

CHAPTER 1

A Critical Assessment of the Creation Mandate in Genesis 1:26-28 *and Its Human Rights Implications for Nigeria*

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Introduction

The creation ordinance in Gen. 1:26-28 reads

Then God said, "Let us make man in our image, after our likeness; and let them have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the earth, and over every creeping thing that creeps upon the earth. So God created man in his own image, in the image of God he created him; male and female he created them. And God blessed them, and God said to them, "Be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth."

This passage has been given such an interpretation as to encourage Western explorers, entrepreneurs, and investors to engage in economic activities especially in a global quest for energy sources, which has resulted in latifundism or the act of grabbing more and more land, ecological destruction, environmental pollution, land degradation, deforestation, desertification, and impoverishment especially in oil mining within the Niger Delta (Butler 1991: 862; Wybrow 1991: 17; Primavesi 2000: 188; Dibeela 2001: 396). Some have misread the above-quoted creation or cultural mandate in Gen. 1:26-28 as portraying humanity in superlative terms and as pointing to

human beings as the crown of creation. Others have traced these problems to Western political domination, economic conquest, and rule over various “native” territories in Asia, Africa, and the Americas during the eighteenth and nineteenth centuries especially. These developments and more have been traced to some prevailing Western philosophical definition of the concept of stewardship, including the present environmental and ecological disaster rocking our planet today. By contrast, there are those who point to African traditional worldviews or the lack of such worldviews as responsible for the recklessness of multinational oil companies in their industrial and chemical operations on the continent. Still others think the problems result from government’s inability to enact appropriate environmental and ecological protection laws, which could serve as guides and checks on the multinational oil companies operating in Africa and especially Nigeria and Angola.

With respect to the earlier objection, certain misconceptions of humanity’s role in creation are inherent even in the traditional African worldview. For instance, in some parts of Africa, including Nigeria, the human role in creation is seen as subservient not only to the spirits of the ancestors, but also to forests and wildlife,¹ thus placing humans at the mercy of creation (Parry-Davis 2004: 63). The role of the human is surrounded with various superstitious beliefs, which reduce him or her to the status of a servant to every created being on earth, and never a master. Acceptance of this role leaves Africa at the mercy of foreign explorers and investors who engage in vast land acquisition with purely economic motives.

An example is the practice of latifundism by multinational oil companies, which has turned out to be a potent means of mass impoverishment in the Niger Delta in particular and the developing countries in general with a severe circumscription of community and individual rights (Benhabib 2002: 61–62; Blum 1998: 73–99; Fager 1993: 27). Multinational oil companies’ acquisition of more and more land is not a boost to individual freedom of worship, of association, of religion, of conscience, or of movement. Instead, latifundism has seriously compromised these eternal values as people are

1. The fear of nature and natural phenomena is usually a feature of primordial and pre-Christian societies. It was indeed during the Enlightenment in the Middle Ages that Europe was rid of morbid fears as a result of the work of the Scholastics and the mission of the Gothic cathedrals. See Wybrow (1991: 163–64).

progressively becoming landless, impoverished, and subservient (Hattingh 1997: 12; Amnesty 2005: 199–200). Another factor that has impoverished the people is crop failure resulting from land degradation and ecological disruptions. This impoverishment has also affected social values, so that all social regulations intended to protect the individual's rights to equality before the law—rights to life, to property, to liberty, and to the pursuit of happiness—have been distorted.

Constitutional Corrosion of Human Rights Culture in Nigeria

The issue of constitutional rights will require a dissertation of its own. Here only the salient issues will be touched upon. In 1960, when Nigeria gained political independence from the United Kingdom, it inherited a constitution with fundamental human rights. It introduced a plethora of rights, some of which transcended the natural rights of humans in gerontocratic cultures. A distinction can be made between natural and inalienable or special rights on the one hand and between these rights and what is generally termed “civil” rights. Natural rights are synonymous with moral rights, which in turn are limited to inalienable rights (Benhabib 2002: 18).

In Nigeria and perhaps continental Africa, the human rights culture emphasized more rights than duties in so-called “freedom clauses,” which of course are considered fundamental to human survival and self-actualization in the new nations of Africa, Asia, and Latin America. In Nigeria, the right to life, rights to freedom of person, conscience, movement, association, speech, and opinion, and rights to personal safety and integrity or self-actualization are deeply entrenched in the postcolonial constitution. While this constitution does not deny anyone the right to property or land, it does not stress this natural right. It is in a secondary sense that the right to property was not included, because in a primary sense, nearly all Nigerian citizens have a customary and untrammled right to property and to land in particular (Yakubu 1985: 126). The postcolonial erosion of gerontocratic land tenure systems in Nigeria, and particularly in the Niger Delta, affects the principle of equal rights of all Nigerian citizens, be they elderly or young, vis-à-vis the constitutional rights of individuals and corporate bodies to acquire land or property in any part of the country. Although land could not be acquired

without the consultation of the elders and chiefs who are custodians of land in their respective territories and domain, in practice, the Land Use Decree of 1978 has tended to incapacitate such rights claims.

The land tenure situation in Nigeria has gradually been changing for the worse in the past two decades, particularly in the oil-bearing communities of the Niger Delta. To facilitate economic and social development, the federal military government under General Olusegun Obasanjo (who until recently has been the third republican civilian democratic president of Nigeria) in 1978 promulgated a decree tagged the Land Use Decree, which vested the title to all lands in Nigeria's urban areas in the hands of state governors, rather than in the eldest members and chiefs of local communities, contrary to what obtained from precolonial until recently in postcolonial times (1900–1976).

The law also defined some hitherto traditional communities and elevated them to “urban” status by law, bringing such areas under the government's radical land laws and facilitating both individual and corporate land acquisitions in such areas for social, agricultural, industrial, and economic development purposes (Evuleocha 2003: 328–40). This decree empowers corporate bodies and individuals to acquire land for developmental purposes in any part of the country, and the authority to make such land grants has been vested in state governors, no longer the gerontocrats of the traditional kinship groups, which may still hold such rights outside the urban areas (Yakubu 1985: 74–75, 257).

In principle, land ownership and use has by this decree been moved from the natural to the civil domain, and stewardship of land from the communal to the civil sector. In other words, all land ownership rights have been invested in the federal government of Nigeria with the state governments as its surrogates, instead of the usual communal ownership through a gerontocracy recognized by government, reflecting the tradition and customs of the people.

By attempting to make the ownership of land a “civil” rather than an inalienable or “natural” right,² the federal government of Nigeria in 1978 had

2. It has been a “successful” attempt from the perspective of multinational oil companies, as they now gain untrammled access to land acquisition or latifundism in the Niger Delta, whereas it has been an “unsuccessful” attempt from the perspective of the general public, as the “decree” remains abhorrent and has not been endorsed by successive Nigerian parliaments either in the second republic (1979–1983) or in the present fourth republic (since 1999). Politicians have consistently contested the validity of the Land Use Decree of 1978. For a recent statement on it, see *Thisday*, November 5, 2006, in which the decree was referred to as marginal and irrelevant to the people of Nigeria.

constituted itself as the chief custodian of all land in Nigeria. So the government paved the way for the multinational oil companies in particular to collude with key government officials in “grabbing” large hectares of land in the Niger Delta and other parts of Nigeria,³ but largely in areas richly endowed with huge deposits of hydrocarbon (Obi 2006: 59).

By virtue of that decree, the federal government withdrew the right of stewardship, land ownership, and land use from the gerontocrats, and vested such rights in the authority of state governors (Yakubu 1985: 263). Thus, the enjoyment of communal landholding or property rights is now relocated from the gerontocratic sphere to the sphere of corporate or civil authority (Ayandele 1969: 69). In that case, a special or natural right of custody and stewardship have been moved into a civil rights sector, with the implication that a primary right is being made civil or secondary from the point of view of the human rights debate (Blum 1998: 77). In other words, a right that inheres in one’s status as a human being is being made dependent upon one’s ability to assert or claim such rights without which state protection is denied or deferred. Yet God created human beings with certain natural and inalienable rights, which of course include stewardship, land ownership, and land use rights along with the norms, laws, and values that govern the use and enjoyment of such rights.

If anything, unilateral land decrees, especially as has been experienced in postcolonial Nigeria, have often been used to a great advantage by corporate bodies and multinational companies to the detriment of the elders and chiefs who still uphold the institution of gerontocracy in Nigeria. It has often resulted in an erosion of the stewardship, land ownership, and land use rights of the people in general and of gerontocracy in particular. Lawrence Blum (1998: 77) pointed out that the greatest challenge to the human rights debate is the issue of globalization (a euphemism for neocolonialism). Each human rights context faces a global challenge of economic and political subjugation by others who are wealthier and more powerful. Therefore, each global constituency must define its own predicaments and proffer its own solutions without, however, ignoring the collective experiences emanating from other contexts.

3. For rudimentary statistics on the various hectares acquired by MNOCs and their subsidiaries, see Ahiamadu 2003: 4–5.

A second issue is the scrapping of the “house of chiefs” on both federal and state parliamentary levels. Only a résumé of its salient features can be attempted. The postcolonial presidential constitution of 1979, which marked the beginning of the second republic in Nigeria, scrapped the house of “chiefs/elders” in the federal and state parliaments, and replaced them with a Western-type “Senate,” whose composition is similar to the House of Representatives in Nigeria, consisting mainly of educated and young elites (Ahiamadu 1982: 67; Oyediran 1979: 43). The implication is that the elders had no formal forum in which to deliberate on sensitive issues such as stewardship of land as it is being practiced in postcolonial Nigeria.

The absence of a formal elders’ forum paved the way for the erosion of gerontocracy along with the principles of justice and equity that it represented. As a result, inalienable rights to stewardship, land ownership, and land use by the senior members of the community are gradually being transformed into a civil rights exercise more or less at the discretion of governors. Their appointees are mostly “civil” servants not rooted in the customs and norms of the local cultures.

Little wonder then that the land decree that was enacted by military fiat in 1978 has never been endorsed by any of the successive federal parliaments marking Nigeria’s wobbling democracy since 1979—not even by the parliament of 1999–2007, of which Olusegun Obasanjo himself served as incumbent president. The refusal to recognize or ratify the land decree is not unconnected with its alien and neocolonial character. Instead, it has created a restive civil society in which oil-bearing communities are engaging the federal police and army in an itinerant struggle for economic and social liberty—a struggle called “militancy” in those parts of Nigeria. It is nothing but the result of erosion of preexisting gerontocratic authority and of the principle of equity and justice underlying it (Obi 2006: 65). To what extent does Gen. 1:26-28 help matters?

A Critical Interpretation of “Dominion” and/or “Partnership” in Gen. 1:26-28

In Gen. 1:26-28, humans are identified as the finest species of the divine creative fiat. As part of creation, humans have a central role to play in superintending the earth and its vast natural land and marine resources. Let us

begin with an assessment of Israelite conception of the creation of humans on the sixth day of creation. Similar concepts of creation can also be found in both Akkadian and Ugaritic literature (Van Seters 1992: 50). Those who managed God's creation were to observe the natural cycles of days, months, and seasons. In the case of a six-day creation, which idea pervaded the ancient Near East, it proves that a series of seven consecutive days was considered a perfect period in which to develop an important work, the action lasting six days and reaching its final conclusion and outcome on the seventh day (Cassuto 1978: 9–22). Cassuto's argument in support of humans as the apex of creation as well as of a six-day creation proves that even this was part of ancient Near Eastern traditions (13). It is remarkable to note, however, that creation stories of the ancient Near East such as the Babylonian creation story feature a succession of various rival deities. This is as far as comparison can go. Henceforth, the biblical version is dominated by the monotheistic concept of Deity which summons all humans to account as those who are responsible for the care and nurture of life on the earth.

Moreover, Van Seters (1992: 50) has shown that the narration of the creation of humankind in the *Enuma Elish*, the ancient Babylonian Story referred to earlier, has its parallels also in the epic of *Atrahasis* (that is, creation stories from ancient Near Eastern, especially Babylonian, sources), and that both accounts seem to run alongside similar details with the biblical account. This line of thinking runs parallel to that of Gunkel (1997: li), who literally assumes a Babylonian origin for most of the legends in Genesis. As in Genesis, both *Enuma Elish* and *Atrahasis* mention clay as the substance used in molding humankind, and creation was for the purpose of filling a gap existing in the service of the gods (Bosman 2006: 3).

The mention of clay as a substance from which humans were molded is one point of similarity, and the creation of humans for the purpose of filling a gap for the service of the gods is another (Van Seters 1992: 50). In the Mesopotamian *Enuma Elish*, for instance, human beings were created to provide the gods with food, clothing, and honor. There are also similarities of the creation of humans resulting from a great assembly of the deities in mutual consultation in which the gods were duly informed of the creation of humans (Schuele 2005: 2–3). This is perhaps the idea behind biblical references to the heavenly court summoned by God to witness the creation of humans (Gen. 1:26-28; Job 38:7).

In the *Epic of Atrahasis*, as in *Enuma Elish* and the Memphis creation story, stewardship as part of ancient Near Eastern cultures is embedded in expectations or requirements for the treatment of creation by humanity (Coats 1983: 46). All such accounts seem to run alongside similar details with the biblical account (Garr 1996: 22). The implication of this for the ancient Near Eastern concepts of human stewardship and accountability to the gods is that humans are not an autonomous entity but were made with a purpose of rendering services that the gods consider to be below their dignity (Bosman 2002: 4).

The clarity and conciseness of scholarly views can be further pursued from the perspective of Egyptian myths as well as African cultural observances in consonance with a positive role for humans in creation by adopting an ethical framework of humans in partnership with nature, as opposed to the present “domino” mind-set prevailing with multinational oil conglomerates. A gerontocratic culture resonating with the Genesis narratives does easily merge with a human rights culture and is capable of revamping some earth-keeping traditions in consonance with the present quest for clean air, green environment, freedom of movement, and sustainable development in parts of Africa, especially in the Niger Delta.⁴ It is important to employ African lenses in correcting the misconceptions and indictments associated with a too literal and uncritical reading of Gen. 1:26-28 because of the inevitable challenges it poses to a critical hermeneutic, especially in the Nigerian context (Runzo and Sharma 2003: 61; Bryant 2000: 35).

There exists an African spiritual wisdom that is capable of correcting the environmental pressure and ecological distortion that the operations of multinational oil companies have caused in oil producing areas. This damage is inspired by a “scientism” born out of a “dominion” mind-set (DeWitt 1996: 19; Gitau 2000: 31). In critically assessing our pericope, the aim is to provide a redefinition of stewardship. While standing on a theological and ethical framework that Gen. 1:26-28 affords us in the wider context of the Old Testament, we may have to dig deep into the wisdom of our fathers, in critically assessing both the creation mandate and its reflection in a human rights culture capable of dealing with the ecological problems affecting nature and

4. The area, sometimes also referred to geographically as the Gulf of Guinea, runs from Bamenda in Cameroon to Dakar in Senegal, and covers all of the West African States of Nigeria, Ghana, Togo, Sierra Leone, etc.

the inhabitants of the oil-rich Niger Delta in Nigeria.⁵ There is a conception in Africa of humans in partnership with nature which contrasts with the mentality of humans above nature, with the latter's implication that nature must be dominated, devastated, and destroyed to advance the human course. Although such a dominion mind-set has been adapted to the developmental economics of most modern societies in Africa, it has been the result of contact with such ideas floated through Western media and a mechanistic mind-set. Yet people of the continent have reacted to it negatively, particularly during the past three decades or more in what is today pejoratively labeled "militancy" in the Niger Delta (Eze 1997: 103).

In contrast, some have accused a Western interpretation of texts such as Gen. 1:26-28 and Ps. 8:4-8 as a possible source of a (mis)-definition that regards humans, instead of the whole earth, as the center or pivot of creation (Wybrow 1991: 48-49; Dibeela 2001: 396; White 1967: 1214). This interpretation creates a human rights problem of inequality of legal status, of incomes, and of abilities (Noebel 1999: 702). It denotes a dominion mind-set on the part of multinational oil companies and perhaps the government, and it tends to distort and even disparage the concept of stewardship in particular, and of responsible and accountable land ownership in general, invariably creating a problematic scenario in which humans are seen as ruling over all of God's creation on earth, with a view to using the earth's abundant resources in a practically unsustainable manner. At the center of the ancient Israelite conceptualization of stewardship is the theme of creation of nature which is entrusted to humans as an inalienable patrimony (Brueggemann 2002: 191). For this reason, it might be necessary to keep the priestly creation narrative in Gen. 1:1—2:4a in mind as we critically assess scholarly views on stewardship.

Apparently, such a dominion mind-set has also influenced theological and ethical discussions of both priestly and Yahwist creation narratives in Genesis 1-3.⁶ Due to (mis)-readings of biblical imperatives in

5. The term *nature* is used here to mean the created world in its entirety, the totality of physical reality exclusive of mental things.

6. The Bible has been translated into several African languages, and the first two Nigerian languages with translations of the whole Bible were Efik (1868) and Yoruba (1884). As of 2005, either the whole Bible or New Testament translations are read in 104 out of 432 languages in churches in the country, and scores of other translations are at different stages of completion. A New Testament translation into Ogba can be viewed online at <http://www.ogba-obtlt.org>. See Gordon (2005), available online at <http://www.ethnologue.com/>.

regard to subduing the earth, humans have tended to misuse that dominion. It does not, however, diminish the fact that in most parts of Africa, nature is considered sacred and worthy of responsible care and use, especially with respect to land owned. This also resonates with conceptions of nature prevalent in the ancient Near East that produced the Bible. As John S. Mbiti of Kenya has observed, traditional Africa is immersed in a religious environment where natural phenomena are intimately associated with one or another god (cf. Gitau 2000: 33). In a multicultural, multiethnic, and multireligious context such as Nigeria, one can see the theological and ethical implications of an erosion of preexisting ecology- and environment-friendly values.

Restoring and Enhancing a “Human Rights Culture” in Nigeria

To restore and/or enhance a human rights culture in Nigeria, there is a need to consider its theological and ethical dimensions from the perspective of the dominant religions in the country, without ignoring African traditional beliefs and values.

Theologically and from the perspective of Old Testament and Islamic laws, the concept of human rights is understood as pointing to the individual's rights to a share of and from the land, to a personal pursuit of happiness, and to life and liberty, which are in conjunction with numerous other rights deeply entrenched in the canons of Christianity, Judaism, and Islam. The Decalogue, for instance, protects individual human rights such as the rights to conscience, to recreation, to life, to family, to property, to a good association or reputation, and to liberty. In this way, the individual's relationship to God is protected, so that a violation of an individual's rights was considered an interference with that individual's commitment or devotion to God (Wright 1990: 136).

Such laws and the sanctions that went with them provided Israel with a social organization built upon a substructure of tribal or communal solidarity and mutual responsibility even at the level of the *bet ab* (“father's house”). The paterfamilias in resonance with gerontocracy is what made the relative strength of the tribe as a whole desirable. Not only were laws enforceable at various levels of kinship, but they also provided the moral resource for the

retention of kinship wealth within a broader kinship group. Gerontocracy also made it possible for individual nuclear families to enjoy the ownership and use of property, particularly land (Fager 1993: 91).

In the context of ethics it will be appropriate to make a few observations about gerontocratic care and nurture of nature, which forms part of the norms and ethos in postcolonial communities in the Niger Delta in particular, and also generally in Nigeria and other parts of Africa. The Batswana of Botswana in Southern Africa and their Yoruba counterparts in West Africa, for instance, believe that the responsibility for earth keeping is a joint one between the living dead (the ancestors) and the living living (the elders). Consequently, the land is seen as sacred space that must neither be abused nor used to any advantage beyond the ordinary search for the means of economic, social, and cultural survival (Dibeela 2001: 395–96; Idowu 1969: 97). This means especially for the Batswana that the land has to lie fallow for a year after a year's use.

Such a time of rest for the land allows for the restoration of the earth after each year's use, similar to what is observed in the Niger Delta among, for example, the Ogba and Ekpeye (Amadi 1982: 55). Interestingly, this hallowing of land resonates remotely with the Judeo-Christian belief that land belongs to Yahweh and so must be left fallow each seventh year. In both African and Judeo-Christian understanding, the concept of rest for the land is considered an integral part of humans' responsible and accountable use of land. Experience has, however, shown that neither the government nor the multinational oil companies have paid attention to the Judeo-Christian and African traditional beliefs, which might have lessened the alarming destruction of the natural environment and the latifundism that has gone hand in hand with it in, for instance, the Niger Delta (Ahiamadu 2003: 11–18).

The erosion of such a stabilizing institution as *paterfamilias* or gerontocracy in the Nigerian context has tended to stultify the processes of accountable and responsible land ownership and use. Moreover, it has challenged, if not distorted, the congruity existing between a postcolonial interpretation of Gen. 1:26-28 and African culture, both of which enhance a mind-set of humans in partnership with nature, as well as a caring and nurturing attitude to creation. This congruity evokes a restoration and enhancement of a human rights culture, as already indicated.

Conclusion

Evidently, some Western interpretations of texts such as Gen. 1:26-28 and Ps. 8:4-8 can become possible sources of such a (mis)-definition of human stewardship of the earth's resources, when by such interpretations the impression is created that humans, instead of the whole earth, are the centerpiece or the pivot of creation (Wybrow 1991: 48-49; Dibeela 2001: 396; White 1967: 1214). In addition, it creates a human rights problem of inequality not only before the law, but also from rationalizing the inequities of incomes and abilities (Noebel 1999: 702). No degree of hermeneutical distortion of our pericope, however benign, can diminish the fact that in most parts of Africa, nature is considered sacred and worthy of responsible care and use, especially with respect to land owned. Such a high sense of responsibility toward nature and creation also resonates with conceptions of nature prevalent in the ancient Near East that produced the Bible.

In our critical assessment of the hermeneutics of Gen. 1:26-28, it can be seen that humans are created in the image of God and are therefore placed in personal relationships to God and as partners in ongoing creative works. Moreover, this relationship was protected in Genesis 1-11, so that a violation of an individual's rights was considered as interference with that individual's commitment or devotion to God (Wright 1990: 136).

In a cultural context such as has been known since precolonial times, there is a sense of stewardship, land ownership, and use that tends to emphasize a mind-set of humans in partnership with nature, rather than humans above nature (Aderibigbe 1999: 334-35). It behooves us, therefore, to frown at a reductionism that not only places humans at the apex and center of creation, but also drives a wedge between humans and nature, such that the former treats the latter as if it were an enemy to be mastered and subdued (Towner 2001: 28).