

## INCULTURATION OF THE TORAH AND YORUBA CUSTOMARY LAW FOR STANDARDIZATION OF CHRISTIAN MARRIAGE

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### INTRODUCTION

**M**arriage is one of the institutions that are going through predicament of instability. The rate of divorce, remarriage and family crisis is very high, due to lack of recognition and indulgence in marriage regulations. Some of these regulations are stipulated in the Torah and Yoruba culture. In the Biblical records there are sets of laws guiding marriage institution, these laws are systematically programmed for stability of marriage in the Jewish setting. Although, God instituted marriage in the Garden of Eden, long before the Torah, abnormality and inconsistency in marriage and other institutions warranted the Torah. Yoruba people also have set of principles in their culture, these cultural principles were built up to standardize marriage institution.

This paper pries into utilizing the Torah and Yoruba customary law as tools for creating awareness for Christian marital values. The ultimate aim is to facilitate the biblical law within the context of the Yoruba customary law as an indispensable foundation and resources for a standard Christian marriage. The conception is to employ the Torah and Yoruba cultural moral value in the holistic and realistic

way as imply and practical process to subjugate abnormality, irregularity and idiosyncrasy in Christian marriage.

Biblical scholars have done considerable works on decolonization of Bible in African context. It is an important aspect of biblical studies to delineate the biblical value in African context. This work employed the inbuilt structure of decolonization for biblical interpretation and inculturation of the biblical teaching to authenticate African cultural value. The work is divided into four sections the introduction, definition of some terms for clarity, examination of Christian and Yoruba marriage and conclusion.

### DEFINITION OF TERMS

#### **Inculturation**

Inculturation is a dynamic ongoing process by which people consciously, critically appropriate Bible and its messages from within the African perspectives. It is the systematic arrangement of biblical texts in line with the resources of culture. It involves hermeneutic process of appropriating the specific African culture into biblical interpretation and application'. Therefore, the use of the word "inculturation" is to empirically theologize biblical text in the framework of Yoruba customary law.

Inculturation is an aspect of Christian theology that embraces culture for Christian practices, spiritual and moral development. The concept is that no human group is understood to be without a culture and no culture is to be considered inferior or superior, subjugated or exploited arbitrarily. The reality is that each culture is implicitly valuable solitarily.

#### **Torah**

The Torah: {to-rah'}; is a precept or statute; a definite commandment laid down by God in the Scripture especially, the

Decalogue or whole Pentateuch which is commonly referred to among the laity as the five Books of Moses. The word "torah" is properly used to express the will of God<sup>2</sup>. The Hebrew word "Torah" (law) lays more stress on its moral authority, as a document teaching the truth and guiding the people in the right way. The Greek, νόμος (law), emphasizes on the power to impose and to enforce certain rules by a recognized authority. The word "Torah" therefore, means the inward and outward guiding and controlling power from God<sup>3</sup>.

The "law in the mind" which means the holy impulses of a regenerated soul and the perverse inclinations of the natural heart, (Romans 7:21-23).<sup>4</sup> Compare also Romans 8:2; 9:31 and James 1:25; 2:12, Torah is referred to as "teaching," "instructions," that God gives His people<sup>5</sup>. The word "Torah" is not necessarily an idea from Moses as some people think; rather it is the law of God for the people of God.

#### **Yoruba Customary Law**

Yoruba customary law in this usage refers to the norms and mores of the Yoruba people. It encompasses language, means of making a living, arrangement of family life, group loyalties and ways of perceiving the world, both the physical and spiritual world. Explicitly, Yoruba customary law could be referred to as the cultural principles set aside to guide people morally. Culture influences people's character or behaviors. Oke, reiterated:

Culture puts a control on man; it drives emotion' it influences eating habits, hours of sleep and prayers, display of emotion and sexual behaviour. It provides for reproduction, care of family members and pattern of child-rearing. Each human group, therefore, has its own unique culture.<sup>6</sup>

In this case, Yoruba customary law can be described as "the

cultural rules originated from beliefs, conceptions and expression of the people.<sup>7</sup> This has to do with the ethical, social, intellectual, scientific, artistic, technological and theological expression. It is the process, by which people usually live together ethnically, nationally supra-nationally in a geographically contiguous area<sup>8</sup>. In general sense, it is a means of communication, political administration, social arrangement, economic activities and religious associations of the people. Therefore, it evolves round or envelops human life.

### **Marriage**

Marriage is a lifelong union between man and woman. It is an ordinance of the Creator for the perpetuity and happiness of the human race<sup>9</sup>. It was instituted in the Garden of Eden according to the biblical records. Therefore, it has social and spiritual foundation of no small elements, valuable for human development and societal progress<sup>10</sup>.

The Bible gives at least four purposes for marriage: (1) to continue the race (Gen 1:28); (2) for companionship and enjoyment (Gen 2:18); (3) to avoid fornication (1 Cor 7:1-6); and (4) to show the relationship between Christ and His church (Eph 5:22-23). God's original purpose was that one man should wed one woman, and only death should break that union (Rom 7:1-3)<sup>11</sup>. Marriage is basically a physical union (v. 5), although it ought to be a union of minds and hearts too. The marriage union is even stronger than family ties, for a man is to leave father and mother and cleave to his wife. It is a sacred union, for Jesus said, "God joins a man and woman together". Marriage also implies legal joining of man and woman in holy solemnization thus making them to be husband and wife.

### **INCULTURATION OF MARRIAGE AND FAMILY SETTING IN CHRISTIANITY AND YORUBA CULTURE**

Marriage is an important institution in Christianity and Yoruba

society. It was generally believed that God instituted marriage for procreation, companionship and to guide against immorality. To the Yoruba, the primary purpose of marriage is sustaining the Yoruba race through legitimate and responsible procreation<sup>12</sup>.

In the Torah Israelites were forbidden to marry within certain specified degrees; for example: marriage with Canaanites, idolaters and heathen nations around them, especially such as were uncircumcised, (Neh. 13:1-31) was strictly forbidden, (Exod. 34:16). Yoruba people also disapproved marrying someone who is from family with bad reputation; for example, someone whose family have experienced insanity, somebody who is a slave, stranger or thief etc. The conjecture is to guard against procreation of bad children that can bring pollution to the family and society. Thus, the situation we are now in the society is as a result of insolvent in marriage.

The Torah forbids polygamy with the reasons that the man must be able to provide for the family. If the master married someone else, he was required to provide for his wife (even if she is a servant) with three essentials: food, clothing, and shelter which are seen as marital rights and probably mean living in quarters, not sexual privilege.

In *Oyeku-Oturupon*, it is virtuous for wives to be devoted to their husbands; *oro oko janto janto odifa fun opolo a bu fako won ni ki o ma gbe oko pon* "the matter of husband is so important, the oracle advised the female toad to undertake the duty of carrying or mounting her husband on her own back"<sup>13</sup>.

*Oguda meji* also warns against wives to be untruthful to their husband in order to succeed in life: *ko dara ko binrin puro fun oko eso lafi se ase yori*, "it is bad for a woman to be untruthful unto her husband, it takes much care to be successful in life". *Osa meji* also advises husband and wife to be mutual and to have good will to one another: "Ki toko taya oma pe raa won ni were'mo, ori ti oojoba lola

*enikan o mo.*" "Husband and wife should not call themselves fool, no one can know other person good or bad destiny"<sup>14</sup>. All these guidelines are well stipulated in the Bible, most especially in the Epistles of Paul to the Church at Ephesus and Colosse. Husband love your wife; wife submit to your husband etc (Eph. 5:22-25; Col: 18-19).

We have in the Torah and Yoruba customary law, Levirate law. It obliges or requires a deceased man's brother or nearest male kin to marry his brother's widow in order to produce offspring for the continuity of his brother's name. If a Jew died without children, his nearest brother or relative was bound to marry the widow, that her firstborn son after this marriage might be reckoned the son and heir of the first husband<sup>15</sup>. This concept is well recognized and practiced in Yoruba land. The common term for it in Yoruba culture is "su l'opo." This practices although not common again because of civilization, it has the following advantages: it spelt out the function of love within the family, it guards against immorality on the part of the widow; also it gives room for the continuity of the deceased's lineage<sup>16</sup>.

In the Torah and Yoruba customary law, virginity is very important; even though the parties were often betrothed to each other long before the marriage took place. A portion of the Torah states: "A virgin who was engaged to someone was regarded as the person's wife and the punishment for sleeping with her would be death" (Deut. 22: 23-24). Marriage therefore, started with keeping ones virginity. Yoruba people placed value on virginity. Idowu writes: Chastity before marriage on the part of the woman is essential. A woman who is not virtuous at marriage is a disgrace both to herself and to her family. Chastity in marriage life is a woman's burden and duty<sup>17</sup>.

Although the rule is rather lose as far as man is concerned

nevertheless, it is forbidden that a man should seduce another man's daughter or wife without following cultural protocols for marriage. Any man found guilty of such act will pay a heavy penalty and in addition, he will face grievous consequences from the divinities or total sanction from the community<sup>18</sup>.

Gbadero considers marriage not to be only a union of the husband and wife, it is also seen among the Yoruba as the union of the families on both sides<sup>19</sup>. But before the bride goes to her husband's house, she is escorted by different people among who were the family and friends to the door step of her new home. There she is prayed for and her legs are washed. It is believed that she is washing every bad-luck that she might have brought into her husband's house away. Before she is finally ushered into her house, she is given a calabash (*igba*) and then she is asked to break it. When it breaks, the amount of pieces it is broken into is believed to be the number of children she will give birth to. On the wedding night, she and her husband have their first meeting and he is ordinarily expected to find her to be a virgin. If he doesn't, she and her parents are seen to be disgraced and may be banished from the village where they live,<sup>20</sup> that is if a girl's virginity is lost before her wedding night, she brings disgrace and shame to the family. A song will be composed and the name of the girl and her family will be mentioned to the hearing of everybody. If she is found to be a virgin, then there is a praise song to encourage her self-control and family discipline<sup>21</sup>. In the Torah the man who seduces a girl to immorality will become her husband, unless the girl's father refuses to allow the marriage (Deut. 22:16-17). However, regardless whether a marriage takes place or not he is required to pay the bride price. The young man was bound to give a price to the father of the maiden. God hates the common practice of men destroying young girls' life by sleeping with them. They are guilty not only of sexual immorality but also of destroying the girls' dignity. Therefore, it is insisted in the Torah and Yoruba customary law that girls have the right to reserve such an intimate relationship for their future

husbands<sup>22</sup>.

These common practices show that God places high value on marriage and human life. These contrasts with what we are experiencing today in the church and in the society, where marriage is conducted with pregnancy, virginity is no longer considered prerequisite for marriage. Youngsters wanted to go into sex before marriage, because of lack of emphasis on the Torahic rules and traditional norms guiding marriage by church leaders in the pulpit.

In Yoruba land, monogamy and polygamy are practiced. Consequently, polygamy was discouraged, if you cannot take good care of your wives and children. Also, divorce is restricted, and immorality such as adultery is forbidden. The regulations aimed at enforcing purity of life. Accordingly, the marriage contract "law" is the best civil law possible at that time, because it sought to bring people up to the pure standard of the moral life (Exo. 21: 1-19).

Jesus Christ and his Apostles re-established the Torah on the integrity and sanctity of the marriage bond as it is written in Matthew. 5:31-32, and Ephesians 5: 20-28. This is the confirmation of the original charter of marriage "because of this reason man shall leave his father and mother and shall join with his wife and both shall become one flesh". The analyses of this injunction are:

- (i) Divorce and remarriage is not allowed
- (ii) Moral purity enforced
- (iii) Adultery is also regarded as a great offence before God, the penalties are prescribed in Exodus 22:16, Leviticus 20:10, Deuteronomy 22:22.
- (iv) Husband must love his wife, wife must submit to the husband and the children must obey their parents (Exod. 20:12; Lev.20:9; Pro. 20:20). 7.

In the family setting, it is a great offence that is liable for death



penalty for a child to strike his or her parents according to the Torah; it is also a forbidden act in the Yoruba customary law for a child that does that will be regarded as bastard. In this case, the two cultural principles engendered and upheld respect, dignity, and standard in family. Socially and domestically every wife must exercise an important influence in her own home; she must take part in family affairs in order to enjoy a considerable amount of independence<sup>20</sup>.

The duties of the wife in the Hebrew household and that of Yoruba are similar. Women have multifarious duties; in addition to the general superintendence of the domestic arrangements, such as cooking, and distribution of food at meal times from which even women of rank were not exempted<sup>21</sup>. She is also responsible for manufacturing of cloths and various fabrics required in her home. If she is a model of activity and skill, she produced a surplus of fine linen shirts and girdles, which she sold and so, brought in wealth to her husband's house from afar<sup>22</sup>.

Likewise, women in Yoruba land are not only responsible for domestic works; they contribute to economic development of the family through engaging in one business or the other<sup>23</sup>. Men are to fulfill these legal rights for their wives as it is recorded in Exodus 21:10; under the three headings: (i) provision of food, (ii) provision of raiment, (iii) and duty of marriage or conjugal right that is, regular and understandable sexual relation.

It is a breach of the Torah and taboo in Yoruba land to commit adultery. It is an act of breaking covenant of marriage. Instead of committing adultery, marrying another wife will be preferable. There are many punishments for adulterers in the Torah and Yoruba customary law<sup>24</sup>. For example, in Yoruba-land if anybody is caught in the act of adultery, the king will punish the concern people they may send them out of the village.

**Homosexuality:** Homosexuality is a relationship of man with another man in marriage and sexual promiscuity. This is contrary to the law of God, which establish the relationship of male and female in marriage (heterosexual). Homosexuality is a great sin before God. Torah makes a great and realistically opposition against it in the book of Leviticus. "Man must not have sex with man; it is abomination before God". Leviticus 18:22-24 give detail of it:

You shall not lie with a man, as with a woman. That is detestable. "You shall not lie with any animal to defile yourself with it; neither shall any woman give herself to an animal, to lie down with it: it is a perversion. Don't defile yourselves in any of these things: for in all these the nations which I am casting out before you were defiled". (World version)

These abominable acts were made popular in 1970s to 1990s<sup>25</sup>. It has now found it ways into the church, as we have in the records that a gay pastor became the leader of a church<sup>25</sup>.

The church leaders' in Africa puckered brow at such immoral act in the society not to even talk of the church; this establishes the fact that Africans also have it in their cultural laws that such habit is a taboo.

Another important thing that is worth mentioning is pornography. Pornography is forbidden in marriage and in the society. Christianity frowned at it because it can cause sexual harassment and sex crime. Norman Shield opined: "I have yet to see a sex murder case in which obscene literature has not been a factor"<sup>26</sup>. Many are even involving in pornography through internet facilities available to them. This contributes to the illicit sexuality that we have in the society today.

## CONCLUSION

The modernity (literacy, colonialism, capitalism, individualism, etc) crept into Yoruba preliterate, subsistence agrarian, communal society and many things have changed in the system. Most especially great importance was attached to virginity in the past but now has waned and almost disappeared. Nevertheless, it did not tamper with the aforementioned primary purpose of marriage among the people. Pre-marital sex became acceptable. Happy is a fiancée who got impregnated by her fiancé during courtship. The wedding ceremony would be arranged judiciously to pre-empt the arrival of the first baby of the marriage. Most churches and mosques have been condoning this practice in Yoruba land.

Any sexual contact outside marriage is a breach of the law, it could be fornication, adultery, harlotry, lesbianism, etc all are sinful as far as Christianity and Yoruba people are concerned. Realistically, cultural rules and regulations guiding marriage in both the Torah and Yoruba customary law are to proffer conjugal happiness, promoting parental love and encouraging sense of responsibility. Consequently, marriage law in the Torah and Yoruba culture is to develop virtue, industry, honour, and right habits at home and in the society. To uphold the sanctity of marriage for healthy and happy society biblical law must be contextualized to overwhelm the contemporary and undue civilization that trivialize the value of marriage in Africa.

## END NOTES

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