

Exegetical perspectives of Deuteronomy 19:15–21 on jungle justice in Nigeria

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Considering the large number of mob killings, especially the case of two suspected thieves who were burnt alive in the Enugu metropolis, a more exegetical approach to the issue of jungle justice becomes imperative to assuage mob and hasty killing. The article employed a rhetorical approach to studying Deuteronomy 19:15–21 to provide lucid exegetical findings on the issue of jungle justice. The article discovered that the major cause of jungle justice is the failure of the masses to engage more than one witness in order to ascertain the actual situation. Suspected cases are to be taken to appropriate legal institutions and not handled on the street. Also, judges are supposed to make diligent inquiries to ensure justice and attenuate jungle justice. This article did not engage life experience as the former study has provided evidence of Jungle Justice in Nigeria.

Interdisciplinary and/or interdisciplinary implications: The strategic response to this phenomenon discussed in the article are legal examples exemplified in Deuteronomy 19:15–21 and Jungle Justice. Therefore, the article promotes interdisciplinary knowledge because it developed a new theology between religion and civil rights. Also, it promotes education and enlightenment.

Keywords: Exegesis; Deuteronomy 19:15–21; jungle justice; judicial inquiries; witnesses.

Introduction

The book of Deuteronomy contains a judicial system that could serve as a model to any society aspiring to be replete with justice. This is because Deuteronomy serves as a law code and instruction especially on arrival at Canaan after the Egypt slavery experience. For instance, Miller (1990:115) argues that 'Deuteronomy 19:15–19 proposes all the ingredients of a system for the administration of justice: codes of judicial conduct'.

The legislative code contained in the study text according to Black and Rowley (1962:269) is Moses' speech to his people 'at the plain of Moab'. In this line of thought, VonRad (1966:12) observed that 'the formal setting of Deuteronomy (Dt.) is a speech by Moses to the people of Israel'. This 'hortatory speech' (VonRad 1966:12) is compared with the patriarchs blessing their children before their death (see Gn 49:1–27, Gn 25:11, Gn 50:24–26, Gn 26:30–31). Therefore, 'it is Moses' farewell speech before his death and it recapitulates God's act of salvation and exhorts reciprocation from the part of the people' (Obiorah 2014b:12). However, the bulk of the material in the book of Deuteronomy according to Kuypers (1952):

[C]oncerns itself with laws and regulations for the religious, domestic, and national life of Israel. In this paper, it is viewed as a law, regulations against killings without sufficient witness. (p. 6)

Its laws and regulations are very current and can serve as a model and a mechanism to assuage human killings in Nigeria. Stressing this fact, Miller (1990:2) observes that the book of Deuteronomy 'is an important example of the way law and teaching develop theologically to meet requirements of the current times while preserving continuity with the old'. This 'legal code in Deuteronomy 19:15–21 serves as a guide on how the children of Israel can establish a just society replete with peace, harmony and tranquility' (Carmichael 1974:18).

Thus, this research provides an exegetical perspective on the issue of jungle justice. Also, as Nigerians are participants in jungle justice, this article seeks to explore the Deuteronomistic perspective on jungle justice to emphasise the need for more witnesses before concluding a judicial case.

Methodology

The research method adopted for this study is rhetorical analysis. According to the Pontifical Biblical Commission (1993:22), 'Rhetorical analysis is the art of composing discourse aimed at persuasion'.

Note: For inclusion in a Special Collection: African Hermeneutics.

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This method 'assumes that all discourse is aimed at influencing a particular time' (Obiorah 2014a:93). Obiorah (2014a:93) further asserts that Rhetoric analysis 'is the art of effective or persuasive speaking or writing'. This article used secondary sources such as Bible dictionaries, concordances, textbooks and journal articles.

The Hebrew text: Deuteronomy 19:15–21

It is always important to start an exegetical work with proper contact with its original text. Ska (1991:1) notices that: 'a close reading of the original text is an excellent start. The subsequent analysis will deepen this first contact and develop into real familiarity'. Suffice to say that the analysis of this text is based on the way it appears before the reader or what Chinwokwu (2015:22) calls 'final form'.

Hebrew text (Deuteronomy 19:15–21)	Researcher's rendition
15 לא יקום עד אחד באיש לְכַלֵּי עוֹן וְלִכְלֵי חַטָּאת בְּכָל־חַטָּאת אֲשֶׁר יַחַטָּא עַל־פִּי שְׁנֵי עֵדִים אוֹ עַל־פִּי שְׁלֹשָׁה עֵדִים יָקוּם דָּבָר	15. One witness shall not rise against a man for any iniquity, or for any sin, in any sin which he sins; at the mouth of two witnesses, or at the mouth of three witnesses, a thing shall be established.
16 כִּי־יָקוּם עַד־הַמֵּס בְּאִישׁ לַעֲנוֹת בּוֹ סָרָה	16. If a false witness rises up against any man to charge an offense against him.
17 וְעַמּוּדוֹ שְׁנֵי־הַאֲנָשִׁים אֲשֶׁר־לָהֶם הִרִיב לִפְנֵי הָיְהוָה לִפְנֵי הַכֹּהֲנִים וְהַשֹּׁפְטִים אֲשֶׁר יִהְיוּ בְּיָמֵיהֶם	17. Then both the man who has the disagreement shall stand before God, before the high priests and the judges who shall be in those days.
18 וְנִדְרָשׁוּ הַשֹּׁפְטִים הַיָּשֵׁב וְהַנֶּהַג עַד־שִׁקְרָה הַעַד שִׁקְרָה עֲנָה בְּאֶחָיו	18. And the judges shall carefully inquire and behold (if) a witness (is) a false witness (and) he has testified falsely against his brother.
19 וְעָשִׂיתָ לוֹ כַּאֲשֶׁר זָמַם לַעֲשׂוֹת לְאֶחָיו וּבַעֲרַתָּ הָרָע מִתְּרֵבּוֹ	19. Then you shall do to him as he has plotted to do to his brother and you shall put away the evil from among you.
20 וְהַנִּשְׁאָרִים יִשְׁמְעוּ וְיִרְאוּ וְלֹא־יִסְפוּ לַעֲשׂוֹת עוֹד כַּדָּבָר הַזֶּה הַנָּהוּ בְּמִקְרָבְךָ	20. And those who remained shall hear and fear, and shall thereafter not commit any such evil among you.
21 וְלֹא תַחֲסוּ עֵינֶיךָ נֶפֶשׁ בְּנֶפֶשׁ עַיִן בְּעַיִן שׁוֹ בְּשׁוֹ יָד בְּיָד רֵגֶל בְּרֵגֶל ס	21. And your eyes shall not pity; life (shall) go for life, eye for eye, tooth for tooth, hand for hand, foot for foot.

Literary style of Deuteronomy 19:15–21

A prominent literary style found in the study context is 'repetition'. This style is common in the entire book of Deuteronomy. In this line of thought, Carmichael (1974:18) observes that the repetition style of Deuteronomy is a characteristic of the entire work. Furthermore, the writer stressed that this repetitiveness is not just a style of writing; it extends to the way in which the laws are presented. The law discussed so far is dependent, for they repeat and expand upon these earlier materials. Evidence of this style appears in verse 16 and verse 21; verse 16 presents the law against false witness and verse 21 repeats this law.

It can be seen that the speech being studied falls within what is technically characterised as a 'plot of resolution' A plot of resolution, according to Ska (1991:18), 'is a gradual development of events and order of events are essential and the development is unraveling'. The arrangement of this

style is represented in the way the law is arranged; verse 15 talks about witnesses and the other verses expand the law and heighten its tone.

Delimitation of the text

Deuteronomy 19:14 ends with the law on property, and this is the event that introduces the law in verse 15. Therefore, one could deduce evidence of a unified plot according to Ska (1991) who notices that in a unified plot, all the episodes are very important to the discourse. Verse 15 begins a new instruction on witness and runs down to verse 21. Accordingly, verses 15–21 is a literary unit. This is in consonance with Ngengi's (2012:33) opinion that 'a literary unit is a biblical passage that has significance in itself'.

The text falls within Moses' second speech with the embodiment of ethical conduct required of the Israelite community if they wish to live long in the land promised to their fathers. Suffice it to say that, it also falls within the chapter identified by Buttrick (1953:14), as 'the main address or the core of the book ... chapters 5–26; 28'. His reason is that 'the other addresses in chapters 1–4; 29–30 are brief and given evidence of having been appended to the main address' (Buttrick 1953:316). The major theme is the law on witnesses; the required number to make any case sustainable in a law court.

There are two characters in the text: Moses, who addressed the congregation of Israel and the people of Israel. According to Black and Rowley (1962:269), 'the very long speech took place at Moab'. This was given as the preparatory speech by the leader to his congregation, to help them prepare for the life ahead of them when they finally inherit the Promised Land.

The structure of the text

The hortatory speech in Deuteronomy 19:15–21 revolves around an ethical system for just justice within the Israelite community. The need to occupy the land promised to the fathers orchestrated a code of conduct that must guide them. McKenzie (1990:1083–1112) argued that 'the basic notion of this law is to enforce monotheism among the Israelite community'. Property law and witnesses became imminent to ensure tranquillity. In verse 15, the pericope brings to the fore the need for witnesses and the number required to make culpability sustainable. Therefore, the speech in verse 15 could be termed the need for witness and the required number.

The exigency of a witness may occasion a false witness whose intention is to sabotage and attenuate the flow of just justice. The speech found in verses 16–19 carefully asserts the likely emergence of false witnesses, the sagacity required of judges to discern and determine their claims, and the peril of such despondent intentions. The pericope found in verses 16–19 could be termed false witnesses and their first punishment.

same punishment. The issue of justice was very serious in Hebrew society. This was evident in the reinterpretation of the Torah to suit the different situations that the people faced in the wilderness. This also accounts for the repetitive characteristic of Deuteronomy. Therefore, the personalities involved in the process of justice must replicate God's nature enshrined in just justice. For instance, civil cases are to be taken to the central sanctuary where the priest, God's representative, the laymen and possibly the Ark of God are present to discharge this duty.

The basic notion of this law is that both parties under dispute are to stand before the Lord or priests. The judges acted as God's representative. The presence of the Lord or the priest denotes how responsible the witness must be. Driver (1978:199) observes that 'judgment in ancient Israel, even on secular issues, seems often to have been administered at a sanctuary', while Clifford (1998:105) avers that 'difficult case of false witness is to be taken to the central court described in 17:8-13'. The phrase 'before the Lord' usually means in Deuteronomy 'in the central shrine'. In that central shrine, יהוה Yahweh, priests (plural) הכהנים, and judges (plural) שופטים were to be there just to ensure transparency in their judgement. So, judgement takes place in their very face לפני. Elsewhere, we read that 'difficult legal case and the case of a false witness have each to be taken to the central tribunal, to the priests and judge(s) who practice in those days' (Clifford 1998:115). Miller (1990) observes that the location of the court at the central sanctuary is:

[C]onsistent with Moses' instruction to the people in the wilderness to bring the difficult cases to him (Ex 18:22; Dt 1:17), the Deuteronomic legislation sets up a central or supreme court in the place לפני that the Lord will choose. (p. 145)

Any case of crime is to be taken to the central shrine where they are settled before the priest. 'There, before the priests and the lay judges, the matter is to be settled' (Carmichael 1974:115). These are clear indices that civil cases are very serious; hence they are administered inside the sanctuary where God lives.

Furthermore, the people tasked with the responsibility to administer judgement and men with good repute are to be trusted. The main word here is ודָרְשׁוּ *wadāršū*, with the nuance to 'resort to, seek'. It means that a judge before the Lord at the central sanctuary should inquire, seek the truth and examine the witnesses diligently to avoid passing false judgement against one another. Arguing further on the good qualities and care taken by judges, Carmichael (1974:155) notices that 'the judges shall inquire diligently; and ... make search and ask diligently'. Part of the reason apart from seeking truth according to Cook (2019) is because it is very difficult to detect a false witness. To ensure tranquillity and fair justice, the priests and judges should therefore possess a good knowledge of judicial law to enable them to dispense just justice. Clifford (1998) corroborates this argument when he avers that:

[T]he priests would thus possess a hereditary knowledge of civil and criminal laws not less than of ceremonial law ... would naturally give them an advantage over either the local elders or the ordinary lay judges. (p. 105)

There are rules and measures carefully in place to determine such cases. Those rules are the system for finding out the causes of crimes in ancient Israel. In view of this, Clifford (1998:207) opines that 'ordeals existed for determining the truth or falsehood of statements when no independent checks were available'.

Just Justice and Second Punishment for False Witness (vv. 20-21)

The expression 'eye shall not pity; it shall be life for life; an eye for an eye, tooth for a tooth' can also refer to a false witness whose intention is to pervert just justice and propagate jungle justice. To be more precise, this warning is directly against false witnesses. 'In Deuteronomistic literature according to Clifford (1998:116), the warning is not to pity a convicted false witness'. This idea has often been misinterpreted by modern scholars who associate this verse with Matthew 5:38. Hence, it is found here that; 'the idea was to restrict indiscriminate vendetta by applying a rough principle of equity, but it has acquired a bad reputation by mistaken reading of Matthew 5:38' (Blenkinsopp 1990:104). The people should not pity the false witness but they should do to him exactly that which he planned against his neighbour. Because showing pity could establish ambiguity, it is warned that one should not pity to avoid any chance of association with a false witness. Thus, Miller (1990:145) argues this further when he avers that 'a distance is kept between the addressees in the crime of false witness. He should not be even indirectly associated with by showing pity'. Therefore, the false witness is to undergo the same punishment he meant for his brother. Clifford (1998) explains this reality beautifully connecting it to Hebraic wisdom:

The lying witness is to undergo the very evil he or she meant to inflict. That the devices of the wicked often return upon their own head is a commonplace of Hebrew thought. The punishment of the false witness illustrates the axiom perfectly. (p. 116)

The idea that a false witness will receive the same judgement is to make sure that such a thing does not come up in Israel. Arguing further on this, Carmichael (1974) observes that:

[T]he aim of this form is to enhance the heinousness of the crime, the attitude being that it is unthinkable even to raise the possibility that the addressee, a true Israelite, might be a false witness. (p. 115)

To summarise this part, the book of Deuteronomy proposes a legal code that is comprehensive. Consequently, Miller (1990:145) states that 'Deuteronomy proposes all the ingredients of a system for the administration of justice: codes of judicial conduct ...' It is so comprehensive that 'if enacted today ... that a false witness would receive the same penalty that would have been given to the accused – would substantially reduce the number of lawsuits in our courts' (Collins 2019:para. 1). There are important lessons the Nigerians can learn from this ancient Hebraic legal wisdom, particularly in an era of rampant jungle justice. This article is not proposing a legal system to replace our existing constitution; rather, the target is to insert and reinforce the wisdom of approaching justice that is admissible by both the sacred scripture and the constitution.

Definition of the term jungle justice

Jungle justice is variously defined to connote the activities of people dishing out judgement on the street without any single witness to justify their claims. Kapae and Adishi (2017) observes that:

Jungle justice is the act of disregarding the rule of law and taking matters into one's hands. It is also the act of handling suspected criminal offenders over the hands and mercy of angry mob. (p. 16)

In a concise form, jungle justice is when the people take upon themselves the responsibility of punishing an alleged criminal without reference to the law. Abdulah (2017:para. 3) observes that 'jungle justice is a metaphor for the failure of justice and the failure of society to apply uniform and equal standards and processes to everyone'. Unfortunately, Abdulah (2017) notes that:

[U]nder the jungle justice system, the entire concepts of state, government, and rule of law is defeated because people are allowed to act in a state of nature that is unregulated, unbridled. (p. 16)

According to Onu (2017), Jungle justice is a travesty of justice because it does not guarantee fairness to anyone.

Thematic analysis of Deuteronomy 19:15–21: Implications for Nigerian populace

Below is the thematic analysis of Deuteronomy 19:15–21 and how it can help Nigerians avoid Jungle Justice.

Judgement can only be sustained based on the testimonies of two and above

According to this text, only on the account of two, three or more witnesses can any case be established. 'No single witness shall suffice against his neighbour'. Therefore, Nigerian citizens are admonished to eschew discharging judgement at the testimony of one witness to assuage jungle justice. Again, human life is sacred in the Nigerian constitution and ancient Israel, hence the exegetical perspective of Deuteronomy 19:15–21 is apt as it provides a legal framework to emphasise the need to avoid jungle justice and to curtail culpability. Based on this, the studied text postulates that a fair trial should be granted to someone before condemnation or freedom. Lastly, the studied text refuses to grant a mob the right or power to kill a suspect without giving the person a fair hearing.

False witnesses should receive the same punishment for a premeditated crime against their neighbour

False witness is at the core of this text. According to Miller (1990), any false witness is to undergo the same punishment for a premeditated crime against his neighbour in relation to the Jewish requirement for false witnesses to be dealt with severely. Therefore, in Christian literature evidenced in the text studied, false witness is not permitted. However,

contrary to the dictates of the Deuteronomistic legislation, what plays out in contemporary Nigerian society is a preponderance of sad episodes of extrajudicial killings with the media being flooded with horrendous stories of circumstances.

Judgement should be sought at the law court

In the Deuteronomistic example, criminal cases involving human beings are taken to the central sanctuary to be decided by judges. This is because it was believed that God lived there, and judges would be more cautious not to make mistakes of either collecting bribes or perverting justice. Another argument to this point is that difficult cases such as crimes were to be taken to the sanctuary in consonance with the instruction of Moses. This point is elucidated in the words of Miller (1990) who observes that the location of the court at the central sanctuary is:

[C]onsistent with Moses' instruction to the people in the wilderness to bring the difficult cases to him (Ex 18:22; Dt 1:17), the Deuteronomic legislation sets up a central or supreme court in the place that the Lord will choose. (p. 145)

In our contemporary society, as it relates to jungle justice, no attempt is made to send the accused to any law court for a fair hearing before executing them. We have law courts; the Supreme Court or the Court of appeal where competent judges are. The only appeal is that they should be made affordable to enable people of different classes to bring their grievances to justice.

Judges should possess knowledge of the law

Furthermore, judges should possess a good knowledge of the law to avoid human mistakes. In the Deuteronomistic example:

[T]he priests would thus possess an [sic] hereditary knowledge of civil and criminal laws not less than of ceremonial law. This is in effect because, in their social milieu, priests had the parallel duty of priesthood intalia, the civil duty of ensuring tranquility and equitable justice in the society. In our contemporaries, the mob should not be allowed to issue judgment since they are neither trained nor competent legally to adjudicate cases. In order words, only judges have the civil responsibility to mediate judicial cases. Again, our studied text presupposes thorough and diligent inquiry before concluding a particular case. In this line of thought, Julee (1974:115–116) notes that 'they should inquire diligently to avert unjust justice; the judges shall inquire diligently; and ... make search and ask diligently.'

The hasty nature of dishing out jungle justice among Nigerians is too egregious for a good judicial system. In essence, the judges should inquire diligently to validate the claims of the witnesses for effective and efficient justice. It is sufficient to say that those who are not trained in the judicial system should not be allowed to judge or convict anyone of a criminal offense. Only those trained in this field should be tasked with this responsibility. Therefore, this field should be esoteric. It is only on

competent inquiry of excellent judges that we can get justice akin to God's justice.

Conclusion

The issue of jungle justice is very crucial in Nigeria today because of the recent happenings. Therefore, it is instructive that the legal code found in Deuteronomy 19:15–21 proffers a judicial model that is comprehensive enough to help us reduce the hastiness with which Nigerians discharge justice on the street without thorough inquiry. This legal code posits that no single witness shall prevail to convict a man in a law court. The lesson from this text means that Nigerians must rediscover their core moral values enshrined in Nigeria's constitution and sacred scripture for expedient justice.

In a society that is so plagued by social vices, further alternatives become imperative. At this point, the ancient text of Deuteronomy becomes important. This is because the sovereign character of God's purpose will not be questioned or altered.

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Author's contributions

V.U.E. is the sole author of this article.

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