial power, America's identity formation overlooked its own vices so that even the term "founding fathers" did not include the natives and slaves. However, because the foundation was a democratic republic, it allowed for progressive view of the term to become applicable to all Americans. A work in progress, but better than the past. This becomes the lesson, and the reason Nigerians are being reminded of enslavement and colonialism. Political and civil leaders must not behave as enslavers and colonizers of their fellow citizens, rather, they must heed the counsel of their founding fathers who wanted freedom for all.

society. The current struggles for tribal and regional identities in Nigeria paint a broad picture of the country's identity problems. These problems are typically religious, tribal, cultural and political in nature.[50] It is imperative that we revisit the period of the colonial masters who set the stage for what became the Nigeria that we have today. According to Kuna (2005), the creation of bounded cultural and special areas homelands was manifested in various ways, such as the concept of "natives" of a geographic location. Such designation is meant to exclude others. He argues that this concept enhanced the identification of people beyond tracing the genealogies of tribes. Rather, it was done based on the spurious identification of such tribes as natives (Kuna, 2005:2). However, the concept of natives of a geographic location or tribal settlement is not the problem here. Most tribal groups in Northern Nigeria have some aetiology of their settlements. The cultural identities are not a creation of anyone or any system; rather, peasant farmers have always connected their tribal or native identities to land. When 'foreigners' settle in their land, the farm's primary source of livelihood is the same. Therefore, there is always the fear of the 'foreigner' owning or buying off the inheritance of the natives. It is only through urbanisation and industrial developments that 'foreigners' get to settle and mingle with natives.

The current political climate in Nigeria is replete with questions of regional and tribal identity. For example, a recent publication, titled "Media Release", by the Fulani Nationality Movement (FUNAM [IPOB, 2018:1]) from the northern city of Kano, decries the conflict between local farmers and herders in the central part of Nigeria. From its own

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[50] Turaki (2020:45ff) portrays the religious identity crisis within Christianity in Africa, which reflects a unique identity problem formed within a broader Christian identity.

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perspective, the group perceives a desire by central and southern Nigerians to displace the Fulani people in Nigeria. This perception was especially fuelled by what this group terms "Irresponsible calls for restructuring of Nigeria" and considers the Fulani not only true Nigerians but also the God-ordained leaders of Nigeria (Ahmadu, 2018:2).

The above media release was followed two days later by another group in southern Nigeria, calling itself the Indigenous People of Biafra (IPB). After delineating their perspective of Nigeria's history from Independence through the civil war of 1967 to 1970 to the present tribal clashes under a northern president of the country, they called for a referendum to restructure Nigeria. They assigned blame for the current political crisis to the former Nigerian Head of State, General Yakubu Gowon, who backed out of a deal to divide Nigeria in 1967. They consequently believe the best way forward for peace in Nigeria is when the Biafrans are allowed self-determination, noting that Nigeria's unity based on the divisive statements by political interest groups remains a "British invention" and not the will of the people (IPOB, 2018:1). This seems to be the position of the NINAS as well. The organisation has recently called on global financial institutions to stop giving financial loans to Nigeria (www.thecable.ng).

The above citations are examples of what lies beneath the political and tribal crisis currently going on in Nigeria. It begs the question of the identity crisis in Northern Nigeria. Africa as a continent is wrestling with the question of its identity emanating from its past and present experiences. This chapter addresses the complex background issues that led to the current identity crisis in the country. It will touch on the effect of colonial administrative policy, the influence of religion, and the present state of governance. In some cases, Nigeria

and Africa will be used interchangeably because some of the subjects under discussion are not limited to Nigeria.

Regarding the general nature of the identity crisis in Nigeria, a broad overview of the situation on the African continent will help in two ways. First, it will show the prevalence of the crisis on the continent because of similar histories of colonialism and Independence and how the new borders are challenging the concept of state. Secondly, the application of solutions to the problems in Nigeria applies to other African states. In general, Ilo's (2006) assessment that a crisis of identity among Africans is a broad description of many aspects of identity, namely religious, tribal/ethnic, economic, etc. This identity crisis appears to derive from a lack of self-definition and confusion about the place of Africa in the world. The said crisis affects cultural, intellectual, economic, political, religious and social norms.

Nevertheless, the failure to appreciate the nature of cultural identity tends to mislead students of Nigeria's current cultural and political setting. It is this concept of culture that Salisu and Abdullahi took for granted above. The colonial administrators gave the Northern Nigerian elites (the emirate) a great deal of power over other groups of people considered less civilised. Note the arbitrariness of how boundaries and homelands were demarcated. Northern Nigeria was constituted based on recognising homelands and tribal boundaries that existed before the imposition of the British administration. However, it was also constituted through specific political juridical mechanisms, only to re-present them as 'one' within a larger colonially constructed structure (Kuna, 2005:3). However, other factors include the concept of a united, colonially constructed structure pitted against a Southern Nigeria, which served to reinforce the administrative structure and the underlying

power it supports. The same pattern can be seen in Eastern Nigeria, where smaller tribes/homelands are set against each other within the region but then encouraged to unite as Eastern Nigeria when contending against Western or Northern Nigeria (Kuna, 2005:3).

Suffice it to say that the concept of "nation" appears to work well in European countries based on centuries of nation-building. Hence it was natural that the concept was brought to Africa by the colonial masters. This is not to say that the concept will not work in Africa simply because it was European. Yet, for the concept to work in Africa, it will require a long process and the consideration of factors such as the willingness to be a nation and a desire to stand for it. Such a desire would be like the nationalistic movements that led to Independence, starting in the late 1950s. But today:

> People define themselves in terms of ancestry, religion, language, history, values, customs, and institutions. They identify with cultural groups: tribes, ethnic groups, religious communities, nations, and at the broadest level, civilisations. People use politics not just to advance their interests but also to define their identity (Ilo, 2012:31).

Ilo's assessment covers the many different aspects of national identity in any given African country today. However, the issues raised are complex because there is not a single answer to them. Lest history behoves us, it is necessary to bear in mind the extent to which the colonial masters enforced their will on the colonised. Moreover, it is important to remember that these challenges are neither new nor unique to Africa. The deeds of colonial masters were examples of the nature of "survival of the fittest".

The more than 250 tribes and ethnic groups have accepted the notion that the three dominant languages must be required in primary and secondary schools. Once again, Kuna reminds us of the intricate nature of the problem we have, of the challenges involved in the calls by different groups for a return or a path to what they consider fair treatment of their

specific group. He notes that the colonial imageries are not merely theoretical constructs. They possess a tangible corporality replicated through colonial schools, traditional laws, governmental and spatial maps, and the strengthening of specific pre-colonial forms of power. In these are also replicated the structures, constructs and, consequently, the identities that support them (Kuna, 2005:3).

Since Lord Lugard differentiated Nigerians in racial terms, it is no wonder the Muslim North has always considered itself superior to the rest of Nigeria. Note the examination of the state of affairs by Turaki (2010:45), when he lamented that dissimilar to the Muslim Hausa/Fulani, the non-Muslim peoples had been assigned an inferior status and placed under the colonial administration. In his categorised taxonomy of African peoples, Lugard placed the "pure negroid" at the bottom. He placed the Muslim Hausa/Fulani under the "advanced communities". The tribal peoples of the non-Muslim areas were what Lugard described as "primitive tribes". Derogatory designations such as pagans, heathens, savages, primitives or uncivilised had already come to define colonial prejudices and discrimination against those to whom such terms were directed (Turaki, 2010:45).

These terms were derogatory, but they were also laden with contempt against the culture, religion and values of the people they described. The racial prejudice of the colonial administrators was observed on two levels, according to Turaki (2010): 1. The claim of Europeans' innate intellectual and cultural superiority over the "primitive pagans" and Africans in general, and 2. The differential treatment of the ethnic groups by Europeans is based on racial and cultural differences. Given these two levels of discrimination, the contemptuous treatment of non-Muslims and the preferential treatment of the Muslim

Hausa/Fulani, the colonial administration was bound to develop policies and attitudes laden with prejudices and discrimination (Turaki, 2010:45).[51] With this approach to the non-Muslim people of Nigeria, the entire conceptual agenda for Northern Nigeria was altered, with a new emphasis on the "Hamitic" origins of the Muslim Fulani ruling class and their supposed inherent superiority over the inferior, animistic, cannibalistic negroid peoples (Dorward, 1974:459).

It is no wonder that Nigerians find themselves struggling to understand today why the Hausa/Fulani insist that the leadership of Nigeria belongs to them. Any challenge to that precedent, be it from the military rule or civilian political systems, must align with what the Hausa/Fulani know to be their rightful place of superiority to the rest of the nation.

With the aforementioned attitude towards the natives, Lugard considered the ruling class of the Muslim Hausa/Fulani as junior collaborators of the political officers in ruling Northern Nigeria. In so doing, Lugard adopted a policy of establishing camaraderie between himself and the members of this erstwhile ruling class and of creating for them a permanent place and rank under the new British Administration. Consequently, the policy of indirect rule provided the basis for this grand confederation of the two ruling classes, the Fulani and the British, who, between them, constituted the past, present and future rulers of the Protectorate of Northern Nigeria (Turaki, 2010:29). This marriage worked out well to the advantage of both since the British government fully utilised the structure that denied minority groups any potential for leadership of their own people under British

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[51] As if to remove any doubts in the mind of the reader, Lugard validates the sentiments in his own words when he says, "I believe myself that the future of the virile races of this Protectorate lies largely in the regeneration of the Fulani. Their ceremonial, their coloured skins, their mode of life and habits of thought, appeal to the native populations … This, then, is, the policy … to regenerate this capable race and mould them to ideas of justice and mercy so that … they may become worthy instruments of rule. My desire to utilize the Fulani as rulers has been described in a former report" (Turaki, 2010:78).

colonial rule. Kuna observes that the command style fully utilised the pre-colonial governmental structures of the caliphate and relied on emirs and the emirate government to subordinate and control the people. Through these structures, cheap labour for colonial projects, cash crop production targets, labour in the mines, and services and goods appropriated by emirs and the emirate administration were organised (Kuna, 2005:6).[52]

Consequently, because of the inbuilt entitlement of social status and national leadership privileges associated with the Hausa/Fulani, the struggle for identity and nation-building in independent Nigeria remains a process taking a very long time. The tendency for a limited scope of identity is always inherent in individuals, families, clans, tribes and groups in Nigeria. This was similar to Europe, where Schulze observes that tribal groups and their territorial successors from Saxony to Bavaria were regarded as *patriae* (fatherlands). As far as the individual subject was concerned, the country he belonged to was his fatherland: he called himself a Saxon or a Bavarian and regarded his local ruler as *pater patriae*, the father of his country (Schultz, 1964:102-103). Likewise, in Nigeria, the concept of fatherland implies a sense of identity and belonging to a particular locale. However, one should not misconstrue ethnic identity as a hindrance to peaceful coexistence in Nigeria. Ethnicity and tribalism are inherent identity markers in all of Africa and predate colonial experiences. This is the case made by MacGonagle (2007:2) in her study of ethnic and tribal identity in southeast Africa. She shows how cultural identities are woven from

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[52] "Even the current names of nations took a long time to emerge. The Germans in particular took a long time to realize that they were Germans. This was because there had been no German tribe: what had existed since the collapse of the Carolingian Empire during the ninth century was a number of tribal duchies which could not be traced back to the tribes that had existed at the time of the migration of the people, but which had evolved from the administrative districts of Charles the Great's Empire" (Schulze, 1996:100). Perchance it is time Nigerians revisit history and remember that the task of nation-building requires sacrifices, and bear in mind that other civilizations have had to go through the same processes of change.

historical memories that predate the arrival on the continent of both missionaries and colonial powers. She concludes that social structures, cultural practices such as face and body markings, and rituals help sustain shared beliefs that define tribes and ethnicities.

Hence, much as noted above, the political decisions of leaders to use tribal or ethnic identity as a divisive means to 'divide and conquer' is the real reason for ethnic conflicts. This is the argument of Father Clement Aapenguo when he says that ethnicity is not the catalyst of African conflicts but an instrument used by politicians to mobilise supporters in pursuit of power and wealth. He continued that, while the ethnic group is the predominant means of social identity formation in Africa, most ethnic groups live together peacefully with high degrees of mingling through interethnic marriage, economic partnerships, and shared values (Aapenguo, 2010:1). This sentiment is true of the ethnic relationships in Northern Nigeria. Even after Lugard restructured traditional rulership in the region, where pre-eminence was given to Emirs over other tribal leaders, there continued to be peaceful coexistence until politicians began to use ethnic differences as a political tool. When the ethnic division had reached its end, politicians resorted to religious differences as a tool. Sometimes both were used hand in hand, but today even the religious division seems to exhaust its fumes in Northern Nigeria because most victims of violence in the name of Islam are, in fact, Muslims.

In the process of identity formation in Northern Nigeria, leaders tend to ignore memories of the past, precolonial ethnic relationships. The relationship between traditional rulers and elected officials should incorporate a mentoring concept in which a balance between the past and present is found. Traditional rulers remain ethnic leaders and should be used by the government as instruments of peacebuilding. Consider, for example, the fact

that the evolution of the French nation was a long process that kept pace with the growing power of the crown as it expanded its rule across the Loire towards southern and western France (Aapenguo, 2010:1). As the nation expanded, its lifeline was established chiefly through its connection with the monarchy, the sacred status of which shed lustre on the person of the monarch and his entourage, reinforcing national consciousness in a France that was just beginning to emerge. Therefore, it might well be said that the monarchy was the monarchy that gave birth to the nation in France. The point here is that France had had to find a balance that allowed a working relationship between the older system of monarchy and the modern state, in which any person can be a democratically elected state leader. Since Nigeria does not have a single monarchy to identify with, the current structure of traditional leaders recognised as elders can be a good starting ground for nation-building, despite its imperfections.

Once again, we bear in mind that the so-called pagans were placed under ethnic administration throughout the colonial period. They were not given any realistic socio-political role in the colonial system; rather, they were meticulously subservient to Hausa-Fulani rule and political domination. The expansionist colonialism served to extend the arm of colonialism, also known as indirect rule. In principle, indirect rule was a convenient way for the colonial masters to reach all tribal groups through indigenous rulers. However, in practice, a specific tribal group, the Hausa-Fulani, was methodically placed over all the tribes in northern Nigeria employing the Caliphate (Turaki, 2010:29).

When one compares the British colonial government to Arabic enslavement in Northern Nigeria, it is evident that the Arabic enslavement interfered little with the tribal and societal structures, and therefore was of less consequence for the people's identities.

On the other hand, despite the abolishment of slavery in the 19th century, the British colonial administration tampered with the culture and political landscape of Northern Nigeria beyond measure. There were no shared values, kinship or common experiences, even in terms of the ills of colonial rule, that led to the formation of the nation. Instead, Northern Nigeria and all of Nigeria were simply a creation of the colonial masters with a complexity of borders that separated families.

It worked for the colonial masters since their goal was control and income, no matter how demarcated territories. Kuna (2005:4) has observed, "Mapping and territorialisation [sic] classify, and on this basis create identities and images of membership and belonging, establish communities, enable the collection of taxation, impose juridical and other forms of control, and effectively delineate the boundaries, identity, power, and strength of a specific state". He further observes that the reorganisation of the territories of the northern part of Nigeria was fundamental to the establishment and implementation of colonial power. Furthermore, it represented and pitted these separate identities as homogeneous entities against one another throughout the colonial world and in Nigeria specifically (Kuna, 2005:4). Later in this chapter, the case will be made clearer when the particular strategies of colonial rule are discussed.

Therefore, a forward-looking approach to addressing its current challenges is to accept the current boundaries of the nation and, remembering the past experiences of colonisation, to focus attention on the opportunities that lie ahead for successful nation-building of a diverse society full of human and natural resources. The benefits of Nigeria's history in the struggles for Independence and those memories of colonisation will help build its identity and development as a country.

In this regard, one would concur with Ilo's (2006:31) assertion that "[i]t is quite true that the African continent has many cultural traditions, but there is a convergence of values in the continent based on shared historical experience". One may concede that shared memories of past experiences are relevant to Nigeria, but even then, those memories are not shared to the same degree and not of the same experiences. It is important to note that Nigerian people did not choose to live together or come to a consensus regarding identity as a nation.

Nigeria's socio-political and religious climate makes it difficult to navigate a way forward for a unified Nigeria, although it must move in that direction. There is so much divisiveness that the discussion of unity is usually welcomed with loud voices of dissent from different interest groups as if to say they have each found an alternate solution to unity. Yet, the process of nation-building demands a listening ear for the perspective of the international community. The international community's voice is more than simply a voice; it is a consequential one. For example, the former Secretary of the United Nations spoke on the Agenda for Peace document of the Security Council Summit of 1992. He said that while the United Nations did not and would not close its doors to new members, the notion that any ethnic group, religious or linguistic group could simply claim sovereignty, statehood or self-determination was not just impossible. However, the consequences of such actions would lead to fragmentation and hindrance of peace, security and economic success for the groups (Mayall, 1999:475).

Yet the statement of the UN Secretary-General does not solve the problem since it does not offer specific answers to these challenges. The status quo is patterned after the colonial system of divide and rule with its attendant consequence of territorial boundaries,

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its socio-political and legal repercussions, the identities it creates or attempts to obliterate, as well as the spatial and cultural reorganisation it provokes. It is this result of divide and rule that Kuna (2005:413) describes as the process of "othering", in which "[p]eoples and communities were first fragmented and constituted as bounded units or 'homelands', and then reorganised into wider territorial units opposed to each other along ethnic or religious 'imagined' communities". Tribal and group sentiment is what current political interests utilise to emphasise division instead of unity. The situation is also what Turaki decries at the end of his book, when he calls for further research and dialogue. He reminds his readers that there was a colonial development of two distinct and antagonistic communities, Muslim and Christian communities (Turaki, 2003:259).

Although colonial administration encouraged such division, it is unfair to blame the religious division entirely on them. It is true that, through its policies, attitude and administrative practices, the colonial administration institutionalised socio-political conflict and underlying hostility between these two communities. It is also true that the incessant religious conflicts in Northern Nigeria are a unique phenomenon in West Africa, yet other West African countries have these two dominant religions living together. The particular problem in Northern Nigeria truly emanates from the colonial administrative decision to give political power to one group at the expense of others.

As a result of dissatisfaction with the current political system, the proponents of what Mavall describes as primordialism[53] within Nigeria insist on building ethnic coalitions at the expense of the status quo. The idea is a return to the pre-colonial period,

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[53] Primordialism is the argument that nations are ancient and a natural occurrence. Therefore, ethnic identity and ethnic conflicts are simply the engrained characteristics of societies.

which is done by recognising a cluster of persons who hold in common one or more of a list of standard qualities, such as a name, a "common language, a homeland, common symbols, a common myth of origin or ancestry and a sense of themselves as a people with a shared history of triumphs and disasters and, based on these, shared hopes and aspirations" (Mavall, 1999:496). The picture described above characterises the Middle-Belt movement in Nigeria today. Nevertheless, there are no memories of these tribal groups' past political unity, even under the Kwararafa Kingdom.[54] Therefore, this concept simply emphasises group identity rather than inclusiveness and unity. Moreover, it would create many nations from current Nigeria since there are many ethnic groups within each state. For example, his argument continues that one should

> Next, extract your ethnic group from wherever the tide of history has washed it up, be it within an empire or a multicultural state. Endow its members with a state, under a government of their own kind, and of which they are citizens rather than subjects (Mavall, 1999:496).

Again, this is an attempt to swing the pendulum to one end that is destructive to any society. But it is important to hear such ideas to critique them and avoid Nigeria falling into their trap.

2.5 Summary and Preliminary Conclusion

This chapter has discussed the journey of Nigerian identity formation, emanating from the memories of enslavement and the influence of the British colonial administration. On the nature of the divisions in Nigeria, both in colonial times and in the current state, Kuna (2005:8) aptly observes:

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[54] The Kwararafa Kingdom was a multi-ethnic confederacy led by the Jukun tribe that existed circa 1400 to 1700 CE along the Benue River valley in what is now central Nigeria. It lay southwest of the Borno Empire and south of the Hausa states (see Addendum C for a map of Kwararafa kingdom). This map is back in public discussion in the agitations of the Middle Belt and the Nigerian Indigenous Nationalities Alliance for Self-determination (NINAS).

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On the basis of this fragmentation, discourses, ideologies and practices of power through schools, laws, symbolic representations and policy decisions that serve to produce and reproduce group boundaries are established. Such identities span a wide range of issues and may be related, though not necessarily limited to ethnicity, religion, and cultural essentialism.

Several measures must be considered as Nigeria navigates certain channels to reconstitute its identity. It appears that every major tribal and social group has some grudge from the past and the present – grudges that need attention. However, it is also important to note that, while most of these problems are the results of colonialism and the legacy of its administrative structure, the fact remains that Nigeria today must carefully lay out the course of its political and social engineering so that memories of colonialism do not remain a stumbling block to nation-building and progress.

Therefore, the potential of socio-political conflict in this area is a serious long-term consequence of the colonial legacy that needs to be addressed, assessed, and evaluated to build a just, inclusive, participatory, and sustainable social order. Furthermore, the function of religion in developing the identity, authority, and legitimacy of the two communities must be studied thoroughly and used as a guideline for building socio-religious harmony between Christians and Muslims who share the same polity and social environment (Turaki, 2003:259).

Perhaps it is fitting to highlight a personal experience that is relevant to the above concerns. The researcher's identity as a member of a minority tribe in Nigeria is intricately connected to the memories of colonization discussed above. There is currently an effort to impose on the Tangale nation a puppet king of the Fulani emirate system on the Mai Tangle

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stool.[55] The main concern of the Tangale people has been the erosion of their identity as a distinct tribe because they know the impact of the Fulani conquest on the Hausa tribe.[56]

The kind of communal clashes between Fulani and tribal groups are incidences that trigger memories of the injustices of the colonial administration, and the alienation of tribal groups by the Buhari government has not done well to unify the fledgling civilian administration. The Northern Elders Forum has cautioned the president, but their calls seem to fall on deaf ears (www. www.ripplesnigeria.com July 9, 2021).

In light of the difficulties Nigeria faces today, Abubakar and Salisu call for memories' utility. The Middle-Belt movement demands certain changes while others in Eastern Nigeria call for the outright cessation. The Truth and Reconciliation Commission model in South Africa is more practical because it allows for mature communication out of mutual respect. In this regard, Van Antwerpen (2008:26) observes that new truth commissions appear to be forming throughout the world. These include the Truth and Reconciliation Commissions in Nigeria, Peru, and Sierra Leone. The idea of reconciliation as having the right relationship is based on a long tradition in Christian theology, and one can conclude that there is no reason to think differently in Islam (Teichler, 2017:326). However, the question remains whether Northern Nigerian leaders are willing to

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[55] In February 2021 there was a selection of a new Mai after the demise of the late Mai and his son within two months of each other under suspicious circumstances. The Gombe state legislature had previously rubber stamped a new chieftaincy law that allows the governor a say in the choice of traditional rulers. However, the law says the governor is to honor the customs and traditions of the people in the choice of their rulers. Yet, when the kingmakers presented their choice of a successor from the royal family in a democratic process where he garnered five of nine votes, and the other candidates gained two votes each, the governor decided to announce one of the loosing candidates as the new Mai. The insult to justice became more sinister when the Tangale people discovered the person never lived in Tangale land and his wife is from the Fulani tribe.

[56] The conniving of the colonial masters and the Fulani tribe remains active today in Nigeria. The protests of the Tangale people was in the national news (see www.nairametrics.com and www.premiumtimesng.com Feb 22 2021), but the president of Nigeria is also from the Fulani tribe, and of course, no remedy is expected from his office.

implement ideas borne from these commissions. It appears that the move in Nigeria currently is either stagnant or was designed for a specific task that may have concluded. There is no mention of such a commission or its activities in Nigeria's political or social scene.

The recognition of ethnicity as a unifying tool, rather than a divisive instrument, should help refocus conflict resolution efforts from the selfish politicians who use ethnic identities as triggers of conflict. Politicians seek divisiveness in society, but we must neutralise their efforts to deploy ethnicity for political ends. Instead, we must insist on a methodical education strategy that derives from memories to build a common national identity in Nigeria (Aapenguo, 2010:6). These factors are helping shape the researcher's approach to the biblical text and my hermeneutic. I am learning to embrace the biblical text as a tool given to me for the benefit of my people so that my interaction with the text is not simply an academic exercise, but I can learn to own it and apply it to my context appropriately.

As I bear my life experiences in my identity and memory, the time in the USA has added new dimensions to those. As an African whose interaction with the "white man" is described above, coming to America was a journey filled with emotions. Would I experience racism? What churches would welcome me? What kind of neighbourhoods would a black man be welcomed? None of these questions turned out to be irrational[57].

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[57] Although I can say that my experience has generally been positive and that some of my fears are truly a reflection of the inherited memories from my own parents' experiences, I can say that I have lived some of my fears. I currently live in Alabama, a historic state in the civil rights matters. There are churches that I cannot go to preach because I am an African, yet I can preach in my white majority local church. There is a perception from the history of racial segregation of the viles of the past here, that a black man will most certainly not be treated as equal with a white man. A white lady withdrew from my class and wrote a nasty email to my supervisor to his abhorrence, yet majority of my students are white. I went out

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Consequently, the upbringing as a Tangale man in northern Nigeria, under military rule for most of childhood and adult life, became memories of oppressive rule and the suppression of the voices of the indigenous tribes. How are the Tangale people of northern Nigeria reminded of enslavement? The military rule reminded us of the colonial rule my parents lived through. Enslavements and slave trade preceded the colonial rule among the tribal groups.[58] These memories often shared through tribal festivals, folktales, drama, and oral history, become the building block of the Tangale identity. They also become the background for my understanding of the legal instructions and their relationship to the Nigerian context.

Throughout these periods, the people of Nigeria have held to religion as an important part of their lives. Yet little attention has been paid to the religious requirements that inform their piety. These experiences made the legal instructions speak to me in a particular way about the religious obligation for the Tangale people to treat its citizens with these instructions at the back of their minds. As we expect Nigeria to deal with populace with dignity and respect demanded by God, the Tangale people are being reminded to set the example for others.

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for a friend's birthday celebration as an only black man in the group, and when a group of bikers entered the bar, a friend of mine from Colombia was nervous on my behalf. He told me so after they left. I did wonder if they would be offended by my presence. I believe that it is a rational fear to wonder if I would one day run into the wrong group, but I must work and hope for a better society and I believe we are making progress. On a very personal note, my interracial marriage did not come without challenges emanating from the history of racial tensions, but I saw my wife's family fight for us and things turned out fine. These tensions will remain with us, but we continue to speak up and address them as we move towards a better, improved society.

[58] "For these minorities, any Independence from the British colonial control that would leave them in the belly of those ethnic majority-dominated Regions was tantamount to mere transition to Internal Colonialism and therefore amounted to incomplete decolonization for them," writes Tony Nnadi on behalf of the NINAS Secretariat. https://atlanticpostng.com/opinion-notes-on-the-ninas-self-determinal-for-all-campaign/

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CHAPTER 3

REVIEW OF ENSLAVEMENT IN THE ANCIENT NEAR EAST
AND MEMORY STUDIES

3.1 Introduction

The preceding chapter analyzed the writer's original context, which informs the background of the study. Memories of the writer's tribal and communical experiences in Northern Nigeria were discussed. The chapter revealed several challenges that linger from the British colonial administration. Those memories are fresh in the minds of Nigerians, and the chapter concluded that discussing those memories will enhance the healing process where there are negative memories.

The second phrase of inculturation hermeneutic is to pay specific attention to the context of the text under study. The analysis of the text follows the analysis of the context of the interpreter. The preceding chapter addressed Nigeria's challenges in dealing with the memories of slavery, enslavement, slave trade and colonialism, and the phases of pre and post-colonial periods in Nigeria's identity. It was observed that other countries in Africa and Europe[59] went through a similar process of dealing with past events, affecting the present reality. Likewise, Nigeria's memories of those experiences have impacted the present state of relationships within the nation. In this regard, identity is innately connected to memories of the past. Therefore, in the proceeding pages, we will discuss previous research on enslavement in the ANE because they bear on our understanding of the instructions to slave owners in the legal collections. We will then observe studies on

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[59] The primary reason for discussing Europe, and not Asia or the Americas, is because of the unique relationship of both slave trade and colonialism between Europe and Nigeria.

memory as the ability to draw from the store of past experiences and learned material over longer times and consider remembrance as the utility of such memories in the present (Assmann, 2010:234).

Therefore, this chapter follows the model of inculturation hermeneutics and reviews two significant subjects of study: the existing research on the nature of enslavement in the Ancient Near East (henceforth ANE) and research on memory studies and how identities are formed from memories of past experiences. First, it is necessary to examine the history of enslavement in the ANE in preparation for examining the legal collections of the Pentateuch in the next chapter. In this regard, it is essential to clarify the difference between slavery as a state of service or commodity and enslavement as the process of becoming or transitioning to subservient. Enslavement is the stripping of freedom, while slavery is an obligatory or forced service.[60]

Considering the different significant kingdoms of the ANE and how their societies and legal systems handled the enslavement of people is an essential step in the study of identity and memory formation of the enslaved. In this light, Egypt, Mesopotamia, Hatti, and Canaan, all of which have documented examples of enslavement of both natives and foreigners, will focus on this segment. The word "slave(ry)"[61] describes the system in which people are enslaved or the status of being a slave. "Enslavement" (noun) is the action

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[60] An example of the difference between enslavement and slavery is the contrast between free black and self-enslavement in Virginia in the period from 1806 to 1864. In this instance, receiving legal freedom could result in removal from the state of Virginia, but legal enslavement allowed for domestic freedoms such as a consequential family life and a relationship to a homeland (Virginia state) or society. Given these two options, legal enslavement becomes preferable (Maris-Wolf, 2011:4).

[61] The term translated as "slavery" generally refers "to the lesser constituent in an asymmetrical relationship, where the lesser might be hyphenated with social, symbolic or even cosmic ranking. However, not all asymmetrical relationships are slavery, although slavery is always expressed in terms of hierarchy, obligation and often domination" Dandamayaev, 1992:62). The ideological and religious conceptualisation of slavery often describes a categorized relationship. Royals are slaves of gods, and masses are slaves of royals (Westbrook, 1995: 152).

of enslaving or subjugating someone. Thus, enslavement is used as an adjective depicting slaves, granting them an identity as people and illustrating their position in society rather than diminishing them to that status. In other words, they are considered as people, no longer as property. While the terms, alongside their synonyms of servitude, bondage and forced labour, are sometimes interchangeable, enslavement is a situation from which it is difficult to escape (Dandamayaev, 1992:62).

The other half of the chapter turns attention to scholarship on memory and identity formation and its relationship with the ANE context. Attention will be focused on vital recent studies of memory and its impact on the individual and community. Questions about identity formation and how communities and nations come to establish their identity will be answered by what is gleaned from these studies.

3.2 Enslavement in the Ancient Near East

The following paragraphs summarise the findings regarding the nature and practice of slave ownership, slave labour and the extent of freedom of some enslaved household members. However, the process of analysing enslavement in the ANE is not as straightforward as one would like. Culbertson (2010b:1) confesses the difficulty when she says that hardly any other social group is less available in historical sources than the enslaved. The prejudices of written documents account for many obstructions to fostering an awareness of slavery, along with noteworthy variances in sociocultural, legal, and economic systems over the years. One could say that the so-called "biases of written records" is a statement of how unimportant it is to address the subject since it is the lowest of priorities in any writing. On the other hand, Culbertson's observation above reveals the significance of the legal collections in their instruction to slave owners.

The difficulty in the definition is further addressed by Karras (1988:5) as a matter of finding a comprehensive picture of slavery and "all social institutions generally classified as slavery, yet sufficiently clear to distinguish it from other forms of dependence". Westbrook (1988:2) notes that, despite the seeming elusiveness of material in this field, there are, by a conservative estimate, more than twenty thousand such documents already published, many of which might touch upon the question of slavery and enslavement. He adds that a complete view of slavery in the ANE is not realistic in the present state of research. At most, one may hope to establish the significant features of that institution's legal framework. On the other hand, the task is made more accessible by the fact that, even with the enormous distances in time and space and the various languages and cultures involved, the societies of the ANE did share a common legal tradition that endured throughout the period in question with no significant changes and is especially noticeable in the academic tradition of the law codes.

Therefore, the records we have at hand provide sufficient information to help decipher the intricacies of enslavement in a broad sense, which is enough to correlate with the biblical account in the Pentateuch. The literature review will show why these instructions are needed for the behaviour of those in privileged positions as slave owners. The correspondence will remain in the realm of enslavement, even when some contexts may touch on slavery. In such cases, attention will focus on the relevance of the OT conception of enslavement.

3.2.1 Enslavement and Slave Law in Ancient Egypt

Egypt's middle kingdom and the second intermediary period provide hints at laws in royal inscriptions, administrative papyri, and private documents and inscriptions of legal

situations (Jasnow, 2003:255). Similarly, there is ample material on the practice of enslavement in ancient Egypt.[62] We can picture the practice of enslavement and the projects that necessitated slave labour, which was the necessary pretext for enslavement. Some natives sold themselves to slave labour in order to meet particular needs and to pay off debts. Nevertheless, foreigners were also captured in war or raids for forced labour in the Pharaohs' building projects. A claim of such large numbers of slaves as seven thousand is quite a feat. The process simply continues because, according to Jasnow (2003:255), when a shortage of slaves occurred, the easy solution was to enslave more foreigners. For instance, Jasnow (2003:229) observes that Ramesses II, who needed manual workers for his many shrines at Wadi al-Sebua and in Lower Nubia, simply instructed his administrators to comb the Western Desert for Libyans. When that project was finished, the labourers were most likely moved to another location. Ramesses II did not pause to relocate large clusters of labourers; he transferred Nubians to work in Palestine and Asiatics to Nubia. The biblical story of the Hebrews' captivity in Egypt and their labour at the cities of Pi-Ramses (Qantir) and Pithom (Tell al-Maskhuta) is just one illustration of an age-old policy of enslavement. This pattern of enslaving foreigners is undoubtedly not restricted to Egypt, as Mendelsohn (1946:74) acknowledges it as a common practice in the ANE when

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[62] He notes that "throughout ancient times there was a significant substratum of foreign slaves in Egypt who were engaged in royal building projects, in private industry, or as domestic servants. The majority were the booty of war: prisoners taken in battle or civilians scooped up by raiding parties. Many arrived in Egypt through various forms of slave trade; smaller numbers came from other sources such as self-sale" (Jasnow, 2003:255). As early as the First Dynasty, a rock inscription from Gebel Sheikh Suleiman in Nubia (now in the Khartoum Museum) records Egyptian captives from a campaign up the Nile. The Fourth Dynasty king Sneferu claimed to have brought back seven thousand captives from Nubia. Many of these must have made up the year-round labour force required for the vast building enterprises of the day, the royal pyramids in the Memphite region. There is little doubt that the mortuary complexes of both Thutmose IV and Amenhotep III at Thebes, and probably those of all the other New Kingdom pharaohs, were built with the help of Asiatic, Libyan and Nubian slave labourers. Additional information on the slaves brought in from Canaan through military campaigns is provided by Hendel (2001:606) and Leahy (1995:229).

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he observes that prisoners of war, spared in the combat zone, were subjected to slavery, which amply attested to in the annals of the long history of the ANE.

The practice of uprooting people from their native lands to new lands serves as a disarmament and psychological weapon. They lose the security of their environment and any confidence and motivation from each other. They become helpless and hopeless. Such psychological warfare was itself a form of enslavement to their capturers or conquerors. The observation by Leahy captures the situation in Egypt when he describes the psychological state of individuals enslaved in this way as personally non-existent to their captors. They were sentenced to stay at the lowest echelon in society and to labour their natural life away under appalling environments on construction sites or in the mines and quarries. The enslaved were often even collectively anonymous. This anonymity may explain why there is no clear evidence of the Hebrews in Egyptian sources, for instance, notwithstanding their self-described long sojourn in Egypt (Leahy, 1995:225). It is no surprise that no Egyptian record indicates the enslavement of the Hebrews as recounted at the beginning of the book of Exodus. Their captivity was not a unique or special case; it was the norm.

Other aspects of Hebrew life in Egypt recorded in the book of Exodus are not found in Egyptian writings either. As Leahy (1995:225-227) clarifies the difference, it appears that only domestic slaves who were part of Egyptian society seem to have been mentioned in Egyptian documents. There is a distinction between domestic slaves and those enslaved. It was a privilege to be a domestic slave because it offered better life and prospects, and they are the ones we know about in records such as those found in Stelae of the Middle Kingdom, which often mentioned such people in a way that suggests they were trusted

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family payments. So many of the enslaved were of Asiatic descent that the basic word for "Asiatic" (*'amu*) became identical with "slave". Leahy (1995:227) adds a papyrus that lists seventy-nine slaves in a private household in Upper Egypt in the Thirteenth Dynasty (ca. 1759-1630 BCE). The naming of these slaves indicates that they held a better position in the eyes of their masters than the other enslaved people. Notice the convenient omission of the names of forty-eight of these foreign people, most of them Semitic. The large numbers imply that they belonged to a noble household, but it is clear from New Kingdom (ca. 1539 to 1075 BCE) texts from the workmen's village at Dayr al-Madina that it was not necessary to be rich to own a slave. In one case, a Syrian girl was peddled from door to door by a private merchant before a local woman acquired her. There are appears to be no voice speaking up for the enslaved. They were sold like goats to those interested in using them.

The fact that slaves with Semitic names were recorded among domestic slaves is of interest to this paper, considering the correlation of the period, the thirteenth dynasty, with the biblical account of Israelite slaves in the book of Exodus. Moreover, a hint at the Israeli life described in Exodus Chapter 1, which indicates that they were prosperous in Goshen, can be seen in Lorton's (2000:351) description of Egyptian society thus: "One of the three social classes in the main division of Egyptian society is *meret*, the term that described tenants on non-royal lands that include free and unfree people".[63]

To summarise the nature of enslavement in ancient Egypt in the Old to Middle Kingdoms (ca. 2575 to ca. 1630 BCE), the enslaved were seen in domestic and slave labour

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[63] According to Lorton (2000:351), although the term "unfree" implies the possibility of slavery, "[s]lavery itself does not seem to have existed in the Old Kingdom and was relatively rare in the Middle Kingdom. With the imperialism of the New Kingdom, many prisoners of war came into Egypt as slaves. Their disposition was the king's prerogative; he could keep them to work on his own lands, donate them in larger numbers to a temple, or give a few of them to a soldier as a reward for valour in the battlefield".

settings. The building projects required the service of slaves of foreign origin, even though some slaves were domestic workers. Because of the continued building projects of Ramses II in the New Kingdom, it appears that the biblical account of semi-free Israelites in Egypt covers the timespan from the Middle through the New Kingdom. The picture painted by researchers shows that the expansion of the empire in the New Kingdom increased slave labour. Unfortunately, there is no extant material that paid attention to the plight of the enslaved masses in this period.

The New Kingdom, which began with the eighteenth dynasty (ca. 1539 BCE), ushered in the eviction of the Hyksos and the expansion of the kingdom into an empire. This process that started with Ahmose and Thutmose III involved military campaigns in Africa and Canaan, resulting in the enslavement of people from these regions. It extended into the nineteenth dynasty that saw its peak with Ramses II. Thus, the New Kingdom is the most wholly documented period in Egypt (Bagnall, 2012:122). Nevertheless, the period was remarkedly absent of any voice for the enslaved. Perhaps, the invitation to the memories of enslavement in the legal collections was meant to connect life in Israel with the building projects in Egypt to draw attention to the enslaved.

3.2.2 Enslavement in Ancient Mesopotamia

A survey of ancient Mesopotamian society, a region covering the Sumerian, Assyrian, Old and New Babylonian empires, indicates legal documents highlighting the nature of slavery. Like the Egyptian enslavement law mentioned above, Rollins (1954:78) observes further that the Hammurabi Code (ca. 1754 BCE) set down comprehensive universal laws regarding slavery and enslavement.

It is essential to begin the discussion from the earliest documented evidence of enslavement in the region. It has been observed that the earliest Sumerian words for male and female slaves are the compound signs *nita + kur* "male of a foreign a country", and *nunus + kur* "female of a foreign country", designating that the first people to be enslaved in ancient Babylonia were captive foreigners (Mendelsohn, 1946:74). The connection between the terms for male and female slaves and the terms that designated foreign males and females indicates that the usage of the terms developed concurrently; they were used synonymously because the vocabulary developed with the first sight of foreigners in the land.

A more thorough discussion of ancient Mesopotamia is perhaps better focused on the Old Babylonian period, circa 2000-1595 BCE. There is better-documented evidence from this period than from earlier times. Seri (2010:49) has noted that this period is extraordinary because it is one of the best-documented times in ancient history. There are several thousand cuneiform government and legal tablets and letters that record formal and personal dealings. While this period is explored, it should be cautioned that some materials may dwell more heavily on one period than on others. However, the fact remains that it is the same region under discussion, which is relevant for our study. Culbertson (2010b:34) hints at the challenging nature of the study in her discussion of household slaves in the late third millennium BCE in Sumer. She observes that the fixated nature of terminology has made it more challenging to learn about slavery beyond the level of linguistics, palaeography, and legal language. The impressive temporal and regional consistency of Sumerian terms, such as *arad* and *geme*, which translate as male and female slave correspondingly, indicates that slavery was a clearly defined and systematised practice and

a perpetual social class, which indicates enslavement of certain classes of people. But society changes, regardless of characterisations and descriptions of slavery.

In other words, Culbertson acknowledges the difficulties involved in the process of faithfully relaying history with minimal resources. Moreover, these sources do not provide sufficient information to help reconstruct the relationship between the elite class and the enslaved. Part of the reason is the authenticity of the preserved sources (Liverani, 2005:6). Looking at the broad region of Mesopotamia and covering the various kingdoms of the region, Greengus (2000: 477) describes the social life of the ancient Mesopotamian civilisations. He posits that slaves were available in Mesopotamian civilisation, but their totals and commercial significance were more constrained in those kingdoms than during Greco-Roman times. He observes that the cuneiform symbols utilised to mark male and female slaves indicate that they were initially outsiders, most likely prisoners of war who were taken home as plunder and compelled into slavery by the triumphant Mesopotamian armies. "Slaves were marked either by tonsure or more permanently by tattoos or brands to distinguish them from free persons".[64] The situation described above is reminiscent of the treatment of slaves taken from Africa and the colonisation of their lands. There was no voice speaking for the enslaved.

As in Egypt, slaves seemed to be of foreign origin and were brought into society in Mesopotamia. The process of enslaving a people includes four key avenues. A slave could be a foreigner who was captured in war and forced into slavery. A slave could also be a

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[64] Greengus (2000:477) appears to use "Mesopotamia" as the region in place of a particular people or kingdom of a given time. This leaves the impression that all kingdoms of Mesopotamia over the course of hundreds of years understood the subject of slavery in the same manner. Moreover, he addresses slavery in general, and not as a distinction of concepts between slavery and enslavement.

product of trade brought by merchants from faraway regions. Some native-born slaves are descendants of the enslaved. In other cases, a minor could be sold into slavery by their parents, adults who sell themselves due to economic hardship, or somebody who temporarily became a slave because of a defaulting debt (Seri, 2010:58). The image is analogous to the system found in the Legal Collections of the Pentateuch, as will be discussed in Chapter 4. The following paragraphs focus on the distinct compartments of enslavement in ancient Mesopotamia, covering all the region's kingdoms. The picture of the enslaved and their functions in this period shed light on the instructions to slave owners.

3.2.2.1 Household Slaves in Mesopotamia

The most common slave work in ancient Mesopotamia appears to have been household work (Seri, 2010:57). This aspect of slavery encompasses subjects from all avenues in the slave market described above. Irrespective of a kingdom's interest in slave labour, individual wealthy citizens met their household service needs by employing slave labour of some sort. The result of such practice was the enslavement of this class of people in society.

Newmann (2010:20) observes that slavery did not play an influential part in the production fields of ancient Near Eastern civilisations. Studies have shown that slaves did not serve as a significant source of labour in the ANE. It is also the case for the Neo- and Late-Babylonian cultures in the first millennium BCE, when slavery was more considerable than in earlier periods of ANE history (Newmann, 2010:21). However, this claim is hard to substantiate since we have no examples of specific projects to which Newmann refers. It appears that the nature of slave labour depends on the nature of the economy in general.

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Nevertheless, as noted above, the fact remains that several people were enslaved for the domestic needs of the wealthy. One can hardly imagine that slave owners would have chosen to keep their slaves from significant labour to earn them more wealth. Nonetheless, if the argument that slaves were not used in the production fields stands, we have thus established that household slavery was common in these periods. Moreover, the instructions to slave owners in the legal collections were a direct statement about the surrounding societies. Israel was to treat its own differently.

Seri (2010:58) postulates that the typical service rendered by those enslaved is not unique in this context. Instead, "slaves were typically used in domestic service by elite families. Those who possessed skills could either work as craftsmen for their masters or be hired out for profit". On the other hand, unruly slaves could be encumbered by fetters, but many others, by contrast, were entrusted with managerial or entrepreneurial tasks by their owners. Household slavery is such a standard part of society that effective or capable slaves of affluent families might even have been allowed to accrue personal fortune, which their masters permitted them to expend or invest as they wished.

Like today's household workers, slavery in households as far back as in Ur III, circa 2047 to 1750 BCE, was confined to wealthy homes where homeowners could afford to buy slaves, compared to the house helps who are paid a salary today. This period is significant to our understanding of the ANE because it was the height of Sumer's civilisation, which left its impact in cuneiform tablets and the great ziggurat of Ur. The Ur III dynasty under Ur-Nammu and his son Shulgi shows a community intent on cultural progress and excellence, which led to the Sumerian Renaissance (Mark, 2011: online). Hopefully, future discoveries of documents will provide a better understanding of household slaves during

this era. Again, the point here is that we do not have access to much information about the functions of household slaves, not even from cuneiform tablets; hence the rush to judgment regarding the specific roles and functions of slaves during this period is premature.

It appears from all indications of cultural norms that, in the civilisation of ancient Mesopotamia from the Old Babylonian period (c. 2000-1600 BCE) to the Assyrian Empire (c. 1500-650 BCE) to the New Babylonian Empire (650-545 BCE) and the Persian Empire (545-333 BCE), whether Ur was significant, or when cultural centres shifted, slavery was practised the same. It is significant to distinguish domestic slavery from state or royal slavery, for which a considerable number of slaves is required to accomplish state projects, such as seen earlier in Egypt. Moreover, it is also evident that, in domestic slavery, it was not uncommon for slaves to be manumitted. Some household slaves were also adopted into the family of their former masters. "Female slaves might have borne children, either to freemen or other slaves. Such offspring were slaves too, but they could be freed or even adopted by their owners again. Adoption often occurred when the owner was otherwise childless" (Greengus, 2000:477). Thus, the distinction between state enslavement of a people and domestic slavery is significant. The Nigerian society practised domestic slavery, but the colonial administration left indelible marks on Nigeria as a state institution.

Regarding our scrutiny of the cuneiform documents of this period, it appears that the documents were very unevenly divided in space and time. However, despite the enormous distances of time and space and the many different languages and cultures involved, the societies of the ANE shared a common legal tradition, which persisted throughout the period in question with no radical change. This legal tradition is particularly noticeable in the academic tradition of the law codes (Culbertson, 2010a:42). Therefore, even though

most elites engaged enterprises during this period, the administrative and legal language of the cuneiform documents consolidates data, dissolving many aspects of social life and connections into concise accounts. The documents are truncated, formulaic documents of brief flashes of events and matters, mainly indicating the interests and intentions of urban elites and their household assets (Culbertson, 2010a:34).

3.2.2.2 Debt, Child, and Female Slavery in Ancient Mesopotamia

Another aspect of slavery similar to what we find in the legal collection of the Pentateuch is enslavement for debt repayment. Daniel Snell (1997:137) explains that debtors could give away themselves or persons under their power to creditors by pledge. The consequent stipulations were analogous to those of slavery, as the person pledged lost his/her liberty and was obliged to work for the person he was pledged to, who exploited the pledge's labour. Nonetheless, the affiliation to the creditor is understood in terms of contractual obligations only.

The selling of children into slavery was a common practice in ancient Mesopotamia. According to Mendelsohn (1948:25), these sales were carried out in two different arrangements: (i) total sale, where the parent(s) handed the child over to the buyer and in return received the purchase price 'in full'; and (ii) sale-adoption, that is, the parent(s) received the head-price, and the purchaser adopted the sold minor. The first method was purely a sales transaction, with the contract containing a few matter-of-fact clauses that were usually used to record a sale of simple commodities. This process of a master-slave relationship continues throughout the history of slavery into modern times. However, the actual state of the child is usually dependent on the master's personal preferences.

Just like other forms of slave acquisition, female domestic slaves were acquired by trade, local purchase, or simply through family transactions. The parallel is the claim by Yahweh in Lev. 25:42: "Because the Israelites are my servants whom I brought out of Egypt; they must not be sold as slaves" (NIV). The claim here is tantamount to slave acquisition and thereby a rightful claim on their lives. Except that Yahweh was removing human ownership of a fellow being and forcing equality among Israelites. Seri (2010:38) observes that several tablets from the Old Babylonian period (ca. 2000 to 1600 BCE) show that a certain Šēp-Sîn, described as her owner, sells a female slave and her child, a house-born slave, to Ilšu-nāṣir. Domestic female slaves were also traded through local arrangements rather than sales, such as interfamily circuits. These show up in the forms of gifts, donations, and inheritance rather than in the technical term of sale. Female slaves' prices varied significantly in Mesopotamia, to which Van de Mieroop (1987:2) assigns different possible causes, such as value for duties, functions in household and nursing care.

Another avenue of servitude that was unique to female slaves was the channel of marriage. Generally, marriage contracts were standardised with the specific language of solemnisation accompanied by witnesses. Harris (1974:364) has translated a sample of a marriage contract as follows: "Warad-Šamaš, son of I[li-ennam], has taken Tarām-Sagila, daughter of Šamaš-nāṣir and Ríšātum, in marriage from Šamaš-nāṣir [her father] and Ríšātum [her mother]. Should Warad- Šamaš, son of I[li-ennam], say to Tarām-Sagila, his wife, 'You are not my wife,' he will pay (her) ½ mina of silver." This standard contract appears to have been used in other instances of marriage agreements with slightly different parties. For example, an arrangement is documented where a couple married another woman in a polygamous setting. The contract reads, "Warad-Šamaš has taken Tarām-

Sagila and Iltani, daughter of Sin-abūšu, in marriage. Should Tarām-Sagila and Iltani say to Warad-Šamaš, their husband, 'You are not my [*sic*] husband,' they shall throw them from a tower" (Harris, 1974:365). Notice that the punishment for women and the man is not the same. It continues the specific instructions of legal and spiritual injunctions about the husband,

> If Warad-Šamaš should say to Tarām-Sagila and Iltani, his wives, 'You are not my [*sic*] wife,' he will forfeit the house and the property that goes with it. Furthermore, Iltani will wash the feet of Tarām-Sagila; she will carry her chair to the temple of her god. Iltani will side with Tarām-Sagila whether she is on bad terms or good terms (with their husband). She (Iltani) will not open her sealings. She (Iltani) will grind 1 bán of fine flour and present it to her (Harris, 1974:365).

Although the point of the above passages is the analysis of the contents of the contracts, it helps to enlighten us on the nature of the marriage contract and helps clarify some of the cases of female slave marriages. It is interesting to note the legal requirements for the husband to lose both wives and forfeit his own house and property for mistreating his wives. Consequently, while the punishment of execution for the women divorcing their husbands without cause is harsh, the punishment for the man also leaves him empty-handed.[65]

The following example illustrates the language of marital contract and shows that a female slave could be legitimately married, as it shows that a married man purchases a female slave as a second wife (CT 8 22b, Ha 12/ii/3). Bunene-abī and his wife Bēlessunu bought Šamaš-nūrī from her father for five shekels of silver, and even though she is not characterised as a slave, the cost to acquire her suggests that she is one. The pact includes

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[65] Compare this setting with the CC's provision of security for the slave-girl in Exod. 21:8–11, where heavy punishment is inflicted on the master were he or his son to despise her after having her as a wife. If he marries another woman, he must provide the slave-girl food, clothing and marital rights, or he must let her go free without any obligations on her part.

that Šamaš-nūrī will be a wife to Bunene-abī and a slave to Bēlessunu, and that if in the future Šamaš-nūrī should tell Bēlessunu, "you are not my mistress," Bēlessunu can proceed to sell her off (Seri, 2010:53). A somewhat separate condition happens in a different manuscript from Sippar, where Aḫāssunu acquired Sabītum from her father Aḫūšina and her mother Aḫātani (CT 48 48, Ḫa 16). According to the tablet, Sabītum is a slave to Aḫāssunu and a wife to Wared-Sin, who was seemingly Aḫāssunu's husband. As was the case in the previous tablet, if Aḫāssunu should find reasons to do so, she could sell Sabītum (cf. Westbrook, 1988:56n.65). Seri says the use of the term "taken" concerning Sabītum's transaction implies that it is not clear if she was taken away from her family without consent. However, the fact that the document in question "[a]ffirms that Sabītum's parents received her full betrothal price" (Seri, 2010:53) should negate any doubt regarding the meaning of "taken", which is to say that it simply means that she was taken in marriage. The marriage of a second wife, female slave nonetheless, may simply indicate the need to fulfil the childbearing obligation of the first wife. The case may be akin to the request of Sarah for Abraham to take Hagar, her slave, into his bedroom to bear an heir for Abraham. More documents from this period indicate that the marriage of female slaves, bought as such, was a customary practice.[66]

Another realm in the function of female slaves is found in property division or inheritance acquisition, in which female slaves were given or taken as a rightful inheritance. Female slaves were so crucial that disputes regarding them ended up in courts. There are attested documents dealing with the inheritance of female slaves in property

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[66] References to such marriages are found both in the cuneiform sources and in the Old Testament, cf. Marsman (2003) and Stol (1995).

sharing. Mendelsohn (1949:234) observes that abundant cuneiform sale, exchange and loan contracts have been discovered. Women acted in some of these transactions 5% to 10% of the time. Therefore their involved participation has traditionally been misjudged. The historiography has assumed that women always used their dowries in these commercial dealings. Although this might have been the case for some women, it certainly was not for all of them. Moreover, some women were utterly autonomous and embarked on financial activities, so our knowledge of their legal role should be re-examined appropriately.

There are several records of the change of possession of female slaves from parents to children as part of heritage. Naturally, the concern of paternal inheritance staying in the male line was expected, yet there are examples of *nadītu* – women who held their own against the wishes of the males, as seen above. These examples include one found in the birth-right document of Šāt-Aya, daughter of Šamaš-ilum, who proclaimed another *nadītu*, Amat-Mamu, the daughter of Ša-ilišu, as her heir. In this instance, Amat-Mamu inherited land and a residence located in the abbey. The document addresses the property that Šāt-Aya left to her brothers (Seri, 2010:54). The critical difference in the inheritance left for Amat-Mamu, and the ones she left for her brothers is in the sources of the goods. What she inherited from her father had to be left for her brothers, while the material she acquired on her own could be left to anyone she chose.

There is another category of women of a special status similar to the *nadītu* called the *kulmašītu*. "In the Old Babylonian period, the *kulmašītu* was a 'nun' with full rights. Various men were 'head of the *kulmašītus*', one of whom was called the 'servant of Hammurabi', indicating that he fulfilled duties for the state" (Hallo, 1982:24). According to Barberon (2012:144, n. 827), these married women lived in the home, but bearing

children has forbidden them. Instead, they got children through adoption or luring a second wife (called the "sister" of the *nadîtu*) for their husbands. Hammurabi gave such women the particular title of *šugîtu* and protected their rights. In most instances, she had the same status as the second wife of any Babylonian man.[67]

The above samples indicate the specific and sometimes unique roles female slaves played in family dynamics. We have seen examples from taking care of the elderly to ensuring procreation for a couple. Harris appears to portray the place and role of female slaves as subservient to males when she asserts that women are supportive and subsidiary to men, and this may reflect the lives of real women in the entire region of Mesopotamia. She maintains that there is no primary role for women. Nevertheless, several women are depicted as wise: Ninsun, especially Shamhat and Siduri (Harris, 1997:79). Documented evidence, as noted above, seems to indicate the contrary, as female slaves played significant roles in the families of their masters.

Other examples of the documented functions of female slaves include the fact that they regularly feature in dowries because they were donated to newly married wives as a household article the new bride would need to run their own families. Therefore, one would conclude that the female slaves are designated to run household responsibilities, such as maintenance, washing, grinding flour, cooking, and taking care of the children (Seri, 2010:55). Their biological children were also the property of their masters. Seri points out that the slave master would also become the automatic owner of the children born to his female slave. "This is clear from sale contracts in which female slaves are sold together

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[67] The titles in Sumerian are: *ereš.dingir, lukur, nu.gig*; in Akkadian: *ugbabtu, nadîtu*; others are *zikrum* (= *sekretu*) *kallatu* (see Stol, 2000:465).

with infants. Occasionally, female slaves were taken as pledges by the creditors of their masters and would be returned to the original owner once the debt was cancelled" (Seri, 2010:58). There is a documented case where, in a short message, the author expects the receiver to provide a female slave for a man to bring her to Larsa for household work. Likewise, another tablet reveals that a female slave was made to live in the home of Eteyatum and his wife Eristum as a household slave. The appearance of millstones in dowry paperwork indicates that female household slaves may have the grounding of flour as part of their chores. A script from the north in which a woman appeals for a female slave from her father not to grind flour further confirms the assumption (Seri, 2010:55).[68] Therefore, the conclusive evidence indicates that the business of slave ownership was more than simply meeting the domestic workforce of the owners. They could be turned into sources of income in the marketplace. Similarly, other areas of specialised functions of domestic female slaves include taking care of the very young.[69]

Sometimes the implications of married men having children by their domestic female slaves included the problem of rightful inheritance claims. One such problem is

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[68] Seri observed the differences between the value of ordinary female slaves and state slaves, where their demise is recorded such as asserted here "that the death of domestic female slaves was not recorded in any kind of administrative records, unlike the death of state slaves, who were registered as dead assets, as is evident from documents belonging to the house of prisoners of war in Uruk".

[69] "Certain female slaves, for example, acted as the wet nurses of the family children or of the children of a different household, as seen in a lawsuit from Larsa. In this instance, Kullupat was a female slave in the house of Nūr-ilišu and was possibly hired by Ṣillī-Ištar to feed his daughter Aḫāssunu. The document starts by noting that Dādâ, the son of Nūr-ilišu, took Aḫāssunu from her wet nurse Kullupat at the city gate of Larsa. The baby's father, Ṣillī-Ištar, kept looking for his daughter and he finally found her in the house of Dādâ, the son of Nūr-ilišu. Then Ṣillī-Ištar approached the official Sîn-iddinam, and Dādâ's wife Aḫātum was summoned. In front of the authority, Aḫātum declared that the girl Ahassunu was not Ṣillī-Ištar's daughter, but that she was the daughter of Kullupat, a female slave in the house of Aḫātum's father-in-law, namely Nūr-ilišu. In his turn, Ṣillī-Ištar declared that Aḫāssunu was his daughter, that the girl was not a slave, and that he had left her in the house of Aḫātum's father-in-law with the slave Kullupat for nursing. The official Sîn-iddinam then made Ṣillī-Ištar swear that Aḫāssunu was indeed his daughter; whereas Aḫātum please standardise the spelling swore by the gods Šamaš and Marduk and by King Ḫammurabi that she would not bring forward a claim concerning this case" (Seri, 2010:55).

documented on a tablet. Seri demonstrates that this document cites litigation of a particular Šamaš-tappê and mentions that the rider's mother had borne him to her second husband after she had divorced her first husband. A portion of the letter reads, "Such an [act] has never occurred in Larsa. A father with sons does not adopt his slave son". Although this interpretation is conjectural, it implies that the father in the letter adopted a son who was born to a domestic slave or concubine (Seri, 2010:56). This example is like the patriarchal narrative of Hagar giving birth to Ishmael for Abraham in Gen. 16:1ff, a narrative whose conclusion is well too similar to the above story.

The final area of the functions of female slaves in the Old Babylonian period is their employment as messengers. Because of their societal restraints, female slaves provided safe avenues for conveying important messages between families and aristocrats. Again, a look at samples of letters paints a good picture of the setting. Seri illustrates that, in one example, a certain Sîn-māgir tells his epistolarians that whatever they needed was with him. Therefore, he asked that a female slave come to him to take a message to the recipient.

Furthermore, the writer of another missive affirms he was dispatching Quttuttu, the recipient's young female slave, and that he should have her bring back a pledged emmer. "For his part, Ilī-uṣranni tells Munawwirtum that Ayatiya, the female slave of Warad-Ilišu, had brought him a cloak and headdresses and that now Ilī-uṣranni is sending that same slave to Munawwirtum with five minas of wool" (Seri, 2010:56). In essence, the above scene indicates that her owners' perceptions overshadowed the position of the slave woman in ANE law. Her lawful standing before her master depended on whether he viewed her as property or a spouse. "In an Old Babylonian text, a free man took a slave woman in

marriage but was warned that if she asserted her freedom to her mistress, the mistress could sell her and keep what property the slave had. The husband would be left with no rights" (Snell, 2011:10). In other words, one could assert that certain domestic female slaves enjoyed the same privileges as wives since their status was conspicuous in the streets.

On manumissions in this period, it appears that some kings portrayed themselves as benevolent about the treatment and freedom of slaves in their domain. However, the practice is not attested beyond some of their edicts. Snell notes that even though several other Old Babylonian kings in royal inscriptions mentioned their having instituted justice or liberty, no other decrees have been preserved in the long period that covers the three major dynasties and 400 years from 2004 to 1595 BCE. He supports his case by observing that, if there were such edicts, now lost, then one might reasonably argue that the kings were very much preoccupied with supporting the various remissions of taxes and debts that may have been contained in them as expressions of a communal value of long-standing during the Old Babylonian period. All these kings were politicians, and it is evident that they mentioned their loyalty to justice and freedom to enlist loyal support for their other goals. Their motif may be a literary formula of political discourse and not always or even usually a subject for administrative reform (Snell, 2001:15, 26).[70]

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[70] There is an important parallel between the British government granting independence to Nigeria. The proclamation is on the terms and interests of the master, irrespective of the consequence to the subject. For example, the International Court of Justice (ICJ) on 10 October 2002 decided on a border case between Nigeria and Cameroon. The decision was based on the English and Germany's agreement from colonial times. It completely ignored the wishes of the locals while transferring the sovereignty of the peninsula to Cameroon but did not require the inhabitants to change their nationality (https://www.loc.gov/item/global-legal-monitor/2013-08-23/cameroon-nigeria-bakassi-peninsula-transition-completed/). In essence, the desires of native Africans to identify with one group or the other was not as important as honouring the decisions of colonial governments from a century earlier.

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In all the above periods and kingdoms of Mesopotamia, the problem of runaway slaves was not addressed as much as it developed later in the Greco-Roman period. From all indications, it appears that the freeing of slaves happened in most periods, but the number is not recorded. Snell (2001:26) attributes the reason for this to the fact that the kingdoms of the Mesopotamian region were never inclined to devote the workforce essential to guard and restrict sizeable companies of slaves. Instead, they appeared to prefer reliance on peasants, who could be coerced into giving up some days of labour a month to the central authorities. However, there always were slaves who probably had originated as foreigners captured in war or brought in by slave traders.[71]

3.2.2.3 Slave Institutions of ANE from 1200 to 200 BCE

Although it is challenging to ascertain the specific laws about slaves in Ugarit [ca 1500 BCE], many Ugaritic texts treat the same topics found in Israelite slavery laws, such as sale, manumission, and treating fugitive slaves. However, while the existence of slaves in Phoenician city-states is proven in various texts, there are no specific laws on slaves (Avalos, 1995:626). The Ugaritic material is principally erudite, while the Tell el-Amarna letters (ca. 1300 BCE) are predominantly political, but both also contain some economic data. The bleak picture is only salvaged by the biblical accounts that corroborate the practice in this period.[72]

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[71] This concept is supported by the writing of Gelb (1976).

[72] Analogous to the practice of the Mesopotamian region discussed above, slaves in Hatti had a certain level of freedom to function in society just like a free person. The level of freedom depended on whether the slave was foreign or native. For instance, Hoffner restates the distinction when he observes that a Hittite slave of a wealthy man might accumulate wealth of his own and be able to pay a *kusata* for a free son-in-law to marry his daughter (law 36). Consequently, by accepting the *kusata*, the parents of the free bride or free son-in-law relinquished the right to redeem their daughter or son from slave status. Hoffner contends that the slave law took cognisance of the rights and obligations of slaves. In the instructions for the district governors, great concern is shown that judges should not give less attention to those cases concerning

However, the fact that sources outside the Bible are not available makes it easy for sceptics to throw away some accounts. In this regard, Mendelsohn reiterates that a considerable quantity of commercial data and its codes of law in the Old Testament are vital. Nevertheless, "the lack of private records of the Biblical period is a serious handicap in any study dealing with the economic and social life of the period". Despite the paucity of sources, relatively precise data about the nature of slavery in Syria and Palestine can be acquired by utilising the rich Babylonian and Nuzian material to supplement and illustrate the Syro-Palestinian data (Mendelsohn, 1946:v). Other benefits of the instructions in slave law for modern readers include the obligations contained in them.

The Medo-Persian period (539 to 330 BCE) appears to portray a less stringent position on the question of enslavement. The imperial powers of Neo-Assyria, Neo-Babylonia, Persia and Greece all exerted little influence on the local Israelite legal system, as long as it remained compliant with the Imperial requirements. This trend was prominent during the Persian reign of Darius I – the period in which the initial production of a written

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the rights of slaves and widows. A slave paid half the amount of a free person as reparation for his crimes. Similarly, the slave received only half as reparation. Although slaves, like free people, were entitled to collect damages for personal injuries, they were not likewise exempt from corporal punishment for certain offences. In law 95, a slave caught breaking into a free man's house to steal must suffer the slashing (or perhaps removal) of his nose and ears. A similar fate awaited a slave guilty of setting fire to a house (law 99). According to law 170, a free person who attempted by black magic to bring about the death of another was fined severely – one mina (or forty shekels) of silver. If the offender was a slave, he was put to death. If a slave committed a crime for which a reparation payment was due, his master paid for him (laws 95 and 99). If the master refused to pay, the slave was given to the injured party (law 95). Law 173 prescribed a gruesome death for any slave who attacked his master. It appears that native slaves in ancient Hatti had such "freedom" that one could hardly distinguish a slave from a free person. Such freedom is observed in the sphere of education and scholarship, where we occasionally find a literary slave, such as Pukhanu, the slave of Sharmashu, who penned an important Old Hittite literary text. Also, Anniwiyani, who was the mother of the *augur* Armati, the slave of Hurlu, recorded two well-known rituals addressed to the tutelary deities of sexual potency and successful hunting, both extremely important concerns. The writer of another ritual was Ayatarsha, a slave woman whose mistress was a certain Nawila (Hoffner, 1995:565). Because literacy was no small fete, both in terms of expenses and the social interaction of students and teachers, a literate slave seems an anomaly. Yet it is a strong attestation to ancient Hatti's unique handling of slave relations with the free society.

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legal text in Palestine most likely occurred (Knight, 2011:208).[73] For instance, under the rule of Cyrus, whom Isaiah described as God's anointed servant (cf. Isa 45:1), the exiles were returned to their homelands. The extent to which the Persian empire engaged beyond authorising temple laws of this period is still debated.[74] The policy of the Persian Empire saw their conquered subjects as colonies, which Janzen (2016:27) defines as a group of slaves to the Persians, who depended entirely on persons ordered by the Persian king to return to their ancestral homes and maintain their religious freedom and loyalty to the throne of Persia. This action resulted in the formation of a different identity by the subjects without rejecting the authority of Persia. The general sense of freedom given to different ethnic groups perhaps reflects the sense of freedom among Persians. It is argued (Gurowski, 2018:78) that no Persian was ever held as chattel on his ancestral land, there was no political slavery, and there was no domestic slavery in the social structure for the most part. In fact, despite the expansive empire that governed over eighty million people of various races, there appears to have been less oppression in general. Domestic slavery was the most common form of slavery, much more common in the Roman Empire later. The behaviour of the Persian empire is contrary to the behaviour of the British imperial government noted above.

It is safe to conclude that the approach allowed local decisions as long as they did not subvert imperial control. Consequently, "[c]urrent scholarship tends to view the Pentateuch taking shape at Judean (and Samaritan) initiative within a legal and literary

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[73] The production and development of legal instructions in Israel during this period would explain why slavery was not ruled out, but its practice constrained by the recall of Egypt and the role of Yahweh in the religious obligations of slave owners.

[74] See Carr (2011:294-296).

context shaped by Persian norms and power relations, but not as a response to specific Persian policy initiatives" (Watts, 2012:2). The position of Lee (2011:42) that sees the Covenant Code as growing from the conception of the גֵּר in the massive number of returnees in Persian-era Palestine is, at best, conjectural. The return invokes memories of past enslavement, but the reality of the recent experiences of the returnees from Persia cannot be dismissed either. Ben Zvi (2013:274) correlates the recall of marriage and the instruction to multiply and fill the earth in the Pentateuchal narratives with the utility of memory by the Yehud community of the second temple period. The ideologies and memories developed, encoded, and communicated during this time may have affected the community's authentic social, marital behaviour.

In an extension of the above notion of domestic slavery in Persia, one area of interest is the origin of those slaves. The study of the origin of slaves helps answer the question of distance and the extent of the slave trade in the ANE and explains the hands-off Persian approach to the subject. Lewis (2011:92) pays close attention to the exploration of tribal slave names as proof of the racial backgrounds of slaves. He shows that "in most cases, these slave names indicate the regions slaves were acquired from, and how, in Classical Attica, slaves from Asia Minor and the Levant accounted for a significant proportion of the slave population". Therefore, it appears that in the Medo-Persian period, we see the commonplace of domestic slavery engendered by the edict of King Cyrus cited above, which freed exiles to return to their homes and start a new life. The action may explain the context of the instructions in the legal collections, particularly Leviticus 25, which envisions the self-selling of individuals into domestic slavery. However, the author

also clarifies that there are slaves to be acquired from surrounding nations for domestic service, as discussed in Chapter 4 (per Lev 25:44).

Although the Greek and Roman periods, ca. 300 BCE to the beginnings of the common era, are not part of the ANE discussion, it is essential to briefly summarise their bearings on the biblical passages in the legal collections of the Pentateuch. The primary reason for this is that these kingdoms and civilisations had similar practices of slavery and enslavement as the ANE societies. Consequently, they relate the duplicate biblical accounts of the Israelites, and they serve as a bridge between the ANE civilisations later accounts of slavery and enslavement. Accordingly, any changes between the enslavement practices in the Greco-Roman period and the ANE will indicate continuity and discontinuity in the perception of enslavement.

By the time of the prominence of Greco-Roman civilisation, slavery had become such an integral part of life that it was part of philosophical deliberations. Aristotle's (1957:1253b.1) disquisition on society included a view of the state whose citizenship necessarily included the enslaved. He took it for granted that a description of a household included slaves and masters when he observed that household management falls into divisions conforming to the parts of which the domiciliary, in turn, is made of, and the household in its seamless form consists of slaves and freemen. This picture implies the permanency of the "slave" status, hence enslavement. He elaborates on the philosophical distinction of members of the society by asserting that "the investigation of everything should begin with its smallest parts, and the primary and smallest parts of the household are master and slave, husband and wife, father and children".

In contrast to the Persian period, a key feature of enslavement in the Greco-Roman period was the purposeful blurring of slave identity by ethnic names. While ethnic names helped reveal the vast geographical area of the slave market throughout the eastern Mediterranean (Lewis, 2011:110), the intentional denationalisation of the enslaved by the Romans, by attributing far more significance to their status as slaves than their national or ethnic origin, helped remove ethnic identities. This action resulted in the collapse of the Pentateuchal distinction between Hebrew and foreign slaves and their treatment. That is why Lewis (2011:109) indicates that the Greeks may have labelled many Jewish slaves as "Syrian" because of the blurring of ethnic identities. The behaviour may have posed another challenge to adherence to the instructions in the legal collections: the selling of Hebrew slaves to foreigners, as hinted at in Neh. 5:1-8. Another consequence of the Greco-Roman denationalisation of slaves is the blurring of their legal and social status. While ancient Jewish legal writings clearly distinguish between slave and free, the blurring of that identity makes it difficult to legally define if a slave is a chattel or a person. Due to the nature of their dependence on the head of the family, the social boundaries among women and minors were blurred because many slaves worked alongside free persons and, in many cases, were even more informed, dressed and nurtured than those who were free (Hezser, 2005:105).

Indeed, the contrast between the Greco-Roman experience and early times is made apparent when one considers the universal practice in the region for such a long time, which gave some opportunities for slaves to communicate and plan routes of escape. The process is not simple, though, as Snell (2001:39) proclaims that even in the Egypt of Hellenistic through Roman times, papyri reveal that the runaway slave problem was more frequent

from households with many slaves than households from smaller societies. Usually, it was the young people who fled, although not always. Women with young children were less likely to run off for obvious reasons. There were more runaways under the Ptolemies than after the Romans came in, and this may be due to smaller numbers of slaves and a rigorous system of slave identity cards, perhaps instituted under Emperor Augustus. Masters knew what directions slaves were headed, and thus they may have had a fair chance of capturing them. It is important to note that this was the setting of the New Testament's conception of slavery in the Pauline epistles (cf. Paul's letter Philemon on behalf of his runaway slave, Onesimus).

3.3 Summary

The above survey focused on research related to instructions for slavery and enslavement in the ANE. The issues addressed in the previous literature provide a context for our understanding of the legal collections. A summary of slave institutions in the economic, cultural and social settings of ANE that span political changes paint a general picture of the context of the Pentateuch. The Egyptian instruction appears to deal heavily with state enslavement of people for capital projects. These appear to be much earlier than the practices we find in Mesopotamian legal traditions, such as the Code of Hammurabi, which dealt with domestic slavery as detailed above. However, it appears that there was Persian influence on Egyptian law that may have influenced the slave laws in Egypt under the Persian Empire (Lee, 2011:210).

The Assyrian, Old Babylonian and New Babylonian periods, up until the Greco-Roman time, are characterised by slave trade and movements, domestic slavery, and a rise in the social status of some slaves. Similarities in practice over this locale of time shed light

on the injunctions and practices in the Pentateuchal material. However, the information regarding the region of Palestine is less documented than what we had in the Mesopotamian region studied above. The situation is lamented by Mendelsohn (1946:v), who observes that although we have hundreds of thousands of commercial documents from Babylonia, signifying a virtually uninterrupted "chain of evidence for a period of more than two thousand years, our sources from Syria and Palestine are very inadequate and those from Assyria only slightly better".

The survey reveals several things about the nature of slavery in general and the specific differences between cultures and kingdoms. This chapter focuses on enslavement, from Hammurabi (ca 1780 BCE) into the Persian period (400 BCE). One of the general truths discovered about enslavement in the ANE is that there were two distinct spheres of slavery. The most widespread practice in these cultures was household slavery or servanthood. This aspect of slavery and enslavement of certain kinds of slaves, such as war captives, remained a constant over the centuries. It is typical that households and palaces, according to Culbertson (2010b:2), "are the sites in which a historian can most meaningfully appreciate the experiences, roles, labour and realities of the enslaved". The household comprises the diverse society in which slavery and enslavement existed, as observed in Northern Nigeria.[75] Thus, slavery in the ANE is generally seen through the prism of family structures and households.

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[75] Today, the pursuit of greener pastures in Europe has resulted in the enslavement of migrants from sub-Saharan Africa in Libya, Lebanon, Saudi Arabia and other parts of the Middle East. Smugglers, gangs and other interest groups and government officials have traded many young men, women and children who are sexually abused, made to work long hours without pay, have their passports confiscated, and are abandoned in the wild and/or tortured to death (Kah, 2019:25).

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We have learned that research that separates enslavement for study, suggesting a general characterisation for "slave" while concurrently ignoring the associations that bind them, is in danger of presumptuous conclusion that holds enslavement as an inherent form over time without context. Our study indicates that other than household slavery, slave labour is usually conditioned by the economy of the state and the projects of a king – as seen in the stories of both Egypt and king Solomon's project. Thus, enslavement cannot be defined but with allusion to interactions within the larger social, economic and legal notions that envelop it. The variety of "experiences and realities of enslaved people across time and place, as well as the evidence that enslaved persons did exercise some behaviours that today would be described as 'freedoms', resist intransigent legal or economic definitions" (Culbertson, 2010b:2).

We have learned that the "economic treatises and legal codes presented slaves as chattel, while documents regarding daily life contradict this image and offer a more complex picture of slavery in Near Eastern societies" (Culbertson, 2010b:2). Mendelsohn (1946:v) had already warned that the claim that the appearance of slaves as mere chattel was a tale. It is clear that, according to the examples studied above, there is not a one-size-fits-all description of slaves, slavery and enslavement in the ANE. Therefore, it is reasonable to surmise that scholars can only fairly describe the status on a case-by-case basis, depending on the society and sometimes the personal attributes of the slave owners. Also, the similarities in the portraits of slavery and enslavement in the Legal Collections and what we observe in the Persian Empire seem to indicate that both Deuteronomic and Holiness codes developed during the same period consecutively. The emphasis on (i) Yahweh as the liberator and owner of Israel against the background of Persian supremacy;

(ii) the requirement for freed slaves to return to their lands of inheritance; and (iii) the ethnic emphasis in the use of the term "brother" in DC and HC push for Israelite identity in the context of resettlement of the land. These concerns are not found in the Covenant Code (CC), predating both DC and HC. It appears that the more updating in a code, the later it is than the code that precedes it. For example, the HC does not mention the instruction to "pierce the ear with an awl" of both Exod. 21:6 and Deut. 15:17 the possibility that the slave would choose to stay as a permanent slave is not even mentioned in Lev. 25. The later the code, the more humane its characteristics, much like the slave laws changed between the earliest observed in Egypt and Persia to the Greco-Roman period.

In the following pages, we review aspects of memory studies related to the concept of the remembrance of enslavement in the way the legal collections portray them. What the audience was instructed to remember becomes the basis of its identity formation. A society, therefore, is what it remembers.

3.4. Individual and Collective Memories

So far, memory has been discussed in a philosophical sense, where it was studied as an activity of the intellect and sometimes corporeal patterns of habit. The psychological function of memory is observed in the individual and the collective domains. Both these domains portray practical aspects of memory in the behaviours of the individual or social group.

An examination of the nature of individual memory could not be more evident than in the personal struggles of St. Augustine. On the enormity of memory and its bearings on the individual's thoughts, Augustine (Confessions, 1996: ix) acknowledges the domain of memory as a large and boundless chamber. Although individuals possess their own

experiences, it is difficult to comprehend how they work out. The individual memory is a storehouse where all sorts of information and experiences are preserved distinctly. Much like our sensory organs receive and communicate information as they are designed to do, the memory receives countless secret and inexpressible meanderings and brings them out in times of need. However, information enters the storage chambers, but only the pictures of the things understood are ready for the mind to recall. It is difficult to say how the images are chosen and how they are formed. One can go deep into memory details when one sits in the most secluded, serene setting in darkness and silence. one can go deep into memory details. A person can choose which experience to invite into consciousness at a given time according to the moment's need. The memory has the power to discriminate between what thoughts are significant for the moment and which ones to push aside (Confessions, 1996: ix).

What appears to be apparent in Augustine's internal confabulation reveals a level of one's control of memory and the selection or prioritisation of which memory or memories to bring to usefulness. Yet, it appears that some memories are so profound and powerful they overcome one's ability to control them. In such cases, depending on the nature of such memories, they can determine their usefulness in one's actions and, in some cases, one's influence on others. This is important because they show how a specific memory, when instigated to action, can be used to accomplish specific ambitions. Consequently, it appears that individual memories and how they are utilised have profound consequences for societal memories and how they are utilised. The choice of one memory over the other, or how it is utilised, can build and direct an individual or a society's identity

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and relationships with its neighbours near and far. It is in the light of this fact that collective memories also need to be discussed.

Although memories are stored in individual brains, they are also entrenched and require social and cultural frames for the entrenchment. Therefore, on account of the substantial interaction between a recollecting intellect and a prompting of tangible objects or cultural frames and practices such as the landscapes, feasts, music, tales, ablutions, and texts (Assmann, 2010:4-5). Therefore, collective memory is social memory. Before his death, Halbwachs's (1992) thoughts on collective memory clarified the differences between individual, collective and historical memory. Although a pioneer in collective memory studies, his Durkheimian conceptualisation grew out of interest in social morphology and the relations between populations and their structural environment. His own life experiences in the context of World War I and socialism, which are relevant for ancient Israel, must have influenced his thoughts on collective memory (Coser, 1992:2).

However, the point about collective memory remains that it is "a hierarchy of values that construct a discourse in the past while rooting it in the present. It gives meaning to the past as it keeps in mind certain places, facts, dates and persons around which the memory builds itself" (Jewsiewicki, 1986:195). A class hierarchy leads to different perspectives and behavioural patterns in collective representations of social classes in society. These perspectives and patterns develop into the formation of group identity, which relates to collective memory. Coser's (1992:16) thesis is that human memory can only function within a collective context, which events or conversations can trigger.

Hermann (2009:287), describing concepts of memory, categorises two kinds of memory. The first is a storeroom of encounters of the past, where memories are stagnant

entities built in the past. In this sense, memories can be overlooked because the storeroom is inadequate; therefore, schemes are formed to safeguard the memories that risk disappearing. The second is cultural memory, which focuses on the relationship between past and present, and is continuously remodelled and utilised according to the needs of the present.[76] Consequently, collective memory starts with everyday communication characterised by a high degree of non-specialisation, the interchange of roles, thematic variability and disorder. Characteristically, collective memory "takes place between partners who can change roles. Whoever relates a joke, a memory, a bit of gossip or an experience becomes the listener in the next moment" (Assmann, 1995:126-127).

The point is that collective memory works in everyday relationships where exchanging thoughts, ideas, and perspectives on past or present events occurs. The context in the background of such memory-build and utilisation is what Augustine describes above in his skirmishes. By this method of interaction, everyone creates a memory that is both socially mediated and relates to a unit. Each particular memory represents itself in communication with others and becomes the building process of collective memory. These "others", though, are not simply a different unit; they are units who envision their harmony and uniqueness through a common collective impression of their past. The group may be in the form of families, neighbourhoods, organisations, unions, professional organisations,

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[76] It is this kind of interplay that Faber (2011:11) illustrates in the play, "History, Memory, and the Voice of the Witness". The major question about Spanish historical memory was posed in a conversation that took less than a minute. The question of whom to blame for what happened between 1931 and 1975 in Spain; the relationship between the Spain of the past and that of the present; how events of the past impinge on the present; who has the right to make statements about these questions; what is the significance of knowledge of the past compared to the memories handed down through generations; what is the role of fictional representation of the past; what are citizens to do when they disagree on any of these points; how should the conversations proceed; and what is the role of the medium of communication. These questions are applicable to any setting where collective social and cultural memories are discussed. It is especially critical for a country like Nigeria in its discussion of memories of slavery, enslavement and colonialism.

political parties, or unions, and states. Every person belongs to several such units and accommodates various communal self-images and remembrances (Assmann, 1995:126-127).

Na'aman (2011:529) believes that an event other than the purported exodus from Egypt was responsible for the collective memory of the exodus. In his opinion, the major event fundamental to the entire exodus tradition is the dramatic Egyptian withdrawal from Canaan after its dominance in the region. Egypt had exerted its power over Canaan around the 13th to 12th centuries BCE by conducting campaigns, destroying settlements, deporting many residents to Egypt, and targeting the nomadic pastoral groups, including Israel. Hence, components of the exodus narrative, such as bondage and suffering, reflect the experience of all inhabitants of Canaan in their relationship with Egypt. Since the withdrawal of Egypt brought relief and a sense of freedom from the bondage of a foreign power, it became entrenched in the memory of the exodus.

Consequently, this explains the dimension of memory involving the entire Israel narrative. Although Na'aman (2011:530) acknowledges the claims cannot be substantiated, the argument does explain how collective memory works in a society. It does not explain the historicity of a claim but does explain how a society comes to remember its own identity from past experiences.

Collective or social memory is characterised by those experiences, stories, conversations and folklores that the given society or ethnic group has come to accept or believe as part of their experiences and history. For instance, the aetiology of the origins of a tribe may not necessarily be factual, but is the known story that becomes an inbuilt memory of that specific group. The Tangale people of Northeast Nigeria similarly explain

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their origin.[77] The design and elements of social memory are such that each community builds its identity due to those shared memories. The common thread in memory formation spans through various circumstances of the social setting. Social settings can influence the design and contents of memory recall that are suitable to the specific situation. The memory recalled is characterised by social undercurrents that determine who speaks when and whose recollections receive the most value. The established shared memory differs in the objective of the recollective action. Consequently, the contents of the social situation impact how past events are recreated (cf. Bosman, 2014:3).

Conversely, collective memories may be built from current experiences such that we are making history and memories in the present. The Bamileke women in Nigeria's neighbour of Cameroon are said to shape and mobilise their collective memories of past threats, compelled toil and the propagation of sexually transmitted diseases and sleeping sickness during the colonial era based on their present experiences (Feldman-Savelsberg et al., 2005:12). This phenomenon is described as our recollection and understanding of the past. The past is epitomised as a network of events linked by associations like the above instance. These fluid and dynamic individual stories occur within a social context, carrying the symbol of the collective framework within which they arise.[78] Relationships between events are dependent not only on the individual's encounters but also on common procedures of construction and reconstruction that eventually give rise to what we

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[77] Much like the larger tribal groups of Hausa and Yoruba, the Tangale tribe has seven clans, each with a clan head or chief. To explain how they came to be one tribe, it is said that a warrior named Tangal led a coalition of forces from the clans and, in his praise, the people saluted him by the greeting, *Tangal-le*, which means, "well done, Tangal". Not only did they make him the leader of the land, but the event also became the unifying name of the seven tribes, Tangale (but they prefer *Tanglé*).

[78] See also the narrative on the collective memory of the Bena tribe in Tanzania, which was repeatedly reconstructed over time throughout the period of their interaction with the British colonial government (Monson, 2000).

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understand as a collective history (Lee et al., 2010:1). Once again, the observation does not seek to judge the validity of what becomes the collective memory of group. The statement on how shared memories come to be is simply dispassionate.

Building on that notion, Lee et al. (2010:3) make three basic assumptions regarding the process of communicating shared memories. First, while communicating, we assume that people stimulate each other's connotations so that the higher the regularity with which a person hears another person make a connection between events, the stronger that connotation becomes in the person's memory store. Second, the stronger a connotation is, the more likely a person is to converse about it. Third, individuals are more likely to communicate with those they perceive as similar regarding age, interests, and location. Once again, selective memory appears to be an ingrained aspect of identity formation in a collective sense. One may say that the invitation to recall the enslavement and resulting exodus from Egypt was a connotative device meant to engender identity formation for Israel. The selective memory of enslavement is perhaps the most effective instrument of the collective identity of Israel because both the ten commandments and the Passover feast are put in the context of the exodus (cf. Bosman, 2014:2). This kind of collective memory that ethnic communities utilise to delineate their identities and relationships with other ethnic groups in Nigeria. As noted earlier, the Tangale people relate to their neighbours according to the collective memories of their past relationships. The evocation of any selective memory can prevent an adverse event from occurring or build on the positive models to emulate.

In this regard, every group or society forms its identity employing particular communication tailored towards that end. The communication segments may show

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positive feedback from a conversation, reinforcing ties between similar people, thereby making similar people more similar. Put differently; communication plays a role in determining social groups or communities. It also makes the memories of persons who communicate with each other frequently more similar (Lee et al., 2010:3). Because building a collective memory is a social activity, its patterns usually involve people collaborating to reminiscence about events, so that group memory is an embryonic property of a distinct person's remembrances communicated within a social setting. Under these conditions, the communal framework exercises its influence on several levels. For instance, a communal situation indicates a particular group identity and denotes specific goals and norms that guide the process and content of the reclamation of memory (Weldon & Bellinger, 1997:1160).

However, there are inherent dangers to be aware of when we think of collective memories of community identity. For instance, one of the generators of genocide is the question of national, ethnic, racial or religious identity. Those who utilise such identities for genocidal purposes tend to impose a sense of group identity on their targets. Moreover, perpetrators generally seek to blur or blend some of the identities of their targets. Hence, victims of genocide may be viewed concurrently as representing a dangerous ethnicity, an insurgent, avaricious social class, or a political entity (Jones, 2017:46).

"Process" is typically defined in building collective memories, but other details are significant to bear in mind when analysing what society portrays as its history. The process is seldom influenced by the structure of the society and the kind of respect given to certain framers of the community's identity. Although traditional memory tests tend to interpret successful recollection based on accurate and quick retrieval of information, recollection

more typically happens in the process of other tasks. For example, people often recollect group memories to launch social relationships or form common ground. In these circumstances, the pace and precision of reclamation might not be as essential as fostering constructive social relationships, and thus truthfulness may be forfeited for solidarity, or precision may be forfeited for cogency to preserve status in the groups (Weldon & Bellinger, 1997:1160).

In such cases, accuracy may be sacrificed to achieve specific interests or goals of the group. For example, if an older person chooses to tweak details of a collective memory of a known event, the younger listener(s) may not correct such recollection if the elder is perceived to be intentional. This is further confirmed in the context of storytelling, where correctness may be surrendered for extraordinary impact. This is also found in workgroup settings, where people gather to complete responsibilities of consequence such as decision-making, invention, problem-solving, and the like. Memory retrieval may function to support the mission and steer conclusions but may not serve as the group's goal. Therefore, as a social method, memory is complex and may display many fascinating results that are neglected when studied as a specific intellectual exercise (Weldon & Bellinger, 1997:1160). For example, in a fragmented nation like Nigeria, the memories of slavery and colonialism are misrepresented because of tribal biases. The complexity of remembering is not so much a cognitive matter as it is a political matter. Not only is this phenomenon common, but it is also instrumental in some instances where a community seems to restructure its history to meet a desired outlook in the larger society.

Another realm in which remembering is a social activity is when it is placed "within a larger culture or group which, in the practice of its activities, teaches its members to use

memory in a particular way" (Weldon & Bellinger, 1997:1160). For example, the Tangale

people believe that the snake is a unique reptile, but it is not the object of their worship.[79]

This idea is akin to Bartlett's (1932:244) example, where he describes social groups as

having unique characteristics, such as the ability to reconstruct events, biases and schemata

that last as long as the group lasts. However, it is essential to note that social memory is

also distributive. This can be seen in settings where information is received cooperatively

amongst the people in a particular group so that everyone acquires understanding in

common or distributed among individuals. Hence, shared remembrance may have evolving

qualities that are not obvious from individuals outside the group. Therefore, the

discrepancy between common and disseminated memory is significant because the

subtleties of recovery may be very distinct for these two types of collective depiction

(Weldon & Bellinger, 1997:1161). In the Legal Collections, the written instructions, given

in a religious context, make it easier to distribute information.[80] Consider, for example, the

notion of the twelve tribes that builds a sense of ethnic identity (cf. Hendel, 2005:54) and

draws the tribes to their religious identity under Yahweh. In the case of Nigeria, shared

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[79] The special place of the snake is seen in it being wrapped around the Tangale Hill on the Tangale Community Development Association logo. The specific species of snake is not known to those who do not have a religious relationship with the tradition Tangale worship. It is believed that the snake is not poisonous, so, unlike Indians, snakes are generally killed and even eaten by men. It is fair to say that the influence of Christianity has pushed away that particular relationship, and the identity with the snake today is only a memorial of the past in Tangale land.

[80] With the acceptance of Christianity *en masse* in the country, the Tangale converts were taught by the Sudan Interior Mission (SIM) to separate their identity from their cultural practices, including traditional dances, tribal marks and traditional medicine. In fact, Christian converts received church discipline if they were caught watching traditional dance. Part of the rationale for the regulation was that there was hardly a distinct separation between a religious activity and visible actions such as dances. However, the actual religious activity of the traditional religion was always done at a specific location on Tangale Hill at an event called *Yeku*. Traditional medicine is/was not connected to religion, but a witchdoctor was. As a result of the separation between Tangale cultural events/activities and Christian religion, most Tangale Christians in the Evangelical Church Winning All (ECWA) hardly see their tribal identity apart from Christianity as received from Western missionaries.

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memory of either slavery or colonialism does not show a distributed memory. Instead, shared memories are the property of each ethnic group, and they choose to distribute whatever they find beneficial to their identity and benefit.

It must be observed that collective memory plays a crucial role in society's social, cultural, and political settings because it affects people's perceptions of other individuals, groups, and events. The effects of the collective, shared, and distributed memories are tremendous in behaviours and responses toward others. Collective memories substantially affect the creation and transmission of experiences, social relationships, group accounts, government and social policy, and the characterisation of groups and institutions (Weldon & Bellinger, 1997:1161). For example, the utilisation of collective memory in Nigeria can be a two-edged sword. For some, the memories of grave violations of human rights may result in people desiring a strong sense of the rule of law.

On the other hand, beneficiaries of past government systems may want to keep the system in place. Both parties want to utilise collective memory in different ways. Soyinka-Airewele (1999:45) observes that recent political events in Nigeria reveal collective memory not as a fusion of values but as many debates, perspectives and images of the past. The crevices in memories are apparent, yet one would struggle to insist that the intricate, multicultural Nigerian past cannot produce collective memory. In this sense, Airewele implies "collective memory" in the sense of unified or agreed-upon memory. This is a crucial point on which to elaborate. If Nigerians do not have the same trauma from slavery, enslavement and colonialism, then it is difficult to have a collective memory akin to enslavement in Egypt because it is not an apparent congruence of values (Soyinka-Airewele, 1999:45). This is why, when individual memories, as discussed above, are

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confronted by the power and influence of the collective, one notices the complexity of collective memory in community identity-formation. As mentioned earlier, various factors influence which individual memories dominate others and emerge as the key factor in collective memory formation and identity. Other factors beyond those observed above tend to influence group collective memory retrieval.

In the final analysis, individual and collective memory retrieval tend to work similarly. From Weldon and Bellinger's experiment with group memory retrieval, groups display some of the same trends as individuals in memory retrieval, but collaboration does not always enhance the accomplishment of individuals. Although one might envisage that concerted memory should improve individual recollection by providing supplementary reclamation signals, collaboration impeded individual performance (Weldon & Bellinger, 1997:1173). In a structured culture like Nigeria, where the power of collective memory can hardly be overstated, the individual is generally inhibited from self-expression outside the dictated norms of hierarchy. Therefore, a series of questions regarding the nature of collective memory emerges. What influence does individual recollection have on group memory and the reverse? What are the budding elements of group memory? How are communal remembrances formed? When various reports of a condition are conceivable, who or what defines the development of the dominant memory? How can social, cultural and religious aspects be accounted for in the characterisation of collective memory? What are the pertinent contours of scrutiny for the persons within the sociocultural setting? The answers to some of these questions appear in studying the development and transmission of collective memory in ancient Israel.

3.5 Transmission of Memory in Ancient Israel

The memory of the exodus from Egypt remains the most significant subject in the identity and consciousness of ancient Israel. The theme of the exodus is found throughout all the genres of prose narrative, liturgical poetry, didactic prose and prophetic material in the Hebrew Bible (Hendel, 2001:601). The teaching and transmission of the historical memory of the exodus assert, "You shall tell your son on that day, 'It is because of what Yahweh did for me when he brought me out of Egypt'" (Exod. 13:8; Deut. 6:20-25). In essence, instructions and events, such as the Passover, are examples of "a memory that made such an impact on the memorisers that it became formalised memory in how the Passover was commemorated as an annual feast festival" (Bosman, 2014:2). Moreover, both prophet Amos (2:10-11; 3:1; 9:7) and prophet Hosea (2:15; 11:1; 12:9, 13; 13:4) reflected the memories of the Exodus in Israel. They indicate that the exodus was deemed a foundational experience and constitutes a tradition (Na'aman 2015:528).

In reading the OT narratives, one gets the impression that memories are communicable. When information is transmitted, it becomes part of the collective consciousness of a society, which further becomes an ingredient of the tradition by which a society constructs, maintains and perpetuates its identity.[81] Hence, collective social memory functions like biological memory or the genetic code in humans. The phenomena of memory and identity are common to modern societies as well. The primary conveyor of

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[81] This idea of group memory and identity in ancient Israel, with specific reference to the exodus narrative, is what Hendel describes as situated in a history of discourses. The discourses themselves are products of oral and written traditions. The study of the history of these traditions, namely the contents of collective memory, is what Assmann (1997:8) calls *mnemohistory*. In other words, we are investigating ancient Israel with regard to its past as Israel remembers it, not making judgment on the historicity of topics addressed by ancient Israel's collective memory (cf. Hendel, 2001:603).

memory at the local level is the kingship network and affinity associations, such as religious congregations, social and cultural centres.[82] These vehicles for the transmission of group memory drive individual memory as far back as three generations (Blenkinsopp, 2004:3). The oppressive government of the pharaoh and the enslavement of their ancestors are themes of shared memory of ancient Israel. The Egyptian names of Moses, Phineas and Hophni, and the Egyptian origin of some of the Levite ancestries indicate that some members of early Israel had certainly escaped from slavery in Egypt (Hendel, 2001:604). The disastrous destruction of Jerusalem by the Babylonians in 586 BCE has been a profound memory for subsequent generations.

Those who experienced the destruction of Jerusalem have a more conscious memory of the event than those who inflicted the disaster on them (Blenkinsopp, 2004:3). As noted earlier, Na'aman's (2011:529) argument above applies here to build collective memory. This concept is akin to how Nigerians may remember the experiences of enslavement and colonialism, but British citizens may not even be aware of the impact of colonialism on Nigerians. Hence, Nigerians should make every effort to keep the memories of enslavement and colonialism fresh to keep from emulating the colonisers' actions.

On the role of oral tradition in the transmission of memory in ancient Israel, Blenkinsopp contends that the old argument for the viability of oral tradition as the means of transmitting historical reconstruction of memory is no longer tenable. Recent studies show that preserving oral tradition for a millennium and committing it into writing later is

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[82] Consider, for example, the seminal work in this area by the pair of French Annales historians, Jacques Le Goff and Pierre Nora, who emphasise the impact of geographical and social locations, such as the parish, the cathedral and the court, on the shaping of collective memory. Each of these institutions affected the transmission of collective memory in its own setting in ancient Israel's biblical history (cf. Smith, 2002:632-633).

improbable even in political and cultural continuity situations. The survival of memory in an oral society does not imply a lack of writing; instead, in the case of ancient Israel, the Deuteronomic Historian (Dtr) was responsible for recording in writing the oral traditions of memory no earlier than the sixth century BCE (Blenkinsopp, 2004:4).[83] However, Blenkinsopp (2004:5) acknowledges that historians are not the principal custodians of a society's memories, especially in a setting where not many inhabitants had the luxury, motivation or competence to read history.

Although preserving collective memories in ancient Israel appears to be in the locale of the Dtr as the custodian of religious traditions, other relevant factors for transmitting memory exist. These nonwritten means of preserving shared memories of both the exodus and, later, the destruction of Jerusalem, include rituals of re-enactment and commemorative ceremonies, such as the Passover; bodily gestures and cult objects, such as the tassels and phylacteries on priestly garments; public monuments, such as the twelve stones set up in the middle of the Jordan River; coins and medals (Blenkinsopp, 2004:6).

3.6 Summary and Preliminary Conclusion

We have surveyed the practices of enslavement in the primary cultures and kingdoms of the ANE. Our study portrayed the experiences of the enslaved in societies such as ancient Egypt, Mesopotamia, Persia and Canaan. The review shows no "one size fits all" understanding of enslavement in the ANE. Hence, the lack of uniformity in the

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[83] Smith (2002:632) expresses this concept of collective memory transmission in ancient Israel in the family setting at royal and nonroyal sanctuaries. The outworking of these social, religious, and cultural experiences involved shifts of submersion and displacement as well as points of crystallization in Israelite history and memory resulting in the influential priestly worldview as reflected in the Dtr perspectives. He elaborated on these in his case studies of memory and commemoration in the stories of the call of Moses, Gideon and Samson.

practice underlines the importance of investigating enslavement instructions within its socio-economic and even religious contexts. However, the review also reveals insufficient attention in biblical scholarship to the plight of the enslaved, especially in Egypt (Culbertson, 2010:1). The study has revealed that enslavement permeated society and that various circumstances led to the enslavement of foreigners and natives in these cultures.

Nevertheless, recent ANE scholarship is trending towards eliminating the polarity between the free and slave (cf. Adams 2010; Englund 2009; Toledano 2002). The argument is that it is difficult to distinguish between freedom and slavery in pre-modern society due to the intricacy of relational statuses in the daily operations of social connections (Roth, 1998:174). Yet, most of these studies have produced more data on ancient Mesopotamia than Egypt. Moreover, there is the tendency for some studies to focus on the legal standing and economic functions of enslaved people to the isolation of narrow aspects of the experience of slavery or even view the enslaved as simple functions of larger, concretised systems. But the diversity of experiences and realities of enslaved persons across time and place in the ANE and the evidence that enslaved people could and did exercise some behaviours tantamount to liberty should cause scholars to restrict enslavement to legal and economic terms (Culbertson, 2010:2).

Other than archaeological evidence of cultural artefacts such as clothing, there is no corroborating account of the state slave labour described in the exodus narrative (cf. Finkelman and Miller, 1998: 281). Since the Egyptian period in question came before the Mesopotamian context, it becomes even more difficult to find documentation of enslavement beyond what was summarized above. The documents from the earliest ANE societies about enslavement are short and unevenly recovered. The language and cultural

traditions reflected in these documents are vaguely understood in significant areas (Culbertson, 2010: 3 cf. Englund 2009).

The study of these cultures sheds light on the biblical passages in the legal collections of the Pentateuch in Chapter 4. Some people were enslaved either because they were captured in warfare or needed to work off their debts. But it is impossible to rank or quantify the various sources of slaves even in Neo-Babylonian Mesopotamia using cuneiform sources (Dandamaev 1992: 63-64). It is also noticeable that from the popularity of household slavery among the younger generations came a more humane treatment of slaves, as noted earlier. The phenomena were so common that some slaves achieved statuses within royal families; positions denied some free royal household members (Culbertson, 2010: 12). The literature review reveals that the enslaver's acceptance of slaves as family members is the nearest parallel to the instructions in the legal collections. However, those practices vary by family setting, but there was no law instructing the behaviour.

In some cases, especially in Mesopotamia, slaves were akin to servants and enjoyed a standard of life better than some free people.[84] Because household enslavement gave the true picture of the ANE society, the roles of slaves in households as domestic units includes temple life, state institutions, and legal entities. This approach reveals a setting similar to the background of the legal instructions in our study. However, no evidence manumitted slaves in ancient Mesopotamia received the kind of freedom instructed in the legal

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[84] A very helpful approach to studying the enslaved in the ANE is the discussion of households as domestic units in those societies (Culbertson, 2010:2-3). The household encompasses the heterogeneous community in which slavery and non-slavery existed.

collections under discussion or the sense of freedom in the modern sense. Instead, such slaves were shown to be rarely on equal footing with their masters (Kleber, 2010: 102).

One significant difference between the general practice in the ANE and the legal collections is the instruction to grant freedom to slaves and allow them to restart their lives afresh, as seen in Deut. 15:14. Our literature review does not come across written sources regarding religious motivation or instruction in the ANE reflecting on enslavement. However, the closest religious parallel is the iconographical stele, which displayed Shamash authoring Hammurabi's code. The depiction implies divine origin and authority. Furthermore, the occasions of slave escape in the ANE implies harsh situations that caused some to risk their lives in escape attempts. This kind of setting is also the background against which the religious appeal is made to "remember you were slaves in Egypt" and the need to deal ethically with Hebrew slaves in Israel. Such appeals to memory have not been encountered in the ANE societies surveyed above. However, the main difference to highlight is in the religious instruction to free slaves. As noted above, some slaves were essentially freer than the free. Therefore, the caution from Culbertson (2010:2) is relevant, "Slavery is not, in fact, definable without reference to relationships within the broader social, economic, and legal concepts that surround it". While these factors influence the level of treatment the enslaved received in the ANE, the instructions to free them in the legal collections were irrespective of the value or status of the slave.

The review of memory studies indicates that the nature of memory is complex. Our understanding of both individual and corporate memories is essential to interpreting how individuals and communities remember past experiences and what has become history for them. The ANE societies appear to have improved methods of memory preservation

through the development of writing. Memory went from oral recitation to written documents such as the Egyptian Hieroglyphics, the Code of Hammurabi, and Hittite Laws. Other memory carriers in these cultures include iconographies on public buildings such as palaces and temples in which slaves were often depicted in different settings.

Identities are built on what is remembered, whether correctly or incorrectly. However, memory and identity are intricately linked because, as one remembers, so one is. We are the total of what we remember about ourselves. Because collective memories greatly influence ethnic diversity, they affect current relationships and government. The injunction to remember the past is meant to enhance present relationships, as appealed for in the legal collections. The discussion of enslavement in the collections was meant to teach against the vileness of the practice. In so doing, they influence the kind of identity formation that shapes the moral and ethical outlook of the community. The identity as the people of Yahweh did not reject the institution of enslavement (as in the Covenant Code and Deuteronomic Code) but remembers the negatives of enslavement. It is this religious motivation, "I am the Lord who brought you out of Egypt, out of the house of slavery", that appeals to humane enslavement, which gave Israel a unique identity. The Passover ritual is built on this concept, and Jews observe it, and to some extent, Christians who found a new meaning.

The literature review shows there is not much written about memories of enslavement in the surrounding ANE cultures. The literature review did not find much written by African biblical scholars about enslavement in the Pentateuch. However, the recent work by Kevin Burrell (2020) not only provides an extensive bibliography but also discusses identity formation in Africa. The monograph on Cushites in the Hebrew Bible

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articulates that ethnic identity formation was a matter of religious interests as the governing principle for identity formation for both Israelite and non-Israelite identity. He argued that even in the depiction of the Cushites as dark-skinned people, there was no racializing interest or ethnic identity (see Isa 18:2 and Jer 13:23), instead, it was religious concerns that was the focus of the building of collective identity. The Yahweh that was concerned for Israel's religious experience and obedience is also the same Yahweh that will ensure the salvation of Cush, like Israel's (Burrell 2020:7-8).

Consequently, the religious identity that is the paramount interest of Yahweh in the identity of the ANE societies was the contrasting point between Israel and its neighbours. Other resources in Africa that seek to show relevance of the instructions include, the Africa Bible Commentary (2006), edited by the late Tokunbo Adeyemo, The Africana Bible (2010) includes the entry by Adamo in which he addresses Africa and Africans in diaspora and the reading of "Israel's scriptures" in modern times. Ogbu Kalu (1978) discusses the role of Protestant Christianity in Igboland, Nigeria. While there is a lot more material written on the history of slavery, enslavement, and colonialism in Africa, there is no discussion of the instructions in the legal collections in connection with African society. These instructions have relevance for the church and state in Africa, and they deserve the attention of African biblical scholars.

CHAPTER 4

EXEGETICAL STUDY OF ENSLAVEMENT IN THE LEGAL
COLLECTIONS OF THE PENTATEUCH

4.1 Introduction

The previous chapter studied relevant research on the subject of enslavement and memories. It revealed that enslavement in the surrounding cultures of biblical Israel was the norm throughout the ancient Near East. Memory works in such a way that both individuals and communities access memories to draw what they need to address the present. In that sense, memories are what people choose to focus on for a specific reason. That revelation sets the stage for our exegetical study in this chapter.

This chapter provides an exegetical study of select passages in the Pentateuch in which the remembrance or memories of enslavement is addressed.[85] The method will draw from Ukpong's (1995) step three of inculturation hermeneutic and interpret the passages considering the contemporary African context of the interpreter. The historical-grammatical exegesis applied to these passages allows for interaction between the interpreter's context and the context of the text. It will attempt a grammatical analysis of the texts to engage them deeply. They are essential for addressing the topic of the memories of enslavement in identity-formation because the three separate legal collections address a

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[85] I do not intend to address the source-critical matters regarding the authorship of the corpus. Rather, my approach is a historical-grammatical reading of the passages. The approach is akin to Sprinkle's treatment of the passages from a synchronic reading or discourse-oriented analysis, wherein the text is simply taken at face value and its contents discussed without regard to source or form-critical discussion. However, those matters are not ignored completely, because they will be mentioned where relevant to a particular argument. The material assembled by the author(s) in these legal collections is formulated or edited in such as a way as to complete the intent of the literary work as a whole (cf. Sprinkle, 1994:15).

similar topic from different periods and settings. In addition, they contain prohibitions of slavery and/or enslaving others, as well as how slaves were to be treated.

The instructions in the legal collections encouraged the interest in memories of enslavement, which eventually led to the prohibition of slavery itself. Consequently, they provide some insights into the topic of the memories of enslavement as perceived by these different audiences. The instructions in the book of Exodus, known as the Covenant Code (20:23 to 23:19);[86] Leviticus, known as the Holiness Code (17 to 25); and Deuteronomy, known as the Deuteronomic Law (12 to 26). The select passages, known as legal collections, are understood as instructions not codes in the modern sense of the term. These passages address specific settings that involved the handling of fellow Hebrew or Israelite slaves, the specific guidance for the ethical treatment of slaves of Israelite origin, and the treatment of slaves of non-Israelite origins. This emphasis on enslavement stipulations as "instruction" and not as "law" is also important for its implications for identity formation. The enslavement instructions must facilitate more than superficial obedience – it must change the character of the addressee, namely, the male slave owner. DC's emphasis on obedience and the establishment of a community of brothers, is further developed by HC where the refrain / thematic repetition of "be holy because I am holy". Consequently, enslavement instruction forms part of an ethical redefinition of holiness that requires the imitation of the holiness of the Lord, which brings us to the re-establishment of the religious identity of humans, as created in the image of God, including slaves.

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[86] Also known as the "book of the covenant". It is probably the oldest example of casuistic law in the Bible. The laws in it deal with slavery, theft and adultery, using the principle of lex talionis. They anticipate the range of life settings in a village culture of the settlement and early monarchy period (cf. Walton et al., 2000:97).

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The key reoccurring phrases, זָכַרְתָּ כִּי עֶבֶד הָיִיתָ בְּאֶרֶץ מִצְרַיִם "Remember you were slaves in Egypt" and אֲנִי יְהוָה אֱלֹהֵיכֶם "I am the Lord your God"[87] are the motive clauses that serve as the key terms of ethical behaviour for Israel (Sonsino, 1980:123).[88] The deliverance from Egypt became a theological concept and confessional motif throughout the Old Testament (Von Rad, 1966:175). The connection of one's behaviour to the memories of enslavement is vital in a world where peasant farmers were susceptible to financial problems resulting from poor harvests due to famine or drought. The resulting hunger led to the sale of properties and land and, eventually, selling themselves and/or family members to indentured servitude. Hence, the laws under consideration seek to provide a fair system of regulating the nature of servitude and the time limit of six years for Hebrew slaves, who must go free afterwards (Walton et al., 2000:97).

Nevertheless, this theological concept of deliverance from Egypt and the ethical teaching to remember its difficulty for Israel was not sufficient to fix the problem since a family may return to no land or property after the servitude. Hence, Exodus 21 offers the option to stay in permanent service, but both Leviticus 25 and Deuteronomy 15 reject the

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[87] See examples in Exod. 13:3, Lev. 26:13, Num. 14:3 and Deut. 15:15. There are 87 verses in the Old Testament that refer to God bringing Israel out of Egypt. Incidentally, both Leviticus and Numbers prefer the phrase, "brought you out of the land of Egypt", with minimal reference to "slavery" as the cause of their stay there. Although "memories" of the exodus from Egypt form a major portion of my research, the memories of the experience of slavery in Egypt are the main focus of the study. However, other references to the memories of enslavement that motivate a prohibition of slavery in portions of the Pentateuch and larger context of the Hebrew Bible are highlighted for relevance. The use of "Egypt" as a figure of speech (synecdoche), where "Egypt" is used for the experience of slavery, is not uncommon in the Old Testament (cf. the new covenant in Jeremiah 31). Hence the overlap in terminology and reference in my writing. The key element in all the law codes that must not be lost is the fact that they subscribe to one or more of Bandstra's (1983:129) categories of the motive clauses of (1) God's authority, (2) Historical experience, (3) Fear of punishment, and/or (4) Promise of well-being.

[88] However, both phrases are absent from the CC, but repeatedly used in DC together. HC does not use זָכַר "remember" as a motive for its injunctions, but emphasises the connection between Egypt and the declaration אֲנִי יְהוָה אֱלֹהֵיכֶם "I am the Lord your God." This hints at the theological underpinnings of the two legal collections that expound on the earlier CC, which had less of a theological outlook.

option by insisting the family must have access to their property/inheritance after release. Therefore, focus is on the significance of the memories of enslavement in the minds of the original audience and how the recollection of those memories serves the purpose(s) of the author(s).

The laws regarding slavery in the Covenant Code (CC), Holiness Code (HC) and Deuteronomic Code (DC) corpora fall under Albrecht Alt's category of Casuistic Remedial Law (Alt, 1966: 80) against Apodictic laws, which Sonsino (1975:124) prefers to describe as "unconditional form" and "conditional form". These law codes appear to be different or three collections of laws with substantial overlap and similarities and differences in both grammar and vocabulary (contra: Koller, 2015:2). However, the differences in these laws can hardly be explained on grammatical and vocabulary grounds alone; contexts seem to play a key role in explaining the differences, as shall be discussed later under the HC (cf. Levinson, 2005:617-619). Nevertheless, the historical setting of these laws remains a subject of debate in biblical scholarship.

The watershed work of Julius Wellhausen (1844-1918), known as the Documentary Hypothesis, has changed the course of Pentateuchal studies for good (Morrow, 2017:27).[89] Since Wellhausen, scholars have proposed other ways of looking at how the biblical texts came to be in our hands in their present form. Since the monumental work of Hermann Gunkel on Form Criticism, Old Testament scholars have come to understand that the material they study is not simply a creation of literary scholars who wrote in one sitting,

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[89] The Documentary Hypothesis (JEDP) has now developed tentacles from each of the sources so much so that critical scholarship has cast doubt on many of its claims. Today, positions on the Exodus narrative itself vary by field of study (cf. Morrow 2017: v-xv, 28). However, the current distinction between priestly and non-priestly material in the Pentateuch is helpful in shedding light on the nature of the law code and how it is different from the other law codes (CC and DC), see Knohl 1995: 120-121.

but rather the result of many centuries of complex processes of development among the people of Israel (Knight, 1977:3). The oral and written traditions were transmitted in writing but are not the products of individual writers.

4.2 The Legal Collections

The Legal Collections in the Pentateuch under consideration are understood as "instructions" rather than "law" in the modern sense of the term. These materials are a series of instructions aimed at shaping the moral-ethical identity of Israel and early Jewish society. It is concerning this understanding that the following passages are discussed. There appears to be a general agreement in biblical scholarship that Israel's legal literature was not invented out of whole cloth but grew out of the already existing legal traditions of the ANE (cf. Sweeney, 2017:16). An example of such influence is found in the exodus narrative itself, where Jethro gave Moses some principles for the governance of the people. However, Jethro was not an Israelite, and his counsel came from something outside biblical narratives.

Moreover, Israel's concern for social justice, such as protecting the poor, widows and orphans, was not unique but was a value held in common with the surrounding cultures (Evans, 2015:4). Another relevant parallel is the deity's relationship to the lawgiver regarding the deity's approval being invoked in the process. The Hammurabi stele is a bas-relief of Hammurabi being commissioned by the sun god Shamash to inscribe the laws, which contain about 4 000 lines of text of around 282 laws, outlined with a historical prologue, a literary discourse, and a religious epilogue.[90] Although there is no voice of

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[90] This relief dates from about 1790 BCE, in cuneiform text, and is in the Louvre Museum in France. It was excavated in ancient Susa (Sushan) by French archaeologist in 1901/1902. See www.bible-history.com/archaeology/assyria/hammurabi-stele.html

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Shamash in the text, his position above the king implies his divine sanction of the king's laws. The significance of the parallel in the slave instructions under study is that they all invoke Yahweh, either as the giver of the law or a witness thereof (cf. Exod. 21:1; Lev. 25:38, 55; Deut. 15:15).

However, Davies (1999:13) postulates that the evolutionary process of the Pentateuch put these law codes in the Persian period when the question of identity was prominent. In this sense, the argument is that the writings of this period seek to portray a development of the nation with a leader, constitution and land. But the argument does not preclude the material emanating from an earlier period, such as the settlement period when identity was also crucial. Perhaps a more plausible explanation is the idea that puts the setting of the CC in the Iron I timeframe (ca. 1200 BCE).[91] This period portrays village settings in agriculture and social organisation, typical of a pre-monarchical setting. This fits a setting where the village society was acephalous, with no powerful sovereign of Israel or a monarch. It was most likely towards the end of the pre-monarchic period that we began to see a social system evolve with a class of persons holding more property than others (Knight, 2011:187).

Something of special interest in the Legal Collections is the attention given to the underprivileged, including women, slaves, the poor and the alien. For example, "[s]exual laws were specifically designed for the protection of women, marriage laws to protect the family and the children, and many of the laws regarding agriculture were intended for the protection of the poor" (Morrow, 2017:28). In this broader context of the biblical law, we find that every citizen appeared to have free access to the courts and the right to a fair trial,

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[91] Ralph Klein (1982:212) puts the CC in its present form in the eleventh century BCE.

as found in Exod. 23:6, "Do not deny justice to your poor people in their lawsuits", and

23:8, "Do not accept a bribe, for a bribe blinds those who see and twists the words of the

innocent". Even the HC, which is later than the CC, inverts the case of favouritism against

the rich: Lev. 19:15, "Do not pervert justice; do not show partiality to the poor or

favouritism to the great but judge your neighbour fairly", and the DC invokes the hand of

God in justice if human judges are afraid of anyone (Deut. 1:17). In all these cases, the trial

is governed by the covenant law, with appropriate procedures and punishment, as seen in

Deut. 25:1-5 (Childs, 1974:365).

In light of the above background considerations and the historical-grammatical

approach to the exegetical studies of the legal collections, the legal codes are studied

according to their historical contexts. This approach puts the DC right after the CC, rather

than the canonical arrangment that has CC, HC, and DC. The arrangement allows for the

flow of argument in the dissertation.

<div align="center">4.3 The Slave Instructions According to the Covenant Code</div>

As hinted above, the socio-historical context of the Covenant Code is pre-exilic,

depicting a period when Israel was concerned with its identity in the settlement period.

This socio-historical setting fits within the arguments of both Davies (1999) and Knight

(2011) above. This makes the CC the oldest of the three legal collections.

The issue of the law of Moses from Mount Sinai is encapsulated in Exodus 20:1-

23:33.[92] The title is significant because it accentuates the unresolved characteristic of the

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[92] The Hebrew Bible would be 21:1-24:18. The Hebrew title of this section of Exodus סֵפֶר הַבְּרִית (Book of the Covenant) was so-named after 24:4, 7, where Moses put the divine commands into writing and then read aloud to the people (see. Sarna, 1991:119). It is probably the oldest example of casuistic law in the Bible. The laws in it deal with slavery, theft, adultery, using the principle of lex talionis. They anticipate the range of life settings in a village culture of the settlement and early monarchy period (cf. Walton et al: 2000: 97).

collections, namely their divine origin. This section of the book of Exodus provides the moral imperatives, social rules, ethical injunctions, civil and criminal laws, and cultic prescriptions for the new nation of Israel while in the wilderness (Sarna, 1991:118). The laws in these chapters are categorised into two major types, casuistic or case law, in conditional statements, and apodictic law, characterised by absolute commands, both negative and positive. Although similar to other ANE laws, they are unique because they are not self-contained and independent entities but an inseparable part of the Exodus narratives.

The contents and style of the CC are different from the other codes in the Pentateuch in that they are uniquely similar to other ANE law codes, such as the code of Hammurabi of Babylon and other civil codes. Incidentally, no Canaanite Code has been found, making biblical laws the only recorded such laws in Canaan (cf. Hamilton, 2011:359). A detailed elaboration of the debate on the scope and content of the Covenant Code is provided by Jackson in his back and forth with Westbrook. Cf. Jackson (1995) and Westbrook (1994). Delving into that debate is beyond the focus of this study. However, Morrow's (2017:15) summary of the nature of biblical law in the ancient Near Eastern context is helpful here. Law collections of ANE include Sumerian (*Ur-Nammu*, ca. 2100 BCE, *Lipit-Ishtar*, ca. 1930 BCE); Akkadian (*Eshnunna*, ca. 1770 BCE, Hammurabi, ca. 1750 BCE, Middle Assyrian, ca. 1075 BCE, Neo-Babylonian, ca. 700-600 BCE); the Hittite Laws of Late Bronze Age and Greek Laws of Gortyn in the 5th century BCE. While they serve different purposes than biblical laws, they share some common interests relevant to our understanding of the CC. The laws were (i) codifications of existing practice, a guide for judges; (ii) used to train scribes in legal thought; and (iii) served as royal propaganda to

enhance the reputation of the king as curator of justice. In these three areas, biblical law had similar functions.[93]

There are four distinct parts of the Book of the Covenant: first, 21:2 to 22:16, which addresses various legal topics of a civil and criminal nature. As noted above, these are casuistic laws in which particular topics are presented in unambiguous rulings about conjectural, concrete contingencies, not intangible legal principles. The second part, 22:17 to 23:19, portrays an apodictic style comparable to the Decalogue. It portrays a variety of subtle topics, such as humanitarian contemplations. These laws are enforced through juridical forms, and their power is informed by the relationship of conscience to the divine authority (Sarna, 1991:119). The third part of the legal corpus, 23:20 to 33, is a supplement that asserts the divine promises to Israel and warns against the dangers of assimilating with the neighbouring pagan religions. The final section of the corpus is found in Chapter 24. This chapter sums up the entire Book of the Covenant segment with ritual ratification of the document and Moses receiving the Decalogue notched in stone (Sarna, 1991:119). However, these observations on the Book of the Covenant concern the final form. It would be unfair to ignore the critical observations on the standing difficulties inherent in the material. For example, when considering the Sinai narrative, one is immediately confronted by questions of the form, unity and historical setting of the Book of the Covenant.

Suffice here to say that critical scholarship raises concern in four key areas: (1) the Book of the Covenant appears to interrupt the narrative sequence of 20:18-21, 20:1-17 and 24:4, which many scholars hold to be the original outline of happenings; (2) the reference,

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[93] See also Walton's (1989:74-89) detailed comparative analysis of ANE and biblical laws, where he discusses the functions of ANE laws versus the CC. However, the mention of these laws should not imply a direct relationship with the CC (see Durham, 2002:321-2).

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"Moses then wrote down everything the Lord had said" (24:4 NIV), which forms the basis

for the covenant ceremony, only refers to the Decalogue; (3) the inner structure of the Book

of the Covenant indicates an independent history of growth and a redactional history

separate from the Sinai tradition; and (4) the content of the Book of the Covenant does not

show the original relationship to the covenant. Rather, it indicates a settled life long after

the Sinai events (Childs, 1974:453-454). While these are valid concerns that must be

acknowledged, they are not without faults. The issue of the history of the development of

the text does not preclude an excellent literary tension and is hardly a reason for historical

consequences for the text.

This section focuses on exegetical matters in the CC dealing with slavery (21:1-11)

rather than comparative studies. However, a reference to the surrounding cultural setting

may help shed light on a given context in some cases. Nevertheless, one should note, with

Hamilton (2011:360), two significant areas of separation between the Covenant Code and

all the other Ancient Near Eastern legal corpora. First, the Covenant Code separates itself

from the neighbouring cuneiform law codes by invoking direct speech of the deity. For

example, of the 282 laws in CH, not once did the deity speak. The second distinction is that

the CC is set within a historical-narrative context, which is the claim of the Lord's mighty

liberation of Israel from Egypt. These two specific qualities above the CC appeal to

obedience more compelling because they connect Israel directly to the deity.

Discussing the Israelite laws (the respective collections under consideration)

recently got pricklier by the watershed book *Law, Power, and Justice in Ancient Israel* by

Douglas Knight (2011). Among many other things, Knight (2011:187) proposes a new way

of looking at biblical laws. While conventional biblical scholarship has maintained separate

dates for the CC (10th to 9th centuries BCE) and puts DC towards the end of the monarchy or later, Knight suggests that we view the codes in terms of oral (Israelite) and written (biblical) laws. To recover the oral laws, he went through an analytical process that anticipated what kinds of laws might be expected in social clusters such as the village, urban and cultic realms.[94] While he makes a good case for the relationship between oral and written laws, it is interesting that his proposal seems to apply only to biblical laws and not to the aforementioned neighbouring law codes. He is putting the CC in the exilic period based on the literacy of the exodus audience in the biblical narratives, yet earlier, he situated the village setting as pre-monarchic (Knight, 2011:187).

Consequently, in putting the CC in the exilic period, he does not account for the nature of Hebrew writing in this period versus an earlier date. It is better to consider a date before the Babylonian exile. The Babylonian exile affected the social structures of Israel, which significantly influenced the Hebrew language. Hebrew writings in this period tried to imitate pre-exilic works in formula and vocabulary, yet the influence of Aramaic was too strong and showed up in writings of this period (Sáenz-Badillos, 1993:113).

Be that as it may, the approach taken in our study of the CC is to survey the key segments in which the term "slavery" and its cognates, and "Egypt" or reference to a period in Egypt, were used. The references to slavery or Egypt governed the weight of some of the commands or instructions given, hence the necessity to highlight the significance of

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[94] Cf. the different approaches of Chaya Halberstam (2017:28), who sees the Covenant Code as a revision or adaptation of the Code of Hammurabi, and places the Deuteronomic Code in the Neo-Assyrian period (7th century Judah) as a transformation of the Covenant Code, and the Priestly Code during the Babylonian exile as a specialised work within priestly circles, and Sweeney (2017), on the other hand, who maintains that the Covenant Code constitutes the foundational law code of the northern kingdom of Israel, which was cited by the mid-eighth-century Judean prophet, Amos 2:6-16, in his indictment of the northern kingdom. On this basis alone, it is difficult to put the Covenant Code in the exilic period.

such reference in the select passages. There are three references to slavery or enslavement in Exodus and 110 references to Egypt, 97 of which appear in texts leading up to the CC section. "House of slavery" is mentioned twice in the text before the codification of the Law. The NASB is used below because it paints a vivid picture of slavery being invoked in memory. Exodus 13:3, "… remember this day in which you went out from Egypt, from the house of slavery; for by a powerful hand the Lord brought you out from this place" (NASB); 13:14, "And it shall be when your son asks you in time to come, saying, 'what is this?' then you shall say to him, 'With a powerful hand the Lord brought us out of Egypt, from the house of slavery" (NASB). In these first two instances, the injunction is simply to "remember" (זָכַר) the exodus event as a memorial to the greatness of God.

However, as we encounter the CC with the issuance of the ten commandments, as in "I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery" (20:2 NASB), the emphasis seems to be on the relationship between the identity of the deity and the people. The commandments need to be seen in the context of the exodus event itself. However, no matter where one places the context of these laws in the history of Israel, the laws do not abruptly interrupt the chronology of Israel's history but are logically placed within a history of covenant-making. They achieve their authority not only because of the divine speech that expresses them but through Israel's accord to obey them (Halberstam, 2017:29).[95] Their identity was being established as connected to the bondage

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[95] Moreover, the corporate entity was made party to the maintenance of the mandated standards of behaviour, and all are held responsible for the breach of standards by individual citizens. This separates Israelite law from its Ancient Near-Eastern legal-moral corpus. The Talmudic period did not provide any different form of moral order, but followed this legal system as well (Lavon, 2007:1480-1481).

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experience. In connection with the history of enslavement, this concept of gratitude of an undeserving people reigns throughout the CC, the DC, and the HC.

4.3.1 Translation of Exodus 21:1-11[96]

The pericope deals with slave instructions specifically, thereby separating them from the preceding prohibitions against idols (20:22-26) and the succinct case laws on personal injuries that follow (21:12-36).[97] The approach to the translations of the passages below is that of the historical-grammatical method. The approach taken here will simply focus attention on the meaning of the words in the present text. Hence, the following translation simply analyses the grammar and syntax of each verse, both in terms of grammatical meaning and the historical setting of the passages. For instance, the second person singular being instructed in 21:1 is presented as Moses in the narrative, but our translation and use of Moses does not judge the setting of the narrative itself; instead, it portrays the grammatical connection with the same subject from the preceding chapter.

Hebrew	English
וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תָּשִׂים לִפְנֵיהֶם.	1 Now, these are the injunctions which you shall set before them.
כִּי תִקְנֶה עֶבֶד עִבְרִי שֵׁשׁ שָׁנִים יַעֲבֹד; וּבַשְּׁבִעָת--יֵצֵא לַחָפְשִׁי חִנָּם.	2 If you buy a Hebrew slave, six years he shall serve; and in the seventh he shall go out free for nothing.
אִם-בְּגַפּוֹ יָבֹא בְּגַפּוֹ יֵצֵא; אִם-בַּעַל אִשָּׁה הוּא וְיָצְאָה אִשְׁתּוֹ עִמּוֹ.	3 If he came by himself, he shall go out by himself; if he is a husband, then his wife shall go out with him.
אִם-אֲדֹנָיו יִתֶּן-לוֹ אִשָּׁה וְיָלְדָה-לוֹ בָנִים אוֹ בָנוֹת--הָאִשָּׁה וִילָדֶיהָ, תִּהְיֶה לַאדֹנֶיהָ וְהוּא יֵצֵא בְגַפּוֹ.	4 If his master gave him a wife, and she bears him sons or daughters; the wife and

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[96] Unless a specific translation is indicated, all translations are my efforts to stay as close as possible to the BHS text for the purpose of exegetical considerations. No textual emendations were made.

[97] Incidentally, the case law covers both male and female slaves in 21:26–27, but only in terms of personal injuries. For instance, "when a man strikes the eye of his slave, male or female, and destroys it, he shall let the slave go free because of his eye" (21:26). The CC focuses attention on the contractual nature of the slave instruction, especially because it gives specific regulations for male and female Hebrew slaves.

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her children shall be her master's, and he shall go out by himself.

וְאִם-אָמֹר יֹאמַר הָעֶבֶד, אָהַבְתִּי אֶת-אֲדֹנִי אֶת-אִשְׁתִּי וְאֶת-בָּנָי; לֹא אֵצֵא חָפְשִׁי.

5 But if the slave plainly says, "I love my master, my wife, and my children; I will not go out free,

וְהִגִּישׁוֹ אֲדֹנָיו אֶל-הָאֱלֹהִים, וְהִגִּישׁוֹ אֶל-הַדֶּלֶת אוֹ אֶל-הַמְּזוּזָה; וְרָצַע אֲדֹנָיו אֶת-אָזְנוֹ בַּמַּרְצֵעַ וַעֲבָדוֹ לְעֹלָם.

6 then his master shall bring him before the judges, and shall bring him to the door, or to the doorpost, and his master shall pierce his ear through with an awl, and he shall serve him forever.

וְכִי-יִמְכֹּר אִישׁ אֶת-בִּתּוֹ לְאָמָה--לֹא תֵצֵא כְּצֵאת הָעֲבָדִים.

7 And if a man sells his daughter to be a slave, she shall not go out as the men-servants do.

אִם-רָעָה בְּעֵינֵי אֲדֹנֶיהָ אֲשֶׁר-לֹא (לוֹ) יְעָדָהּ-- וְהֶפְדָּהּ לְעַם נָכְרִי לֹא-יִמְשֹׁל לְמָכְרָהּ בְּבִגְדוֹ-בָהּ.

8 If she does not please her master, who had designated her to himself, then he must let her be ransomed; he shall have no authority to sell her to a foreign people, seeing he had dealt deceitfully with her.

וְאִם-לִבְנוֹ יִיעָדֶנָּה--כְּמִשְׁפַּט הַבָּנוֹת יַעֲשֶׂה-לָּהּ.

9 And if he designates her for his son, he shall grant her the customary rights of daughters.

אִם-אַחֶרֶת יִקַּח-לוֹ--שְׁאֵרָהּ כְּסוּתָהּ וְעֹנָתָהּ לֹא יִגְרָע.

10 If he takes for himself another wife, her food, her raiment, and her conjugal rights, he shall not diminish.

וְאִם-שְׁלָשׁ-אֵלֶּה--לֹא יַעֲשֶׂה לָהּ: וְיָצְאָה חִנָּם אֵין כָּסֶף.

11 And if he would not do these three for her, then she shall go out for nothing, without payment of money.

4.3.2 Exegetical Analysis and Historical Context of Exodus 21:1-11

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The following grammatical, semantic and syntactic observations seek to provide an exegetical analysis of pertinent terms and concepts in the hope that they shed light on our knowledge of the passage in its historical-grammatical setting. This will be followed by interaction with scholarship and commentaries on the meaning of the slave instructions.

The text in 21:1 introduces the segment of instructions after the revelation of God to Moses on Mt Sinai. Hence, the introductory formula, וְאֵלֶּה "and these" (appositional to a substantive with pron. suff.) governs the series of laws to be introduced. מִשְׁפָּטִים (n.c.mp) is the legal term for a promulgated decree or ordinance (Koehler & Baumgartner, 2002:221)[98] that governs the series of laws to be introduced.[99] Alternatively, the term implies a reference to secular rulings concerned with mundane issues of daily life (Brueggemann, 1994:862).[100] Moses was instructed to תָּשִׂים לִפְנֵיהֶם "set before them" (in the 2ms throughout) the instructions, with the idea that the people would be responsible for their obedience to them. The legal panel here is God himself or his constituted

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[98] The term appears 425 times and refers to decision made by arbitration and legal cases, what is in conformity with a case, a legal claim, justice. However, in this segment, this is the only superscription that covers the entire Book of the Covenant. This leads to the speculation that it may indicate that the מִשְׁפָּטִים once formed a separate collection (cf. Childs, 1974:467). Sarna (1991:119) further observes that these ten enactments that regulate the institution of slavery are unique in the ancient Near Eastern setting in the priority given to them (compare, say, Hammurabi placing them last in paragraphs 278-282). The reason for the emphasis would be the sensitivity to the condition of the slave, something the audience was familiar with.

[99] These cover the laws of the Hebrew slave, personal injuries, protection of property, social responsibility, justice and mercy, the Sabbath, and annual festivals.

[100] There are six variations of the term. "1. Judgement, as in (a) an act of deciding a case by God; (b) a location, court or seat of judgement; (c) the process/procedure, and litigation before judges; (d) a case presented for judgement; (e) a sentence or decision of judgement; (f) the execution of judgement; and (g) time of judgement. 2. Attribute of the judge (justice, right, rectitude) of God and of man. 3. Ordinance promulgated by judge (such as law of the king, or ordinances as found in Leviticus). 4. Decision of the judge in a case of law (in plural, series of decisions as in Exod. 21:1) and collection of pentads in conditional or temporal clauses. 5. One's legal right, privilege, or due. 6. (a) A proper, fitting measure, and (b) custom, manner" (BDB 1994:1048).

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representatives, and the people are to follow the directives as stipulated.[101] The significance of the emphasis of the Decalogue on mandatory Sabbath rest for the slave should not be overlooked (cf. Deut. 15:13-17 and Jer. 34:13-14).

However, we will later find that the human legal team is anticipated in our interpretation of הָאֱלֹהִים in v. 6. If these ordinances are to be understood as secular laws rather than spiritual (Koller, 2015:3), then הָאֱלֹהִים will perfectly fit human judges rather than divinity. Although the ordinance is not defined, scholars have generally categorised this as part of unwritten family law, a segment of customary law, whose main characteristic was practised not in courts but households (Philips, 1984:51). Therefore, the sense of 21:1 is that the instruction is connected to the authority of Yahweh, and the people must observe it in their daily lives in their homes. In this sense, we should not view the slave instruction here as formal legal material but rather as moral instruction for slave masters, whose social behaviour is regulated by a religious allegiance to a deity.[102]

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[101] This is in line with the expressions of covenantal relationship. This term, along with צֶדֶק (trans. justice and righteousness), both have legal and theological meanings and both justice and the judgement of God go hand in hand in relationship expectations of a covenant people. Although the consequences for failure to adhere to these מִשְׁפָּטִים is not delineated in the code, Jeremiah 34 clearly indicates the consequences for breaking these laws. "Judgment", in Eerdmans Dictionary of the Bible. However, it is noteworthy that Fensham (1976:262-263) highlights some of the patterns of these laws in the ANE in relation to the role of the deity. He notes that nowhere is the Lord mentioned in this code. Yet certain similarities and differences exist between Israelite and other ANE laws, idioms and religious rules, such as found in the collection of Ur-Nammu (whose origin is attributed to the gods Nanna and Utu), in that of Lipit-Ishtar to Enlil, and in that of Hammurabi to Anu, Enlil and Marduk. It is in the same manner that one can conclude that the Covenant Code emanates from Yahweh.

[102] One envisages the social life of Abraham, who received gifts of male and female slaves from the Pharaoh (Gen. 12:16) and had a male slave from Damascus. The treatment of the slave as an heir exemplifies how a normal village household comprising a master/slave relationship would look like when Eliezer was simply referred to as בֶּן־בֵּיתִי "a son in my household", rather than as a slave, and was going to inherit the estate of Abraham (Gen. 15:2–3). Gen. 16:1 introduces הָגָר "Hagar", who was a שִׁפְחָה מִצְרִית "Egyptian maiden/servant" (n/c/f/s/ab) and bore Abraham Ishmael at the bequest of Sarah. It appears that household slaves were a part of wealth, as they took care of animals and chores. The household slaves of Emirs and chiefs performed the same kind of functions in Nigeria, both before and after the advent of the slave trade.

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Exodus 21:2 begins with a conjunctive particle כִּי, which parallels v. 7 and is different from the proceeding particle, אִם, at the beginning of vv. 3, 4, 5, 8, 9, 10, 11; and is mostly translated as a protasis/apodosis "if" rather than circumstantial "when" (cf. Joüon-Muraoka, 347). However, the main difference of note is the separation of conditional clauses "if" from circumstantial clauses "when" (cf. Van der Merwe, et al:65). Although the meanings (if or when) are not mutually exclusive in context, a temporal or circumstantial translation would indicate the anticipation and approval of the practice of slavery or its tolerance as normative considering the widespread practice. In contrast to Prager's (2018) argument, such an understanding would not contradict the negative memories of enslavement indicated in the legal collections.[103] The point of the instruction is precisely to prohibit the kind of mistreatment of slaves described in the Egyptian enslavement. עֶבֶד is translated as either slave or servant, which occurred over a thousand times in the Old Testament (Stuart, 2006:474). Usually, the difference is servitude and the familial relationship between a servant and the master's family. The purchase of a person, designated by תִקְנֶה עֶבֶד "you buy" (*qal*/impf/2/m/s) of the protasis, as a slave naturally suggests a sense of restraint or subjection, so defined as bondage or loss of freedom (Harrill, 2000:214). The statement implies buying a slave in the market and, because the verb is active, it does not say the Hebrew slave sells himself or herself, but rather that

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[103] Prager argues that the Torah does not encourage, let alone require, Israelites to own slaves. Therefore, a temporal translation of כִּי would be against the expectations of the Torah. The conditional "if" is more in line with the intent of the law. Hence, "if an Israelite acquires a slave" allows for the possibility of the practice, since it is not clearly prohibited (Prager, 2018:521). This Jewish approach is akin to the argument Stuart (2006:474) makes in differentiating the meaning of the term (used more than a thousand times) between slave, worker, employee and servant. However, this interpretation necessarily ignores the case of Abraham, who predates the Torah, as noted in the examples above. I think the conditional interpretation of כִּי indicates the possibility of the practice, since Israel would not be unique in the practice. In fact, the mere fact that the instruction was given indicates the practice was anticipated.

another person sold him/her. Every single law collection of the ANE has addressed the topic of slavery with an attitude of ambivalence to the slave (Sarna, 1991:320). Not only that, the slave was in daily contact with the master and his family, yet s/he was also an item of property to be assessed in terms of financial value.[104]

The term עֶבֶד עִבְרִי "Hebrew slave" is a gentilic qualification of the slave. It is not just any slave but a slave of Hebrew identity. The instruction is silent regarding the treatment of non-Hebrew slaves since the emphasis is on connecting the slave instruction with the identity of the covenant community. In this scenario in v. 2, the slave being bought was a fellow עִבְרִי (contra Lemche, 1975:138).[105] He shall serve six years שֵׁשׁ שָׁנִים יַעֲבֹד, the verb עָבַד (*qal*/impf/3/m/s) from the same root as the noun עֶבֶד refers to a labour of any kind (BDB 1994:712). However, he can only do the labour for six years and must then be set free וּבַשְּׁבִעָת-יֵצֵא לַחָפְשִׁי חִנָּם: "the seventh year he shall go free". The verb יָצָא "to go or walk" (*qal*/impf/3/m/s) indicates a simple act of walking away from the obligation of service, without any outside authority to enforce the law, as a *hiphil* form would imply.

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[104] However, the story of Abraham nowhere indicates mistreatment of his servants; rather, at the covenant ratification in Gen. 17:23, Abraham circumcised every male in his household, making them members of the covenant community. These included כָּל־מִקְנַת כַּסְפּוֹ "all those he had bought with his money", which implies that he had bought people (perhaps slaves) to work in his household. They were a part of his family, but they also no longer had connections to their original identities.

[105] Lemche proposes that the term be considered an appellative rather than gentilic. There seems to be no reason for such an emendation of meaning. The identifying gentilic clause is a statement of distinction between foreign slaves and members of the native community. Irrespective of the character qualities of the slave, or the circumstances that led to his enslavement, he is to receive special treatment (cf. 21:6; Lev. 25:39ff). It is worth noting here that Stuart (2006:476) sees the use of the term "Hebrew" as a reflection of the early date of these laws, when the term referred to the Israelites as a social class rather than merely as an ethnic group. It is on this basis that he differentiates between non-Israelites employed as servants by the use of the term "Hebrew", to separate them from being exploited. Hence, he considers the term as a socioeconomic term rather than "Israelite", as found in 1:15-19; 2:7-11. The main problem with this assertion appears to be the failure to provide evidence.

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Since the slave is purchased תִקְנֶה עֶבֶד "If you buy a slave" (*qal*/pf/2/m/s), then one would suppose that, depending on the circumstances that led to the sale, a couple can be sold for the size of debt (Koller, 2015:3). Yet this paragraph is focused on the male slave, whose spouse happened to be with him, but there is a specific treatment of a female slave in the following verses in this chapter. The slave (and his wife) is free to return to a normal life of freedom. There is no mention of his former situation, family, or the land to which he returns. He is simply free as a Hebrew. There is also no mention of children at the time of his purchase.[106] The seventh year is the theme of rest based on the theology of God's rest on the seventh day and the commandment to rest in like manner. The Hebrew slave had to work for six years, and "rest" is freedom for good in the seventh year. It is noteworthy that no conditions accompany this specific Sabbatical year setting (cf. Baur, ISBE: 7477). This slave instruction teaches that Hebrew slavery was not perpetual because as soon as the debt was paid, the enslaved individual became a free person (Prager, 2018:9).

In Exod. 21:4, the master may care for the slave's welfare to the point that he יִתֵּן-לוֹ אִשָּׁה "gives him a wife". Of course, there is no reason the master would get his slave a wife, especially when he knows that the slave would walk away to freedom in less than seven years. But that is the point of the protasis אִם, and the possibility remains for such a familial relationship to develop between the master and slave. It could be that the master is providing an incentive for the slave to stay with him in perpetuity, but even then, the fact that he is willing to gamble his wealth to that extent is itself a positive quality of the master.

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[106] For an excellent discussion of the family intricacies and possibilities in all three collections, please see Meyer (2017) in his response to Kilkör.

Conversely, the fact that the wife and her children belong to the master is a sign of return on investment and a hook for the slave at the same time.[107]

The fact that the woman and her children remain with the master when the slave is freed gives reason for the argument that this indicated the beginnings of Matrilineage in Judaism. In Jewish thought, this verse was considered the basis of the argument that a child born to a Jewish parent and a non-Jewish parent would take on the religious and ethnic identity of the mother rather than the father (Gruber, 1995:438). This argument seems to be drawn from a practice seen in second-millennium laws in the CH (law no. 175) and the laws of Nuzi, where the mother's status was inherited rather than the father's (Stuart, 2006:478). However, it does not appear that the law calls for such an extrapolation; instead, it was an economic statement that implies the master keeps the family as his property. This appears to be the argument of Stuart (2006:479) when he discusses the options of the freed slave.

Nevertheless, the provisions in verses 3-4 do not seem to address the position of male children concerning the liberty provisions. The woman's condition is addressed in vv. 7-11, but this particular wife of the slave in v.4 does not seem to be free if she could not go out with her husband. Thus, her condition remains unclear if the master retains her and the children.[108]Meyer (2017:764) seems to provide the best answer to this question

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[107] This echoes similar practices, like the case of Abraham noted above. In Nigeria, it is common for royal families and the wealthy to raise servants in their households and provide spouses for them. The Kalkunji family in Banganje in the Tangale tribe has a legend about a captured slave that was kept safe in the barn. He was later assimilated into the family and blended in completely.

[108] Stuart argues that the wife and children do not necessarily stay slaves in perpetuity. He puts the responsibility for the situation in the hands of the husband, whose choices included (1) wait for them all to finish their terms of service; (2) find a job somewhere and earn enough money to pay off his former master for the remainder of their contractual obligation; or (3) agree to work permanently for the boss. However, Stuart does not answer how the terms of service are different for the family than for the slave. As mentioned above, why doesn't the freedom law apply to the children?

when he concluded that the possibility of children remains in the context but were not

mentioned because they did not belong to the master, hence, irrelevant.

The contrasting conjunction with the protasis וְאִם followed by emphatic אָמֹר יֹאמַר

ushers in a legally binding oath by the slave in 21:5 (Dozeman 2009:528). Yet, the precise

description of this casuistic law is restricted to those slaves who have chosen to stay as

permanent servants. Dozeman (2009:520) notes that this is "suggesting a situation of taking

an oath, 'declares emphatically' … 'if answering, the slave says'". The oath is meant to

protect the slave from making a foolish choice or from being compelled by the master to

stay permanently. Conversely, the master is protected from the accusation of breaking the

Jubilee law (Stuart, 2006:480). The certitude with which he makes the decision is indicated

in both phrases. אָהַבְתִּי אֶת-אֲדֹנִי "I love my master" (*qal*/pf/1/c/s) comes before אִשְׁתִּי "his

wife" and בָּנָי "his children", which indicates a strong sense of loyalty and dedication. לֹא

אֵצֵא חָפְשִׁי "I will not go out free", or "I will not go out to freedom" אֵצֵא (*qal*/impf/1/c/s)

implies that the slave considers his present condition to be better than a state of freedom.

He loves serving his master; he loves his wife and children and does not consider them

partners or fellow slaves.

Exodus 21:6 starts with the strong apodosis in וְהִגִּישׁוֹ אֲדֹנָיו אֶל-הָאֱלֹהִים "Then his

master shall bring him before the judges[109] הִגִּישׁוֹ "bring near" (*hiphil*/pf/m/s+3/m/s suff).

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[109] The n.m.pl (occurred 2 681 times) has several meanings depending on the context. It is used as numeric pl in ref to rulers or judges, either as divine reps at sacred places or reflecting divine majesty and power (cf. 21:6; 22:8); divine ones, superhuman being, including God and angels (Ps 8:6; 97:7); and other gods (cf. Exod. 18:11; 22:19). It is also used as intensive pl for god or goddess, such a Dagon (1 Sam 5:7; Jud 11:24), Chemosh (1 Kgs. 18:24), Baal (Jud. 9:27). In other instances, it is used exclusively for the God of Israel, Yahweh (cf. Deut. 4:35). BDB, Full Lexicon, 43. Because of the ambiguity of context, translations of הָאֱלֹהִים by major English versions have taken either "God" (so, KJV, NJB) or "the judges" (so, NIV, NASB, NET) and OT scholars have made arguments for either translation (those that favour "God," see: Falk, VT 9

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Not only is the statement of the slave renouncing his freedom strong, but his decision is contrary to הַמִּשְׁפָּטִים "the statutes" of God from verse 1. Consequently, the actions taken in this verse must be understood as a vindication of the master in the eyes of society and God. Another *hiphil* verb וְהִגִּישׁוֹ "and bring him near" (*waw*+*hiphil* perf, 3ms+3ms suff) follows the last one in sequence, and these causative tenses indicate they are not volitional actions of the slave or the master. The significance of אֶל-הַדֶּלֶת אוֹ אֶל-הַמְּזוּזָה "the door or the door post" is not clear, but one would assume the need for witnesses and a sign of belonging to the household is the reason behind the act. Similarly, the permanent mark אֶת-אָזְנוֹ בַּמַּרְצֵעַ וְרָצַע "and his master shall pierce his ear through with an awl" dispels any doubts by neighbours and silences any future rumours that may impugn the character of the master as one who failed to obey the Jubilee law.[110]

The finality of the action וַעֲבָדוֹ לְעֹלָם "and he will serve him forever" and its seriousness is not lost on the witnesses. However, Philips (1984:51) sees a change within the passage and posits that this specific provision of permanency of slavery is an amendment to the law in vv. 2-4, where the Hebrew slave was given an absolute choice to

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[1959] 86-88; Fensham, JBL 78 [1959] 160-161; and Gordon, JBL 54 [1935] 139-144. Contra: S. R. Driver, *Exodus*, 211. Although he thinks the phrase means "God", he nevertheless envisions human judges carrying out the court tasks. Even the examples by Stuart from "Swearing before God" in Gen 21:23; Exod. 22:11; 1 Sam. 30:15; 2 Sam. 21:7; and 1 Kgs. 8:31/ 2 Chron. 6:22 are not without difficulties. For example, Exod. 22:8 and 11 do not resolve the case as Stuart would like it, since separate terms הָאֱלֹהִים and יְהוָה are used in these verses. Yet Stuart says this virtual equation of the two terms rules out the understanding of הָאֱלֹהִים as judges (*Exodus*, footnote 109, 481). In contrast, the use of the separate terms in Exodus 22:8, 11 makes for the case of "judges" as the referent here. But Stuart's argument is a position akin to *Targum Onkelos* דיניא "judges" and LXX πρός τό κριτήριον τοῦ θεοῦ "before the court of God". If God is in view, then the "door or doorpost" follows suit and is seen as the door of the sanctuary. If judges are in view, then מִשְׁפָּטִים would refer to their work and the door in view is of the house of the master. Either translation does not alter the meaning of the verse.

[110] Propp (2006:193) suggests another connotation here. The role of the doorpost evokes the sign of the Passover blood, which implies one of two things: 1) if the Passover is the background for this verse, the symbolism might imply that having been freed by Yahweh from Pharaoh, you should not surrender your liberty, or 2) the rite may indicate the symbolism of the Passover night, when Israel passed from temporary servitude to Pharaoh into eternal service of Yahweh.

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freedom after six years of labour. He maintains that the provision had arisen out of economic conditions because the master was under no requirement to supply the freed slave with any means of establishing himself in society. However, it is better to see this as the consequence of purely legal discourse. There is no reason to suppose any emendation or updating of the content. It is not unusual for slaves to indicate their status by certain marks or symbols in cultures like Nigeria. Even the naming of slaves and their children are linked to the master so that their family name or identity comes from the slave owner. The piercing of the ear is also a symbol of identity and a specific connection to families.

In Exod. 21:7 וְכִי-יִמְכֹּר אִישׁ אֶת-בִּתּוֹ "and if a man sells his daughter" reverts to the כִּי "if" that introduced the male slave as it introduces the female slave sale. מָכַר (*qal*/impf/3/m/s) "to sell" contrasts קָנָה (*qal* impf 2ms) "to acquire" in 21:2, where the Hebrew slave master is addressed. In this verse, it is the father who sells his daughter to another man. The selling of a daughter as a slave is not without parallels in the ANE, as observed in Chapter 3. In those contexts, and even here, it is puzzling that a Hebrew father would sell his daughter and not offer himself to work for the money, unless marriage is in view, as shown in the next verse. However, the context here is that of לְאָמָה "as a handmaid" and is the parallel of עֶבֶד "slave" in v. 2; therefore, indentured servitude for both the male and the female are in mind.[111] Instead of the Jubilee law for the female slave, לֹא תֵצֵא כְּצֵאת

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[111] Nonetheless, the concept of selling daughters into slavery needs to be addressed at this point. As noted above, the Hebrew word עֶבֶד is translated into English as both "slave" and "servant". Yet these two words have different connotations in the English language. The daughter in this verse is sold into indentured service for economic reasons. This situation is seen in other portions of the Scripture as well. Later Jewish thought on this matter continues to suggest concern for the wellbeing of daughters. The code of Jewish law disseminated by Moses Maimonides asserts, "A man may not sell his daughter (as a maidservant) unless he became impoverished to the extent that he owns nothing, neither land nor other property, not even the clothing he is wearing" (Prager, 2018:472). It is evident that the daughter in this passage is receiving some parameters in the face of tragic practice.

הָעֲבָדִים "she shall not go out as the male slaves". The *qal*/impf/3/f/s+*qal*/inf/cs of יָצָא describes the manner of her release as governed by the emphatic negative particle לֹא. The object of the contrast is הָעֲבָדִים (n/m/pl) "male slaves".

The phrase אִם-רָעָה בְּעֵינֵי אֲדֹנֶיהָ "if she is unpleasing in the eyes of her master" in v. 8 indicates the service of the female slave was intended to involve wifely or concubine duties. The use of the term רָעָה "evil or bad" (adj/f/s/ab) to describe the אָמָה is difficult to ascertain as a matter of physical appearance since the master must have seen her when he bought her from the father. אֲשֶׁר-לֹא (לוֹ) יְעָדָהּ "who had designated her to himself"[112] eases the difficulty, because he had יָעַד "to appoint or designate" (*qal*/pf/3/m/s+suff/3/f/s). The man had bought the אָמָה intending to consummate a familial relationship with her by designating her in such position. However, because of the dual nature of the relationship (wife and maidservant), in the case when he decides he no longer wants her, he is obligated to וְהֶפְדָּהּ לְעַם "let her family redeem her" (*hiphil*/pf/3/m/s+3/f/s), and he must cause her to be redeemed by לְעַם "her people." The standard transaction of slave sale is at this moment curtailed and נָכְרִי לֹא-יִמְשֹׁל לְמָכְרָהּ "he has no authority to sell her to foreigners". Therefore, the מָשַׁל "rule" of a master over his slave is abrogated in this context. It is not clear why foreigners are mentioned here, instead of selling her in general. The reason for this requirement is בְּבִגְדוֹ-בָהּ "by treachery he acted towards her", (*qal*/inf/cs+3/f/s); בָּגַד captures

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[112] We have a K (לֹא "not") and Q (לוֹ "to him") readings. LXX, Targum and Latin Vulgate all went with the emended reading of the Q (so also Dozeman, 2009:520). It appears that most English translations followed suit. The K reading would read, "who he did not designate her to himself", implying the man failed to designate her to himself on account of his displeasure with her, which means he was expected to do so. That begs the question, why would he buy her in the first place if the expectation was to take her as concubine? The Q reading fits better, because the slave-master was required to regard the slave-girl as one would treat a spouse, as long as he had taken her to himself in a conjugal manner. If he would not treat her with a wifely respect (his displeasure with her), he must let her be redeemed by her family.

the character of the master as that of deceit, treachery or faithlessness in his mistreatment of his אָמָה. In other words, he had the chance to keep her for good and to provide her with the security of a home and not let her go out like the male in the jubilee year.

Exodus 21:9-11 provides the final three series of protasis/apodosis of the slave instruction. The first, וְאִם-לִבְנוֹ יִיעָדֶנָּה "And if he designates her for his son", using the same verb יָעַד (*qal* impf 3ms+3fs) "to designate or appoint", seeks to cover the typical possible reason for buying this אָמָה. If the man had meant for his son to have her for a wife, albeit maidservant, he was required to treat her as one would treat a daughter-in-law. כְּמִשְׁפַּט הַבָּנוֹת יַעֲשֶׂה-לָּהּ "he shall do to her the justice of a daughter"; מִשְׁפָּט "judgment" is the same term discussed in 21:1 above. Here it is used in the sense of fairness; the master must grant her in the manner granted to הַבָּנוֹת "daughters" (n/f/pl/ab). The action verb יַעֲשֶׂה "he will do" (*qal/* impf/3/m/s) specifies the treatment to be accorded לָהּ "her."[113]

The next protasis אִם that begins v. 10 is unclear whether the antecedent is the master or his son. Whichever of them ventures to אַחֶרֶת יִקַּח-לוֹ "take another person to himself" will have certain conditions to meet. שְׁאֵרָהּ "flesh" (n.c.ms+3fs) is here understood as "her food", as indicated by the feminine singular pronominal suffix; כְּסוּתָהּ "her covering" (n.fs+3fs from כְּסוּת), וְעֹנָתָהּ "and her cohabitation" (n.fs+3fs from עֹנָה); these לֹא יִגְרָע "he shall not diminish" (*qal* impf 3ms from גָּרַע) those supplies from her. V. 10 clarifies that the slave master deals with the Hebrew female slave he acquired as though dealing

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[113] There is no mention of her treatment as a slave, which begs the question of the difference between the role of a slave-girl and a wife.

with a wife. His marriage to another woman does not free him from conjugal obligations, food and provision of other necessities to the slave daughter.

The final protasis, וְאִם-שְׁלָשׁ-אֵלֶּה לֹא יַעֲשֶׂה לָהּ "and if he does not do these three for her" continues the conditional items of care required. The failure to provide food, clothing and conjugal privileges nullifies the marriage and maidservant relationship between the couple. As a result, וְיָצְאָה חִנָּם אֵין כָּסֶף "she shall go without payment". The prefix *waw* (וְ) is here understood as the apodosis of אִם. The same verb יָצָא that described the freedom of the male slave in v. 2 is used here. The particle adverb חִנָּם "without compensation" is followed by אֵין "nothing" and כָּסֶף, which appears 402 times as "silver" or "money" (BDB 1994:494).

There are a few differences between the release of the male and the female slaves. While the man is allowed the opportunity to go free by the agreed-upon terms (here simply indicated by וּבַשְּׁבִעָת יֵצֵא "he shall go out free" v. 2), the offer of freedom וְיָצְאָה חִנָּם אֵין כָּסֶף "She shall go out free of charge" comes as a last resort for the maidservant (v. 11). It seems fair to argue that the passage intends to provide security for the woman more than anything else. First, it appears that the selling of the daughter into indentured slavery to a fellow Israelite implied the owner was to deal with her as a wife, either for himself or for his son (vv. 8, 9).[114] Secondly, the option of permanency for the male slave involves his personal choice; he was given a voice in the decision.

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[114] A contrast of opinion among scholars on this matter is available in the following writings: Noth (1962:177), on the one hand, holds the reason for the distinction between the male and female slave release conditions was on the ground that females were considered as possessions, while the male was a person. However, recent scholarship has rightly acknowledged the special protection accorded women in this law by demanding the slave owner treat the female Israelite slave as a he would a wife (cf. Chirichigno 1993:251, Prager, 2018:472, Pressler, 2004:150, and Sprinkle, 1994:51, all of whom hold the idea of some elevated status for the slave girl in this context. In fact, Cassuto (1967:267) earlier called the slave girl, a "legal wife".

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Moreover, the provision of witnesses shows an elaborate system that involves symbols. On the other hand, the maidservant was treated as a wife initially; although her voice is nowhere in the instruction, she was given specific protections as accorded to legal wives. Unlike the male slave, her freedom is not linked to the Jubilee law; instead, it is connected to the failure of her master to meet certain conditions.

As noted above, Noth's (1962:177) argument that women were considered property and only the men were considered persons does not fit the instruction given to the slave owner and/or his son in their relationship to the slave girl, nor does it fit the requirement to let her go free. If the man had a conjugal relationship with the slave girl, as he would with a wife or concubine, and finds her displeasing, he must let her family redeem her. In this case, the fault is still on the slave owner, because בְּבִגְדוֹ-בָהּ "he had dealt deceitfully with her", is a clear indication that he was expected to treat her as a wife.

Another way to address this passage is the argument by Stuart (2006:482), that both v. 11 and the paradigmatic application of vv. 2-3 indicate that a *mutatis mutandis* (gender-switched) gives the woman the same rights to get out of service, just like the man. Hence, in this line of argument, the situation described in vv. 7-11 simply said that women had no automatic right to get out of marriage after years. He continues, "[t]his law assumes the payment to a head of a family of a combined contract labour and bride price, which would have been in all likelihood a larger sum of money than either payment separately" (Stuart, 2006:482). In other words, these verses described a situation in which a man, who is already married, wanted a second wife who would double as a house maid with no inheritance benefits. The benefits of inheritance, he contends, would go to the children of his first wife. While the context clearly shows that the man could take the female slave as a wife for

himself or his son, it is nevertheless a stretch to contend that a typical marriage proposal was in view. The reason specific protection was provided for her appears to be because she was simply a slave girl. Moreover, Stuart does not provide an example where the children of a second wife did not receive inheritance rights. It is better to see it as protection for the slave girl when the master decides to take her for a wife for himself or his son.

In verse 11, we see that certain requirements precede the man's desire to let go of the slave daughter. It appears that the master would have reduced the financial value of the slave girl as an unbetroth girl if he were simply to send her away after using her as a concubine (cf. Pressler, 2004:156-157).[115] Although it does not say whether the owner of the slave woman is the father of her children, it appears that the children are significant assets that the owner of the slave woman would want back. The text indicates that a slave owner of a female slave has an automatic right to a conjugal relationship with her, which calls for the kind of protection provided in these verses.[116]

Regarding the differences between the male and female indentured slaves, it appears that instances of the law of the Hebrew slave arbitrate contending assertions of the slave and his master to the released slave's wife (21:3, 4) and give the slave the likelihood of opting to continue in slavery. The difference between the release of the Hebrew slave and the non-release of the enslaved daughter lies in the obligations towards females, some ideals about women that are implicit in these laws (Durham, 2002:322). However, the

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[115] The security of the slave girl seems to also undergird Hammurabi's code, where it states, "If an obligation is outstanding against a man and he therefore sells his slave woman who has borne him children, the owner of the slave woman shall weigh and deliver the silver which the merchant weighed and delivered (as loan) and he shall thereby redeem his slave woman" (Paragraph 119).

[116] Slave masters in the United States were known to pay conjugal visits to their female slaves and produce children with them. This had economic benefits in manpower terms, although all children of slaves belonged to the master in any case. The instruction to slave masters would have been helpful in this context, because the children of the union between master and slave did not have any special privileges.

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difference between the release of the bondsman in v. 2 and the non-release of the enslaved daughter in v. 7 does not necessarily answer the question of whether the laws aimed to exclude all Hebrew bondswomen from the release authorized for all Hebrew bondsmen or whether the law applied only to some female slaves. One could conclude that the roles and statutes of women found unambiguously or ambiguously in the ANE laws, in general, are disparate and may encompass origin and rank, free citizen, freeborn slave or slave (Pressler, 2004:148).

The picture we have here reflects the patriarchal narratives, in which Abraham had both male and female slaves, Joseph was sold into slavery in Egypt, and the Decalogue assumes male and female slaves in the community. However, this instruction (and the similar legal instructions in Leviticus and Deuteronomy) is the only place where the Hebrew identity of slaves is explicitly addressed, and regulations are given for how to observe the law of their freedom.

4.3.3 Possible Implications of the Slave Instructions in the Covenant Code

No doubt there were available collections of laws from Canaanite-Mesopotamian, Egyptian, and Hittite cultures long before the emergence of the CC. The Book of the Covenant is in the middle of Yahweh's revelation at Sinai, the Decalogue (20:1-17), and the covenant (24:1-18). Although unique by its use of casuistic laws against apodictic laws that begin the next chapter, the contents – the commands, the prohibitions and guiding principles that make up the collection – and the general message fit the context. The Decalogue (20:1-17) starts with the instruction for Israel to have no god other than Yahweh. The book of the covenant begins (20:22) and ends (23:32-33) with the same command, and the material between them ensures its obedience (Durham, 2014:320).

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The placing of the CC within the Sinai narrative is a subject of much discussion. Albrecht Alt (1966:3-5) gave the more dominant form-critical analysis of the CC, where he concluded that the fusion of legal material was not a late literary activity; instead, it reflected the institutional life of Israel during the early period of the Tribal League, when Israel adopted the standard neighbouring ANE legal system and incorporated it into its covenantal law. However, Childs (1974:453) observes the contrary perspective when he concludes that modern critical scholars have reached a compromise that the Book of the Covenant was not initially a part of the Sinai tradition and only later interwoven into the current account.[117] This consensus fits Knight's (2011:178) observation that village settings of the Iron Age were characterised by household heads making decisions of common interest, including deciding legal disputes. Thus, if we understand the village set to be about the same period as the CC, it appears the CC was not applied in this kind of setting.

However, Knight's conjecture fails to answer if the parallels from ANE laws should be viewed similarly.[118]

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[117] There are four specific reasons for this conclusion: (1) The Book of the Covenant appears to interrupt the narrative sequence of 20:18-21; 20:1-17; and 24:3; (2) The reference in 24:3 to the Book of the Covenant is redactional. For instance, the phrase, "all the words", which was the basis for the covenant ceremony originally referred only to the Decalogue; (3) The inner structure of the Book of the Covenant appears to indicate an independent history of development and redactional history divergent from the Sinai tradition; and (4) The content of the Book of the Covenant does not show any original relation to the covenant, but indicates an established life long after Sinai (Childs, 1974:454).

[118] In the book of Exodus, the call to remember the exodus experience as a deliverance from the house of slavery in Egypt comes with implicit warnings against covenant disobedience. These passages include: Exod. 6:1, "But the Lord said to Moses, 'Now you shall see what I will do to Pharaoh; for with a strong hand he will send them out … of his land'"; 12:42, "It was a night of watching by the Lord, to bring them out of the land of Egypt"; 13:3, "Remember this day in which you came out from Egypt, out of the house of slavery"; 13:14b, "You shall say to him, 'By a strong hand the Lord brought us out of Egypt, from the house of slavery"; 20:2 "I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery". These statements and covenant warnings to remember the exodus events are set in the context of religious identity, wherein Yahweh is seen as the God who could visit on disobedient Israel the same kinds of debilitating diseases as done on Egypt. Hence, given the availability of these plague motifs

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In other words, if the Code of Hammurabi (henceforth, CH) from 1800 BCE was available in Iron Age I, then the question of whether early Israel had the opportunity in the settlement to utilise the CC material is mute. One would expect that not all villages of Israel had the education or legal acumen to observe its contents universally. At this point, we should assume that the historical setting of the Book of the Covenant is a period before the Babylonian exile. Some materials are said to emanate from as far back as the wilderness phase because many of the prohibitions are unrelated to settled agricultural life (Knight, 2017:456). Hence, the Exodus narrative and the CC portrayed here may have given the people trying to establish themselves in the hill country a sense of identity because they could appropriate the Exodus motif to express their mutual commitment to religious and political self-determination (Morrow, 2017:28).

Therefore, one could surmise that, although the CC entails legal instruction, its placement in between the Decalogue (20:1-17) and the covenant (24:1-18), where the warning against idolatry features strongly, implies an interest in slave laws being governed by Yahweh's authority over the people, especially slave masters.[119]

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that include diseases and natural disasters in the religious and literary traditions of Israel, the warnings serve to effect chilling memories of plagues in Egypt, whether real or perceived (Hendel, 2001:603).

[119] Moreover, the demand to set apart every first-born son of every Israelite mother, first-born male animal, and the prohibition of eating yeast on the holy day in the month of Abib, a precursor to the Passover, are meant to be statutes commemorating the exodus experience. The memory must be both tangible (like a mark on your forehead), must be recited and the law must be obeyed. Because it is the day they came "out of the land of Egypt, out of the house of slavery" (13:3, 10). In 15:15, "You shall remember that you were a slave in the land of Egypt, and the Lord your God redeemed you"; 16:3, "For you came out of the land of Egypt in haste, that all the days of your life you may remember the day when you came out of the land of Egypt"; 16:12, "You shall remember that you were a slave in Egypt; and you shall be careful to observe these statutes"; 24:18, "But you shall remember that you were a slave in Egypt and the Lord your God redeemed you from there"; 24:22, "You shall remember that you were a slave in the land of Egypt". In these references, the common thread that connects the memory of Egypt to the present setting is the injunction to obey a given command. The point of reference for obedience to the Lord appears to be that God had redeemed them from a horrible life of servitude, and that their actions and behaviour must reflect an attitude of gratitude for their own transition from their past lowly state as slaves.

Ultimately, slave instructions in the CC set themselves against the background of the customary ANE slave laws.[120] The provision for the permanency of enslavement of a Hebrew slave in the CC seems strange in the light of its literary context. However, Yahweh did not claim the Hebrew slaves in the text. There is no ritual or religious connotation in the instruction. It is purely legal. There is no appeal to memories of the enslavement in Egypt because no specific ethical behaviour is demanded of the slave master. As for the historical context for the instruction, none of the arguments above makes a convincing case that puts the context of the audience in one period (i.e., Hammurabi [1780 BCE] or pre-monarchic [1000 BCE]) or the other (i.e., postexilic [539 BCE]). Either background can instigate the recall of the memories of Egypt. Nevertheless, based on its contents, the CC does appear to predate both the HC and DC, therefore pre-Babylonian exile.

These instructions are apt for African society. One of the key lessons from the CC is that God was establishing a social and judicial system different from what they remember about Egypt. Yahweh reveals his moral character and expects Israel to imitate him (ABC: 272). Fentress-Williams (2010:80) observes that the call to remember Egypt is an acknowledgement of who God is and the position of the people in terms of their obligation to him. However, the debt-slavery discussed in the CC is distorted, exploited, and misrepresented to justify Africans' enslavement, dispersion, and colonisation. African political, religious, and economic classes have continued the exploitation of Africans with

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[120] The biblical legislation is directed towards improving the social and legal position of this slave who has an inalienable right to rests (Exod. 20:10); and when circumcised, and therefore a member of the covenant community, the slave participates in the Passover offering (Exod. 12:44); and he receives the right of vengeance if he dies from a beating by his own master (Exod. 21:20), or losing a limb or tooth at the hands of his master grants him automatic freedom (Exod. 21:26-27). In fact, a fugitive slave may not be extradited but receives protection from maltreatment. All these are in addition to the freedom that must be accorded him after six years. There is so much protection for the Hebrew slave that the rabbis in *Kiddushin zoa* (betrothal) observe that the Hebrew slave appears to be the master (Sarna, 2015:320).

complete disregard to the instructions above. Exod 21:2 was a specific instruction to slave owners in a similar brotherhood context as we have in Africa, but African slaves did not get the option to be free after seven years. The Sabbath rest in Exod 20:10 applies to African slaves, but it is not being observed. Exod 21:16 provided severe capital punishment of death for kidnappers who trade their victims as slaves. However, as noted in chapter one, Africans are sold and traded as slaves today in North Africa and the Middle East with no fear of consequences for the perpetrators. Exod 21:20 stipulates death for slave owners who killed their slaves. While the capital punishment is not advocated here, the reference indicates the seriousness of the transgressions against slaves. In ancient Israelite jurisprudence, the severity of the punishment must balance the seriousness of the transgression, e.g., "an eye for an eye". Therefore, the death penalty stipulation above shows the value of the life of a slave. The message is that slaves are equal human beings in the eyes of Yahweh.[121]

The instruction in Exod 21:7 pays specific attention to the slave girl who must not be left in a precarious situation by her master. The protection of women from abuse and social injustice is at the heart of this instruction. "These rulings make it clear that, in God's eyes, a woman is a person who has her right, and that to scoff at a woman or treat her as an object is a sin" (ABC: 273). However, the mistreatment of young girls in Northern Nigeria is a matter that needs the urgent attention of religious and political leaders. Nevertheless, sometimes the political elites benefit from the sexual exploitation of underage girls from

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[121] Nevertheless, in Northern Nigeria, kidnapped schoolgirls give birth to children of their captures as though it is acceptable. The kidnappers execute those who try to escape without mercy. Exod 21:26 dictates that any slave maimed by his master must be set free, but abuse of slaves and domestic workers is familiar in households in the cities of Nigeria. There is no state or religious instruction that holds these people accountable for the mistreatment of their fellow citizens.

Africa. If Nigeria is to show any semblance of obedience to the instruction in the CC, it must enact stringent laws against abuse of human rights by the police, soldiers, and vigilantes in the streets. Following the mass killings of youths in Lagos, the Judicial Panel of Inquiry into #EndSars points fingers at the law enforcement in Nigeria.

4.4 Enslavement According to the Deuteronomic Code (Deut. 15:12-18)

The second of the three legal collections is the Deuteronomic Code. The title of the book indicates it is a restating of the laws in exodus at a later period. Its socio-historical context appears to be around the exilic period when there was concern for identity and the treatment of the poor. There are a few differences between DC and CC and DC and HC, which shows they each are addressing unique settings. While it is difficult to pinpoint a specific date (cf. Chirichigno, 1993:22ff), the general socio-historical context will be discussed in the following pages.

The book of Deuteronomy, by its title, is a repetition of the Law delineated in the book of Exodus. The book's contents argue that a repetition of the Law was necessary for the generation born during the wilderness wanderings. Chapters 12 to 26 are primarily concerned with specific laws; hence, they are separated from the other chapters that deal with narratives and warnings. Within this corpus is the legal material dealing with the Hebrew slave, which parallels Exod. 21:1-11 and Lev. 25:39-55. However, identifying specific passages as legal collections is not made without caution because it is difficult to claim a division between legal and narrative material in the Pentateuch in general (cf. Halberstam, 2017:40).

Deuteronomy 15 is concerned with covenantal relationships that call for covenant obedience to the moral-ethical demands of Yahweh, who had redeemed the people and

called them His servants. The preceding passage, 15:1-11, addresses the problem of poverty and how to deal with the Israelite poor. It sets the seventh year as the year of cancellation of debts (v. 1) and distinguishes between Israelites and foreigners (v. 3) by permitting foreigners' debt to stay through the seventh year. Consequently, the obligations of the seventh year only apply to relationships between Israelites. Although the Promised Land was supposed to enrich the people, the prospect of some becoming poor remains. However, the responsibility to take care of such is put on the shoulders of every Israelite (v. 7). Despite the instruction to care for the poor and forgive their debts in the seventh year, the possibility remains that the poor endure among the people (v. 11); hence 15:12-18 addresses the extreme situation in which a fellow Israelite sells himself or his family into slavery and how fellow Israelites are to handle the situation.

Despite the attempt to consider this passage as an independently developed law, the variation is simply stylistic and appears to be an update on the part of the Dtr. There are certainly a few differences, such as the release of female debt-slaves in Deut. 15:12-18 and the exhortation that slave owners provide their freed slaves with provisions at their release. Both requirements are absent in the CC. Vengeyi (2013: 134-5) notes that while the DC is radical compared to CC, it still stopped short of addressing the land problem, which is why peasants were enslaved. The issue of land was later addressed decisively in the HC. Concerning the lack of qualities of legal material, Van Seters (1996:535) summarises the material thus: "There are no penalties suggested, only a set of moral arguments. It does not even state that the slave has the right to leave after six years of service, only that his owner should be willing to let him go." The marital obligation for the owner in the CC is not addressed here, nor the provision for the permanency of slavery of a fellow Hebrew.

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However, the argument made by McConville (2002:262-263) for the separate development of this passage from the CC is simply hard to sustain based on these differences. Other scholars have held that the DC model derives from the ANE vassal treaty, but there is no consensus regarding the period to which it belongs (Chirichigno, 1993:257).

Another train of thought holds that the pattern of the DC emulates the setting of CC right after the giving of the Law in Exod. 20. The covenant-making process in verses 19-34 is the background after the escape from Egypt. Consequently, it is argued that, since the Commandments in Deuteronomy are found in Chapter 5, the DC is set within the larger context of the Sabbath commandment in Deut. 5:12-15 and the discussion of other regulations in 14:22 to 16:17 (Chirichigno, 1993:257). In this case, Chirichigno's analysis of the casuistic forms in CC and DC are significant because they show that the interests of the authors are different. For example, on the one hand, the motivational clauses and hortatory material in Deut. 15:12-18 are absent in Exod. 21:2-6.

On the other hand, the explanatory motivation clauses in Exod. 21:8 are absent in the DC. Moreover, the moral exhortations and historical references (the call to remember) found in the motivational clauses and parenetic material in the DC are permeating in this and the HC material (Chirichigno, 1993:262). Indeed, there appears to be a particular emphasis on remembrance in DC, indicating that memories of enslavement were critical for identity formation (cf. Deut. 6).

The instruction for tithing concluded in Chapter 14, and Chapter 15 begins with the year of canceling debts instructions. Both instructions aim to reduce poverty and provide food for the poor, Levites and foreigners who needed support. Deuteronomy 15:19ff addresses the sacrifice of firstborn animals, which eases into the Passover instructions.

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Both echoes the freedom from Egypt in the exodus narratives. Remarkably, the slave instruction is sandwiched between these concepts, revealing a different concern than found in CC.

4.4.1 Translation of Deuteronomy 15:12-18[122]

Hebrew	English
כִּי-יִמָּכֵר לְךָ אָחִיךָ הָעִבְרִי אוֹ הָעִבְרִיָּה--וַעֲבָדְךָ שֵׁשׁ שָׁנִים; וּבַשָּׁנָה הַשְּׁבִיעִת תְּשַׁלְּחֶנּוּ חָפְשִׁי מֵעִמָּךְ.	**12** If your brother, a Hebrew man, or a Hebrew woman, be sold to you, he shall serve you six years; and in the seventh year, you shall send him away free from you.
וְכִי-תְשַׁלְּחֶנּוּ חָפְשִׁי מֵעִמָּךְ-- לֹא תְשַׁלְּחֶנּוּ רֵיקָם.	**13** And when you let him go free from you, you shall not let him go empty;
הַעֲנֵיק תַּעֲנִיק לוֹ מִצֹּאנְךָ וּמִגָּרְנְךָ וּמִיִּקְבֶךָ: אֲשֶׁר בֵּרַכְךָ יְהוָה אֱלֹהֶיךָ תִּתֶּן-לוֹ	**14** you shall furnish him generously from your flock, and from your threshing floor, and from your winepress; as the LORD your God has blessed you, you shall give to him.
וְזָכַרְתָּ כִּי עֶבֶד הָיִיתָ בְּאֶרֶץ מִצְרַיִם וַיִּפְדְּךָ, יְהוָה אֱלֹהֶיךָ; עַל-כֵּן אָנֹכִי מְצַוְּךָ אֶת-הַדָּבָר הַזֶּה--הַיּוֹם	**15** And you shall remember that you were a slave in the land of Egypt, and the LORD your God redeemed you; that is why I command you this thing today.
וְהָיָה כִּי-יֹאמַר אֵלֶיךָ, לֹא אֵצֵא מֵעִמָּךְ: כִּי אֲהֵבְךָ וְאֶת-בֵּיתֶךָ כִּי-טוֹב לוֹ עִמָּךְ	**16** However, if he says to you, "I will not leave you" because he loves you and your household because he is well off with you;
וְלָקַחְתָּ אֶת-הַמַּרְצֵעַ וְנָתַתָּה בְאָזְנוֹ וּבַדֶּלֶת וְהָיָה לְךָ עֶבֶד עוֹלָם; וְאַף לַאֲמָתְךָ תַּעֲשֶׂה-כֵּן	**17** then you shall take an awl and pierce it through his ear into the door, and he will be your servant forever. Also, do the same for your maidservant.
לֹא-יִקְשֶׁה בְעֵינֶךָ בְּשַׁלֵּחֲךָ אֹתוֹ חָפְשִׁי מֵעִמָּךְ--כִּי מִשְׁנֶה שְׂכַר שָׂכִיר עֲבָדְךָ שֵׁשׁ שָׁנִים; וּבֵרַכְךָ יְהוָה אֱלֹהֶיךָ בְּכֹל אֲשֶׁר תַּעֲשֶׂה	**18** It shall not seem hard to you when you let him go free from you; for to the double of the hire of a hireling has he served you six years, and the LORD your God will bless you in all that you do.

4.4.2 Exegetical Analysis and Historical Context of Deuteronomy 15:12-18

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[122] The translation is my effort at staying as literal to the BHS as possible for exegetical reasons.

Deuteronomy 15:12 begins with the prepositional particle כִּי, which is translated as

a conditional conjunction protasis in casuistic laws, where it introduces the basic case, "if"

or "when", as the context allows (Koehler-Baumgartner, 2002:156). In this case, the

preceding verses make for a robust conditional clause, since poverty was not expected to

reach the point where one is מָכֵר "sold" into slavery.[123] The subject of the transaction is

identified as אָחִיךָ "your brother",[124] except here, the author includes both genders by the

gentilic qualifiers הָעִבְרִי אוֹ הָעִבְרִיָּה "Hebrew male or Hebrew female" in this verse, but here

only. The rest of the passage focuses on the male slave scenario. Hence, the entire passage

is presumed to cover both males and females. יִמָּכֵר "he is sold" (*niphal*/impf/3/m/s) is an

imperfect tense, while Lev. 25:39 is a perfect tense. The meaning is not changed, as

observed in the note below. However, the passive in both passages counters the active in

Exod. 21:2: וַעֲבָדְךָ שֵׁשׁ שָׁנִים "he shall serve you six years" (*qal*/impf/3/m/s+2/m/s suff)

describes the labour of a slave; וּבַשָּׁנָה הַשְּׁבִיעִת תְּשַׁלְּחֶנּוּ חָפְשִׁי מֵעִמָּךְ "and in the seventh year

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[123] The *niphal* form implies that the selling was not the choice or action of the individual, much like in Exod. 21:2, where the Hebrew master was put in the active verb (*qal*) of buying קָנָה the Hebrew slave. Our translation here maintains Milgrom's argument from Lev. 25:39 above, and Craigie (1976:238) also concurs with his translation of this verse. However, Chirichigno (1993:278), although agreeing with our translation of a passive rather than reflexive, holds that the context of this verse is not the same as in Lev. 25:39; rather, it is governed by Deut. 15:1-3. He therefore aligns this verse with CC in Exod. 21:2-6. In fact, his conclusion is that Lev. 25:39-54 does not deal with the type of debt-slavery addressed in the CC and DC.

[124] Although Exod. 21:2 does not identify the Hebrew slave as "your brother", the subject is the same as in Leviticus and Deuteronomy. This is an important notation because of the confusion of referent of the term הָעִבְרִי among OT scholars. Because several second-millennium ANE texts refer to a group of people as *habīru/apīru*, akin to what we know as Hebrew (Israelite), some have taken the term here to refer to the *apīru*. However, it appears that the *apīru* were social outcasts, fugitives, refugees, or mercenary groups that featured prominently in the Amarna Letters. But they were hardly an ethnic group of their own, to be confused with Israelites. Therefore, it is unlikely that the referent in Exod. 21:2 and Deut. 15:12 is anyone but a fellow Israelite/Hebrew; especially because the Nuzi archives are from a different time than the biblical narrative. The Nuzi texts indicate the *apīru* denotes a "foreign servant" who sold himself into slavery, but in Deut. 15:12 the Hebrew servant is a אָח "brother" of the Israelites (Mandell, 2000:576).

you shall send him free from you". תְּשַׁלְּחֶנּוּ "you shall send him" (*piel*/impf/2/m/s+3/m/s

suff) חָפְשִׁי מֵעִמָּךְ "free from you."

The meaning of וַעֲבָדְךָ שֵׁשׁ שָׁנִים וּבַשָּׁנָה הַשְּׁבִיעִת תְּשַׁלְּחֶנּוּ חָפְשִׁי מֵעִמָּךְ "then he shall

serve you six years and the seventh year you shall send him free from you" can be

confusing when set in the context of the sabbatical cycle.[125] Craigie (1976: 238) contends

that these six years are not of the sabbatical cycle but from the date of sale; the seventh

year may be different from the sabbatical year. He analogises the Code of Hammurabi

(ANET:171), where the service period was three years, and the slave goes free in the fourth.

The jump to CH from centuries earlier (ca. 1870 BCE) is a stretch at this point. What about

the similar instruction in the CC? Moreover, the analogy with CH does not explain how

the sabbatical year fails to override and cancel the debt or free the slave in his third year of

service, for instance.

The manner of freedom, וְכִי-תְשַׁלְּחֶנּוּ חָפְשִׁי מֵעִמָּךְ "when you send him away free from

you", comes with some obligations in the form of entreaty. לֹא תְשַׁלְּחֶנּוּ רֵיקָם "Do not send

him away empty", where רֵיקָם "empty" equals having nothing in his hands (BDB,

1994:938). Instead of having nothing with him, הַעֲנֵיק תַּעֲנִיק לוֹ "you shall furnish him

generously" (double causative *hiphil* inf/abs+ impf 2/m/s), where the verb עָנַק follows the

infinitive to adorn, so, to adorn the neck as with a necklace; hence, to furnish or supply

liberally/generously. The items of adornment to accompany the freed Hebrew brother

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[125] The rest of the passage parallels Exod. 21:2-6, but with some unique qualifications in vv. 13 and 14. The phrase וְכִי-תְשַׁלְּחֶנּוּ חָפְשִׁי מֵעִמָּךְ "and when you send him away free from yourself" (because of Jubilee year or because the debt is paid off), has the *waw* consecutive + particle conjunction that is translated as temporal כִי "when", in line with the release instruction in the preceding verse. תְּשַׁלְּחֶנּוּ "to send" portrays a farewell of goodwill, as supported by the gifts to accompany his departure (Koehler-Baumgartner 2001:). חָפְשִׁי is adj/m/s/ "free" indicates equal status of freedom to the releasing master.

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include all areas of wellbeing, מִצֹּאנְךָ וּמִגָּרְנְךָ וּמִיִּקְבֶךָ "from your flock, from your threshing floor, and your winepress". Animals from מִצֹּאנְךָ "your flock", מִגָּרְנְךָ "food from your threshing floor" and מִיִּקְבֶךָ "from your wine-vat" more than cover necessities for a family (food, drink, and meat).

The quantity of supply is not stipulated, but the appeal to the heart is made by the phrase, אֲשֶׁר בֵּרַכְךָ יְהוָה אֱלֹהֶיךָ "as the Lord your God has blessed you". תִּתֶּן־לֹו "You shall give him" here governs the preceding specified items because, typically, as Waltke and O'Connor (1990:206) note, "the quasi-allative relations involve the goal of action and are largely of the type sometimes called *datival*. The so-called indirect object of verbs of giving and some verbs of speaking and listening takes" תִּתֶּן־לֹו. The generosity to a fellow Hebrew who has served you as a hired worker is a statement about your own relationship with and understanding of the God who has bestowed blessings on you in the land of promise. Also, the analogous condition in which Israel had found itself in Egypt remains the rationale for the generosity. This is because the essence of the analogy is to jolt the memory of the life of a slave, albeit an inherited memory. In Egypt,

> They had been pressed into slavery, cruelly mistreated, but at last delivered by the redemptive grace and power of God. But even the Egyptians had sent them away with provisions to tide them over until they could stand on their own feet" (Merrill, 1994:246).

The Africa Bible Commentary advocated this concept of generosity when Andria (2006:520) posits that generosity and solidarity are easily corrupted in Africa. A sad situation that overlooks the directive to remember the ills of slavery and colonialism regarding the treatment of household servants and hirelings. The government is currently

facing protests about police and military brutality and the killing of innocent people in the streets.

Verse 15 not only gives the reason why generosity to the Hebrew slave is expected at the end of his service but also reinforces the divine nature of the master's history of redemption from Egypt. וְזָכַרְתָּ כִּי עֶבֶד הָיִיתָ בְּאֶרֶץ מִצְרַיִם וַיִּפְדְּךָ יְהוָה אֱלֹהֶיךָ "And you shall remember that you were a slave in the land of Egypt and the Lord your God ransomed you." The invitation to recall the slavery in Egypt, זָכַרְתָּ "remember" (qal perf 2ms), occurs more than twenty times in several phrases reminiscent of the Egyptian experience (Tsai, 2014:19) and invokes the memory at a personal level.[126] The term וַיִּפְדְּךָ "and he ransomed you" (qal/impf/3/m/s+2/m/s+waw) is used only here in the legal instructions. It carries the same meaning as "redemption", as used in Deut. 9:26 and Lev. 27:27 (BDB, 1994:804).

The Hebrew master is put directly in the experience of slavery in Egypt as if he were there in person.[127] By the use of וַיִּפְדְּךָ יְהוָה אֱלֹהֶיךָ "and the Lord your God redeemed you", the exodus story appears to be at the foundation of the Dtr devotion to covenant conformity. However, Tsai (2014:20) does make a good argument that the point of this statement is instead to simply evoke the memory of the victory of redemption (cf. Craigie (1976), Chirichigno (1993) and Tigay (1996)). The point of the motive clause is the enslaved experience in Egypt. The intention is to describe the suffering experienced in

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[126] This appeal to personal experience is an appeal to history, to remembering the past as the basis for present behaviour. The appeal to remember serves to form a common memory, which builds an identity based on that shared memory (cf. Blair, 1961:41). Egypt was the place in memory where "they had been pressed into slavery and cruelly mistreated, but at last delivered by the redemptive grace and power of God" (Merrill, 1994:246). But they should not overlook the fact that even the Egyptians sent them away with supplies to help them start a new life (cf. Exod. 12:35-36), and it is on the basis of that memory of Egyptian benevolence that the master is hereby directed to show generosity to the released slave in 15:14b-15.

[127] In fact, in Deut. 5:15 contra: Exod. 20:11, the Sabbath law is predicated on the exodus event, rather than on God's rest.

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enslavement. The three formulated phrases, וְזָכַרְתָּ כִּי עֶבֶד הָיִיתָ בְּאֶרֶץ מִצְרַיִם "remember that you were slaves in Egypt", וַיִּפְדְּךָ יְהוָה אֱלֹהֶיךָ "Yahweh your God redeemed you", and עַל-כֵּן אָנֹכִי מְצַוְּךָ אֶת-הַדָּבָר הַזֶּה--הַיּוֹם "Therefore I am commanding you this today", which are commonly found in Deuteronomy, all occur in this chapter. Tsai (2014:22) continues, "[w]hen more than one formulated phrase is combined in a sentence, they form a pattern."

The phrase עַל-כֵּן אָנֹכִי מְצַוְּךָ אֶת-הַדָּבָר הַזֶּה--הַיּוֹם "That is why I command you this matter today", echoes 15:11, where the instruction is to open the hand in generosity to the poor. Lundbom (2013:493) notes that אָחִיךָ "your brother", in 15:11 and 15:12, has become synonymous with the poor and the Hebrew slave. The former condition of Israel was that of slavery (cf. Exod. 2:23, 6:5), oppression (cf. Exod. 1:1-11), and iron-smelter (Deut. 4:20). The images of collective suffering contrast vividly with the theme of God's redemptive act of the exodus out of Egypt (cf. the exodus song in Exod. 15). The poignant transformation of a people of God, His own possession, continues to define Israel's status as a people of God (Stargel, 2018:131).

Blenkinsopp (2004:6) observes the Dtr was interested in an educational programme that appeals to collective historical memory to reinforce the frequent injunctions to observe the laws. That is why the formulation of the motivational clause, "You were slaves in Egypt", in the form of historical rumination, is appended to the Legal Collection. The call is to invoke a memory of an experience the reader had not gone through in Egypt, but through which he/she can identify with the pain of forbearers. Tsai observes that the re-appropriation of the Egyptian suffering becomes an element of the people's collective memoir, personal encounters, and memories. "By identifying with the Egyptian oppression as a foundational event, the audience is challenged to associate with the socially

vulnerable" (Tsai, 2014:25). Egypt is perhaps as significant in the Pentateuchal narratives as the Promised Land. It is the backdrop against which all the promises of rest were made to the Israelites.

וְהָיָה כִּי-יֹאמַר אֵלֶיךָ "But if he says to you" introduces a contrarian thought by the disjunctive וְ plus הָיָה (*qal*/pf/3/m/s) "to become", which is to say, "were the situation to change" by the utterance of the Hebrew slave כִּי-יֹאמַר "that he says" (*qal*/impf/3/m/s), with the כִּי translated here as particle conjunction. In לֹא אֵצֵא מֵעִמָּךְ "I will not go from you", the verb is the same root יָצָא (*qal*/impf/1/c/s) as the previous *piel* form, where the master was to send him away. The reason is כִּי אֲהֵבְךָ וְאֶת-בֵּיתֶךָ כִּי-טוֹב לוֹ עִמָּךְ "because he loves you and your household and because he is well-off with you", although this is not coming from the mouth of the slave here. אֲהֵבְךָ "he loves you" (*qal*/pf/3/m/s+2/m/s) and וְאֶת-בֵּיתֶךָ "your household) appears to be a better place to stay, and therefore כִּי-טוֹב לוֹ עִמָּךְ "he is well-off with you" is better than returning to his home.

The response of the master is in action, not words: וְלָקַחְתָּ אֶת-הַמַּרְצֵעַ וְנָתַתָּה בְאָזְנוֹ וּבַדֶּלֶת "then you will take an awl and pierce his ear to the door". The taking לָקַח (*qal*/pf/2/m/s) of an מַרְצֵעַ awl to pierce the ear is described by a simple verb, נָתַן "to give", but understood as "pierce" by the following בְאָזְנוֹ "ear". The consequence of the action is וְהָיָה לְךָ עֶבֶד עוֹלָם "he will be your slave forever". The instruction to וְאַף לַאֲמָתְךָ תַּעֲשֶׂה-כֵּן "do the same for your maidservant" assumes the female slave has taken the same position and made the same commitment as the male slave. The verb תַּעֲשֶׂה-כֵּן "you will do thus" (*qal*/impf/2/m/s) completes the action of the master for both.

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The piercing of the ear is here similar to in Exod. 21:6, except the door of the master's house, has no connotation of any witnesses this time. The procedure went from official and public to a private domestic affair (Lundbom, 2013:496). Whatever one makes of the significance of the door, either ritual at a temple or ordinary home, Propp (2006:192) concludes, "The doorway of the home is fraught with symbolism in many cultures and may have been particularly associated with covenantal rites of passage such as marriage and servitude".

The next statement reverts to the end of verse 15, where the instruction was to send the slave home with supplies. The statement, לֹא-יִקְשֶׁה בְעֵינֶךָ בְּשַׁלֵּחֲךָ אֹתוֹ חָפְשִׁי מֵעִמָּךְ "it should not be hard for you to let him go free from you", appeals to the emotion by calling on the master to reflect on the services of a fellow Hebrew and see that, in the end, it is not a קשה "hard, difficult" thing for him to release a fellow Hebrew because his service is worth מִשְׁנֶה שְׂכַר שָׂכִיר "double the hire of a hireling"; moreover, עֲבָדְךָ שֵׁשׁ שָׁנִים "he has served you six years". The statement does not critique the amount of debt to the ratio of service as done with a hireling הַגֵּרִים in Lev. 25:48-50. However, it does imply that the Hebrew brother did the work of a slave, which is presumed to be more complex than a hireling. This better explains מִשְׁנֶה שְׂכַר שָׂכִיר. The common saying in Nigeria, "worked me like a slave", reflects that slave labour is more than double the regular work of hired workers. Perhaps acknowledging the hard labour imposed on a slave or servant will help change the attitude towards them and the poor in general. Unfortunately, there are no specific guidelines for the proper treatment of the poor and servants in Africa, but Andria (2006:520) notes that the option to keep a slave as part of the family is practical. The

Ovimbundu people allow a male or female slave to marry the master's family member and gain the same rights as any biological member of the family.

It is sufficient that a fellow Hebrew had laboured for six years, irrespective of the amount owed. His/her labour is worth double that of a hired hand, probably because he/she belonged to the master 24/7, while a hired hand only worked the day and returned home (see NET Bible Notes, 391). Alternatively, perhaps the reference has three years in mind, based on neighbouring cultural practices. Lundbom (2013:496) has noted that the Sumerian Lipit-Ishtar Code (14; ANET, 160) has the exact language of "double work", and the CH (117; ANET, 170-71) indicates that a debtor-slave and all his family members go free after three years of service. In this case, the mere analogy does imply a knowledge of the tradition in the ancient Near East. However, despite the parallel examples in neighbouring cultures, Tsevat (1994:587ff)[128] prefers that מִשְׁנֶה "double" be understood from grammar, hence "equivalent payment" or "right amount" is in view here.

Interestingly, Dtr speaks directly to the slave master in a conclusive manner. The work of the Hebrew brother is a lot more than the master deserves. The appeal to the humanity of the slave master is the appeal to slave owners or employers in Nigeria. The emergence of the workers union, including in the medical field, is for the same reason. Nigeria, like many other African nations, is a country of contrasts. On the one hand, the common masses are struggling to make ends meet; on the other hand, the wealthy politicians have annexed wealth from the national treasury.

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[128] In this article, Tsevat observes that מִשְׁנֶה occurred thirty-five times in the OT, and seventeen of these instances mean "second" in importance or quality.

The promise וּבֵרַכְךָ יְהוָה אֱלֹהֶיךָ בְּכֹל אֲשֶׁר תַּעֲשֶׂה "and the Lord your God will bless you in everything you do" reverberates the encouragement concerning lending generously in 15:10. וּבֵרַכְךָ "And he will bless you" (*piel*/impf/3/m/s+2/m/s/suff) from בָּרַךְ "to bless" promises material wellbeing and favour in the sight of the Lord for the obedient slave master who treats male and female Hebrew slaves well.[129] The Israelite's gesture of kindness to his fellow in need is an ethical behaviour entrenched in the understanding that God, who redeemed them from slavery and brought them into the promised land, is carefully watching over their day-to-day affairs and does reward ethical behaviour by blessing the pious who treat the poor and the slaves well. Moreover, the promise of blessings follows the statement of the identity of all Israelites as brothers. Therefore, connecting the memories of enslavement with the concept of this new identity in a new land was in view.

The female slave (אָמָה) and her unique setting portrayed in Exod. 21:7-11 is here silent. Tigay (1996:148-149) has observed that, rather than see DC as an advancement over the status of the female in the CC; we should consider the possibility that the two laws refer to different cases. He suggests that Exod. 21:7 ff describes a juvenile marketed provisionally by her father with marriage in view, in which case the sale terminates after six years. In this case, Deuteronomy addresses the situation of a girl who becomes

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[129] Deuteronomy is more intentional in the specific call to זָכַר "remember" as the basis for right action. Deut. 4:34, "Or has any god taken a nation for himself from the midst of another nation … by wonders … all of which the Lord your God did for you in Egypt before your eyes?"; 5:6, "I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery"; 5:15, "You shall remember that you were a slave in the land of Egypt"; 6:12, "Then take care lest you forget the Lord, who brought you out of the land of Egypt, out of the house of slavery"; 7:18-19, "… you shall remember what the Lord your God did to Pharaoh … the Lord your God brought you out"; 8:14, "… and forget the Lord your God, who brought you out of the land of Egypt, out of the house of slavery"; 11:2-3, "And consider today, … his signs and his deeds that he did in Egypt to Pharaoh the king of Egypt and to all his land"; 13:5, "… against the Lord your God, who brought you out of the land of Egypt and redeemed you out of the house of slavery".

indentured because of her father's indebtedness or liability (her own or that of her husband or father) with no intention of marriage. He contends that, since both types of female servitude existed simultaneously in the ANE, there is no need to assume that DC supersedes the CC law about girls; and quite possibly the law in the CC applied also to bondwomen, and DC would have recognised the CC as a particular case (Tigay, 1996:149). However, Tigay's assertions are not without difficulties in this synoptic material on the female slave. Since we understand that the אָמָה instruction indicates that a girl sold by her father must be treated as a spouse, there are two ways to understand the אָמָה here: she is either a non-Hebrew woman sold or captured in war or a Hebrew woman without male protection who sold herself or was sold by someone else into slavery.[130] The passage qualifies her identity by the gentilic הָעִבְרִיָּה "Hebrew woman", therefore we must understand the attempt by DC to update the CC instruction by allowing for the freedom of the woman to leave, just like the man.

4.4.3 Possible Implications of the Slave Instructions in Deuteronomic Code

The slave instruction in the DC is set right in the middle of the book of Deuteronomy. The immediate context is surrounded by significant instructions that bear

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[130] It is noteworthy to comment on the Dtr law regarding slaves captured from warfare. Most non-Hebrew slaves were war captives (cf. Num. 31:26); some were purchased from foreign slave traders (cf. Lev. 25:44-45), and others may have been resident foreigners who had the same fate of poverty as the Hebrew slaves discussed above. Yet Deut. 21:10-14 indicate the provision for a captive bride (cf. Deut. 20:1-20, 23:10-15, 25:17-19), and the Dtr demonstrates the obligation for "legal solidarity with the weak and poor with the case of the foreign woman taken captive in a distant town (cf. 20:14). Her personal dignity has to be secured, and this includes freedom for marriage and protection from sexual exploitation. This provision certainly did not present the right opportunity to overthrow the patriarchal features of society, since it was intended to protect the most vulnerable women. But compared with the average and usual treatment of captive women in antiquity, this provision appears to be a moral revolution on the long road to equal dignity and equal rights of men and women" (Otto, 1998:145). One would conclude with him that the Deuteronomic "concepts of an ideal society were the cradle for the modern world; not only for its market economy, but also for the modern humanism of human rights, including equal rights of men and women".

weight on the nature of the slave instructions. The Sabbatical law in 15:1-11 that cancels

debts significantly influences the slave instructions that follow in 15:12-18.[131] There is a

call to specific religious acts of sacrifice (15:19-23) and observance of the Passover and

other festivities in Chapter 16. The Passover is to commemorate the deliverance from

Egypt, but the festivals of Weeks and Tabernacles involves the participation of all slaves

and foreigners living in the land (15:11, 14). Once again, the memory of enslavement in

Egypt is invoked (16:12) as the basis for their proper behaviour. The chapter ends with the

call to establish justice by appointing judges and avoiding setting up idols, in 16:21. The

theological import that encircles the slave instruction is not missing. The concern for the

wellbeing of the people undoubtedly extends beyond the freed slaves in 15:14 and covers

foreigners,[132] landless Levites, the fatherless and widows in 14:29. The blessings of

Yahweh accompany the obedience to this instruction. The overall message of DC is that

the Nigerian society, which claims to worship the Abrahamic God, has committed the

grievous sin of disregard of the poor and destitute.

While the political and religious leaders hold the patriarchal positions of the society

and are called "fathers" by the masses, their robbery of the nation is an affront to the

concept. The relational phenomena of fatherhood in households demand that religious and

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[131] The Sabbatical law gives a seven-year cycle for debts and loans that says every seven years debts are automatically cancelled. Because the cancellation of debts happened in the sabbatical year, the instruction to release Hebrew slaves (male and female) in the seventh year raises the question whether the seven years is the sabbatical year or the years of service. If the slaves are to be released in sabbatical years, then a slave could potentially work only a year or two before the sabbatical year. This would be the Jubilee law in HC, but CC focuses only on the years of service (cf. https://www.thetorah.com/article/the-hebrew-slave-exodus-leviticus-and-deuteronomy).

[132] Of the three slave instructions, DC evokes the ideal treatment of foreign slaves hinted at in Genesis. Abraham's slave, Eliezer of Damascus (Gen. 15:2) was in a position to inherit his wealth as an heir. His slave girl, Hagar of Egypt (Gen. 16:3-5) was a handmaid of Sarah, who mothered Ishmael for her mistress. The treacherous sale of Joseph into foreign slavery by his brothers was considered an act of mercy, because they expected him to live a life (at least better than death) in Egypt.

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political leaders show moral and ethical courage to treat their subjects with dignity. The cultural norms in Nigeria demand a healthy relationship of respect for the authority of God and respect for the masses. Those in authority or positions of power must acknowledge the transition from enslavement and colonialism to all Nigerians being servants of Abrahamic God. This identity cannot stand without the memories of the British colonial administration, which abused poor fathers in front of their children for failing to pay taxes.

There is a parallel between the contents of the DC and the events of Josiah's reform towards the end of the monarchical period. The reformation was fixated on eliminating idolatry from the people of Yahweh, much like the warnings in 16:29. The discovery of סֵפֶר הַבְּרִית "the Book of the Covenant", which anticipated the land, became a starting point for spiritual reformation. The reformation secured the identity of the Jews, as later found in Ezra and Nehemiah's leadership in separating the identity of Jews from foreigners. It was during Josiah's internal reforms that Sennacherib campaigned against Judah. On account of this setting, Na'aman (2011:239) posits that the concern for sojourners, Levites, and the poor is reflected in Deuteronomy. There is good reason to accept this theory, given DC's general updating of the slave instructions in CC. Crüsemann (1996:112-114) notes that the foreigner is mentioned infrequently in texts describing the formation of Israel and the United Monarchy and almost entirely ignored by the prophets of the 8th century BCE.

The overall picture of the slave instructions in DC is the ideal system from which both the nineteenth-century slave trade and colonialism would have benefited. It also instructs the current situation of poverty and immigration (asylum and refugee) crises worldwide. The internally displaced people (IDP) in Nigeria would use the message of DC to achieve a sense of human dignity and solace from the Nigerian government and religious

organisations. While debt forgiveness is a principle applied by the Nigerian government when pleading with the rich, in Western countries, it is unfortunately not applied by religious leadership when teaching about the state of the poor and debtors.

The DC's pronouncement of debt cancellation in 15:1-6 distinguishes between fellow Israelite and foreigners. The debt of fellow Israelites is to be cancelled by the Jubilee year to alleviate poverty among the people in the land. As a result, Yahweh would bless the people to lend to nations, but no nation will lend to them or rule over them. Nevertheless, DC clarifies that, although not part of Israelite identity, foreigners received the same care as other needy citizens. Thus, not only is DC an advancement on CC but its outlook is generally geared towards the humane treatment of the downtrodden, which is not found in ANE slave laws.

4.5 Enslavement according to the Holiness Code

The material known as the Holiness Code in Leviticus appears to be post-exilic based on its concern with land. The interest of the code in associating the people with land indicate a socio-historical setting of the returnees when land, as part of identity, was crucial. The situation of the enslaved discussed in both CC and DC appears to be very different in the perspective of the HC, as shall be discussed in the following pages.

The portion of the book of Leviticus referred to as the Holiness Code encompasses chapters 17 to 26. It is so titled in biblical criticism due to the book's frequent use of "holy". Although these chapters touch on poverty and indentured servitude concerns, our focus remains on the specific segment of Lev. 25:39-55, which parallels Exodus 21:1-11 and Deuteronomy 15:12-18. The goal here is to analyse and discuss the interests of the slave

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instructions in this passage. The unique features are later compared to the other legal collections and draw out the relevant message of the passage.

The context of the chapter includes the *lex talionis* in 24:17-23; the Sabbath and Jubilee years in 25:1-22; and the law of Redemption in 25:23-34. The instruction about the Hebrew poor in 25:35-38 closely aligns with the slave instruction in 25:39-55, but these verses are discussed separately because of the specificity they address the subject of Hebrew indenture. It is worth noting that, in the arrangement of the material, the slave instructions are put towards the end of the book with the Jubilee rules in chapter 25, followed by blessings and curses in chapter 26. In so doing, one observes the move from cultic ritual interests to ethical obedience in Lev 25.

4.5.1 Translation of Leviticus 25:39-55[133]

וְכִי-יָמוּךְ אָחִיךָ עִמָּךְ וְנִמְכַּר-לָךְ לֹא-תַעֲבֹד בּוֹ עֲבֹדַת עָבֶד	**39** If your brother becomes very poor with you and is sold to you, you shall not make him serve as a slave.
כְּשָׂכִיר כְּתוֹשָׁב יִהְיֶה עִמָּךְ; עַד שְׁנַת הַיֹּבֵל, יַעֲבֹד עִמָּךְ	**40** As a hired servant, as a sojourner, he shall be with you; until the year of jubilee, he shall serve with you.
וְיָצָא מֵעִמָּךְ--הוּא וּבָנָיו עִמּוֹ; וְשָׁב אֶל-מִשְׁפַּחְתּוֹ וְאֶל-אֲחֻזַּת אֲבֹתָיו יָשׁוּב	**41** Then he shall go out from you, he and his children with him, and shall return to his own clan, and return to the possession of his ancestors.
כִּי-עֲבָדַי הֵם אֲשֶׁר-הוֹצֵאתִי אֹתָם מֵאֶרֶץ מִצְרָיִם; לֹא יִמָּכְרוּ מִמְכֶּרֶת עָבֶד	**42** For they are my servants, whom I brought forth out of the land of Egypt; they shall not be sold as slaves.

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[133] Unless noted otherwise, the translation is my personal effort to stay as close as possible to the BHS text for the purpose of exegesis.

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לֹא-תִרְדֶּה בוֹ בְּפָרֶךְ; **43** You shall not rule over him with rigour but shall fear
וְיָרֵאתָ מֵאֱלֹהֶיךָ your God.

וְעַבְדְּךָ וַאֲמָתְךָ אֲשֶׁר **44** But as for your slaves, and your bondmaids, whom
יִהְיוּ-לָךְ מֵאֵת הַגּוֹיִם אֲשֶׁר סְבִיבֹתֵיכֶם you may have from the nations that are round about you,
מֵהֶם תִּקְנוּ עֶבֶד וְאָמָה of them you may buy slaves and bondmaids.

וְגַם מִבְּנֵי הַתּוֹשָׁבִים **45** Moreover of the children of the strangers that do
הַגָּרִים עִמָּכֶם מֵהֶם תִּקְנוּ וּמִמִּשְׁפַּחְתָּם sojourn among you, of them you may buy, and of their
אֲשֶׁר עִמָּכֶם אֲשֶׁר הוֹלִידוּ בְּאַרְצְכֶם; families that are with you, which they have begotten in
וְהָיוּ לָכֶם לַאֲחֻזָּה your land; and they may be your possession.

וְהִתְנַחַלְתֶּם אֹתָם לִבְנֵיכֶם **46** And you may make them an inheritance for your
אַחֲרֵיכֶם לָרֶשֶׁת אֲחֻזָּה--לְעֹלָם בָּהֶם children after you, to hold for a possession; of them, you
תַּעֲבֹדוּ; וּבְאַחֵיכֶם בְּנֵי יִשְׂרָאֵל אִישׁ may take your slaves forever; but over your kinsmen the
בְּאָחִיו לֹא-תִרְדֶּה בוֹ בְּפָרֶךְ children of Israel you shall not rule, one over another,
with rigour.

וְכִי תַשִּׂיג יַד גֵּר וְתוֹשָׁב **47** But if a stranger who is a settler with you becomes
עִמָּךְ וּמָךְ אָחִיךָ עִמּוֹ; וְנִמְכַּר לְגֵר תּוֹשָׁב very rich, and your brother becomes very poor with him
עִמָּךְ אוֹ לְעֵקֶר מִשְׁפַּחַת גֵּר and sold himself to the stranger who is a settler among
you, or to the offshoot of a stranger's family,

אַחֲרֵי נִמְכַּר גְּאֻלָּה תִּהְיֶה **48** after he has sold himself, he may be redeemed; one of
לוֹ: אֶחָד מֵאֶחָיו יִגְאָלֶנּוּ his brothers may redeem him;

אוֹ-דֹדוֹ אוֹ בֶן-דֹּדוֹ יִגְאָלֶנּוּ **49** or his uncle, or his uncle's son, may redeem him, or
מִשְּׁאֵר בְּשָׂרוֹ מִמִּשְׁפַּחְתּוֹ יִגְאָלֶנּוּ; אוֹ any that is nigh of kin to him of his family may redeem
אוֹ-הִשִּׂיגָה יָדוֹ וְנִגְאָל him; or if he becomes very rich, he may redeem himself.

וְחִשַּׁב עִם-קֹנֵהוּ מִשְּׁנַת הַמָּכְרוֹ לוֹ עַד שְׁנַת הַיֹּבֵל; וְהָיָה כֶּסֶף מִמְכָּרוֹ בְּמִסְפַּר שָׁנִים כִּימֵי שָׂכִיר יִהְיֶה עִמּוֹ

50 And he shall reckon with him that bought him from the year that he sold himself to him to the year of jubilee, and the price of his sale shall be according to the number of years; according to the time of a hired worker (wages) shall he be with him.

אִם-עוֹד רַבּוֹת בַּשָּׁנִים-- לְפִיהֶן יָשִׁיב גְּאֻלָּתוֹ מִכֶּסֶף מִקְנָתוֹ

51 If there are still many years, according to them, he shall refund the price of his redemption out of the money that he was bought for.

וְאִם-מְעַט נִשְׁאַר בַּשָּׁנִים עַד-שְׁנַת הַיֹּבֵל וְחִשַּׁב-לוֹ; כְּפִי שָׁנָיו יָשִׁיב אֶת-גְּאֻלָּתוֹ

52 But if there remain but few years to the year of jubilee, then he shall reckon with him; according to his years shall he give back the price of his redemption.

כִּשְׂכִיר שָׁנָה בְּשָׁנָה יִהְיֶה עִמּוֹ; לֹא-יִרְדֶּנּוּ בְּפֶרֶךְ לְעֵינֶיךָ

53 As a hired worker, year by year shall he be with him; he shall not rule with rigour over him in your sight.

וְאִם-לֹא יִגָּאֵל בְּאֵלֶּה-- וְיָצָא בִּשְׁנַת הַיֹּבֵל הוּא וּבָנָיו עִמּוֹ

54 And if he is not redeemed by any of these means, then he shall go out in the year of jubilee, he, and his children with him.

כִּי-לִי בְנֵי-יִשְׂרָאֵל עֲבָדִים--עֲבָדַי הֵם אֲשֶׁר-הוֹצֵאתִי אוֹתָם מֵאֶרֶץ מִצְרָיִם: אֲנִי יְהוָה אֱלֹהֵיכֶם

55 For unto me the children of Israel are servants; they are my servants whom I brought forth out of the land of Egypt. I am the LORD your God.

4.5.2 Exegetical Analysis and Historical Context of Leviticus 25:39-55

The segment begins with the protasis כִּי "if" that runs through the preceding verses (25: 14, 25, 35) and proceeding 25:47, and governs the casuistic laws. Vv. 39-46, laws on Israelites holding slaves are governed by the first use of כִּי, while vv. 47-55, laws on the

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redemption of such debtor slaves are governed by the second כִּי (cf. Hartley, 1992: 423).

The other appearances of כִּי in this passage are causal (25:42; 55). יָמוּךְ "to be low, poor"

(*qal*/impf/3/m/s) is the verb of the subject אָחִיךָ "your brother" (a term of familial

relationship). The abundant irony in the choice of אָחִיךָ, which contrasts with the object

עֶבֶד עִבְרִי "Hebrew slave", is evident. NAU and NIV translated אָחִיךָ as "a countryman" to

indicate the reference is not a familial relationship but any member of the Israelite

community; but it is a matter of identity that separates him from an alien resident. If the

brother becomes מוּךְ, which means to be low, poor, depressed, sink or bend down (BDB,

1994:62) עִמָּךְ "with you", in the sense that he owes you[134] something that he could not pay

and his only option were to וְנִמְכַּר-לָךְ, the reflexive "sold himself to you" should be

translated into the passive sense of the verb, "be sold to you" (*niphal*/pf/3ms+ptc+prep suff

2/fs);[135] the servitude was only enough labour to pay off the debt as opposed to low menial

tasks that belong to a slave לֹא-תַעֲבֹד בּוֹ עֲבֹדַת עָבֶד "You shall not make him serve as a

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[134] I see the specific use of the prepositional particle + 2/f/s pron. suff as indicating a particular situation between two people, but Hartley's (1992: 446) description of a general poverty due to poor harvest, plague, personal illness, marauding bandits or other serious circumstances that led to the poverty is also plausible. It does appear, however, that the use of the preposition here connects the poor man to his fellow Israelite in some form of indebtedness.

[135] Milgrom argues that we should not see this *niphal* as reflexive, "sells himself to you" (so NIV, NET, NASB, NJB, TNK, NKJV); rather, it should be "is sold to you" (so KJV) because the sale is not voluntary. In fact, he argues the idea that the debtor could sell himself to another employer is an incorrect assumption. Rather, all eighteen occurrences of מָכַר in the *niphal* stem have passive meaning. A normal use of *hithpael* would have been used were the reflexive intended here (cf. Deut. 28:68). The main argument, outside of grammar, that he proposes is that, if an Israelite had the choice between selling himself to a resident alien master (who must release him per family repurchase regulation) or a fellow Israelite, he would sell himself to the resident alien because he was required to release him to relatives when they repurchase him. Therefore, the debtor has no choice in being sold to a fellow Israelite in this verse. Milgrom's argument here appears strongly backed by grammar (cf. BDB, 1994:569) and context. If we go by Milgrom and amend the reading to "If he be sold to you", then we have to assume the selling is done by either his relatives or another creditor. Moreover, vv. 35-38 already cover the requirement to care for the poor brother whose וּמָטָה יָדוֹ "hands are shaky" by וְהֶחֱזַקְתָּ בּוֹ "strengthening him" (*hiphil*/pf/2/m/s); the use of the *hiphil* verb is here implying the causative action to make the brother strong. Therefore, it would be odd to see a Hebrew brother sell himself as a slave in the light of vv. 35-38.

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slave".[136] This verse makes clear that the only reason for the service is to pay off debt. Otherwise, verse 35 already requires the reader to sustain the fellow Hebrew with the kind of hospitality shown to sojourners and not to charge the brother any interests.

Leviticus 25:40 demonstrates the contrast between the tasks of a slave and the work of a fellow Israelite in debt repayment. כְּשָׂכִיר כְּתוֹשָׁב יִהְיֶה עִמָּךְ "as a hired worker, as a sojourner he will be with you". כְּשָׂכִיר (n/c/m/s + prep "hired" "as, in the manner of, like" = "as a hired"), except the wage is kept by the master towards the amount of debt. The כְּתוֹשָׁב "sojourner" (n/c/m/s/abs + prep particle) implies foreign workers are also distinct from slaves of foreign origin. This requirement reinforces the command that no Israelite shall enslave a relative, even when indebted to him. Verse 40 limits the length of time to the Jubilee year as proscribed in 25:8-13. This verse contrasts and revises Exod. 21:2, כִּי תִקְנֶה עֶבֶד עִבְרִי "If you buy a Hebrew slave" and changes the active verb *qal* to a passive *niphal*, therefore denies the addressee any chance of ownership of a fellow Israelite.

The nature of release in vv. 41-43 indicates the benefit of the Jubilee year, וְיָצָא מֵעִמָּךְ (*qal* + *waw*/pf/ 3/m/s "to go" or "come out" + prep particle "from" + prep particle "with" + 2fs suff), "he shall go out from you", whether or not the debt has been fully paid. The fact that he and his children are to leave together, automatically וְיָצָא מֵעִמָּךְ "then he shall go out from you" (*qal*/impf/3/m/s+conj *waw*), the וְ here is an adverbial modifier of time that governs the time of return at the Jubilee year (cf. Joüon-Muraoka, 1923:550). הוּא וּבָנָיו עִמּוֹ "he and his sons with him" shows the totality of his freedom to move without any

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[136] Negative particle לֹא + תַעֲבֹד *qal*/impf/2/m/s + בֹּו prep+3ms suff + עֲבֹדַת n/c/f/s/cons + עֶבֶד n/c/m/s/abs.

obligation left with his host. וְשָׁב אֶל־מִשְׁפַּחְתּוֹ וְאֶל־אֲחֻזַּת אֲבֹתָיו יָשׁוּ "and he shall return to his clan and the possession/property of his ancestors" further indicates that the purpose of the servitude was simply to pay off debt.[137]

The use of אֶל־מִשְׁפַּחְתּוֹ "to his clan" is here understood as partitive (Waltke & O'Connor, 1990:194)[138] and reinforces the concept of a return to his own clan identity within the tribal setting. He is not just a Hebrew slave, and he has a specific identity connected to his וְאֶל־אֲחֻזַּת אֲבֹתָיו יָשׁוּ landed property, which he inherited from his ancestors. The verb שׁוּב "to turn or return" is used twice in this sentence, each with its antecedent; the family and the land (cf. Joüon-Muraoka, 2006:550). This idea is stressed only in the HC, as neither the CC nor the DC mention inheritance as either the locale of his return or the reason for his release. In this case, HC appears to develop the concept of freedom both in the context of Jubilee (cf. 25:13) and in terms of maintaining one's identity connected with the land.

The economic value of his inheritance is not described and may not be in view here, but the fact that he returns to his dignity and identity is the point. It is noteworthy that, unlike Exodus 21:1-6 above, there is no family separation or distinction between children born before or after the father became an indentured servant. Gerstenberger (1996:388) considers Exod. 21:1-6 and Deut. 15:12-18 as both older than this passage and notes that they both provide for merely a six-year term of compulsory labour for satisfying

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[137] The occurrence of the verb שׁוּב twice in the perfect and imperfect is emphatic of the requirement that the man returns to his own possession, as v. 38 shows the connection between the deliverance from Egypt to the possession of land and Yahweh's ownership of the people.

[138] Both occurrences of אֶל in this verse belong to Waltke & O'Connor's category 2, 3 and 4 where the direction leads to a goal or termination. He and his children return to a specific location that both separates them from others and gives them back their identity – his clan.

requirements; and that they presuppose a kind of obligatory service without any real compensation. In this case, this passage more than clarifies and makes plain what was unclear in both Exodus and Deuteronomy. It appears to remove the notion of permanence of enslavement of a fellow Hebrew found only in the CC, וַעֲבָדוֹ לְעֹלָם "and he will be his slave for life" (21:6b).

While there is a lack of clarity on the year of release in this passage and the release of debt-slaves and remission of debts every seven years, it is clear that the intention of the passage is "to protect the person condemned to debt-slavery as much as possible from the arbitrary will of his master and overseer" (Gerstenberger, 1996:389). The concept in Leviticus is controlled by the Jubilee year, which frees everyone in the family permanently (Hartley, 1992:129).

The reason for the special treatment of the Hebrew slave in this instruction is elaborated in v. 42 more than anywhere else כִּי-עֲבָדַי הֵם אֲשֶׁר-הוֹצֵאתִי אֹתָם מֵאֶרֶץ מִצְרָיִם "For they are my servants whom I brought out from the land of Egypt". The כִּי is causal and עֲבָדַי "my servants" (n/m/p+1/c/s) indicates Yahweh possesses the plurality of the family. הוֹצֵאתִי אֹתָם מֵאֶרֶץ מִצְרָיִם (*hiphil* pf/1/c/s), Yahweh caused their יָצָא from the land of Egypt. Yahweh's claim as a deity over Israel hangs on the idea of deliverance from slavery in Egypt so they can become Yahweh's subjects (cf. v. 55). On that account, the command is that לֹא יִמָּכְרוּ מִמְכֶּרֶת עָבֶד "they are not to be sold as slaves".[139] This is followed by the instruction, לֹא-תִרְדֶּה בוֹ בְּפָרֶךְ "you shall not rule over him with severity". רָדָה "To have

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[139] Notice the contrast with "if you buy a Hebrew slave" in Exod. 21:2. The lack of the term, עֶבֶד עִבְרִי "Hebrew slave", in HC may also indicate the difference between HC and CC in the context of narration. The term עִבְרִי is never used in the HC, much less עֶבֶד עִבְרִי.

dominion, rule, dominate" (BDB, 1994:921) is not to be in the hands of a fellow human being; instead, the וְיָרֵאתָ מֵאֱלֹהֶיךָ "fear your God"[140] should control their behaviour. The use of לֹא-תִרְדֶּה בוֹ בְּפָרֶךְ "Do not rule over him with vigour or ruthlessly" is a significant warning that recalls the pains of enslavement in Egypt cited in v. 42. Gerstenberger (1996:389) describes this as extremely power-conscious behaviour and dominion of terror. The term פֶּרֶךְ (n/c/ms) "harshness" or "severity" is carefully chosen here to evoke the painful memories of enslavement in Egypt and the adversative clause with *waw inversive* is strongly enforced by invitation to וְיָרֵאתָ (*qal* pf/2/m/s+*inversive waw*) "fear your God" (cf. Joüon-Muraoka 2006:602).

The key impressions from vv. 39-43 are that an Israelite is not to treat his kinsman like a slave, but like a hired worker who works to earn wages. The kinsman must be free to return to his own family and inheritance in the Jubilee year. Of note, here is another slight deviation from both the CC and DC regarding the relative's family. It is apparent that "he and his children" leaves out the wife in these verses. While Exod. 21:7-11 and Deut. 15:12, 17 addresses the female slave, here not only is she left out but the wife of the male hireling, the mother of his children, is unambiguously omitted from the passage. The focus of the HC is more on the relationship between family and inheritance (cf. 25:13-14) and the rights of Hebrews to return to their inheritance. The fact that both the land

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[140] The fear of God is both in terms of religious reverence of deity and the contrast with the judgment God inflicted on Egypt when He redeemed them from enslavement. Both concepts are applicable, in contrast to the temptation to be "ruthless" or "harsh" to a fellow Hebrew (see BDB, 1994:431 for the many uses of יָרֵא).

instruction and the slave instruction are governed by אֲנִי יְהוָה אֱלֹהֵיכֶם "I am the Lord your God" in 25:17 and 25:55, respectively, shows the nature of the connection.[141]

However, when the subject switches from an Israelite labourer to a non-Israelite slave, the text mentions the female slave in v. 44. Also, when the Israelite slave is linked to a non-Israelite, only he and his children are released, with no mention of the wife in v. 54. In contrast, earlier Mesopotamian law allowed the creditor to seize the wife and children, just as we find in biblical parallels in 2 Kings 4:1-7 and Neh. 5:5. Milgrom's (2001:2224) postulation regarding the reason for this apparent change in Leviticus is twofold. First, there is the possibility that Leviticus intentionally omits any mention of the Israelite's wife in order to make a legal statement, namely that the wife never entered the creditor's service in the first place. In other words, if Exod. 21:7-11 and Deut. 15:12, 17 protect the female slave; as noted earlier, Leviticus categorically says no female or wife shall be indentured.

Moreover, not only is the wife not indentured, contrary to the provisions of Exod. 21:4, where the master keeps the wife of the slave, Leviticus implies that even if the master provided a wife for the slave, she is entirely free of his control, and the children are released with the father at the Jubilee. Indeed, the argument above is a conjecture and an argument from silence. However, if one holds the position that the HC is much later than both CC

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[141] These instructions are followed by reward and punishment in Chapter 26. Yahweh's promise to remember His covenant with the patriarchs in 26:40-45 is based on the promise of the land. Note the punishment of banishment and dispersion into foreign lands and the remembrance of the patriarchal covenants are what initiate the return to the land. This is quite similar to the Persian (539 BCE) restoration of the people to the land. A good reminder of the patriarchal promises is apt for slavery laws and the concern about enslaving fellow Hebrews back in the land of promise. Nehemiah 5:5 indicates the significance of land in the redemption of slaves.

and DC, then it makes sense that the authors/editors have advanced the course of the female slave and/or spouse at this time over earlier collections.

The pattern and basis of the command not to treat Israelite indentured servants as slaves is the liberation of Israel by Yahweh from enslavement in Egypt, and they are not to be sold as slaves on that account. Consider that these verses do not mention the self-redemption of the relative, as found in other neighbouring cultures in Mesopotamia. The standard practice in this region of the world was the redemption of debt-slaves, but there is a contrast between the debt-slave and the relative by the term שָׂכִיר, "a hireling", whose labour remunerates the principal, and hence is a status that does not need redemption. This provision categorically prevents the idea of remaining in service until the Jubilee (contra: Fager, 1993:102). The theme of relative redemption is unique to HC among the legal collections. It fits the general concern for the land and the people of God's possession in the priestly material. However, the family has no obligation to free the relative. It is only when he or his family fail or are unable to supply the means for his redemption that the Jubilee frees him, cancels his debt and gives him back his land, allowing him to start afresh as a debt-free landowner independent of his relatives (Milgrom, 2001:2216).

The interest in the wellbeing of fellow Hebrews is in stern contrast to the experiences of slavery in the last two hundred years. The end of European enslavement of Africans and their return to Africa (to Liberia from America and Sierra Leone from England) and the Caribbean Islands do not come close to the intent of this passage. For example, the founding of Liberia in 1847 was motivated by the domestic politics of slavery and race in the United States. The growing number of free blacks became the American Colonization Society (ACS) incentive to resettle them in Africa

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(www.history.state.gov/milestones/1830-1860/liberia). Yet, the arbitrary move was not resettling the freed slaves to their ancestral homes. The remnants who stayed in America remain uniquely poor today when compared to immigrants from Africa. The explicit instruction in the above verses was to make sure the freed slave regains his/her original footing. Nevertheless, in the case of freed African slaves, they were unfairly sent to foreign lands to start new lives, and they were not given a choice to exercise their so-called freedom to stay in the United States, where they were born and raised.

The conjunctive particle וְ (waw consecutive) in vv. 44-46 is here functioning as an introductory disjunctive, where its connection with עֶבֶד "slave" introduces the proceeding verses, whose message is opposed to what has just been addressed regarding the treatment of kinsmen.[142] The unique construction of וְעַבְדְּךָ וַאֲמָתְךָ "but your male and female slaves" hints at the acceptance of female slaves in the same manner as male slaves. The term for a female slave, אָמָה, is the same term used in Exod. 21:7 and also translated as "female slave, maid, or handmaid". The only restriction remains that of enslavement of fellow Israelites, for the slaves are to come from the מֵאֵת הַגּוֹיִם אֲשֶׁר סְבִיבֹתֵיכֶם "the nations that surround you". Once again, the practice of owning slaves is normalised by the HC in the partitive phrase, מֵהֶם תִּקְנוּ עֶבֶד וְאָמָה "from them you may purchase a male or female slave". תִּקְנוּ "You will buy" (qal impf/2/m/p) is the קָנָה of Exod. 21:2, which places the slave master in

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[142] While the terms for both slave and servant are used interchangeably in Hebrew, the distinction is being made clear by the emphasis on the nature of the treatment of slaves as different from servants. A fellow Israelite was to be treated like a hired worker with rights to wages and should not be treated harshly. This begs the question whether the commands to not only buy slaves from other nations freely, but also whether the constraint לֹא-תִרְדֶּה בוֹ בְּפָרֶךְ "You shall not rule over him with rigor" in v. 43 is therefore accepted in dealing with slaves of foreign origin. The silence on the treatment of such slaves opens the passage up for criticism since it clearly expects ruthless treatment of slaves in general. However, this remains an argument from silence since it was not necessarily endorsed.

the active position of buying a slave and not "sold to you" מָכַר in the *niphal* passive stem.

The emphatic prepositional particle מֵאֵת "from them" is locative and points to הַגּוֹיִם "the

nations" as the only object of slavery (Koehler-Baumgartner, 2014:4726).[143] The fact that

the pronoun is anaphoric serves as an asyndetic lustre to its legend.

Consequently, the annotation here restricts the original law, that slaves may now

be purchased only from the nations surrounding Israel. Levinson (2005:621) concludes that

the legend in the HC has assigned a new application that was not intended in the earlier CC

because the CC's slave instruction regulated the purchase of foreign, not native, slaves.

The male slave instruction of the CC is, at this point, reinterpreted only to govern non-

Hebrew slaves. This improves the poor Hebrew families' status because they can never be

slaves in their land and, when they must work to pay off debts, their labour is limited by

the Jubilee year.

On the other hand, the resident alien, who has not identified himself with the people

of Israel, is subject to enslavement or slavery by Israelites. However, whether it is ethnic

(birth) or ritual (by circumcision), the criteria for citizenship are not specifically addressed

in this passage[144]. But the הַתּוֹשָׁבִים הַגָּרִים (n/m/p "sojourners" and *qal* pct m/p "to sojourn")

indicates that the foreigners in mind here have chosen to remain sojourners for economic

or other reasons and cannot be identified as part of the community of Israel. Among these,

they were permitted to buy and own slaves who could remain אֲחֻזָּה "property/possession"

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[143] Therefore, the "*casus pendens* fronts the anaphoric demonstrative pronoun מהם 'from them' to the reworked lemma. In synchronic terms, this formulation seems prolix and syntactically awkward. Nonetheless, it has a specific exegetical function" (Levinson, 2005:621).

[144] Thiessen (2010) has maintained that circumcision was not necessarily a sign of conversion to Judaism as many scholars seem to think. Rather, even the requirement of foreigners to be circumcised to partake of the Passover was a ritual requirement rather than a religious conversion (cf. pages 6-13)

in perpetuity (cf. v. 46). Of the several uses of this term elsewhere in the OT (cf. Gen. 47:11, 30; Lev. 14:24, 25:41; Num. 27:4; Josh. 22:19, this is its only use that refers to humans as property (cf. Rooker, 2000:309).

Not only are they property, but the grammatical construction and tone of the prepositional phrase and verb have changed here. The permanent service of the Hebrew slave in Exod. 21:6 and Deut. 15:17, described in the 3/m/s+2/m/s suff תַּעֲבֹדוּ "he will serve you", is here constructed as a *qal* impf 2/m/p and does not describe the action of the slaves. Instead, the verb's action is governed by the preceding preposition בְּ (prep + 3/m/pl), to enslave them. In this case, Levinson (2005:622) accurately captures the sense when he points out, "[t]he combination of *qal* verb with prepositional *b-* becomes a causative, semantically equivalent to the *hiphil* form of the same verb … The formula means 'to make to work' or, with a human subject, 'to enslave'". Thus, a permanent indenture of foreigners is endorsed in place of Hebrew slaves.

The implication of Levinson's argument here is not lost. While both CC and DC fail to answer the question of the enslavement of slaves of foreign origins, the HC seems to dwell its case on the separation between Hebrew slaves, whom Yahweh already owns (cf. vv. 42, 55), and permanent ownership of non-Hebrew slaves, whom the Israelites are free to לְעֹלָם בָּהֶם תַּעֲבֹדוּ "forever them you may make slaves" (v. 46 [emphasis added]). He argues extensively that לְעֹלָם is not connected with תַּעֲבֹדוּ as possession of their children, but with the perpetuity of enslavement (this option contrasts with the permanency of Hebrew indenture in CC and DC). Levinson's grammatical argument for the interchange of causative verb *hiphil* and *qal* + preposition בְּ in Exod. 1:13 וַיַּעֲבִדוּ מִצְרַיִם אֶת־בְּנֵי יִשְׂרָאֵל בְּפָרֶךְ "and the Egyptians worked the children of Israel ruthlessly" and 1:14 אֲשֶׁר־עָבְדוּ בָהֶם בְּפָרֶךְ

"which they worked them ruthlessly" is a valid case of interchange. Hence, v. 46 is functionally causative in saying the slaves of foreign origins can be treated ruthlessly. The implication is that the HC ignores the memories of enslavement in allowing for the harsh treatment of slaves of foreign origins, or at least does not show concern for how they are treated.

Moreover, the procedure for the making of a permanent slave is delineated in Exod. 21:6 and Deut. 15:17 but unnecessary in the mind of the HC, since those codes had only Hebrew slaves in mind, which is now prohibited. Nevertheless, this picture of segregation of the foreigner does not fit well with the viewpoint portrayed in the setting of Passover passages in Exod. 12:43-49 and Num. 9:1-14, where we find the instruction to enforce the same law for the citizen and the alien. This implies, at least in the context of the Passover observance, the principle of the equality of the alien and citizen is also found in the HC in Lev. 19:17, 20:20, 22:9, and 24:15 (Knohl, 1995:21). Specifically, the HC itself, in Lev. 24:22, argue, "You are to have the same law for the foreigner and the native-born" (NIV). Therefore, if the equality of the alien in justice and law is declared here, it becomes difficult to swallow the apparent endorsement of mistreatment of slaves of foreign origin in 25:44-46.

One explanation for the apparent contradiction is provided by Knohl (1995:70) when he argues that the Priestly Torah (PT) precedes the Holiness School (HS), and therefore the HC could not have been edited by the PT. This argument holds that the PT did not edit the HC Rather, the HC seems to incorporate festival materials originating in PT, as seen in Leviticus 23. However, even then, this is the only chapter given as an example of such a relationship. Knohl (1995:70) does not contend that the relationship goes

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beyond this particular chapter. Perhaps the best way to view and untangle this conundrum is to consider a difference between aliens who have been permanent slaves, therefore members of the family of the slave owner, versus alien slaves who have no religious affiliation to Yahweh and therefore are not even held accountable to religious purity. The difference between Israelites with their house slaves of foreign origins on the one hand, and other foreigners who could be treated in the way described in 25:44, therefore, is their religious identity and obligations. Perhaps Milgrom (1982:170) may have hinted at this in his separation of equal justice for all but religious purity for proselytes.

The instruction to treat humanely the poor Hebrew man working off his debts necessitates that we understand the whole picture as an economic transaction. This idea is reinforced by the reiterated warning regarding fellow Israelites, וּבְאַחֵיכֶם בְּנֵי-יִשְׂרָאֵל אִישׁ בְּאָחִיו לֹא-תִרְדֶּה בוֹ בְּפָרֶךְ "but over your kinsmen the children of Israel you shall not rule, one over another ruthlessly". Once again, this warning implies the understanding that slave ownership involves some level of cruelty and dominance of the slaves by their owners. However, although Leviticus allows the slavery of foreigners, Exod. 23:9 does not permit the mistreatment of foreigners, וְגֵר לֹא תִלְחָץ וְאַתֶּם יְדַעְתֶּם אֶת-נֶפֶשׁ הַגֵּר כִּי-גֵרִים הֱיִיתֶם בְּאֶרֶץ מִצְרָיִם "You shall not oppress a stranger, for you know the life of the stranger, having yourselves been strangers in the land of Egypt" (cf. Lev. 19:33f, which argues that the foreigner who resides in Israel shall be treated as a native). The choice of נֶפֶשׁ "life, soul" is a metonymy for the essence of being a stranger in a foreign land and evokes an aspect of memory beyond the experience of slavery itself, but of an outcast or someone who does not belong in the community. Here the reminder to treat the stranger kindly acknowledges the universality of human equality, yet the identity of Israelites is distinct, and the verse

separates the relationship with strangers in general from the role of a stranger who is a slave (Prager, 2018:521).

However, the apparent contradiction between vv. 44-46 and the above verses regarding the treatment of strangers is a cause for concern. Gerstenberger (1996:390) proposes that the plural interpretation, which arguably is grammatically difficult, was inserted for a reason, the goal being to legalise the enslavement of non-Israelites and naturalised foreigners. It is his contention, then, that since the argument of the priestly tradition in Exod. 12:43-49; Lev. 17:12-16, 18:26, 22:18-20, 24:16, which allows for the integration of foreigners (including circumcised slaves, to partake of the Passover; and the application of the law to foreigners in Lev. 24:22; Exod. 12:49; Num. 15:16), the contradictory instruction in Lev. 25:44-46 was meant as a concession to large property owners who owned slaves and incurred financial losses based on vv. 35-38. However, this proposal assumes the contradiction was not apparent to the so-called amenders of the text or subsequent editors. As uncomfortable as these verses are, it is better to see them as merely separating the treatment of Israelite debt-labourers from actual slaves.

The attention given to foreigners in 25:47-53 continues the discussion of the sojourner and his relationship to the citizens of Israel. The conjunctive וְ "but" is translated as a disjunctive introducing another protasis כִּי "if," followed by the subject, תַשִּׂיג יַד גֵּר וְתוֹשָׁב עִמָּךְ "the hand of the stranger or sojourner overtakes you".[145] The partitive וְ separates the two types of foreigners.[146] The point of the *hiphil* impf/3/f/s נָשַׂג is to indicate the

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[145] The יַד is a n/f/s and the verb נָשַׂג and the 2/f/s suffix of עִמָּךְ agree with it.

[146] It is not clear why both גֵּר and תוֹשָׁב are used here, but the terms are used together in Gen. 23:4, where Abraham describes himself as a stranger and a sojourner seeking a burial site. Likewise, the cities of refuge in Num. 35:15 mention both; a distinction seems to be made between them in the Passover meal

possibility that a stranger may be more successful than an Israelite on the land. When the phrases וּמָ֣ךְ אָחִ֔יךָ עִמֹּ֑ו "your brother becomes low before him" and וְנִמְכַּ֖ר "sold himself" (*niphal*/pf/3/m/s+*waw*) are understood in the same sense as in 25:39 above. The phrase, אֹ֚ו לְעֵ֖קֶר מִשְׁפַּ֥חַת גֵּֽר "or the offshoot of a stranger" indicates the relational extent to which the instruction covers. Even the descendants of resident non-Israelites cannot buy אָחִ֔יךָ "your brother."

The instruction is not as much about the foreigner as the poor Israelites who must be protected from slavery at all costs. As we observe the extent to which relatives are expected to go to secure the freedom of a family member (cf. vv.48-50), we must understand גֵּ֣ר in HC thought as a general reference to non-Israelite. The term appears 92 times as a noun or adjective and refers to an individual who, either alone or with his family, leaves his domicile and ancestral land for various reasons, such as war, famine, pestilence, bloodguilt, etc, and seeks shelter and residence elsewhere. A place where his customary rights, such as land ownership, marriage, and participation in judicial and military affairs, is restricted (cf. 2 Chron. 2:16; 2 Sam 4:3; Ruth 1:1; Gen 15:13 [Koehler-Baumgartner, 2002:64]).[147]

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regulations in Exod. 12:45, where the תֹּושָׁ֥ב appears less assimilated than the גֵּ֣ר (see. Koehler-Baumgartner, 2001:388). The temporary resident/foreigner is put in the same category as a hired worker, which is to separate them from a resident alien who has become part of the community.

[147] In general, both Israelite and Canaanite societies attempted to delineate the rights and responsibilities of persons who, although residents of a kingdom, were still not regarded as full citizens on the basis of ethnicity or social status, such as enslaved persons (Rooker, 2000:310). The plural, הַגֵּרִים ('immigrants, foreigners, sojourners, aliens') refers to persons who, usually because of hunger or war, or in some cases economic opportunities, had resettled in another country. Many scholars describe them as immigrants in the process of being assimilated. According to attested Hebrew laws, הַגֵּרִים could not own land, but they were entitled to many of the same rights as Israelites (Deut. 1:16), including the right to participate, with some qualifications, in many religious rituals and festivals (Deut. 16:11, 14; Exod. 12:48). At the same time, הַגֵּרִים also were subject to many of the same religious and criminal laws as Israelites (Exod. 20:10; Lev. 16:29). הַגֵּרִים lived at the mercy of their hosts, and in Israel they were reckoned alongside widows and orphans in some texts (Avalos, 1995:626-627; cf. Deut. 25:19).

The term גְּאֻלָּה "redemption" appears four times in vv. 48-49 in noun and verbal forms. The family must exercise its redemption rights. אֶחָד מֵאֶחָיו one of his brothers יִגְאָלֶנּוּ "he will redeem him" (*qal*/impf/3/m/s+3/m/s/suff); אוֹ-דֹדוֹ אוֹ בֶן-דֹּדוֹ יִגְאָלֶנּוּ "or his uncle or the son of his uncle will redeem him"; אוֹ-מִשְּׁאֵר בְּשָׂרוֹ מִמִּשְׁפַּחְתּוֹ יִגְאָלֶנּוּ "or a close relative from his clan will redeem him"; אוֹ-הִשִּׂיגָה יָדוֹ וְנִגְאָל "or if his hand prevails he may redeem himself", as נָשַׂג *hiphil*/pf/3/f/s indicates "success" – the work environment may allow him to save money to redeem himself. The fact that this option is last in the possibilities shows the urgency of his close relatives to treat his redemption.

The financial accounting details in vv. 50-52 suggest that the Jubilee year is the point of reference for calculating the redemption cost from servitude. וְחִשַּׁב עִם-קֹנֵהוּ מִשְּׁנַת הִמָּכְרוֹ לוֹ עַד שְׁנַת הַיֹּבֵל "he shall calculate with his purchaser, from the year he sold himself until the year of Jubilee". The Jubilee is itself a difficult subject discussed only by the HC in the slave instructions. Meyer (2017:765ff) provides an important debate about fifty years in HC versus seven years in CC and DC. The חָשַׁב "devise" in the piel/3/m/s is understood as financial accounting, with the קֹנֵהוּ "purchaser" (*qal*/ptc/m/s), מִשְּׁנַת הִמָּכְרוֹ לוֹ "from the year he sold himself to him" (same מָכַר as v. 39) עַד שְׁנַת הַיֹּבֵל "until the year of Jubilee". This repeats the same rule given in v. 40, where the Jubilee ends the service. וְהָיָה כֶּסֶף מִמְכָּרוֹ בְּמִסְפַּר שָׁנִים "and the price of his sale shall be according to the number of years" and כִּימֵי שָׂכִיר יִהְיֶה עִמּוֹ "like the days of a hired worker shall he be with him" explain the result of the accounting between the two. The balance shall be that he leaves with whatever change is left from the calculations. Verse 51 continues clarifying the accounting. אִם-עוֹד רַבּוֹת בַּשָּׁנִים לְפִיהֶן יָשִׁיב גְּאֻלָּתוֹ מִכֶּסֶף "If there are still many years left" before the Jubilee

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מִקְנָתוֹ "he shall return part of his redemption from the price of his purchase". He can secure

גְּאֻלָּתוֹ "his [own] redemption" (n/f/s+3/m/s). The יָשִׁיב *hiphil*/impf/3/m/s indicates the

responsibility of the hired worker to cause the "return" or refund (שׁוּב). The מְכֶסֶף "price"

of מִקְנָתוֹ "his purchase" (n/f/s+3/m/s/suff) is the amount against which his income is

calculated. Since he sold himself for the specific amount of money needed to meet his

needs, the amount depends on what he agreed to work towards its payment.

Verse 52 is also a calculation of the time until the Jubilee: וְאִם-מְעַט נִשְׁאַר בַּשָּׁנִים עַד-

שְׁנַת הַיֹּבֵל "But if a few years remain until the year of Jubilee" begins with a conjunctive

waw that focuses on the adjective מְעַט "a few" as the point of contrast with רַבּוֹת in v.

51. וְחִשַּׁב-לוֹ "then he shall account to him" reinforces the וְאִם "and if" the idea that whether

there are many or a few years, the accounting must be accurate, and כְּפִי שָׁנָיו יָשִׁיב אֶת-גְּאֻלָּתוֹ

"according to his years he shall secure his redemption."[148] The statement, כִּשְׂכִיר שָׁנָה בְּשָׁנָה

יִהְיֶה עִמּוֹ "As a hired worker year after year shall he be with him", concludes the nature of

the transaction and clarifies the expectations of the relationship. He is a שָׂכִיר "hired

worker", and the transaction must reflect that business flavour as they go year after year.

That is why his ability to redeem himself depends on the amount of money he makes as a

worker. לֹא-יִרְדֶּנּוּ בְּפֶרֶךְ לְעֵינֶיךָ "He shall not rule over him with severity in your sight" recalls

v. 43, where תִרְדֶּה "you shall not rule" is now יִרְדֶּנּוּ "he shall not rule over him". With פֶרֶךְ

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[148] If he had worked four years and the Jubilee year is in three years, then the two shall calculate what he owes up to the year of Jubilee and he will pay his master for the three years left of service. If he has worked six years and has not paid off the debt, they will calculate the balance before the Jubilee, and he will pay him for the one year left. However, if he hits the seventh year, he is to go free even if he owes another three or four years of service.

"harshness" and לְעֵינֶיךָ "in your eyes" reinforces the idea that you are not to witness a fellow Israelite being treated with the harshness with which slaves are treated.

The phrase וְאִם-לֹא יִגָּאֵל בְּאֵלֶּה "and if he is not redeemed by these means" refers to the many options provided for redemption before the year of Jubilee. When all avenues of redemption fail to meet the financial obligations into the Jubilee year, the arrival of Jubilee year ends the contract. וְיָצָא בִּשְׁנַת הַיֹּבֵל הוּא וּבָנָיו עִמּוֹ "Then he shall go out in the year of Jubilee, he and his children with him."[149] The lack of mention of a wife and the lack of discussion of the slave woman will be addressed below. The causal כִּי "because/for" plus לִי "to me" (prep+1/c/s) explains the reason for the instructions in vv. 47-54, which is that בְּנֵי-יִשְׂרָאֵל עֲבָדִים "the sons of Israel are my servants". Not only are they Yahweh's servants, but he also qualifies how they became his servants by the phrase, עֲבָדַי הֵם אֲשֶׁר-הוֹצֵאתִי אוֹתָם מֵאֶרֶץ מִצְרָיִם "they are my servants whom I delivered from the land of Egypt". The invoking of deliverance from the land of Egypt is followed by אֲנִי יְהוָה אֱלֹהֵיכֶם "I am the Lord your God", which is the authority to cause you to obey the instructions.

In verse 25:55 it appears that the reason for the distinction between the treatment of Israelite servants and slaves of other nationalities was primarily the claims God has made on the entire nation of Israel. The passage was not seeking to address the nature of slavery of the day, but the fact that Israelites should never own slaves that Yahweh had already redeemed for himself. Consequently, no one Israelite is above another in the Lord's eyes (Hartley,1992:442). The claim, כִּי-לִי בְנֵי-יִשְׂרָאֵל, עֲבָדִים--עֲבָדַי הֵם אֲשֶׁר-הוֹצֵאתִי אוֹתָם מֵאֶרֶץ מִצְרָיִם "Because the Israelites are my own servants; they are my servants whom I brought

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[149] The *waw* consecutive is here translated as "then" as apodosis of the protasis וְאִם "and if".

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out from the land of Egypt" (NET), is echoed 87 times in the confessions of Israel throughout the Old Testament. The concluding phrase, אֲנִי יְהוָה אֱלֹהֵיכֶם "I am the Lord your God", is not a revelatory statement in the context, but meant to add weight to the preceding injunctions. It carries with it the holy character of Yahweh and a warning to obey what has been said (Hartley, 1992:427).

The Jubilee law observed above served to prevent the accumulation of property ownership by a wealthy few and inoculate against a collective nationalism that usurped the property of others. The land ultimately belongs to God (Rooker, 2000:312).[150] Gerstenberger summarises the Priestly Code in terms of the sociological and theological concepts of the Jubilee. In terms of sociological relationships, the Priestly Code, set in the framework of the early Jewish community, sought to influence the behaviour of the aristocrats in the light of the sorrows of Babylonian and Persian conquerors, to acknowledge Yahweh and human dignity. Their kinship should not depend principally on economic conditions. As he calls it, the theological parable is that Yahweh has full command over every individual member of the society; he cannot tolerate his sovereignty to be restricted by the authority of a slaveholder. The sale of an Israelite into perpetual slavery would constitute a severe interference in Yahweh's rights, who acquired the ownership claim to Israelites (Gerstenberger, 1996:397). In that vein, Milgrom's summation of the Levitical or HC differentiates between an Israelite bonded labourer who pays off his debts and other Mesopotamian bonded labourers, who are further bonded in

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[150] Kaiser states that the observance of the Day of Jubilee begins with the Day of Atonement, when worshippers were remorseful and contrite before God. It was the impetus for the threefold repetition of the command to "fear God" in this chapter (Kaiser, 1994:1174).

the payment of interest. The Mesopotamian slave pays off only the interest, while the Israelite labourer has no interest to pay (cf. vv. 36-37).

4.5.3 Possible Implications of the Slave Instructions in the Holiness Code

The priestly material puts the slave laws in the broader context of justice in the land.[151] Chapters 25 and 26 envision a process from the giving of the Law on Mount Sinai (25:1;

26:46) to the actualisation of the promises in the land of Canaan to be guarded by peace and justice. Hence, these two chapters "… provide the geographical reference point that effectively locates what follows as an integral part of the instructions that undergird God's covenantal relationship with Israel" (Balentine, 2002:193). The observance of the sabbatical year (25:2-7) and the Jubilee year (25:8-17) is foundational for the redemption of the land from injustices that blur the prospects for peace and prosperity (25:18-24); and for this reason, Chapter 25 ends with a "[s]urvey of cases in which persons may become destitute and therefore require God's intervention to redeem their land should they fall into insurmountable debt (25:25-55)" (Balentine, 2002:194). In the book of Leviticus, the concept of Jubilee year governs human relations in more detail than found in Exodus. These laws unquestionably prohibited anyone from permanently selling their land or themselves. If reclamation were not conceivable, at least at the Jubilee, both land and personal debts would be wiped clean (Rooker, 2000:312).

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[151] The form in which most of the laws are recorded is similar to what we find in the second part of the CC "apodictic". namely rules or orders, formed as the famous directive "Thou shalt" or prohibitive "Thou shalt not" and, occasionally, the rationale or reason may also be included. Thus "If … then" (*protasis/apodosis*) provides guidance for situational ethics. The priestly code came from God and was non-negotiable, although God might choose to be gracious and forgive the transgressor. In sum, there was no distinction between one's private morality and one's public behaviour, between sin and crime, and both of these behaviours were enforced by the priests in this code (see Tischler, 2006:362).

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Leviticus 25:38 appears to be the key connecting point between the Jubilee laws
(25:1-37) and the slave laws (25:39-55), but it also provides an essential connection
between the two. אֲנִי יְהוָה אֱלֹהֵיכֶם אֲשֶׁר־הוֹצֵאתִי אֶתְכֶם מֵאֶרֶץ מִצְרָיִם לָתֵת לָכֶם אֶת־אֶרֶץ כְּנַעַן לִהְיוֹת
לָכֶם לֵאלֹהִים "I am the Lord your God who brought you from the land of Egypt to give you
the land of Canaan (and) to be your God". Leviticus 25:38 looks back at the preceding
instructions regarding Jubilee and the ethical treatment of fellow Hebrews and looks
forward to the proceeding slave instructions. It is worthwhile pointing out Milgrom's
observation regarding the relationship between the dual purpose of the deliverance from
Egypt: אֲשֶׁר־הוֹצֵאתִי אֶתְכֶם מֵאֶרֶץ מִצְרָיִם "Who brought you from the land of Egypt".[152]

The bequest of the land of Canaan, incidentally לָתֵת לָכֶם אֶת־אֶרֶץ כְּנַעַן "to give you
the land of Canaan", is a significant motif in this chapter because each family's possession
of land is connected to their social welfare (cf. Knauth, 2000:EDB). The land is the kingpin
in the relationship between Yahweh and Israel and served as the substantial witness for this
relationship's moral and practical demands. For the Israelite, living on his family allotted
land as proof of membership in Yahweh's family; therefore, everything regarding the land
has a theological and ethical dimension (Wright,1992:1026). The enthronement of Yahweh
as the God of Israel לִהְיוֹת לָכֶם לֵאלֹהִים "To be your God" is associated with the fulfilment
of the promised land. Consequently, the regulation of the Jubilee is related to land laws,

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[152] Notice the *hiphil* perf, 1cs הוֹצֵאתִי from יָצָא is not just causative, but has the attendant accusative
of the internal object db,['ñ tr<Kñ,m.mi Wrk.M'yl al "do not sell them as slaves" qualified (cf. Jouon-Muraoka,
2006:421). Namely, the relationship between the bringing forth Israel out of Egypt and the attendant
prohibition of selling a fellow Israelite as a slave was made forcefully by the grammatical construction of the
h*iphil* + the accusative. The Israelites are Yahweh's servants and He acquired them by bringing them out of
Egypt, and He does not consent to anyone selling them as slaves.

and the rule of slavery is related to Yahweh's ownership of all Israelites (Milgrom, 2001:2212).

Moreover, in the HC, we find the language of the directives emanating from deity more than we find in the CC. For instance, while Exod. 21:1-12 mentions אֱלֹהֵיכֶם only once, in v.6, Lev. 25:39-55 seems to be controlled by the voice of God, speaking in the first person in vv. 42 and 55. It is significant that the purpose clause, לִהְיוֹת לָכֶם לֵאלֹהִים "to be your God", is repeated at the end of the segment in 25:55b אֲנִי יְהוָה אֱלֹהֵיכֶם "I am the Lord your God" and is an appellation unique to the HC. Therefore, the transitional verse 38 points in both directions, as it connects vv. 39-55 to vv. 1-37 and stresses that the land belongs to God and, in relinquishing it to Israel, God requires that all people follow the laws relating to the land (Milgrom, 2001:2212).

Consequently, because of the high rates of interest that occurred in Mesopotamia, it must have been rare for a *tidennu* to redeem himself (only male in view here). The Israelite on the contrary, with no burden of loan interest, could easily meet the goal. If that fails, the safety net of the jubilee would release him (Milgrom, 2001:2223). Again, because of the seemingly advanced nature of the protection of the Israelite in this material, Milgrom holds that Leviticus 25 (H material) improves on the provisions in Exod. 21 (JE material) and Deut. 15 (D material) because the six years of servitude without the provision for redemption in these materials was emended and curtailed by the Jubilee and/or redemption by self or relatives, whichever one came first (Milgrom, 2001:2223).[153] Overall, Meyer

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[153] As if to further clarify this point about the elevation of the status of the Israelite labourer, Milgrom argues that the reason for the possibility of redemption is omitted in 25:35-38 and 39-43, is that redemption in Leviticus applies to property only (vv. 25-33) and to true slavery (vv. 47-55).

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(2015:448) concludes that it is within the Persian period that the HC's general interest in land is clear. Their Jewish identity was being emphasized given the loss of the land.

There appear to be other references to slaves that creep into Leviticus without background information or explanation. For example, Lev. 22:11 says that if a priest buys a slave with money or if slaves were born into his household, they may eat his food, including sacred food from his priestly duties. These slaves presumably are of foreign origin per HC, but as property of the priest, they are qualified to eat the sacred diet more than the priest's daughter who marries outside the priesthood (22:12). This practice allows for a sense of familial relationship, much like the slaves in the household of Abraham.

The chapter addresses the Jubilee and its application in several scenarios. First, the pattern of the Sabbath is applied sevenfold for the Jubilee year (vv. 8-22), unlike in Exodus and Deuteronomy. The preceding segment addressed land jubilee and property ownership and regulations regarding ethical behaviour regarding debt repayment (vv. 1-37). Verses 35-38 connect to the requirement of moral treatment of the poor who must not be charged interest for the sake of Yahweh. It would have been likely that some would not make the loan to a poor member of the community if no interest could be charged, but this law makes clear that no Israelite should be generous to a foreigner and show no compassion to his poor relative or choose to profit from the financial misfortunes of a fellow Israelite (Hartley, 1992:129).[154] Not only is Yahweh the divine authority to be revered, but He also qualifies himself by the phrase אֲנִי יְהוָה הוֹצֵאתִי אֶתְכֶם מֵאֶרֶץ מִצְרָיִם-לָתֵת לָכֶם אֶת-אֶרֶץ כְּנַעַן

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[154] Knauth (2000) adds that the Jubilee is provided as a last resort. Since the issues of debt and debt slavery, inheritance and land tenure, kinship responsibilities and redemption, and equitable distribution of farmland; no one could be permanently enslaved to another, or the land sold permanently, only leased until the next Jubilee. This law prevents a few wealthy landowners from accumulating all of the land and enslaving the population.

אֱלֹהֵיכֶם אֲשֶׁר "I am the Lord your God, who brought you forth out of the land of Egypt, to give you the land of Canaan" (25:38). This phrase covers both the preceding injunctions about the treatment of the poor and the proceeding verses that deal with the treatment of indentured servitude.

Much like the land belongs to Yahweh in 25:23, so too, the Israelites belong to Yahweh in v. 55 (Nihan, 2007:521). The authority emanating from the deity and the history of redemption from the house of slavery reminds the people of their obligation to deal ethically with the helpless poor. They must do this by maintaining the concept of land inheritance and rest, as both are the goal of liberation. "Like the Israelites, African communities have endured traumatic changes and the destruction and reconstruction of their communities. They have endured colonialism, celebrated independence, suffered again under corrupt rulers (ABC: 307)"[155]. The HC is instructing society to transform itself by obeying the Lord's instructions in this passage. Therefore, the instruction allowing foreigners to serve as slaves only emphasises the identity of fellow Hebrews. Secondly, Wenham's (1979:322) equation of selling an individual in this context to modern-day incarceration is not sustainable (cf. McClenney-Sadler, 2010:91).

Two things that should contrast this practice from modern-day imprisonment are the fact that this practice is limited purely to economic transactions. Secondly, modern-day incarceration is usually for moral judgments or punishment for breaking societal rules.

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[155] Two observations are relevant here. First, there were "foreigners" within the tribal settings of Nigeria before and after the slave trade and colonisation. Generally speaking, foreigners settle in another land for trade or some form of survival. In many cases, the Igbo from Southeast Nigeria, or the Yoruba from Southwest Nigeria, have done well in the North as settlers. Although always considered foreigners, they are generally welcome to stay and grow their businesses. However, selling the land is usually frowned upon and, in some cases, refused by traditional rulers. When a sojourner becomes destitute, chances are he or his family may end up working as slaves for royal families or some rich people.

People go to jail for moral failures determined by society, while slavery has broad reasons, as discussed in Chapter 3 above. The selling of a person considered to be lazy or criminal in the days of the trans-Atlantic slave trade was said to be expected, as noted in Chapter 2. Household servants were sent to school in the 1960s by Emirs because they did not want their children to be contaminated by Western education. The protection of family members is akin to the slave instruction in HC, where relatives are instructed to protect the family member. Yet, God's interest in land protection in the book of Leviticus indicates a concern for justice in the treatment of the land as well. "In biblical terms, the jubilee principle means that it is unjust for people of the same stock to enslave or impoverish one another permanently" (ABC: 383)[156].

Finally, the instruction in the HC holds that people of the same historical experiences of oppression and the same culture and religion should not enslave each other because Yahweh has illustrated a model in his dealings with Israel in their identity formation. "Claiming to love and follow Yahweh at the same time oppressing and enslaving the poor was indeed a contradiction" (Vengeyi 2013: 138)[157]. McClenney-Sadler,

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[156] The clarion call to communities and households is that we must take care of the needy among us. Nigerians are to lend or sell food to their countrymen, but they are not to take advantage of their poverty by either charging interest on borrowed money or selling food at a profit. Unfortunately, in Nigerian villages, the poor continue to suffer under the weight of interest rates when they borrow food from their wealthy neighbours[156]. Nevertheless, the instruction is to treat fellow citizens as brothers and sisters. They belong to God, who redeemed them from slavery and colonialism. God's concern for social justice overrules the desire for profit. The message for wealthy nations, most of whom benefited from exploiting Africa, is given in the Jubilee principle. This principle means that commercial relationships must account for the well-being of the other.

[157] The instruction in 25:41 to send the released brother to his own family and land is very relevant for Nigeria. The Gombe state government recently announced a plan to take ancestral lands from indigenous people and designate them as grazing land is an affront to the instructions in this passage. While there is an outcry and responses from communities, the church has been silent. No single denominational leadership or leadership of the Christian Association of Nigeria (CAN) has publicly objected to the mischievous plan of the governor. It is enough that indigenous communities struggle with memories of colonialism; sadly, fellow Nigerians trigger such unhealthy memories.

2010:91) speaking on the message of HC, notes that "given its accent on justice and its structural arrangement, which places love at its literary centre, it is too simplistic to charge what I call its 'literary personality' with hypocrisy". She added that one cannot hold Leviticus as hypocritical than the biblical readers who reject its authority because of this verse about enslavement while receiving pensions and salaries built on slave and child labour profits. How apt the scolding of the modern society's response to the HC instruction.

On the contrary, while the HC does not abolish enslavement, its ethic of love tries to weaken slavery by stopping it within its community of origin. It provides a fair labour standard[158]and refuses foreigners' mistreatment by prohibiting any wrongs against them (cf. Lev. 19:33-34). Consequently, Levitical instructions are explicit in the expectation that all persons within the household be treated humanely (McClenney-Sadler, 2010:91).

4.6 Comparison of the Slave Instructions in the Legal Collections[159]

The relationship between the synoptic legal corpora remains a source of debate in Pentateuchal studies. The three codes are related not just in terms of the subject of slavery, but they also show affinity in the attachment to the idea of a covenantal setting from which the legal language emanates. Both the DC and HC appear to draw from the CC and apply the idea of covenant law within their particular settings (Joosten, 2019:9). The setting of the CC is immediately preceded by a covenant in 19:1-6, in which Yahweh reveals himself and designates Israel as his treasured possession and a holy nation. In its current standing

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[158] The Commonwealth of Nations, a union of former British colonies, must look for the interest and wellbeing of its member nations. There should be no racial disparity in international and intranational relationships. Impoverished nations and persons must be allowed to grow instead of being kept under the weight of debts. Environmental exploitation of Nigeria has accrued to the benefit of wealthy foreign nations and politicians in Nigeria.

[159] Although my exegetical study follows the arrangement of the books of the Pentateuch, my analysis places Deuteronomy next to Exodus because of the close affinity of content and my own conclusion that in Leviticus, at least, the HC slave instruction is later than, and expounds on both CC and DC.

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(final form), the Decalogue in 20:1ff provides the rules of relationships, and the slave instruction is followed by other regulations that include fair treatment of slaves in 21:20 and 26-,27 and other social regulations. The death penalty is pronounced for anyone who strikes and kills another, but 21:12 only mentions the punishment if the same occurred to a male or female slave in 21:20. The term עֶבֶד appears three times as a noun and verb for the male slave, and אָמָה was used for the female slave, whose service was the same verb as the male. The עֶבֶד in DC instruction is linguistically similar to CC in (i) he is Hebrew, (ii) work for six years, (iii) goes free, (iv) loves the master, (v) the awl, (vi) the ritual piercing of ear at the door and (vii) lifetime service. Key differences are (i) he is a slave in CC but a אָחִיךָ "brother" in DC; and (ii) he loves his family in CC while he loves his master's house and his situation in DC. While CC commands the release of the slave, DC provides justifications for the command: God has blessed the slave owner, the slave owner was himself a slave in Egypt, and God freed him; and the work of the slave was double the work of a hireling, therefore deserves reparation. The slave instruction in DC is surrounded by other instructions about care for the poor and cancelling their debts in 15:1-11 and is followed immediately by a vivid ritual of the Passover meal (16:1-8), of which the specific observance recalls enslavement in Egypt, where the participants included slaves.

The HC has unique features, and its language, content and setting are quite unrelated to CC. (i) The word הָעִבְרִי "Hebrew" is never used, but אָחִיךָ "brother" replaces it, and no mention is made of a handmaid at all; (ii) The אָחִיךָ is to be treated as a hireling; (iii) He returns to his own inheritance in the Jubilee year; (iv) There is no more slavery for Israelites; (v) Yahweh owns Israel, and no one should mistreat them as slaves. Nowhere in the HC is the word זָכַר "remember" used or is a recall to the memory of enslavement in

Egypt given as a reason for the instructions. Instead, it seems that the mere mention of Yahweh's act of deliverance from Egypt was sufficient reason. Not even the metonymy in יְדַעְתֶּם אֶת־נֶפֶשׁ הַגֵּר "you know the life of the stranger" in Exod. 23:9 is echoed anywhere in the HC.

The passage did not appeal to the memory of the experience, perhaps because the focus is more on the identity of Israel as the property of Yahweh. This lack of appeal to memory may also explain why the HC appears to imply that בְּפָרֶךְ "with rigour, ruthlessly" (BDB, 1994:921) is the acceptable and appropriate treatment of slaves of foreign origin. Also, there is an emphasis on אָחִיךָ "Your brother/kinsman" (three times) in Leviticus 25:39-55, while the term is not used once in Exodus 21:1-11. This idea separates the compassion language in HC and DC from CC, focusing on the legal status in the relationships. CC indicates a purchase of male and female slaves of Hebrew origin and the requirement to release them after six years. There is no emphasis on the return to family inheritance in CC and DC, as found in HC.

However, Van Seters (1996:538) maintains, "The situation envisaged in Ex 21,2-6 and 7-11 is quite different from that of Deuteronomy and HC, and it is a mistake to try to interpret them as if they were the same". However, the contention of Van Seters (1996:541) is that "[t]he ceremony of permanent enslavement in Ex 21,6 is taken over from Deut. 15,17, but with a significant addition . . . has changed the private domestic ceremony to one that is now public and related to the sanctuary". The argument is in line with his earlier claim that because the ceremony in Deut. 15:17 was conducted in the privacy of the home; it was subject to abuse, as reflected in Jer. 34:8-16. The abuse of the freedom of male and female slaves after six years of labour led to the public oath found in CC.

Nevertheless, his argument has a flaw because the rest of the female slave instruction in DC seems to elevate her status by equating her to the male slave, a situation far better than the DC portrayal. Also, his argument assumes the people in Jer. 34:8-16 were willing to honour their public covenants. The breaking of the law was a dishonour to Yahweh, irrespective of how the people took their oath. Therefore, it is better to maintain the DC updating the CC here.

Deuteronomy 15:16-17 echoes Exod. 21:5-6, with some minor differences.[160] The words of the slave are interpreted mainly by the author, except for where he says, "I will not go from you". In Exod. 21:6, the הָאֱלֹהִים "the Judges" at the city gate are involved as witnesses to the ceremonial act of permanent commitment to servitude, while here the master is simply instructed to do the procedure. Whilst the subject in Exod. 21:5-6 is only the Hebrew male servant; here, the master is instructed to do the procedure on male and female Hebrew slaves. There is no special provision for the female in terms of marital protection. However, because the law here presupposes throughout that slavery has been brought about by debt, it does not delve into the intricate manner of a young female given to a creditor in repayment of the debt, as found in the CC.

The silence on this matter led Clements (1998:406) to conclude that, in Deuteronomy, we find a change in the social status of women. One must assume the phrase כִּי-טוֹב לוֹ עִמָּךְ "because he is well off with you" addresses every detail of the situation of

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[160] The linguistic similarities between CC and DC include the identity of the male and female slaves as Hebrew, they both laboured for six years and go free at the Jubilee, they both indicate a love for their master, there is an awl, the ritual of piercing the ear to the door, and the option of slavery for life. However, the slave in CC is called a brother in DC; in CC, the male slave loves his wife and children, while in DC he loves his master's house and is well-off there. In CC, there is no provision to accompany the departing slave as found in DC, accompanied by an appeal to remember their past as slaves in Egypt and a promise of blessings from Yahweh.

the female Hebrew slave. It anticipates that her situation with the master is much better than anything back home since she has chosen to stay in it—moreover, the failure to mention her release both here and in Exod. 21:7-11 does not preclude her release after the six years, as in the case of her male Hebrew counterpart (Lundbom, 2013:496). The point here remains that the woman in DC has more freedom than the one in CC, contrary to the conclusion of Van Seters (1996:542), namely that CC advances the woman's position from a slave in DC to a spouse sold in marriage in CC. The passage does not address a marriage proposal or transaction in CC but clearly describes her as an אָמָה.[161]

The HC echoes the DC in Deut. 15:17, where female slaves are an expected norm, in contrast to the CC's outlook.[162] However, the difference between HC and DC lies in the nature of female Hebrew indenture; one aligns with CC, and the other does not. The use of יְהְיוּ-לָךְ (*qal* impf/3/m/p+prep suff 2/f/s) "to be, to become" does not particularly indicate an ongoing practice, but certainly permits for, and therefore endorsement of, the purchase and practice of slave ownership, much as seen in our discussion of ANE slavery and enslavement in Chapter 3.

There are two distinct classes of aliens in the land of Israel, and they are distinguished by two separate terms, נָכְרִי "foreign or foreigner" (substantive adj) and גֵּר

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[161] At the age of 16, I was called by elders in my girlfriend's extended family to explain my plans for a marriage proposal to their daughter. The reason was that a wealthy man wanted to marry her, but she was not interested in the "old man" and told them she had a boyfriend. Their interest in the transaction was because they needed money so they could invest in a farm. They had little interest in her desires and choices. The sale of a young girl into marriage was not a problem in their mind. Arranged marriages tend to be governed by business transactions in many tribes in Nigeria.

[162] In CC, the daughter of an Israelite becomes an אָמָה as a slave-wife who is not freed at the Jubilee, unless mistreated; in DC she is the equivalent of the male Hebrew slave.

"stranger, foreigner".[163] Both terms are found in Deut. 14:21, but TDNT (6:728) designates

נָכְרִי as foreigners present only for a time, such as travellers (cf. Deut. 14:21, 15:3, 23:21,

29:21). This person is outside the national and religious affiliation of Israel, without rights

or protection. It holds that the גֵּר is the alien who resides temporarily or permanently in the

land (cf. Exod. 12:49; Deut. 23:8; 2 Chron. 2:16) and remains under the clan in which he

dwells.

Moreover, the shield of the benefactor ensures the required lawful safety of term

but also lays upon him a requirement of reliance and service. However, in contrast to the

slave, he maintains personal autonomy and can work his way up (TDNT, 6:728). Although

he is said to have no independent property and is exposed to the eccentricity of his patron,

he is nevertheless protected by the old laws found in the Book of the Covenant (cf. Exod.

22:20, 23:9).

Glanville (2017:2) contends that הַגֵּר "the stranger" in Deuteronomy describes those

who are dependent, landless, and on the lowest echelon of the social ladder; someone who

has left behind kinship ties, settlement and land, and now dwells in a context without any

security or privileges of family ties and birthplace. In this case, an Israelite potentially can

be a גֵּר outside his clan and inheritance. Glanville's conception of גֵּר, therefore, holds that

"You, your son, your daughter, your male slave, your female slave, the Levite who is in

your gates, the stranger, the fatherless, and the widow who is in your midst" in Deut. 16:11a

implies the גֵּר as the idea of "otherness" within the community at a local level. The

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[163] Koehler and Baumgartner (2002:1637) describe a גֵּר as "a man who, either alone or with his family, leaves his village and tribe because of war, famine, pestilence, blood-guilt, etc. and seeks shelter and sojourn elsewhere, where his right to own land, to marry, and to participate in the administration of justice, in the cult and in war, is curtailed" (p. 64). Entry 5554 describes a נָכְרִי simply as a foreigner (p.239).

implication is that the entire framework of Deut. 1 to 11 and 27 to 34 sees all of Israel as a dominant group identity and shows the primary Israelite identity to be within a household or clan.

The consequence of this position then portrays גֵּר in Deuteronomy as encompassing internally displaced people, much like the current setting in Northern Nigeria due to the Boko Haram crisis. During the seventh century, the displaced northerners and any people who were non-Israelites were dependent people from outside the core family. Glanville's (2018:3) argument, therefore, conflates the glaring distinction between the גֵּר and the Hebrew slave in both Exod. 21:2 and Deut. 15:12 by including the Levites as the antecedents of הַגֵּר in Deuteronomy. The obligation and responsibility to care for fellow citizens are extended to the sojourners.

However, Lev. 19:9-10, 18, 33-34 and 23:22 allows for the treatment of הַגֵּר "the sojourner/stranger" as though a native. Even here, Glanville (2018:3) argues for two uses of the term גֵּר in the HC. What he considers the less common meaning references people who are both displaced and dependent, much like addressed above. However, he contends that the dominant use of the term in the HC refers to "A stranger who is not dependent and may even be of some means" (Glanville, 2018:3). Again, there is no grammatical or contextual reason(s) given for separating the two usages he proposes.

On the contrary, the HC and the DC simply distinguish between the Hebrew slave and slaves of foreign origin: "the stranger that lives among you" (Lev. 25:45). Glanville cites Deut. 29:9 to make a case for the vulnerability of הַגֵּר among the people of Israel: "You stand here this day, all of you, before Yahweh your God: tribal chiefs, elders, officers, all the men of Israel, your children, your wives, and your stranger in the midst of your

camp, from the woodcutter to the water-drawer ….." In this case, he argues, the passage (Deut. 29:9-14) centres on kinship and identity and correctly notes that הַגֵּר is an unaffiliated crowd, contrary to his argument above (Glanville, 2018:2).

The material in the Priestly Code (PC) and HC makes a precise legal distinction between הַגֵּר and the Israelite, where הַגֵּר is clearly distinguished from Israelite in having his own ethnic identity. For example, he was so distinct that the purification offerings in PC were not an obligation for him (Milgrom, 1982:171). Therefore, a tenable position on the use of הַגֵּר in these codes is for a separation between the identity of Israelites and non-Israelites, which is reflected in the discussion of slaves in these passages. It appears the three codes consistently separate the identity of the fellow Hebrew from the stranger when it comes to slavery, for the reasons noted earlier. Nevertheless, the only disagreement with Glanville here is simply regarding the uses of the term גֵּר in these codes because they have bearings on the nature of slave-labour in Israelite identity. However, the general argument regarding the reception and treatment of the גֵּר in Deuteronomy and modern nation-states is entirely valid.

The appeal to a collective memory of enslavement in Egypt remains a refrain in Israel's consciousness as they relate to other people. The practice in ancient Israel was to distinguish between Hebrew and non-Hebrew slaves. In other words, the continuing practice of slave ownership in Israel becomes a constant reminder in the collective memory of Israel of the dangers of harming the poor (cf. Smith, 2002:8). This is because the Israelites, as freed slaves, have a moral responsibility to Yahweh and their fellow man by remembering and keeping the Sabbath rest for their slaves (Deut. 6:14-15). Although non-Hebrew slaves were considered movable property that could be inherited by the sons of the

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Hebrew master as possession in perpetuity in the line of ANE practices (cf. Lev. 25:46), the instruction to treat them well was founded on the remembrance of past enslavement and past deliverance at God's hand (Klein, 1982:214).

Moreover, under the slave laws in the legal collections, Israelites could marry captive girls, but such wives could not be sold as slaves in case of divorce, as seen in Deuteronomy 21:10-14 (Avalos, 1995:626). Another concern for slaves, in general, is cited in Deut. 23:15-16, where protection is given to runaway slaves. This is very revolutionary in the context of ANE because they were to live in any town of their choice and should not be oppressed.

The above findings reveal that DC, like HC, was concerned about Israel's social and economic practices. DC proposed to preclude the continuation of a perpetual underclass of poor and enslaved fellow Israelites (especially without using the term "Israelite" but rather "brother"). Like reform efforts in the Mesopotamian legal tradition, these laws sought to rob debt of its tyrannical control, limit human wretchedness, and circumvent the paralysis of economic life that would exploit the blessings of productivity (Nelson, 2002:190-191). It also rewrites the previous slave release law of the CC by expanding the description of a male slave's legal rights by imposing a moral duty on the slave master. The motivation of the invocation of the memory of enslavement in Egypt and the promised material blessings of Yahweh seeks to overcome the expected resistance to these new demands (Nelson, 2002:191). Moreover, because the HC revitalized the agricultural function of the seventh year in DC, its social dimension is translated into the Jubilee year in HC but concerned here with the remission of all debts and liberation from enslavement by fellow Israelites (Nihan 2007:526).

On the question of which material predates the others in this synoptic narrative on the Israelite slave (CC, HC and DC), Balentine (2002:194) indicates the problem is not an easy one to resolve when he notes that, on the one hand, Leviticus 25, which appears to be preoccupied with sabbatical years, must be compared with Exod. 23:10-11 and Deut. 15:1-16, both of which deal with the same issue but with notable differences. On the other hand, the blessings and curses of Chapter 26 must be compared with Deuteronomy 28. In each case, the question that must be answered is whether Leviticus is earlier or later than the texts with which it shares common themes. Another extensive discourse on this synoptic problem is found in the interaction between Kilkör (2019) and Meyer (2017)[164]. Based on Meyer's argumentation (cf. pp. 762-66), it is difficult to hold to the synchrony of the synoptic instructions. Suffice it to briefly note that Kilkör's (2019:258) argument that *pater familias* as the head of an extended family is in view in Lev. 25:39-46 is very problematic for two reasons. First, since his argument holds that DC is later than HC, it must follow that DC had ignored the plight of the *pater familias* and no explanation is given for the change. Why would DC address the situation in CC but not HC? Secondly, there is no example of the situation where a wealthy landowner, upon falling into difficult times, loses his land and goes to work for another aristocrat leaving his family behind. The stages Kilkör describes includes selling his property (25:25-34), the selling of his land (25:35-38), and finally selling himself (25:39-46). The distinction he is making here is land ownership since the HC is interested in land in general. However, HC's interest in land is about the inheritance of the land by Israel as Meyer (cf. 2014) argues.

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[164] See, especially the detail argumentation of the relationship between the terms used in each instruction and how Meyer concludes, correctly, that each material has distinct vocabulary features.

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Otto (2019:2) makes a case for Deuteronomy as the last book of the Pentateuch when he posits that "The legal sections of Deuteronomy in Deut 12-26 and Deut 27 constitute Moses' interpretation of the Sinai-*torah* . . ." Nevertheless, his examples of passages where Deuteronomy reinterpreted the legal materials in Exodus and Leviticus (see pp. 2-3) did not address the slave laws at all. While Deuteronomy updates the legal material in Exodus (Otto 2019:3), the same cannot be said of the relationship with Leviticus as Milgrom (2000: 2156) argues that HC is composing his law different from CC. In which case, it begs the question of why DC did not mention HC in its update. It appears that HC is the latest material because the law in Lev. 25:8-55 is significantly more sophisticated and developed than its parallel in Deut. 5:1-18, and offers a systematic reinterpretation of DC (Nihan, 2007:526). As Meyer (2017:766) observes, there is no mention of the Jubilee or a push against the fifty years of work or the sabbatical year in the DC makes it difficult to argue it rejects the HC proposals.

Hebrew slaves usually were persons who sold themselves or were sold by their families to pay off debts. "To stave off his own enslavement, the debtor handed over to the creditor as hostages his slave, concubine, wife, and children" (Milgrom 2004:303). By divine injunction in the legal collections, particularly the HC, they are more akin to hired servants than actual slaves. The Israelites were required to treat their enslaved Hebrews as hired workers (cf. Lev 25:39-40). They were also to give them the option to gain back their freedom in the 7th year of service, the sabbatical year (cf. Exod. 21:2) and give them the means to make a new start (cf. Deut. 15:12-18), although they could remain a slave if they chose. According to Hammurabi (Paragraph 117),

> If an obligation is outstanding against a man and he sells or gives into debt service his wife, his son, or his daughter, they shall perform service in the house of the

buyer or of the one who holds them in debt service for three years; their release shall be secured in the fourth year.[165]

Neither DC nor the CC envisages the treatment of the servitude as כְּשָׂכִיר hired worker. However, the cycle of fifty years of obligated service in HC versus the seven-year cycle in CC and DC implies the HC portrays a more daunting task for the poor Israelite. Yet, the interest of HC appears to be land rights and perhaps, it considers enslavement a worse state than the fifty years of work as a hired worker. We must remember the underlying theology of HC is that Yahweh has redeemed Israel both on a national and individual basis. Whether it is in the case of lost land (the Jubilee) or bondage in Egypt, or captivity in Babylon (enslavement), God will intervene to redeem His people (Milgrom, 2004:315).

Consequently, HC not only rejects the notion of enslavement of a fellow Israelite as seen in CC and DC (per Milgrom 2004), but it provides means (through hired labour) for the debtor to redeem himself and never be a slave of anyone. Therefore, we should not compare the fifty years of Jubilee to the six years of slavery because the Jubilee was not provided as an alternative to the six years of slavery but a theological statement of ownership of Israel by God (Milgrom, 2004:315). Moreover, Meyer's (2017:765-7) support for the lateness of HC remains strong. For example, the fact there is no reference to the Jubilee or the Sabbath year in Deut 15 and the removal of slavery in the seven-year

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[165] The heavy influence of Hammurabi on the CC and DC is acknowledged without holding Wright's (2009) charge of plagiarism. Wells' review (2010: 558-560) of Wright indicates the extensive use of Hammurabi by these codes and provides a good backdrop for understanding their historical settings but notes that there is not "a straightforward match in terms of sequencing seems not to be as conspicuous as Wright suggests" (559).

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cycle in Lev 25 (Meyer 2017:766). Consequently, the direction of literary dependence supports the HC as the latest material.

A feature of Israel's slavery instruction found in the legal collections is that it addresses the case of resident aliens and foreigners. This prominent feature is worth addressing in the context of enslavement because it bears on the critical injunctions of hospitality in the legal collections of the Pentateuch. Although we saw household slaves with varying degrees of freedom in other ANE cultures, the specific reference to immigrants as a class of people is only seen in Canaan. Avalos (1995:626) notes that in Israel, the term תּוֹשָׁבִים refers to persons who were less integrated into society than the הַגֵּרִים. The latter, for example, could participate in some rituals denied to the former (cf. Exod. 12:45-48).

Despite the apparent differences between the words, the English "sojourner" has translated both Hebrew terms. Attitudes and laws dealing with foreigners ranged from complete exclusion from the Israelite community (cf. Deut. 23:3, Neh. 13:26-27) to social acceptance. Foreigners did not always need religious conversion to be accepted by Israelite society. Some foreigners held important positions in the Israelite royal court, and foreigners were critical in building the temple of Solomon (1 Kings 5:18). The book of Ruth tells how a Moabite girl manages to marry the Hebrew Boaz, and a landed aristocrat. Some foreign women, such as Tamar and Rahab, are depicted as ancestors of the royal houses of Israel. For example, Joseph's wife was the daughter of an Egyptian priest in Genesis 46:20, and

later, in the divided kingdom of Judah, Rehoboam's mother, as in 1 Kings 14:21 (Avalos, 1995:626). What does that say about Jewish identity over the centuries that follow?[166]

4.7 Summary and Possible Implications

Our study of select passages from the Legal Collections of the Pentateuch reveals several findings pertinent to our understanding of memories of enslavement in these passages. The passages address slavery and enslavement by giving instructions on behaving in the relationship. First, the reason given for the prohibition of enslaving fellow Israelites is that God had redeemed them from slavery, and therefore, no Israelite who understands the concept of that deliverance should ever put another of God's redeemed in that situation again. Second, the slave instructions did not prohibit slavery. On the contrary,

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[166] After the fall of Jerusalem, one of the early charges against the new settlers of Lydda was the neglect of their religious identity (Edersheim, 1976:77). Over time, despite the apparent silence of the Jewish voices in the aftermath of Islam and Catholic Church dominance in the world since the rise of Israel, Jewish identity remained in the enclaves of scholarship and religious practices, as seen in the works of scholars like Maimonides of twelfth-century Spain. But a resurgence of identity related to the land of Israel, which gave rise to Zionism, was evident in the early 1800s. A modern version of the Sanhedrin council appeared in Paris in 1807 at the orders of Emperor Napoleon Bonaparte, where he offered Jews the responsibilities of citizenship based on the equality of rights given to them fifteen years earlier during the emancipation proclamation. However, this offer was not without a catch. Napoleon demanded specific assurances that rabbinical jurisdiction in Jewish civil and judicial matters be a thing of the past and for them to ignore the concept of separate nationhood or return to Palestine (Sachar, 1993:3). Although it was becoming the norm for Jews in Europe and the United States to accept the nineteenth century emerging consensus that loyalty to a national state was inharmonious with traditional allusions to Zion, the memory of the ancestral homeland remained strong among Russian Jews, to the point that it became enshrined in the ceremony and folklore of every believing Jew – so that the idea of Zion had become almost as significant as Yahweh in religious and social life (Sachar, 1993:5). Needless to say, Jewish identity has remained distinct through the ages. The most prominent historical event that serves as evidence of this is the Holocaust of the twentieth century, which resulted in a large Jewish migration to the United States of America. However, long before that, there was a large body of German-Jews in the USA during the civil war of the nineteenth century. One of the significant benefits of Hieke's (2013:194-207) history of Jewish settlement and identity in the southern United States is the fact that it highlights the religious and racial identities of the Jewish community in different settings, despite the many challenges they faced as immigrants. The study helps show how the sense of memories of past experiences, such as enslavement and oppression, along with religious identity entrenched in the Torah, helped maintain a sense of identity and belonging in modern-day Jews. In contrast, Nigeria's memories of slavery, slave trade and colonialism do not stand as a unifying factor in identity formation. Perhaps this is due to the reasons observed in Chapter 2, namely: (1) The multiple tribal segments stand on their individual identities, which predate the young nation with a sense of national unity in 1960; and (2) Unlike Israel, there is no unifying religious identity like the Torah, and since Nigeria sees its national identity in geographical boundaries, there is little incentive to draw Nigerians to a strong sense of national identity.

Israelites were permitted to buy and acquire male and female slaves and keep them as slaves for generations, much in line with other ANE cultures, but they were to be treated humanely. The prohibition against enslaving fellow Israelites highlights the identity thus formed in the new land. Third, the books of Leviticus and Deuteronomy emphasise the brotherhood of Israelites as a catalyst for treating one of theirs as a hired worker rather than a slave. Hence, the repetition of the term אָחִיךָ in both books, hints at a desire for special identity that has not been seen hitherto. The idea that both Leviticus and Deuteronomy expand and clarify the CC in this regard fits the argument of Bloch-Smith (2003:402-403), namely that the sense of brotherhood and affinity of Israel grew over time.[167] The fact that the instructions are set in terms of socio-economic contingencies indicates that they are mostly concerned with the situation where the rich landowners may take advantage of the misfortunes of their countrymen. In the background of these instructions, it appears this was the general end of exile and resettlement in the land, a time when the wealthy were prone to take advantage of the poor. Hence the clear distinction between slaves and hired workers, Israelites and non-Israelites, and debt-slavery and foreign slaves was geared towards an identity rooted in Yahweh, who guaranteed the freedom of Israel[168].

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[167] Consider her definition of ethnicity as a group of people larger than a clan or lineage that claim a common ancestry. The bond in this primordial identity is more than biological or cultural kinship but involves a fabricated shared memory of a former unity or presumed myth of shared descent or kinship that ultimately fringes the various ancestries. In the case of ancient Israel, the perceived common ancestry also envisages a religion that defines the group's origins. Circumstantial factors, such as material culture or relations with other groups, shifting social constructs and self-identifying features, all serve to expand the "us" and "them" distinguishing features of identity (Bloch-Smith, 2003:403).

[168] The implication of the slave instructions in DC and HC is particularly relevant for modern society in Nigeria, the USA, and other parts of the world, where slavery and colonialism have left indelible marks on human relationships. The elevation of human dignity in both DC and HC provides clarion calls for the humane treatment of workers in capitalism and neo-colonialism. The problems of racism, tribalism and human trafficking will need the voice of these passages as a good reminder that God wants and wills that His children be treated with dignity, even if they are poor or uneducated. Those who hold the religious pulpits will do well to proclaim that message.

On the nature of the relationship between Yahweh and Israel, the difference between the use of יָצָא (*hiphil*, "to bring out") in Exod. 13:14 and Lev. 25:42, 55, on the one hand, and פָּדָה (*qal*, "to redeem") in Deut. 15:15 is perceived as indicating a desire to portray a more profound sense of ties between the two in Deuteronomy (Stargel, 2018:135). The retelling of the exodus narrative by the Dtr employs פָּדָה instead of יָצָא, the most general term (1 069 times). The term "redemption" evokes the memory of sparing and consecration of firstborn in Egypt and joins Israel's present life to a covenant-keeping behaviour in the context of enslavement of others. On the other hand, Exod. 21:1-11 does not even refer to Egyptian enslavement as an experience to remember or the basis for commanded behaviour.

The Exodus narratives push the foundation for collective identity back farther in time, to a suitable place in history and a foundational identity narrative, the coming out of Egypt. Malamat (1998:21) notes that no other event features so significantly in the biblical tradition as the exodus narrative. In fact, the Bible mentions the exodus from Egypt more often than it does to any other event in Israel's past, as can be seen in all genres of the Hebrew Bible and the New Testament. Instead of a genealogical boundary as a source of shared identity, they draw on cultural-ideological identity. In the light of the focus of memories, Malamat (1998:23) observes that "the exodus narratives portray group identity as achieved, not acquired". If recurring exodus stories in the legal collections and their rhetorical formulations of identity were attempts to build an identity or fend off assimilation, as Stargel suggests, then the connection between identity and memory of the exodus is inseparable. Hoffmeier (2007:20) has also concluded that it is copiously "clear that ancient Israelites believed the exodus to be an actual event that served as the basis for

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their religion and self-understanding". Nevertheless, this research focuses on the memory of the exodus experience, as discussed in the preceding chapters. The nature of memory observed above is such that what people collectively remember is what they build their collective identity.

Consider that the narrative of coming out of Egypt remains a distinguishing mark of Jewish memory and identity in modern Israel. Religious rituals and observances, such as the Passover Haggadah, remind everyone that even if all were sages, all people of understanding, advanced in years, and experts in the law, it would remain our duty to tell of the departure from Egypt. The more a person talks about the exodus from Egypt, the more praiseworthy the person (Zakovitch, 1991:9).

The above example is the essence of building collective memory, and it is the primary intent of the book of Deuteronomy in general: the reiteration of the exodus narrative for the next generation to remember. In sum, we learn from these passages that the memory of Egyptian bondage stimulates Israel to be principally sensitive towards servants, the poor, the disenfranchised and foreigners. Taking advantage of another's weakness or misfortune is to act like Pharaoh; therefore, Israel should demonstrate gratitude and faithfulness to Yahweh, who redeemed her from the pains of slavery (Biddle, 2003:269). The same principle holds for the Tangale people. Friday Kassa (2019:22) has discussed the hospitality of the Tangale people, which was a key identity marker for generations.[169]

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[169] The hospitality extended to foreigners is in line with the DC instructions, but the Tangale people must exemplify modesty and brotherliness in dealing with each other. Those who are wealthy must learn to live the Tangale spirit of generosity and treat their domestic helpers with dignity. In the same manner, the Tangale people, having built their identity based on their migration from Yemen, have held to memories of the seven clans as one people. Their identity holds together in culture, language, location,

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Just as we learned in the instructions, she is also retelling the story by obeying the command to remember. Hence, the exodus events were retold so that subsequent generations can identify with the narrative like a remix of music from one generation for another (Fentress-Williams 2010:81).

Obedience to Yahweh not only brings covenantal blessings, but material blessings also follow those who are generous. The Sabbath principle also implies a contrast between the bitterness of enslavement in Egypt and the promise of rest by Yahweh in the Land of Promise. Moreover, the recurring concept of permanent land inheritance and the entire community of Israel as a people of Yahweh overrides any idea of human possession of a fellow Israelite. God connects their wellbeing in the land with the idea of permanent rest, which precludes the pains of permanent enslavement. In its clarity on this subject, the HC expands on both the DC and CC. Ezek. 36:28 mentions the connection between land, people and Yahweh together in the restoration of Israel. This should serve as a paradigm for the church to guarantee the complete human dignity of citizens of the land under the sovereign rulership of the God who redeemed them.

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taboos, relics, artefacts, and chieftaincy. Their religious identity is arguably diminishing due to the influence of Christianity and Islam, but the memories of *Yeku* (worship on the mountain) and the python as their symbol and emblem of the royal palace remain. It is through the exemplary life of brotherliness and respect for their fellow tribesmen that the Tangale people can influence their neighbours. Historically, the Tangale people have never been in a pre-emptive war with their neighbours and no other tribe had subjugated them. However, the recent protest that resulted in loss of lives in Billiri was the first and must be the last.

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Chapter 5

Summary and Conclusion

5.1 Summary of findings

This research set out to study how memories of enslavement in select passages of the Pentateuch helped shape a collective identity for Israel. The research question was how the OT readers were reminded of Egypt through enslavement instructions instead of a body of laws in the modern sense of the word. In three different contexts, enslavement instructions were given to shape the ethos of the slave owner and to inform the character formation of slavers and slaves, namely: non 'slavish' obedience to enslavement instruction. Why were the OT readers reminded of Egypt? Slave owners were reminded that they were once slaves; slave owners are motivated by religious concerns to treat their slaves more humanely and allow slaves to gain freedom through manumission – such as the religious motivation in Lev 25.

What theological effect did these instructions and memories of enslavement have? Their impact can be found not only in the humane treatment and manumission of fellow Israelites, but according to DC, slaves become part of the "brotherhood" and extended family; in terms of HC, holiness is redefined to develop a more ethical quality that includes access to freedom for slaves. DC also implies the linkage of enslavement instructions and the covenant – enslavement memories inform becoming a servant of YHWH within the parameters of the covenant.

Moreover, the select passages provided instructions governing the conduct of Israelites when dealing with Hebrew and foreign slaves. Finally, memories of enslavement were invoked as the basis for the ethical treatment of slaves and for building an identity rooted in Yahweh. This type of identity is unique because religious concerns govern collective identity for the Israelites and non-Israelite alike. Israelite collective identity was defined by the relationship to Yahweh, the God of Israel (Burrell, 2020:7). He has laid

claim as the owner of every Israelite who was redeemed from slavery in Egypt. Hence, the central question of the research was, "How did the memories of enslavement in the Legal Collections of the Pentateuch affect the identity formation of ancient Israel?" The question sought to address how Israel was reminded that it was once a slave in Egypt, why it was reminded of that fact, and what effect these memories had on the theological and ethical reflections in the Old Testament? Several hypotheses were proposed to answer the question. Some of the hypotheses were confirmed by the study, and the findings corrected others.

The contexts of the slave instructions turned out to significantly influence their contents. As a result, the historical-grammatical approach to interpreting these slave instructions helped our understanding of the texts, but the survey of existing research provided other contextual matters that shed light on how to apply the instructions. This chapter seeks to underscore the key findings, concepts and ideas studied in the preceding chapters to answer the research question. The summary of the content of those chapters is presented as an overview of the thesis of the study. It also describes the routes taken to arrive at the conclusions at the end of each chapter. Finally, recommendations for further studies are presented at the end of this chapter.

Chapter 1 introduced the research topic, the scope of the study, the methodology, the limitations of the study, the thesis and a general overview of what each chapter addresses. It also provided a summary and conclusion that aspired to enhance learning and provide avenues for further studying identity and memories related to nation-building. On identity and identity formation, the working definition as understood by psychologists is typically described as "the inner self". The chapter noted that anthropologists and some sociologists portray identity as a collective label marking different groups, while social psychologists analyse identity as a negotiation between individuals and groups (Green, 2013:42). Because identity formation was a process for both biblical Israel in the context

of enslavement in Egypt; and Nigeria in the context of the British colonial experience, the chapter noted the importance of emotional and social influences that affect our ability to resolve conflicts at the level of group identity. The same concerns for group conflict resolution apply in discussing national identity formation and the stages that must be observed in such a process. The three core levels in a person's identity – core, social, and collective identity – are essential aspects of Nigeria. Speaking of the role of memories, Assmann and Templer (1990:30) define memory as an internalised past and its relationship to the mythical time of becoming. Not historical time, which implies the continuation of what has already become. Collective memory refers to how society as a group reflects on the past, whether factual or perceived history because it reflects a consequence for a society's behaviour. These definitions of identity and memories provided the background upon which the rest of the chapters dwell.

Chapter 2 was concerned with the application of memories of slavery and colonialism in Nigeria. Nigeria's experiences of local slavery and colonialism correspond to Israel's memories of the house of slavery in Egypt. Until the coming of the British colonial masters, Nigeria was many independent communities of varied sizes, some of which grew to be kingdoms (e.g. the Benin Kingdom), empires (e.g. Kanem Borno Empire) and emirates (e.g. current setting of Emirates in Northern Nigeria). Although there are memories of slavery and slave practices among the tribes, those shared memories do not appear to be of consequence in the life of the communities. After all, it was the norm to own slaves from another tribe or simply for economic reasons, and individuals became slaves of the wealthy or traditional rulers (who are usually rich).

The chapter also concentrated on identity formation in the light of memories of slavery and colonialism in Nigeria. The correlation of memories about enslavement in the Legal Collections and the colonial period in Nigeria is significant in studying and analysing the effects of colonisation on society. The memories of colonialism need to be harnessed

by Nigerians and used as a tool for ethical and moral behaviour, as argued by the Legal Collections under study. This chapter illustrated why a sense of identity as a society that shared everyday experiences, or lack thereof, is vital for defining Nigeria's future. There is an ongoing discussion in Nigeria about the struggles of tribal and regional identities and how that fit into a broad picture of the country's identity. This chapter examined how Nigeria can address religious, tribal, cultural and political identity as a nation. The challenges of neo-colonialism, human trafficking and modern-day slavery remain. It proposes the acceptance of the current geographical boundaries of the nation as an identity marker. The remembrance of the experiences of colonisation is the collective memory from which to build the nation. It recommended focusing on the opportunities ahead for the successful nation-building of a diverse society with human and natural resources. The chapter highlighted the benefits of Nigeria's history in the struggles for independence and how its identity developed as a country.

It is noteworthy that attention is paid to the Emirate system because it has defined Northern Nigeria and explains the social and religious structures of the region today. Some tribal groups were conquered by the Usman Dan Fodio Jihad of the 1800s, and the region of Northern Nigeria had an established Islamic form of government at the advent of Western civilisation and British colonisation. The coming of colonial masters also brought to Nigeria western missionaries, who brought religion, education and a modern healthcare system. The two religions settled in Northern Nigeria (Islam) and Southern Nigeria (Christianity) and left their enduring marks on the culture and education of these regions. The central region of the country, also called the Middle Belt, has the largest concentration of small tribal groups and adherents of African traditional religions. The memories of colonial dominance and experiences, the challenges of identity formation and the attendant memories of colonisation were merged into a single event at independence on 1 October 1960. Much like biblical Israel in the Legal Collections, Nigeria, a complexity of over 200

ethnic groups, must deal with the need for a collective identity and how the "nature of group life shapes the way individuals think and remember and what they deem moral" (Misztal, 2003:123). Consequently, the findings in this chapter revealed the short-sightedness of the initial supposition that the memories of past experiences would necessarily engender the desired assiduity to avoid the mistakes of past leaders. The study in Chapter 2 revealed the contrary; instead of working to ensure the freedom of its citizens, most Nigerian leaders, much like the slave owners in ancient Israel, love power and need to be reminded that the people are not their servants.

Chapter 3 reviewed previous and current literature about memory and identity formation. It interacted heavily with memory studies, especially in the field of psychology. The literature review served as a bridge between the preceding chapter on Nigeria and the proceeding chapter on memories about enslavement in the Legal Collections of the Pentateuch. Recent research in memory studies has yielded significant findings regarding the process of identity formation. Therefore, it was necessary to relate those studies to the biblical narrative to see the correlation between Israel's view of its history, its memories about enslavement in Egypt, and their role in Israel's identity formation. As mentioned earlier, the enslavement and deliverance from Egypt provide the main historical merit for the religious bond between Yahweh and Israel. Redemption from Egypt was the gracious act of the great Yahweh for his people and on which stands the establishment of Israelite faith and practice – its identity (Hendel, 2001:602). God's claim on Israel as his "servant" was evident in the legal collections through "redemption" as the basis of the relationship.

The study of slavery and enslavement in the ANE context reveals some provisions of a legal nature for the treatment of slaves – from the conditions for acquiring to freeing them. By the time of Persian rule, we see the general call to freedom of exiles to return to their native lands, something reflected in the HC instruction. The findings in this chapter show that Mesopotamia had more humane relationships between slaves and their enslavers.

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Many domestic slaves received respectable status in the family, whereas they were considered family in some instances. The Persian period showed an even more advanced view of human dignity compared to the previous civilisations.

Chapter 4 took a historical-grammatical approach to study select passages in the Legal Collections of the Pentateuch. The work focused on the social and cultural contexts of the passages, hinting at some correlations with other ANE legal materials, such as the Code of Hammurabi, where relevant. This approach proved helpful in a comparative discussion of the references to slavery in the entire corpus of the Legal Collections. Attention was paid to preliminary, verbal and literary analyses of the passages. Consequently, the exegesis provided a synthesis and theological significance of the passages, which allowed for applying critical concepts to current events in Nigeria, as discussed in Chapter 2. Matters of lexical significance were addressed in footnotes, and avenues for further studies were provided. The brief interaction with scholarship on controversial subjects and major interpretive matters allowed this study to include diverse thoughts and narrow enough conclusions based on the passages themselves.

The following questions were the concentration of Chapter 4. Why is Israel being reminded on numerous occasions in the legal collections of the Pentateuch, either directly or indirectly, that they were slaves in Egypt as a "house of slavery?" Furthermore, what are the theological-ethical reasons for the repeated references to Israelites being slaves in Egypt? We employed the historical-grammatical approach to study the passages. In each of the slave instructions studied, we discovered provisions for the humane treatment of fellow Hebrews who had sold themselves or were sold as slaves. Exodus 21:2-6 makes certain conditions for the male slave who decides to stay instead of freedom. The female slave in 21:7-11 has the rights of a spouse. The master was required to treat her as a wife. The demand in CC to release the male slave after six years reflects the theological and ethical concern for the wellbeing of the poor and downtrodden in the instruction. It is

surrounded by the declaration of Yahweh's authority over Israel in the preceding chapters of the covenant and Decalogue and the proceeding verses on the social laws governing society.

The DC answers the research question in Deut. 15:12-18 by further elevating the status of the Hebrew slave to a "brother" or "sister", thereby removing the stigma of slavery on fellow members of the community. The demand to free the male and female Hebrew slaves after six years mirrors the CC instruction. Nevertheless, the same right of freedom is offered to the female slave. If they still owed their masters, the rest of the debt will be forgiven automatically in the seventh year. The ethical interest of DC is portrayed in the instruction to furnish the freed slave with provisions of food, animals, and a winepress; these are all the provisions that make a household complete so that the freed slave returns home complete. The theological significance of the instruction is provided by reference to the memories of enslavement in Egypt. Yahweh, their sovereign, is shown in the promise to bless those who acknowledge him in obedience.

In Lev. 25:39-54, the HC further builds on the DC instruction by denying that any Israelite could be a servant to anyone but Yahweh. Not only is the fellow Israelite a brother, but his labour is that of a hired worker whose wages must be calculated, and instead of furnishing the freed slave with gifts of welfare, financial accounting takes place and refunds made in the Jubilee year. It is a purely business transaction. No female is mentioned as a slave at all. The claim of Yahweh of their ownership precludes the idea that anyone can own another Israelite as a slave. The reference to Egypt as a house of slavery remains the background for the audience's behaviour. The result is that slaves had become servants of Yahweh who stood up for the lowly and downtrodden in the legal collections. Because the HC advances the status of every Israelite over what we find in CC and DC, the study concludes that HC is the latest of the instructions.

A brief review of other references to slavery in some passages indicates a general concern for the wellbeing of slaves. The Abrahamic narratives reveal that his slaves from Egypt (Hagar) and Syria (Eliezer) were close members of his family, to the point that the one bore him a child and the other was involved in the choice of a spouse for his son and was at some point in a position to inherit Abraham's wealth. The male slaves of his household were circumcised as members of the covenant community. One can conclude from the narratives that Abraham's slaves were treated humanely. Interestingly, the faith community in Nigeria claims to care for the poor by the giving of alms. However, it is wrong to steal from the poor and then return the crumbs to them. The elite politicians have essentially caused a culture of dependence by hoarding national wealth. Nigerian senators earn more than the president of the United States in dollars.

Perhaps the ultimate theological and ethical interest in the wellbeing of slaves was demonstrated in Job's concern that Yahweh would stand for the vindication of his slaves were any of them to bring a case against him (cf. Job 31). Joel 2:29 promises the outpouring of the spirit of Yahweh on slaves and the free alike in the eschaton. However, the challenges of obedience to the slave instructions linger in the book of Jeremiah (Chapter 34), where wealthy landowners break their promises to free their fellow Hebrew slaves. Nehemiah struggled with the problem of the post-exilic community selling their daughters into slavery against the backdrop of these passages. In all, the passages studied indicate that Yahweh was concerned for the dignity of humanity and illustrated such concern in the relationship with Israel by reminding them that their past should propel them to behave ethically in dealing with those who are poor and had to give up their freedom to regain their social standing by working as slaves.

5.2 Concluding Observations on the Research

The research sought to understand the slave instructions in the legal collections using the hermeneutical tool of historical-grammatical interpretation and drawing from the

researcher's life concerns. The approach has allowed the study to affirm the identity of the Tangale people within the wider setting of northern Nigeria and how growing up in that setting influenced the researcher's worldview. "It is increasingly being recognized that approaching reality from one cultural perspective gives only a picture which needs to be complemented by approaches from other cultural perspectives" (Ukpong, 1995:13). The life experiences of the researcher from multifaceted cultures contribute to the understanding of the legal instructions in a unique way. Utilising Ukpong's (1995) inculturation ideas described in chapter one helped the study engage the texts as they speak to the modern reader. The interaction between Jonker and West noted in chapter one was the backdrop for the approach taken in this study. The continued interaction between appropriation and analogy in African biblical hermeneutic is a tension that provides a balance that helps appreciate the text's message. Working in this tension allowed the research to incorporate the history, culture, and ideology of the appropriator of the texts and allowed the researcher to identify areas of commonality or differences with the texts (Vengeyi, 2013:42).

Our study of memories of Israel's enslavement in Egypt reveals that the authors of the material found in the legal collections of the Pentateuch, the revelation on the nature of collective memory, and Nigeria's correlative experiences from colonisation lead to the following observations:

1. That throughout the legal collections in the Pentateuch, references to memory were used as the basis for identity formation for biblical Israel. These appeals to remember enslavement in Egypt were the impetus for the call to behave in a particular manner. These appeals to memories of enslavement are found only in DC and HC. Since those collections are later than CC and their contexts are different, they were more concerned with the need to "remember" Egypt. "In these passages we find that Israel remembers and retells her story as a means of reaffirming, preserving, and, at times, redefining her identity"

(Fentress-Williams, 2010:81). As a result, each retelling is unique because it is shaped by the teller, the context, or the story's purpose. The appeal to memory is a literary device meant to associate remembrance with behaviour. If Israel remembers how painful and unfair the enslavement in Egypt was, it will choose to act differently towards members of the society. The behaviour informed by the ethical treatment of slaves becomes the identity of the people of Yahweh.

2. The social structures of pre-exilic Israel, exilic Israel and post-exilic early Jewish society, as presupposed by the legal collections, were built on the teaching that Israel was a slave in Egypt and that the exodus was the starting point of the nation's social and religious identity. The detail of the historical reality of the exodus event itself is less relevant than the memory of what enslavement in Egypt felt like. Hence, the repeated mention of "Egypt" as a house of slavery became a trigger for ethical response by the audience.

3. That a brief case study of the role of collective memory in colonial and postcolonial Nigerian society provides valuable insight into the process of national identity formation that is in some ways similar to identity formation in the Pentateuch. The more Nigerian scholarship points out those collective memories and how they shape a particular community's outlook on the country, the better the chances are that leaders will understand how to build relationships and address grievances. Hence, the recent youth-led protests against police brutality in Nigeria are associated with memories of past colonial powers' mistreatment of natives. The protest in Nigeria was sparked by similar events in the USA relating to police powers and the killing of unarmed blacks. The memories of slavery and segregation that officially ended only sixty years ago are brought to the forefront of the conversation, although most black people today did not experience those vices. Collective memory has written those experiences in the minds and hearts of black people and has made those experiences part of their identity.

4. That in the legal collections of the Pentateuch, calls for ethical and moral behaviours are always governed by either of these phrases, "remember that you were slaves in Egypt" or "I am the Lord your God who brought you out of Egypt". Therefore, these phrases affirm the religious angle of the identity of Israel by its redemption orchestrated by God; and the remembrance of the event became the basis for Israel's theological worldview and moral behaviour. These calls to religious obedience to Yahweh are the same today for Nigerians who hold the same deity in Christianity and Islam. Therefore, Nigerians are obligated to respond to the instructions to treat slaves, workers, employees, and members of their households with respect and dignity because they belong to God.

5. That the history of colonialism in Nigeria – and many other parts of Africa – shaped the postcolonial identities of the independent nation to this day. This history of colonialism can provide an interpretive framework within which societal challenges can be interpreted and addressed effectively.

The research question was, "How did the memories of enslavement in the legal collections affect the identity formation of ancient Israel"? The question was broken into why and how Israel was instructed to remember Egypt as a house of slavery. Because the audiences in these instructions faced challenges of identity in their specific contexts, the appeal to memories of enslavement was used as a tool to call attention to ethical behaviour. They needed a reminder that their identity is engrained in Yahweh as their redeemer and that obedience to Him necessitated the humane treatment of their kinsmen. Consequently, the question, what effect did the memories of enslavement have on the theological and ethical reflections in the Old Testament, was the initiation of religious rituals and memorials that serve as a daily reminder of their duties to fellow humans and Yahweh.

The slave instructions were analysed for the overall interest in the moral-ethical treatment of fellow Israelites and the repeated references to enslavement. The research has opened the door for an analogous reading of the instructions for Nigeria and other societies.

While the historical-grammatical hermeneutic was at the root of the work, the incorporation of strengths of inculturation hermeneutic is new. Previous scholarship has maintained a polarity in the field of African biblical interpretation. This research has shown that African biblical scholars and students can benefit from multiple dimensions in hermeneutics. However, the centrality of the text and its relationship to the African setting remains the point of departure. The discovery of this message from inculturation hermeneutics is perhaps the most important lesson the research has learned. Many evangelical Christians in Africa miss the benefits of interaction with fellow Africans who share the same interests in letting the word of God speak to our African society. A good meeting point can be found in Jonker's proposal discussed in chapter one.

How can the messages in the legal collections address and instruct those in power to deal with their subjects? The significance of this research is that it observed the interests of the slave instructions in the treatment of slaves by their countrymen who behaved as if they were superior humans. Yahweh had to assert his authority in each legal collection, both as the deity and the true owner of all Israel, thereby forcing slave masters to treat their slaves humanely and free them in the Jubilee year. The instructions provide the impetus for civic leaders to ensure justice in the land. Religious leaders must speak with the voice of God for the humane treatment of the poor. The governments and religious leaders must not overlook the role of memories of past traumatic experiences in their leadership. These religious instructions are relevant caution for leaders to know that Yahweh is the true master of the people and demands they are treated with dignity.

As a pastor in the largest indigenous church in Nigeria, Evangelical Church Winning All (ECWA), I find the instructions in these legal codes to be enlightening for

church leaders. First, memories from the early days of the church play a significant role in its current structure, doctrine, and mission philosophy. Secondly, the concern for the good governance of Nigeria in general, and Northern Nigeria in particular, is part of the calling of those who serve the people. Hence the special interest in the memories of the British colonial administration's leadership strategy of indirect rule implemented in Northern Nigeria and its effects on the current leadership structure.

Religion maintains a considerable role in building identity. However, in reflections on the role of the memory of religion for Nigerians, current religious leaders must adhere to high moral standards as they instruct their faithful. Both Islam and Christianity have a great understanding of the role of slavery and colonialism in the communities that make up the country. There is no better place to teach the blending of memories and the formation of identities without harming each other. One of the lessons of recent history comes from the role of Boko Haram in forging unity between Christians and Muslims. At one point, there was animosity among the persecuted Christians in the North, who suspected their Muslim neighbours of supporting Boko Haram, but then there was also tension between Muslims when some clerics started speaking out against Boko Haram's heinous actions against both Christians and Muslims. The result is now several interfaith non-governmental organisations working to promote dialogue between Christians and Muslims. The memories of the 1970s, when there was peace, feature prominently (Mellor, 2016:5).

The general movement towards an interfaith response to the violent extremist groups in Nigeria is reminiscent of the calls in the Deuteronomic Code (DC) and Holiness Code (HC) for the inner renewal of slave masters in terms of their spiritual or religious obligation to Yahweh. It is the opinion of this research that there is no tool more powerful

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in the lives of Nigerians than the sense of religious instruction. Hence, the process of identity formation in ancient Israel, as reflected in the Pentateuch, is influenced by that background.

This work is important because it challenges scholars and leaders to approach the prevalent problem of clashes between tribal and religious identities by revisiting the role of memories of past experiences of colonialism. It tells Nigerian leaders to remember they were all slaves of foreign powers and were redeemed to display the benefits of freedom in society. The HC appeals to the fear of God in Lev. 25:42. It is an invitation to religious piety and a warning against standing in his way when dealing with his servants. Memories of enslavement in Egypt serve as an ongoing admonishment to serve Yahweh as servants within the broad theological-ethical framework of the covenant. Therefore, the instructions fall within the purview of other significant passages from the Hexateuch, such as Exod. 13:3, 20:2, Lev. 25:42, Deut. 6:21 and Josh 24:17, all of which affirm Yahweh's claim on Israel as His servant redeemed from the house of slavery. This concept that the apostle Paul embraces when he describes himself as a servant of the Lord.

Incidentally, both Christians and Muslims in Nigeria use the same title for the clergy and the pious. Such an embrace of the idea should help Nigeria utilise the term to remind that the rich and the poor are servants of God. This principle is also applicable to the current crisis of race relations in the USA emanating from memories of slavery and segregation. The problem of black people in the USA has little to do with wealth, but most to do with the concern for human dignity and how to treat everyone, including lawbreakers, with respect and humanely. The recent protests in the USA led to similar protests against the law enforcement brutality and corruption in Nigeria, which has forced the government to announce changes to its structure. The changes happened because the people appealed to the memories of past injustices, and they were determined to prevent a repeat of those practices.

The model applies to human trafficking in Africa and modern slavery in North Africa and parts of the Middle East. The social identity of any group or tribe should enhance healthy relationships, just like biblical Israel appealed to common identity as a unifying force in relationships. It showed that shared memories of past experiences could unify community building and peaceful coexistence. Above all, it showed that concern about justice and the wellbeing of the poor and downtrodden emanates from God, who stands against oppressors and those who take advantage of others, namely widows, orphans, foreigners and slaves. The Legal Collections indicate God will take a stand for them in court; justice will prevail at the city gates or in the streets.

Consequently, much like the kingdoms of Israel and Judah, both had a precarious existence betwixt-and-between the Egyptian empire to the south and the Assyrian, Babylonian, and Persian Empires to the north, the identity formation that informed this research was influenced by the development from colonial to postcolonial Nigeria. Thus, the cautionary tale is that as Israelite faith communities moved from political independence of the Northern and Southern Kingdoms to subjugation to different empires, Nigeria must avoid a similar catastrophic end.

The following observations are some ideas this research brings to the attention of OT scholarship in Africa. First, by combining the strengths of historical-grammatical and inculturation hermeneutics, the research has drawn out the instructions to Israelite slave owners to dignify their fellow citizens. The recognition of dignity was motivated by the enslavement history of the slave owner. The slave eventually became part of the extended family. Moreover, unambiguous religious and theological motivations were provided to establish more humane conditions for the slaves. Several African authors in both the Africa Bible Commentary and Africana Bible have hinted at these concepts in the modern struggles, but more can be said on this subject.

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Secondly, these progressive instructions, given in different contexts, advance the status of the slave in ancient Israel. There are no "one fits all" enslavement instructions in historical sequence. The CC still adheres to an "eye for an eye" approach before the exile – deontological ethic = God made known on Sinai what was required from his people. The DC emphasises obedience to YHWH and establishes a covenantal theological setting where the adherence to enslavement instruction not only recognised slaves as being part of the extended family, but they also became part of the nation, depicted as "brothers" shortly before and after the exile. This concept becomes the teleological ethic - to become a covenant community despite the exile. Memories of enslavement allowed Israel or early Jews to become "servants" through the covenant.

Additionally, the HC links the manumission of slaves with the return from exile. It forms part of an ethical appropriation of holiness – imitation ethics, to "be holy because I am holy" equals value ethic. The manumission of slaves during the Jubilee was not only because God commanded it (per CC); or that it was a covenantal goal towards which fulfilment they strived (per DC); it was also to develop a value-driven lifestyle that could be considered "holy". The significance of these ideas was made possible in a post-exilic faith community with no central temple and where day-to-day ethical behaviour included the possibility of manumission and a more humane approach to enslavement. These instructions allowed the early Jewish faith community to become "holy" despite the absence of a temple, etc.

Finally, African Biblical scholarship will benefit the general audience when these instructions are interpreted as religious demands for people belonging to Yahweh (identity). The history of enslavement that most African nations have in common is a universal denominator that has not been adequately researched. The religious motivations regarding enslavement instructions are crucial when reflecting on identity formation (see Burrell's research on ethnic identity formation) – food for thought for African Biblical

scholarship. Enslavement memories are not necessarily detrimental for identity formation – do not sweep it under the carpet, face up to it and celebrate and appreciate the freedoms possible in post-colonial times because freedom did not evolve cheaply. On the contrary, enslavement memories can make a constructive contribution to our identity formation if this makes us even more appreciative of the freedoms we now experience. These are specific concerns that the research wishes were elaborated upon in detail in either the Africa Bible Commentary or the Africana Bible. There is a tremendous opportunity to expound on these ideas for the benefit of the African church and society. Hopefully, the research has open doors for other Biblical Studies students to explore the role of identity and the building of communities of faith focused on living out the biblical mandate to treat everyone with dignity as intended by God.

> "If I had denied justice to any of my servants, whether male or female when they had a grievance against me, what will I do when God confronts me? What will I answer when called to account?" (Job 31:13-14).

5.3 Recommendations for Further Studies

There is a need to study the recollection of memories about enslavement, colonialism, neo-colonialism, and their negative consequences, and how to accept Nigeria as a political entity today. The role of religious leaders as instruments of the deity in teaching the Abrahamic God's requirements for justice in government needs further exploration. Christians and Muslims holding the same religious roots demand that they adhere to his moral and ethical behaviour instructions. Memories of colonialism should help Nigeria build cultural, social and religious values and find a way to build a stronger Nigeria despite differences. It is important to remember that memories about colonisation, similar to memories about enslavement in Israel, are as much a catalyst for building identity and unity for Nigeria as they were for biblical Israel. A study of tribal and regional concerns can help pinpoint areas of common interest and help the Federal Government establish enduring solutions to conflicts.

There is a need for studies on how Nigeria can evaluate its educational, civic, religious, and cultural structures formed due to colonial rule. In some cases, the present structures do not reflect the inherent values and systems of the diverse Nigerian communities. These values and systems include the role of traditional rulers in a modern government structure. A new study should investigate how to reconcile the significant role of traditional rulers as instruments of conflict resolution and peaceful coexistence as they had done long before the coming of colonial rulers. In the USA, attention should be paid to the recent developments such as the Black Lives Matter movement and protests that recall or use memories of past experiences as their starting point. The issues raised in these movements are usually worth addressing because people are what they purport to remember, whether correctly or incorrectly.

Another area of research interest is an investigation of the psalmists' references to enslavement in Egypt. The cultic prayers and songs of remembrance commemorate the exodus as deliverance from enslavement. Psalm 77:1ff recalls the deliverance from Egypt as a reassurance of Yahweh's ability to save now. Psalms 105:25ff and 106:4ff both refer to Moses and the ancestors of Israel being delivered from Egypt. A study of these and other passages in the Psalms will yield another angle of perspectives of utilising memories of enslavement in a cultic setting.

The post-exilic accounts of the Babylonian exile as enslavement can be seen in the books of Ezra 9:8-9, Neh. 5:1ff and 2 Chron. 36:20. These, among others, are potential sources of information that will enrich our understanding of the post-exilic community's remembrance of enslavement and how the memories were used as tools of instruction or cultic worship.

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Addenda
Addendum A

Geopolitical Map of Nigeria

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Addendum B

The Political Organisation of First and Second Republics of Nigeria

After Nigeria gained independence from Britain on 1 October 1960, it remained under the leadership of the Queen until it became a republic in 1963. The setup of the political system of the First Republic had three geopolitical regions that reflected the influence of the dominant tribes/languages of these Western, Eastern and Northern regions. The ensuing political parties, which represented the interests of their communities, were the Nigerian People's Congress (NPC) of the predominantly Hausa/Fulani in the North; the National Council of Nigeria and the Cameroons (NCNC), later renamed the National Council of Nigerian Citizens due to a new border demarcation that saw parts of its constituents moved to Cameroon; this was predominantly Igbo and lies in the East. The Action Group (AG) represented the Yoruba tribe in the West. The NPC won the majority in parliament (more than both the Eastern and Western regions combined) and Ahmadu Bello, the Sardauna of Sokoto, leader of the NPC and Premier of the North, chose to cede the Prime Minister position to his deputy, Abubakar Tafawa Balewa from Bauchi state. The sentiment of the other leaders was that the Premier of the Northern region was now in control of the federal government through his tutelage. The First Republic was patterned after the British government, and therefore the ceremonial position of President was given to Nnamdi Azikiwe of the Eastern Region. However, when the Western Region's resentment of the system started to be evident, Awolowo, the Premier of the West, was accused of plotting to overthrow the government and was incarcerated. In his place, Samuel Akintola, an ally of Ahmadu Bello, became the Premier of the West. The political unrest in the West continued into 1966 and culminated in a military coup d'état on 15 January 1966.

The Second Republic came into being after 13 years of chaotic military rule marred by bloody coup d'états and a civil war initiated by the discontentment of the East because of Northern political dominance, even in the military. In 1976, when Gen Olusegun Obasanjo became head of state after the bloody coup that killed Gen Murtala Mohammed (from the North), he vowed to return power to civilian rule. The newly drafted constitution of 1978 moved the style of government to a Presidential system. Five political parties represented the regions of Nigeria, which had 19 states by this time. They were the National Party of Nigeria (NPN), the Greater Nigerian People's Party (GNPP), the Nigeria Advanced Party (NAP), the People's Redemption Party (PRP) and the Unity Party of Nigeria (UPN). Alhaji Shehu Shagari, of the NPN from Sokoto state, won the election and was the first president and commander-in-chief. Months into his second term, on 31 December 1983, the military overthrew the government again, which brought in Maj Gen Muhammadu Buhari (from the North) as head of state. Buhari was overthrown by Babangida in August 1985 and he ruled until the infamous election of 12 June 1993, which never resulted in a transition of power to the presumed winner, Moshood Abiola from the West. The fairest election in Nigerian history, which saw Abiola win in Kano, the home state of his opponent in the North (Bashir Tofa), never saw a transition to civilian rule because the North vowed not to give power to anyone from the West or East, even though Abiola was himself a devout Muslim. The issue was not religion, but the belief by the North that power belonged to them. It was after the death of Gen Sani Abacha (1993-1998) that another transition to civilian rule saw the Fourth Republic emerge, with multiple political parties. This time the parties were more policy-based rather than regional.

For additional information, please refer to Falola & Ihonvbere in the Bibliography.

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Addendum C

Map of Kwararafa Kingdom (Central Nigeria), the background of the Middle Belt

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