



Research Paper

## The Urhobo Traditional Justice System in Relation to Adultery in the Light of John 8:1-11: A Feminist Approach

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**ABSTRACT:-** *The Jewish society of Jesus' time accorded a low status to the woman. The attitude of Jesus in John 8:1-11 shows that the treatment of humans in the society, irrespective of gender should be based on fairness and equity. Using the feminist liberation theology model as a methodology, the aim of the study was to examine how the Urhobo traditional justice system in relation to adultery constitute injustice to the Urhobo woman and to use Jesus' critical response in John 8:1-11 to call for a change of the status-quo in Urhoboland. The work also showed that the Urhobo traditional justice system in relation to adultery is oppressive to Urhobo woman just like that of the Jewish community where the adulteress was addressed. The work was concluded on the presupposition that adultery is a sin no matter who commits it.*

**Keywords:-** *The Urhobo, Tradition, Adultery and Justice.*

### I. INTRODUCTION

The society of humans is made up of males and females. This arrangement is even recognized by God in the sense that He created man and woman in His image (*imago Dei*) as recorded in Genesis 1:26-27. God may not have intended that the male folks should subjugate the female folks in the society. The Urhobo traditional setting is patriarchal in nature and as such, women are accorded low status within the society. Just as it is today in Urhobo land, the Jewish traditional setting of the bible times accorded the woman a very low status in the society and even in their religion. This Jewish background no doubt has influenced the church in Africa to interpret the Bible from the masculine perspective and as such women are restricted from certain aspect of the society and the church's life. For example, in Paul's Epistle to the Corinthians, addressing the matter of orderly conduct at worship he says:

as in all the congregation of the saints, women should remain silent in the churches. They are not allowed to speak, but must be in submission, as the law says. If they want to inquire about something, they should ask their own husbands at home; for it is disgrace for a woman to speak in the church (1 Corinthians 14:33-35 NIV).

This text and some other similar ones have become reference points for the restriction of women from occupying certain position in the church or society. In the Urhobo traditional justice system in the issue and punishment of adultery, the Urhobo woman is at the mercy of the man in so many ways. For instance, when a woman's husband has one or more concubines like the Old Testament Solomon in the Bible, the woman has no right to complain to the elders of the man's family or that of the community. If she does, she is put away. As far as the Urhobo tradition is concerned, the husband of a woman has the right to marry as many wives as he likes whereas a married woman cannot allow her hand to be held by another man without her being accused of adultery. In John 8: 1-11 a woman caught at the scene of adultery was brought to Jesus for judgment. It takes a man and a woman to perform the act but only the woman was brought. The question here is: where is the man? From the attitude of the Jews towards the woman caught at the scene of adultery and the attitude of the Urhobo towards adulteresses, it is very clear that some areas of the Urhobo traditional justice system is injustice in disguise to the Urhobo woman. It is obvious the Urhobo traditional justice system does not put the interest of the women into consideration like that of the men. This situation poses the question of true justice.

The Urhobo concept of adultery in the Urhobo traditional justice system is posing a crisis on women in the land. The concept itself is a way of marginalization of women in Urhoboland, that is, a way in which women

are being enslaved by unjust subjugation of women to men by the communal tradition. Women live at the mercy of men in marriage. A situation where women are not allowed to question the wrong practices of their husbands insinuates oppression. In this case there is no balance relationship and this is becoming a crisis to the women in Urhoboland.

The aim of this study therefore, is to examine how the Urhobo traditional understanding of adultery are linked with that of the Jews and how they affect women negatively in Urhoboland and to use Jesus' critical response in John 8:1-11 to call for a change of the status-quo. In order to do this, the Feminist Theology model will be explored as a methodology. This model uses the bible as a resource in the critique of and struggle against women oppression.<sup>1</sup> This methodology can also be referred to as feminist hermeneutics or feminist criticism, and as such, it tends to interpret the bible from a feminist point of view.<sup>2</sup> Considering the predicament of the Urhobo woman against the background of the adulteress in John 8:1-11, this paper argues that the predicament of the Urhobo woman and that of the adulteress in view (John 8:1-11) are similar in the sense that her fellow male counterpart culprit was freed from punishment just because he is a male.

One can see here a similar intention among the Urhobo whereby women who commit adultery are purportedly being punished by the gods while men are not. It is against this background that the Urhobo traditional justice system operates in the issue of adultery. Therefore, the Bible passage under consideration shall be used as a basis for critique of the status quo because bringing the woman for punishment without the man, raises the issue of unfair treatment to the woman. This paper does not support women committing adultery but it points out that adultery is a sin no matter who commits it.

## II. DEFINITION OF OPERATIONAL TERMS

**2.1 The Urhobo:** The Urhobo are Africans and they are located in Nigeria in West Africa. Just like any other Africans they have their cultural heritage. The Urhobo according to Ottuh quoting Otite form an ethnic group in Delta State of Nigeria who speak Urhobo language.<sup>3</sup> Ottuh, also quoting Henigie says that the Urhobo are a major ethnic group in Delta State and are located in over eighty villages and towns including a few cities like Warri, Effurun, Sapele, Ugheli,<sup>4</sup> etc. The Urhobo nation is made up of different subgroups-tribes such as Ugheli, Isoko, Agbon, Uvwie, Okpe, Abraka, Udu, Idjere, Oghara, Orogun, Agbasa to mention but a few. Their major occupation includes farming and fishing. The land is blessed with mineral resources like crude oil. They are found in the Niger Delta Area. The Urhobo are people of southern Nigeria, near the northwestern Niger River delta. Delta State is one of the 36 states of the Federal Republic of Nigeria. Apart from Urhobo language, the Urhobo people communicate in Pidgin English. The Isoko and Urhobo are related in language and culture.<sup>5</sup> The Urhobo now live in a territory bounded by latitudes 6° and 5°, 15° North and Longitudes 5°, 40° and 6°, 25° East of Nigeria. Their neighbours are the Isoko to the South East, the Itsekiri to the West, the Bini to the North, Ijaw to the South and Ukwani (kwale-Aboh) to the North East.<sup>6</sup> The territory is covered by a network of streams whose volumes of water and flow are directly concerned with the climatic season; wet season (April–October) and dry season (November–March). Agbogun further states that the Urhobo nation consists of twenty-two autonomous republics or "Kingdoms" with a common ancestral origin.<sup>7</sup> The Kingdoms are: Agbarha, Agbarha-Ame (Agbassa), Agbarho, Agbon, Arhavwarien, Avwraka, Eghwu, Ephron-oto, Ewvreni, Idjerhe, Oghara, Ogor, Okere, Okparabe, Okpe, Olomu, Orogun, Udu, Ughelli, Ughievwen, Ughwerun, and Uvwie. The political system in most of Urhoboland is a mixture of the kingship system and the rule by elders. The king or clan head is called the Ovie or Orodje or Osuivie, Okobaro, Okpako or Okpara-Uku and such title may be hereditary in some clans. While the kingship system maintained a highly centralized type of government with the king assisted by a council of chiefs, the clan head (in the rule by the elders system), is assisted in the day-to-day administration of the polity by titled officers selected from the various age grades recognized in the clan. Due to political expediency and the social visibility of the king in modern day Nigeria, the number of Urhobo clans adopting the kingship system has increased. Today, the traditional political system operates side by side with the Western system.

**2.2 Tradition:** The handing down of beliefs, opinions, customs, and stories such as from parents to children, especially by word of mouth or by practice.<sup>8</sup> In Jewish theology, it means the unwritten precepts and doctrines or any of them believed to have been received by Moses from God and handed down orally from generation to generation.<sup>9</sup>

**2.3 Adultery:** According to Mish<sup>10</sup> adultery is a voluntary sexual intercourse between a married man and someone other than his wife or between a married woman and someone other than her husband. In other words, adultery is any sexual intercourse between a person who is married and another person who is not his or her marriage partner. Sexual intercourse between two unmarried persons is fornication.

**2.4 Justice:** The Encarta Dictionary defines justice in the following ways: “fairness or reasonableness, especially in the way people are treated or decisions are made; the legal system, or the act of applying or upholding the law; validity in law; sound or good reason; and a judge, especially of a higher court.”<sup>11</sup> The Merriam Webster Dictionary also defined justice as follows: “the process or result of using laws to fairly judge and punish crimes and criminals; the administration of law; especially, the establishment or determination of rights according to the rules of law or equity.”<sup>12</sup> In philosophy, the term justice is the concept of a proper proportion between a person's deserts (what is merited) and the good and bad things that befall or are allotted to him or her.<sup>13</sup> Aristotle's discussion of the virtue of justice has been the starting point for almost all Western accounts. For him, the key element of justice is treating like cases alike, an idea that has set later thinkers the task of working out which similarities (need, desert, talent) are relevant. Aristotle distinguishes between justice in the distribution of wealth or other goods (distributive justice) and justice in reparation, as, for example, in punishing someone for a wrong he has done (retributive justice). The notion of justice is also essential in that of the just state, a central concept in political philosophy.<sup>14</sup> Justice, as it used in this work refers to both fair and equal treatment of people. It can also be understood here as the application of social justice.

### **III. THE CONTEMPORARY CONTEXT OF INTERPRETATION: THE URHOBOS FEMALE'S SITUATION ON ADULTERY**

The contemporary contextual situation of the interpretation of John 8:1-11 in this work is the situation of the oppression of women in Urhoboland in their tradition adjudication in issues that relate to sexual misconduct, especially that of adultery. Among the Urhobo people of Nigeria, it is common to see a man having sex with a woman or a girl who is not his wife, provided such woman or girl is not married but it is a taboo for a woman to be held by the hand by another man who is not her husband not to talk of having sex with a bachelor. Any woman who have sex with any man who is not her husband is regarded to have committed adultery. Such woman, if caught is brought before the husband and the elders (*ekpako*) of the family for cross examination and if she is found guilty she is severely punished.

The understanding of adultery in Urhoboland is a situation whereby a married woman allows a man who is not her husband to have sex or express sex with her. On the other hand a man does not commit adultery unless if he is caught having sex or fondling with another man's wife. The woman in Urhobo traditional milieu does not have the right from stopping her husband from having concubines or from marrying other wives. This understanding is well expressed in an Urhobo traditional folklore, thus: “*Aye rho guono ruoruo re, gbe no rovwe aye, rho guono ruoruo re gbe no rovwe.*” The song simply means: “a wife who needs no other woman in the house should leave the marriage.” If a woman is caught having a lover she is regarded as an abominable person in the society and is humiliated and disapproved in public. A woman who commits adultery is seen as “*aye ro gbo farie*”, that is, a promiscuous woman even if she had sex with only one man outside her marriage.

Another word that is also associated with *Ofarie* (promiscuity) in Urhoboland is *Igbelaja* (prostitute). By tradition a man is never regarded as a prostitute. However, if he has sex with another man's wife he will be severely punished. In the Urhobo traditional belief, if a married woman commits adultery, *erivwi* (the spirit of the ancestors) will attack her and even kill her husband and her children but it is not so if a man commits adultery. It appears the gods of the land are also patriarchal.

Moreover, in Urhoboland, a girl is expected to be a virgin till marriage but not so for the boys. In the Urhobo traditional understanding, a girl who loses her virginity before marriage is regarded as *Igbelaja* (prostitute) and as such she is a disgrace to her family and the society at large but a boy who had sex with several girls before marriage is never seen as a promiscuous person. Furthermore, in the Urhobo traditional understanding of sex, it is only the man that should ask his wife for sex. If the woman should tell her husband verbally that she needs him, she is also regarded as *Igbelaja* (prostitute). Both *Ofarie* (promiscuity) and *Igbelaja* (prostitution) are related to adultery in Urhoboland.

The writer being a part of the Urhobo community has observed that many housewives are not happy with the situation but what can they do, since the community does not even allow them to complain, not to talk of helping them out. Some of the women who could not bear it any more left their marriages and their children and many of these children are suffering from lack of maternal love and care. Many of them refused to remarry because they are afraid of being maltreated by their husbands. Due to the fact that a man is allowed by the Urhobo tradition to have sex outside the marriage by allowing men to have lovers and concubines, some of these men have been exposed to HIV/AIDS and other sexually transmitted diseases which they in turn transmitted to their wives and some have died innocently. Women are afraid of being host of sexually transmitted diseases hence some run away from their husband's house, leaving their children to suffer. The women are advocating sex between one husband and one wife but the disagreement of men to this is a very serious crisis in deed.

#### IV. TRADITIONAL JUSTICE SYSTEM IN RELATION TO ADULTERY: THE URHOBOMILIEU

##### *4.1 The Urhobo Traditional Justice System*

Juxtaposing the Urhobo traditional government with the Nigerian government, Ikime states that “the account of justice reveals the fact that in judicial as well as other governmental matters power and authority were widely distributed and that the justice, like the ordinary day-to-day government was very much an affair of the people as a whole.”<sup>15</sup> Although, Ikime sees traditional power and authority as being widely distributed among the people, his postulation fails to tell us if such distribution of power and authority in Urhobo traditional government included the women. The Urhobo traditional justice system is traditional and cultural in nature. It is traditional because it is not a written law. The rules and regulations concerning adultery and other criminal offences in the society is an oral transmission from the ancestors and the gods of the land to the people of the land. This oral tradition concerning adultery and how it should be punished was transmitted from one generation to the other. The elders<sup>16</sup> (*ekpako*) are saddled with the responsibility of traditional adjudication in Urhoboland. The elder are of two levels. The first is the family elders (*ekpako rho ‘rhwa*). This level of elders were consisted of male elders in the family of the man. If a woman was suspected or caught in adultery, she was reported to her husband who in turn reports to the elders of his family. In some cases, some family members of the woman were invited to the meeting of the elders (*ekpako*) so as for them to hear the allegation for themselves. At this level, family elders pronounce the punishment if the woman was found guilty. In some cases if the woman denies the allegation of adultery levied against her by an accuser, she was asked to prove her innocence by swearing by the gods and the ancestors. The family *juju* (idol) priest was saddled with the responsibility to conduct the swearing exercise. It is believed that if nothing happens to her within a stipulated period of time, she is vindicated. On the other hand, if a woman confesses to have committed adultery, it is also handled by the family elders and in most cases the woman is sent out from the marriage. In some rare occasions, if the husband of the adulteress wishes to forgive her, she will be asked to go through purification rites which must be conducted by the head of the family and the family idol priest. The Urhobo traditional Justice system, does not allow the woman to bring her husband to the elders for discipline if he was seen having sex with a spinster or an unmarried woman who has been accepted by the man as his concubine.

The second level of elders is called the elders in council. This level of elders are either in the monarch’s cabinet (*irhotu*) or the community elders in general (*ekpako rho ‘rho*). Most of the elders in this level are traditional chieftaincy title holders called *onoriogu* or *olorogun* (singular) or *inoriogu* or *ilorogu* (plural). If a man was caught having sex or is suspected to have had sex with another man’s wife, these elders were saddled with the responsibility of granting the husband of the woman justice by punishing the culprit according to the dictates of the plaintiff (the woman’s husband). Such an adulterer was asked to pay some huge amount of money to the husband of the woman as compensation for damages. While the elders in council punish the man on the one hand, the family elders punish the woman from their own end.

In general, both the formulation of the family elders and elders in council can be referred to as traditional arbitrators and adjudicators. They arbitrate because they either give judgment or settle disputes between feuding parties including land and marriage disputes. During the course of investigation, if there is an allegation against any person or party, the elders call for witnesses from both parties. The issue on ground determines whether it should be settled (arbitrated) or decided (adjudicated). The elders reserve the right to give their judgment based on the evidence before them. However, in a situation where the case is very difficult to decide or settle the ancestors and gods are made to be involved in determining the truth. They do this by way of divination called *evhwa* (oracle) and whatever the diviner says becomes the accepted truth concerning the issue in view. In some cases, where there is difficulty in decision making based on the claim of both parties, they were made to swear by the gods and ancestors to prove their innocence and the survivor becomes the winner. This is also applicable in the issue of adultery especially from the perspective of the woman.

##### *4.2 Cultural Interpretations of Adultery in an Urhobo Setting*

The concept of adultery has different cultural meanings to various peoples of the world. The Urhobo people are not an exception. This is why it becomes pertinent to investigate the meaning of adultery from the perspective of a particular local culture of a people. In the Urhobo cultural milieu adultery can be interpreted in terms of direct and indirect sexual acts. Direct sexual acts are those sexual acts of having sex with a person and indirect sexual acts are those acts that signify or imply sexual moods or expressions.<sup>17</sup>

In the above light, according to Ubrurhe and Eghwubare<sup>18</sup> a married woman who allows another man to tap her buttocks or hold her hand, or fondle with her breast or genitals commits adultery of the indirect sexual act.<sup>17</sup> Also a married woman who allows another man to have sex with her commits adultery against her husband, the ancestors, *erivwi* (the spirit world) and the community at large. This corresponds to the direct act of adultery. Erivwo calls this act *umuemu* (sin) and the frequent indulgent in it as *orunkuruku* (iniquity).<sup>19</sup> A married woman who allows another man to hug her or dances to the seductive song of another man who praises



her with sexual tones is seen as a derailing woman who has appetite for adultery. For example, if a man sings a song, with such phrases like: “*evie we yoma* (your breast is so beautiful), or *owe ya ye ro me yoma vwe vu ra kpona*”(you are the most beautiful woman on earth), for a married woman who appreciates them, she is supposed to have consented to adultery. This also corresponds to the indirect act of adultery.

Also, a widow who does not refund her bride price to her husband’s family before marrying another man commits adultery.<sup>20</sup> The Urhobo practices levirate marriage. However, where the widow refuses marrying either the brother or a relative of the late husband, she is under law to return whatever bride price that was paid on her to the family of her late husband before she can be free to marry or have sex with another man. Adultery in Urhoboland is also associated with the act of fornication and prostitution (*Igbelaja*) generally known as *ofarie* (*promiscuity*). Fornication is associated with adultery from ancient traditional practice because it is expected that the first man to have sex with a girl must be her husband. This is why a girl is expected to remain a virgin (*virgo intacta*) till marriage. Unlike the Muria people of India who allow long period of sexual relationship before marriage, the ancient Urhobo tradition forbids pre-marital sex for the girls.<sup>21</sup>

In the Urhobo cultural setting, a married man does not commit adultery except when he has sex with a married woman but a married woman commits adultery when she has sex with any man other than her husband. Women are more severely punished for adultery in Urhobo tradition. This is true because an Urhobo married man can be allowed to have *osen* (concubine) while married women are not allowed by the traditional law. *Osen* provides friendship between married men and unmarried women that allows sexual relationship between them.<sup>22</sup> A concubine does not have the status of a wife until the man decides to marry her.

#### **4.3 Punishments for Adultery in Urhobo Cultural Milieu**

There are two perspectives to the punishment of adultery culprits. There is the spiritual or metaphysical perspective in the punishment of adultery. This aspect is beyond the human sense of judgment because it is abstract in nature. As earlier pointed out in this paper, in Urhoboland the punishment for adultery is more severe on the part of a woman and as such it is believed that the gods and the spirit of the ancestors called *erivwi* are very active on the part of the woman. If a man commits adultery with another man’s wife and he is not caught, *erivwi* (spirit of the ancestors) or *esshe* (spiritual police) does not arrest him. This is why married women dread adultery. However, those women who commit adultery without being caught still cannot go free from being punished by the gods and the spirit of the ancestors. The punishments arising from a metaphysical perspective include sickness. When a woman commits adultery and she is not caught during the act, *evriwi* (the spirit of the ancestors) who sees every thing will arrest the woman’s nuclear family. That is, the children of the woman will fall sick and die. It can also affect the husband of the woman in ill health in such a way that it can lead to death. The only remedy is for the woman to confess her adulterous acts so that the ancestors and the gods of the land can be appeased by sacrifice of chicken (*orkho*), goat (*evwe*), plantain (*ordhe* or *orhe*) and yam (*onne*). Apart from the man and the children being sick, it can also make the woman to be sick. The nature of her sickness will reveal to the elders that she has committed adultery. One of such sickness is a swollen body especially the legs and the stomach and this can lead to her death. If the woman refused to confess *erivwi* and *esshe* can kill the whole nuclear family. On the other hand it is not so on the part of a man. If a man commits adultery with another man’s wife and he was not caught, it will not bring sickness to the children, neither the wife nor himself. In this case, it seems the gods and the ancestors have been programmed to recognize men as sacred cows. A man who commits adultery is always afraid of being exposed by the woman when *erivwi* visits her home. This is why it is rare for a man to commit adultery with another man’s wife in Urhoboland. When a woman commits adultery *erivwi* must make sure that justice prevails over her by bringing disaster to her, and her children and husband. This is why an Urhobo married woman dread adultery, so it is also rare for a woman to commit adultery. Another punishment for the woman in the metaphysical sense, involves mysterious death during childbirth. By this understanding, it is believed by the Urhobo that a woman who commits adultery stands the danger of death during childbirth. When an adulteress has not been caught physically in the act, she could still be caught on the course of child delivery, when she develops mysterious complications. To ease delivery, she has to confess her sins of adultery, after which the ritual to remove her pollution is enacted and she will deliver her baby with ease.

The second is physical punishment. It is called physical punishment because it is under the judgment of the elders as based on their physical findings. One of such physical punishment involves fine. Fine is a way of punishment for adultery especially on the side of the man who had sex with another man’s wife. When a man is caught in the act of adultery or in the acts that relates to adultery, he is made to pay a stipulated fine according to what the husband of the woman demands. In a normal fine, the culprit is asked to bring goat (*evwe*), chicken (*orkho*), yam (*onne*), plantain (*orhe*) and money (*igho*). The goat and chicken will be killed and their blood will be used for sacrificial cleansing. Also, eggshell are put in a stick to make *evworo* (cleansing) on the culprits so that they can be free from the wrath of the divinities and the family ancestors. When the goat, chicken, plantain and yam are cooked the culprits are not expected to perceive the aroma not to talk of eating it. Sometimes, the

amount of money apportioned to the adulterer to pay as fine is normally very high because it is believed that when the culprit feels the impact he would be discouraged from committing such an act next time. Also, as part of fine, the adulterer could be stripped naked and thoroughly flogged with a warning not to repeat such act with any married woman in the community. An adulteress can also be made by her husband to pay a fine of goat or chicken, and hot drink to appease the husband's wrath. Another form of punishment in the physical sense is ostracism. A man who has become so notorious in the community to have been committing adultery with people's wives after several warnings and fines is driven out from the community for as long as the elders may deem fit to avoid subsequent damages. Such a person will be cursed as he is being sent away from the community because he has violated the tradition of the ancestors and of the land. The duration of the ostracism is not specific but determined by the elders in council or that of the community. In some cases, such a person can be completely banished from that particular community. Another physical punishment especially for the adulteress is divorce. When a married woman continues in adultery, the husband may resort to divorce her to avoid subsequent embarrassment and shame. If a woman is caught with a particular man for one or several times, the husband can decide to ask the man to refund all the money spent on the wife as the bride price (dowry), thereafter he divorces the woman and send her parking. In Urhobo traditional justice system in the issue of adultery, if a man commits adultery with another woman whether married or not, the wife has no right to divorce her husband on that basis. When a woman is divorced by her husband, she must be made to refund all expenses that her husband had made during the payment of her bride price and when she does that she is free to marry any other man she likes. In some cases, the new man who is about to marry her is asked to return the expenses of the first husband of the woman and then marry her. Failure to do that amounts to adultery if he has sex with the divorced woman.

## **V. ADULTERY IN THE LIGHT OF URHOBOTRADITIONAL JUSTICE SYSTEM: A FEMINIST CRITIQUE**

From the above understandings, a woman who commits adultery is seen as a sexually immoral person and as such she is a taboo, but not so to a man. Even if a man commits adultery and paying the fine, he has no stigma attached but the woman is stigmatized in that community for the rest of her life. A man does not commit adultery except when he has sex with or sexually fondles a married woman, but a woman commits adultery when she has sexual attachment to any man other than her husband. This implies that the men are excused to have extra-marital affairs with other women provided those women are not married. Moreover, while polyandry (simultaneous marriage to multiple husbands) is regarded as a taboo and an act of adultery, promiscuity, and prostitution, polygyny (simultaneous marriage to multiple wives) is not regarded as such. A man is allowed to marry as many wives as he pleases. A man is allowed to have lovers (concubines) and it is not regarded as adultery but a woman commits adultery if she has more than one husband. It is also observed, that the people who constitute both the elders in council and families are men.

All of these constitute injustice to the Urhobo woman. The Urhobo understanding of adultery is male biased because it is in favour of men. Those who make traditional or cultural laws are mainly males. This is so because the Urhobo society is patriarchal and discriminatory to women. A woman cannot be a monarch and those who constitute the *Ovie's* (King's) cabinets in Urhoboland are more of men. This is also injustice to the Urhobo woman. This type of practice, infringes on the woman's dignity and personality. Why should a man be justified by tradition for having sex with his concubine and does not allow a woman same right? This shows that the Urhobo traditional justice system is faulty and unfair to the Urhobo woman.

## **VI. THE BIBLE PASSAGE IN PERSPECTIVE (JOHN 8:1-11)**

### **6.1 The Greek Text of John 8:1-11**

1 Ἰησοῦς δὲ ἐπορεύθη εἰς τὸ ὄρος τῶν ἐλαιῶν.

2 Ὁρθρου δὲ πάλιν παρεγένετο εἰς τὸ ἱερόν καὶ πᾶς ὁ λαὸς ἤρχετο πρὸς αὐτόν, καὶ καθίσας ἐδίδασκεν αὐτούς.

3 Ἄγουσιν δὲ οἱ γραμματεῖς καὶ οἱ Φαρισαῖοι γυναῖκα ἐπὶ μοιχείᾳ κατελιημμένην καὶ στήσαντες αὐτὴν ἐν μέσῳ

4 λέγουσιν αὐτῷ· διδάσκαλε, αὕτη ἡ γυνὴ κατελιηπταὶ ἐπ' αὐτοφώρῳ μοιχευομένη·

5 ἐν δὲ τῷ νόμῳ ἡμῶν Μωϋσῆς ἐνετείλατο τὰς τοιαύτας λιθάζειν. σὺ οὖν τί λέγεις;

6 τοῦτο δὲ ἔλεγον πειράζοντες αὐτόν, ἵνα ἔχωσιν κατηγορεῖν αὐτοῦ. ὁ δὲ Ἰησοῦς κάτω κύψας τῷ δακτύλῳ κατέγραφεν εἰς τὴν γῆν.

7 ὡς δὲ ἐπέμενον ἐρωτῶντες αὐτόν, ἀνέκυσεν καὶ εἶπεν αὐτοῖς· ὁ ἀναμάρτητος ὑμῶν πρῶτος ἐπ' αὐτὴν βαλέτω λίθον.

8 καὶ πάλιν κατακύψας ἔγραφεν εἰς τὴν γῆν.

9 οἱ δὲ ἀκούσαντες ἐξήρχοντο εἰς καθ' εἷς ἀρξάμενοι ἀπὸ τῶν πρεσβυτέρων καὶ κατελείφθη μόνος καὶ ἡ γυνὴ ἐν μέσῳ οὗσα.

10 ἀνακύψας δὲ ὁ Ἰησοῦς εἶπεν αὐτῇ· γύναι, ποῦ εἰσιν; οὐδεὶς σε κατέκρινεν;

11 ἡ δὲ εἶπεν· οὐδεὶς, κύριε. εἶπεν δὲ ὁ Ἰησοῦς· οὐδὲ ἐγὼ σε κατακρίνω· πορεύου, [καὶ] ἀπὸ τοῦ νῦν μηκέτι ἀμάρτανε (BNT).

### **6.2 The English Translation of John 8:1-11**

1 while Jesus went to the Mount of Olives. 2 Early in the morning he came again to the temple. All the people came to him and he sat down and began to teach them. 3 The scribes and the Pharisees brought a woman who had been caught in adultery; and making her stand before all of them, 4 they said to him, "Teacher, this woman was caught in the very act of committing adultery. 5 Now in the law Moses commanded us to stone such women. Now what do you say?" 6 They said this to test him, so that they might have some charge to bring against him. Jesus bent down and wrote with his finger on the ground. 7 When they kept on questioning him, he straightened up and said to them, "Let anyone among you who is without sin be the first to throw a stone at her." 8 And once again he bent down and wrote on the ground. 9 When they heard it, they went away, one by one, beginning with the elders; and Jesus was left alone with the woman standing before him. 10 Jesus straightened up and said to her, "Woman, where are they? Has no one condemned you?" 11 She said, "No one, sir." And Jesus said, "Neither do I condemn you. Go your way, and from now on do not sin again."

### **6.3 Authenticity of John 8:1-11**

John 8:1-11 is the story of a woman caught at the scene of adultery. The woman was brought by the Pharisees and the teachers of the law to Jesus for judgment. This pericope (John 8:1-11) has generated a lot of scholarly arguments. One of such arguments is that of its authenticity. Some scholars say that the pericope does not belong here. Morris is of the opinion that "this story may not have belonged originally to the Gospel of John, and that it is absent from almost all the early manuscripts, and those that have it sometimes place it elsewhere (example, after Luke 21:38)."<sup>23</sup> He argues that though the story of John 8:1-11 may not belong here, it is authentic. He also opines that the earliest manuscripts and many other ancient witnesses do not have John 7:53-8:11.

Also, Alexander and Alexander agree that though John 7:53 – 8:11 may not belong here, as scholars may prefer to arrange it, the story is quite genuine.<sup>24</sup> Metzger says that external evidence shows that John 7:53-8:11 does not belong to the fourth Gospel because there are divergences seen in the style and vocabulary of the pericope which makes it different from the fourth Gospel (John).<sup>25</sup> Another reason advanced by Metzger to show that the pericope (John 7:53-8:11) does not belong here is that John 7:53-8:11 interrupts the sequence of John 7:52 and 8:12ff.<sup>26</sup> Metzger also argues that the omission of this pericope from earlier manuscripts could have been that scribes deliberately expunged the pericope from the fourth Gospel because it was liable to be understood in a sense too indulgent to adultery.<sup>27</sup> Though John 8:1-8 may not belong here, its authenticity cannot be denied because the account has all the earmarks of historical veracity and it is obviously a piece of oral tradition which circulated in certain parts of the Western Church and which was subsequently incorporated into various manuscripts at various places.

Gundry is also of the opinion that the story of the woman taken in adultery does not belong in canonical scripture and that the earliest and best manuscripts, undiscovered when King James Version was published in 1611, omit it entirely.<sup>28</sup> Gundry also argues that the story itself may be historically true, however, it must have been preserved in Christian oral tradition before interpolation into the canonical text.<sup>29</sup>

This pericope is not attested to by many of the earliest witnesses like Codex Sinaiticus of the fourth century, (A) Codex Alexandrinus of fifth century, (B) Codex Vaticanus of fourth century, (C) Codex Ephraimiac of the fifth century, etc.<sup>30</sup> From the Greek critical textual apparatus, only some parts of the passage are attested to by (D) Codex Bezae of fifth century, (A) Codex Alexandrinus of fourth century, F<sup>1</sup> and F<sup>13</sup> papiri.<sup>31</sup> In the same vein, Aland (1981) opines that the pericope was absent from such early manuscripts as "p<sup>66,75</sup> N B L N T W X Y Δ O ψ 0530141, 0211, 22,33, 124,157, 209,565,788,828,1230, 1241,1242,1253,2193 al."<sup>32</sup> Metzger (1971) observes that John the author of the Johannine literature is likely not the author of the pericope in question because "its style and vocabulary differs from the rest of the fourth Gospel, and that it interrupts the sequence of 7:52 and 8:12ff."<sup>33</sup> On the other hand, Shepherd (1990) says it is possible that this omission could be as a result of "lack of space on the missing leaves to include the section along with the rest of the text" and as such in some manuscripts this passage occurs after Luke 21:38 but is not an original part of Luke's gospel.<sup>34</sup>

The question here is, since many earliest witnesses did not attest to this pericope can it be regarded as authentic? In answer to this question, Shepherd says that whether it was placed after Luke 21:38 or after John 7:52 or in the last part of John, the pericope should be regarded as authentic because "it conforms to all we know about Jesus as one who came to seek and save the lost, not to condemn men but to offer them forgiveness and acceptance."<sup>35</sup> Its inclusion in John 7:52- 8:11 was suggested by 8:15, 46. Shepherd further opines that this passage (John 8:1-11) has interesting parallels with the story of Susanna in the Apocrypha; "Jesus is the new

Daniel come to judgment in truth and equity” (Daniel and Susanna 1-64).<sup>36</sup> Also in answer to the question of authenticity of John 8:1-11, Metzger (1971) writes:

At the same time the account has all the earmarks of historical veracity. It is obviously a piece of oral tradition which was subsequently incorporated into various manuscripts at various places. Most copyist apparently thought that it would interrupt John’s narrative least if it were inserted after 7:52 (D E F G H K M U R II 28 700 892 al).<sup>37</sup>

From the above, we see that many scholars are of the opinion that the story is authentic. It is therefore plausible to say that the text is genuine. All the canonized scriptures of the Bible were once oral traditions. Therefore, if scholars agree that this pericope comes from oral tradition then it is authentic. The story line and Jesus’ reaction can be useful for critical study in a culture where the idea of adultery is oppressive to women like that of the Jews and the Urhobo. Hence John 8:1 -11 is an important pericope for this study. This type of story is familiar to the Israelite and as such it plausible to admit that the story in John 8:1-11 really happened in Israel. Its message is very clear in Jesus’ mission of salvation, veracious judgment and equity.

#### **6.4 Literary Context of John 8:1-11**

Though some scholars are of the opinion that John 8:1-11 does not fit into this position in the gospel, it has been observed that John 8:1-11 is a historical text which took the form of oral tradition for a long time before its fixture or canonization after John 7 or in between John 7 and 8.<sup>38</sup> The pericope is a historical text structured within a cluster of losely connected logia on the character of Jesus towards man’s condition. The text is not mentioned very often in the early days of Christianity probably because of the severe punishment that was accorded sexual sin.<sup>39</sup>

The text as it is in John’s Gospel here is preceded by arguments in John 7:1-52 which were aimed at discrediting the authenticity of Jesus’ ministry before the common people. The text after John 8:12-59 also continues the controversy of Jesus’ genuiness as the messiah. John 8:1-11 is linked with both the preceding and the one that follows to form the theme: Controversy and intrigue. The whole text of John 8:1-11 is a reflection of controversy and a critical respond. The narrative on the process in which the Jews intended to trap Jesus and Jesus’ critical response begins at vv.3 and 7 respectively. According Marsh, some of the literary tools of John are symbolism and allegory.<sup>40</sup> Richardson also attested that the style and content of John 8:1-11 look like those of St. Luke and that the pericope interrupts the continuity of 7:52 with the succeeding passage, 8:12ff.<sup>41</sup> In 7:45-52 the officers are unable to arrest Jesus and Nicodemus speaks on his behalf but to no avail.<sup>42</sup> 7:53-8:11 reveals that the Jews set a trap for the purpose of arresting Jesus and 8:12-59 is a continuation of Jesus’ dispute with the Jews. The incidents of Jesus’ conflict with the Jews made John 8:1-11 to have a link with chapters 7 and 8. Sander<sup>43</sup> divides the passage from chapters 7 and 8 thus:

- A. 7:1-9, 10-13, 14-36, 37-44, 45-52
- B. 7: 53-8:11
- C. 8:12-59

Each of these sub-units is composed around Jesus and the Jews. All the sub-units feature controversy on how Jesus could be victimized.

#### **6.5 Socio-Historical Context of John 8:1-11**

John 8:1-11 has its background from the Old Testament, the Law of Moses. The Law of Moses says that those who were guilty of adultery were to be put to death by burning (Gen. 38:24) or by stoning (Deut. 22:23ff, Lev. 20:10). This custom in the ancient Jewish time demanded that both the man and the woman be stoned to death. This custom in the Old Testament as recorded in Deuteronomy 22:22 and else where encouraged concern for purity.<sup>44</sup> The Lord’s community is both inclusive and exclusive. It is marked by purity and holiness and practical humanity.<sup>45</sup> In the Old Testament custom the bride’s chastity is uncompromised. In the Jewish custom of adultery in the Rabbinic literature according to Roger stipulates thus:

The condemned person was stripped naked and the person who served as the number one witness against the condemned would push him or her backward off a platform that was ten to twelve feet high. If the condemned person did not die, the number two witness would then drop a large stone on the person’s chest. The third witness would then drop another stone if it was necessary. If the condemned was still alive, those standing by would all drop stones on the condemned until him or her finally dies.<sup>46</sup>

This custom demanded that no one should be involved in the killing of an innocent person that is why the principal witnesses are requested to initiate the killing. At that time it was also customary for the eldest accuser to throw the first stone.

The time of Jesus in the New Testament was the era of the Roman power over the Jews. During the time of Jesus the Jews were not authorized by the Roman authorities to carry out capital punishment.<sup>47</sup> In the Jewish society of both Old and New Testament era, more importance was attached to males than females, hence a boy at age thirteen was trained in the law to become “*Bar Mitzvah*- son of the law and for religious purposes



he was counted as a man” whereas girls were left uneducated to be trained by their mothers for domestic purpose.<sup>48</sup> At this time also the social status accorded a woman was very low hence they could be regarded as a household property of a man.<sup>49</sup> It was also the traditional practice of the Jews to divorce a woman on the basis of adultery. Up to the time of Jesus the *Shammai* school of thought still held that adultery on the side of a woman should be regarded as sexual immorality and as such should be the only basis for divorce.<sup>50</sup>

The woman caught in the scene of adultery in John 8:1-11 lived within a society that subjugated women under men. They could humiliate or disgrace her because it was at their disposal to do so. It was a community which traditional laws respected men and disregarded women. This was the background in which Jesus and the adulteress found themselves.

### 6.6 Exegetical Analysis of John 8:1-11

The pericope consist of John 7:52-8:11. Various themes formed the periscope but in the context of this work, the following themes shall be explored: Καθίζω (to sit) and διδάσκω (to teach), μοιχεία (adultery), νόμος or νόμος (law), ἁμαρτία (sin) and Κατάκριμα (condemnation).

- i. **Καθίζω (*kathizó*) and διδάσκω (*didasko*):** The word Καθίζω means to make to sit down or to sit (trans: I make to sit; I set, appoint, taught (Joh 8:2 NKJ) intrans: I sit down, am seated, stay). In verses 1-2 *Katizas* (sat) which is the aorist participle of *Katizo* (I sit down) suggests that Jesus was doing something with people who sat down. The term διδάσκω means: to hold discourse with others in order to instruct them, deliver didactic discourses, to be a teacher, to discharge the office of a teacher, conduct one's self as a teacher, etc. The word *edidasken* (teaching) as it is used in the passage is an imperfect indicative showing an uncompleted action. It shows that at the time the people brought the woman caught at the scene of adultery to Jesus, he was teaching and the teaching was probably interrupted. The word *kai* (and) a conjunction joined the action of the Pharisees and the Scribes with the previous action and it also introduced the new action thereby showing a sequence.
- ii. **Μοιχεία (*moicheia-vv.3-4*):** Verses 3-4 talks about a woman who committed adultery. The phrase reads: γυναῖκα συλληφθεῖσαν ἐπὶ μοιχεία (*gunaika sullephtheisan epi moicheia*-a woman caught or taken in adultery). The Greek word μοιχεία means adultery. Μοιχεία as used in this passage carries the idea of sexual intercourse between a man and woman who are not husband and wife.<sup>51</sup> The Greek word γυνή (*gune*) carries an indefinite article so that it can read a woman. γυναῖκα (*gunaika*) as it is used in this pericope carries the idea of a married woman that is, γυναῖκος (*gunaikos*-a wife) of somebody. This means that the woman that was brought to Jesus who was indicted of adultery probably had a husband. The words: καὶ στήσαντες αὐτήν ἐν τῷ μέσῳ (*stesantes auten en meso*-set her in the midst), suggest that she was brought to Jesus for judgment. This is where the law comes in. But before they quoted the law of adultery they also acted lawfully by emphasizing that there were more than two witnesses who saw her because the law says that one must not accuse anyone of sin without two or more witnesses. The act of adultery as it is used in verse is μοιχευομένη (*moicheuomene*) and it is the present participle of μοιχευομαι (*moicheuomai*) which means to commit adultery.<sup>52</sup> This word has the idea of a man and a woman committing the act. The word *kateilemmen* which means to seize or to take indicates that they dragged her violently to Jesus saying that she was *ep autophoro* (caught) in the act with a man: but the man was not brought along. Also the word *kateilemmene* (caught) is a perfect past participle of *katalambano* (to seize or to take). This gives the idea of apprehension and it indicates a deliberate action to bring shame on the woman.<sup>53</sup> They did not bring the man.
- iii. **Νόμος or νόμος (*nomos-v.5*):** After establishing their evidence, they went further to the law and Jesus' judgment (verses 5-11). The Greek word ο νόμος (*o nomos*-the law) as it is used in this passage is a noun and it connotes the idea of ethos (ethics) and judgment (*krima*). In this understanding Vine writes thus: *akin to nemo*, to divide out, distribute, primarily meant that which is assigned: hence, usage, custom, and then, law, law as prescribed by custom, or by statute; the word *ethos*, custom, was retained for unwritten law, while *nomos* became the established name for law as decreed by a state and set up as the standard for the administration of justice.<sup>54</sup> When *nomos* carries the definite article *o* it refers to the Law of Moses. In this passage, law suggests that the Jewish people accepted the Law of Moses as a laid down tradition. The verb form of *nomos* is *nemo* and it can mean to grant, to assign or to deal out. According to Esser: the word *nomos* as found in literature from the time of Herod, 7<sup>th</sup> century B.C. is originally referred to distributing and what follows from it. It meant that which has been laid down, ordered or assigned; but more particularly the results of these arrangements was regularized and attain the status of transition. The word therefore denotes custom, usage, statute, law, especially in the context of distribution of goods, and law and order. The legal, ethical and religious meanings of *nomos* are inseparable in antiquity....<sup>55</sup> The

word *nomos* carries the idea of laid down order or custom in a society. It also carries the idea of judgment in its verb form *krino*, which means to judge. The idea of judgment was given in the passage by the word *eneteilato* (commanded). The word *eneteilato* as it is used in the passage is the aorist middle indicative of *entellomai* meaning to command. It carries the idea of being commanded or instructed or ordered to do something. *Entellomai* was completed by *toioutos* (such a one) be *lithazo* (stoned) to death. The whole sentence suggest in verse 5 the act of judgment and they requested Jesus to pass his own judgment (*krima*) based on the evidence of the witnesses before Him. Though the word *krima* could mean dispute, decision, verdict and judgment, in the context of this passage it can mean verdict or judgment. Why did they bring the woman to Jesus for judgment? Their intention was declared by the word *peirazontes* which is the present participle of *peirazo* meaning to test or tempt (v.6). This shows that they were tempting Jesus in order for him to fall into their trap. In this understanding, Ngewa says: Those who dragged in the woman and questioned Jesus about her had only one motive: ‘they were using this question as trap, in order to have a basis for accusing him’ (8:6). They were not sincerely requesting advice or wanting to learn. They were disturbed by Jesus’ growing popularity among the people and were desperate to find some legal grounds for attacking him.<sup>56</sup> The bottom line of the act of the Pharisees and the Scribes bringing the adulteress to Jesus was to put Jesus into trouble.

- iv. **ἁμαρτία (*hamartia-v.7*):** This term is a feminine noun derived from the etymology με;ρος (*meros*) meaning "a part or share of. ἁμαρτία means loss (forfeiture), not hitting the target, sin (missing the mark), wrong doing, sin, any contrary to the law or will of God.<sup>57</sup> There are a number of words used in the original Greek New Testament which are translated “sin” or “sins”. These are “hamartia”, “hamartema” and “hamartano”. In the original Greek New Testament, the most common word translated as “sin” or “sins” is “hamartia”. Vine says “hamartia” means “literally missing of the mark”.<sup>58</sup> Vine also says that the Greek word *hamartema* means “an act of disobedience to divine law.”<sup>59</sup> This word is used in Mark 3:28, Romans 3:25 and 1 Corinthians 6:18. 1 Corinthians 6:18 to show that God is concerned about the specific sins of Christians and not just sin in general. In the context of this study, verses 7 and 11 form the core of this analysis because they talk about sin, *hamartia*. The word sin as defined in John 3:4 reads: “every one who sins breaks the law; in fact sin is lawlessness”. This implies that sin is the transgression of the law. Which law (*nomos*)? The Law of Moses. In verse 7, what can we see as the sin of the people who brought the adulteress to Jesus for judgment? Their sin is the sin of injustice (oppression). It is the sin of injustice because the law (*nomos*) in the old Testament which they referred to in verse 5, states that both the man and the woman be punished for adultery but here they brought only the woman. Where is the man? They had committed the sin of injustice by not bringing the man along with the woman. When Jesus said to woman, “go and sin no more” which sin did He refer to? Jesus here refers to the sin of adultery and other sins. This implies that adultery is a sin no matter who commits it. Thus, from this passage (John 8:1-11) Jesus stands as a critic of injustice (sin). The Church and her leaders must preach against injustice of any kind. Also political and traditional leaders should endeavour to protect women in the society from being oppressed or marginalized in any form by men.
- v. **Κατάκριμα (*katakrima-v.10*):** This term means, condemnation, penalty, judgment or punishment. This also refers to justice, punishment following condemnation, punishment following condemnation, penal servitude, damnatory sentence.<sup>60</sup> Paul also made use of κρίμα in Romans 5:16 and Romans 5:18 and Romans 8:1. The judgment as stipulated by the Old Testament in the case of adultery was execution by stoning. The paradox here, is how the action of the accusers can be referred to as justice when the man who committed the offence with the woman was not brought for justice. The attitude of the scribes and the Pharisees show intrigue in disguise. Before they met Jesus, they had already condemned the woman in their hearts, but did not condemn the adulterer (the man). This could be seen as an injustice to the woman. After making the woman stand in front of the whole group, the Scribes and the Pharisees said to Jesus: “Teacher, this woman was caught in the act of adultery. In the Law, Moses commanded us to stone such woman. Now τί λέγεις (*ti legeis*; -what do you say? vv.4-5). The Greek word λέγεις (*legeis*-you say) is the present active indicative of λέγω (*lego*-meaning, I say). This suggests a present action. Jesus was expected to give his own verdict at the spot. In their way of thinking, there were only two possible answers Jesus could give: “stone or leave her alone”. If he approves of stoning her, then his entire message of love and mercy would have been at stake and he would have exceeded the legal powers given to the Jews by the Romans because: the Jews did not have authority to pass or carry out capital punishment at that time. On the other hand, if he said, “leave her alone”, he would appear to be condoning her sin and disregarding the law of Moses. According to Ngewa, Whichever option Jesus may chose would cost him his popularity among the people and then the leaders would be able to arrest him with the people’s approval.<sup>61</sup> In the opinion of Tenney concerning this pericope, the woman was merely the bait for the trap by which the

Scribes and the Pharisees hoped to take Jesus.<sup>62</sup> Here, Jesus did not ask the accusers to stone the woman? Jesus did not condemn the woman either because it would have been unjust for him to punish her without the man and it would have been illegal for him to do so when the Roman authority controlling their community then forbade the Jews from carrying out capital punishment. In the final analysis Jesus said: “go and sin no more” (v. 11).

### **6.7 The Meaning of the Story in John 8:1-11**

Bible passages are not read in isolation. They carry within them some theological meanings or significance. Almost all the New Testament canonized books were written to solve problems or to at least clarify theological issues in the early church communities. The nature of the argument or problem determined the construction of the story. Perhaps John’s church community may have been grappling with the issue of adultery as well. In this line of thought Manus says that: one of the major questions that confronts an exegete grappling with an African contextual bible reading is how to determine the historical context of the early church community that transmitted a particular tradition.<sup>63</sup>

Some scholars agree that the church community then was apparently one whose several Jewish members had shortly been ejected from official Judaism largely dominated and ruled by the Pharisaic group.<sup>64</sup> With this type of background in mind what comes to mind here is: what could this story in John 8:1-11 have meant to the original recipients who were Jewish Christians both at home and in diaspora? Brown<sup>65</sup> points out some meanings of the story in John 8:1-11 as follows:

- i. It portrays justice and mercy. Here the justice of Jesus is not condoning the sin and his mercy in forgiving the sinner is one of the great gospel lessons.
- ii. It portrays intrigue and injustice. If the Jews were allowed by Roman authority to carry out capital punishment there should be no need to ask Jesus to pronounce judgment. They knew that if Jesus said “do or do not” he would be in trouble. The intrigue was to trap Jesus. The injustice portrayed is based on bringing only the woman for punishment when the Old Testament law says that both man and woman be punished for adultery.
- iii. It gives the portrait of Jesus as being liberal. Verse 7 of John 8 has been interpreted by some scholars to mean a reference point for maudlin justification for indifference towards sins of the flesh. However, John is not saying that every magistrate must be sinless to judge others. Here Jesus was dealing with Zealots who have taken upon themselves the indignant enforcement of the law, and He has every right to demand that their case be thoroughly, lawful and their motives be honest. He recognizes that although they are zealous for the word of the law, they are not interested in the purpose of the law.

Also Derrett opines that the passage portrays injustice and illegality.<sup>66</sup> He argues that despite the Roman ban, the Pharisees and the mob wanted Jesus to permit them to exercise lynch law and stone the woman.

### **6.8 Theological Implications of John 8:1-11**

**i. Adultery is a Sin no Matter who commits it (vv. 1-7):** To suppose that the narrative before us palliates the sin of adultery and exhibits Jesus as making light the seventh commandment is surely a great misunderstanding of the law because there is no sentence in the passage to justify such an assertion.<sup>67</sup> Rather Jesus can be seen in this passage as one who criticized the act of the accusers of the woman. Jesus told the accusers of the adulteress: if anyone of you is without sin, let him be the first to cast a stone at her (v.7). In Jewish cultural setting then, this statement took into account the special role which the witnesses of the scene were required to fulfill: they were to initiate the stoning. Accordingly they needed to be appropriate witnesses who had not committed such a sin before.<sup>68</sup> Rogers also confirms that in the Jewish setting the principal witnesses were required to initiate the stoning.<sup>69</sup> Amazingly they all left the woman alone because they realized that the guilt of sin is not restricted only to a woman. All of them being men were also convicted of their sins. Both men and women commit the sin of adultery. Ngewa says that “it is possible that when Jesus bent down to write he was writing down the sins of the accusers because he knew what was in everyone’s heart.”<sup>70</sup> Sin is sin no matter who commits it. When a man or woman commits adultery it is a sin.

**ii. God hates Injustice:** To subject only a woman to judgment for committing adultery without also judging the man is a display of injustice and oppression against the woman. It takes a man and a woman to commit the act of adultery (vv.3-7). Many scholars have argued as to what Jesus wrote on the ground. Tenney in this regard says that no one knows precisely what Jesus wrote on the ground.<sup>71</sup> Whatever it was that He wrote was not recorded in the bible passage, but Jesus’ message was clear in His verbal response. This message is a critique of the act of the woman’s accusers who did not bring the man along with the woman as required by the Old Testament law. Jesus here is confronting the accusers of the need for consistency in passing judgment. The law they referred to was the same law that says that both the man and the woman be judged but where is the man (Deut. 22:22)? The woman’s accusers allowing the man to go free imply injustice to the woman. This is

probably what Jesus was confronting. Wasike says that the time has come for Africans to develop different values-values founded on the dignity of all, children, women, and men and which are Christ-centered.<sup>72</sup> In Christ all people and their cultures are drawn into God. Christ challenges every act of injustice today as he did to the woman's accusers in John 8:1-11. He denounced whatever enslaved people and rejected anything that kept people from appreciating their basic human dignity. Injustice (to follow human) was what Paul also confronted in Galatians 3:28 when he says: "There is neither... male nor female, for you are all one in Christ Jesus" (NIV). This implies that unity in Christ transcends ethnic, social and gender distinctions (see Rom. 10:12, 1Cor. 12:13, Eph. 2:15-16). Distinctions such as ethnicity, economic status, or gender are irrelevant in the church and should also be irrelevant in the Urhobo society because all humans were created in God's image (Gal. 3: 28).

**iii. Self Righteousness does not Justify Oppression and Injustice before God (vv. 7-10):** How can the woman's accusers claim to be pious when they allowed the man to go free and brought the woman with whom the man committed adultery for punishment? Justice demands the duo be punished. If what the woman did is called adultery then it should be called adultery when a man committed it. These men were using their freedom to oppress the woman. Paul in Galatians 5:13 admonished that we should use our freedom for service to humanity not to enslave humanity. Therefore, real piety considers justice. Jesus' critique of the accusers brought real piety into the picture of the passage. This illustrates that no man is qualified to judge others by his own righteousness especially when God's holiness is in view.

**iv. The Forgiveness of Sin is not a Yardstick to Continue Sinning (v.11):** Jesus said neither do I condemn you but go and sin no more. One may think here that Jesus condoned adultery. But he did not condone adultery because he says: do not sin again. This does not in any way encourage people to commit adultery so that they will seek for forgiveness but Jesus rather gave the right admonition thereby stopping both man and woman from committing adultery.

## VII. CONCLUSION

This work has shown that the cultural understanding of adultery in Urhoboland has an undertone of oppression to women because when men have sex with their concubines and lovers outside their marriages it is not regarded as adultery but when a woman does same it is regarded as adultery. The paper has argued that the Urhobo traditional justice system in relation to adultery is unfair to the Urhobo woman. and men are human beings created by God and the attitude of Jesus in John 8:1-11 is a critique of those who accused the adulteress without doing same to the adulterer.

One can also see that the accusers of the adulteress are gender-biased in the passage because the adulterer was excused due to the fact that he was a man while the adulteress was subjected to punishment just because she was a woman. The exegesis of the passage has also shown that the sin of the woman's accusers was the sin of injustice. Gender discrimination has hindered many female children from going to school in the past. The church being the body of Christ should fight against gender discrimination like Jesus did. The church through sound biblical teachings should discourage traditions that of oppression, discrimination, injustice and immorality.

Tradition, culture and ethical practices (which the local people have today) had been in existence before of the church to Africa hence it is difficult for the church to change them automatically. However, the church is saddled with the responsibility of preaching and teaching the Gospel of Jesus Christ by speech and practice without ceasing. As we can see in Jesus' response to the Jews in John 8:1-11, He condemned sin. The church has to be involved in opposing bad practices in the society. It must be understood in Urhoboland that adultery is a sin no matter who commits it and as such men and women in the church of urhoboland should be encouraged to desist from traditions that allow or justify unregulated sexual relationships that promote adultery and fornication. In the light of Jesus' teaching, both men and women must be seen by the church as co- image of the creator and should be treated as such. Jesus should not be seen in John 8 1-11 as a one who condone adultery but should be seen as a one a who teaches genuine repentance irrespective of gender because he says: "go and sin no more."

## VIII. RECOMMENDATIONS

- i. The church in Urhoboland should organize seminar from time to time to educate the church on the need to desist from gender discrimination;
- ii. The Nigerian state should help emancipate women in Urhoboland from oppression through enactment of women and girl-child right law;
- iii. Traditional or customary laws should be made to discourage both men and women from extramarital sexual affairs; and



- iv. The church should punish members who commit adultery with love and lead them to sincere repentance and not ritualistic repentance.

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