

The Creation of Social Contract and the Inner Logic of Creation

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Studies of Genesis have focused on a limited and predictable set of themes: The origin and development of evil, patriarchy, and sibling rivalry. Little attention has been given to communication and contract, even though they are crucial. For example, following the Flood, the command structure of the universe is replaced by a contractual one when God relinquishes imperative decrees in favor of covenantal agreements. Like legally binding contracts, the covenants depend on the ability of the agreeing parties to imagine conditional consequences, and that in turn depends on the ability to consider the future. These abilities do not emerge all at once, nor are they present from the beginning. They develop slowly, and in a certain order, preparing both God and man to participate in the complex rational relationship that is implicit in the post-Flood covenants. Genesis, as I shall argue, is a story about the evolution of communication and contract, and the process of their creation continues beyond the first days and through the formulation of the covenants.

Since my argument depends on the nature of the covenants, let us first consider how truly complex they are. They exhibit many of the features characteristic of contracts. They define and regulate specific relationships, as contracts do. The makers of covenants are separate and self-conscious actors, as the parties to contracts are. The making of covenants is signified in ritual and rendered tangible in sign or emblem, much as the making of contracts involves passage through formal legal processes and the writing of a permanent contract record. In most ways, the Genesis covenants appear to be contracts and, for many purposes, would qualify as such according to modern legal definitions. My point, however, is that the covenants occur in the context of the creation of the world. They must be seen not simply as a specie

of legal formulation resembling modern contracts but as inherent parts of the Biblical creation process.

Now, there are several crucial prerequisites to the formation of contractual relations. These include, first and foremost, the existence of actors who are differentiated from each other, and who understand themselves as different. Second, the actors must be able to communicate, and to imagine future consequences and circumstances contrary to expectation. Once they have this awareness, combined with an increasing sense of themselves as choosing begins, the potential for a full development of contracts comes into being. Third, the actors must possess choice, or the context of freedom to elect among alternatives. Without freedom of choice - real, imagined, or postulated - contract becomes conceptually impossible.

We will use these prerequisites to contract as a guide to the reading of the chapters of Genesis. If, as the logic of creation seems to indicate, a strict pattern of evolutionary development frames the creation of things, then we should expect to find the fulfillment of these prerequisites in some form before the making of the first covenant.

THE INNER LOGIC OF CREATION

The Biblical creation process is nothing if not orderly, and the order is governed by an inner logic that is increasingly independent of God's will. It is the defining feature of this order that nothing comes into being which has not already been prepared for in some sense. This is readily apparent, as we shall see, in the first six days when the various environments and the organisms which inhabit them are brought into being. But so strong is the inner logic of creation, that it continues to exert a powerful influence even over the creation of consciousness and communication, albeit in a way that is not as apparent as when moments of creation are preceded by the divine announcement, "let there be."

Genesis divides the creation account into two categories. The first, occupying the first three days, concerns the creation of three “regions” and their separation into several “environments.” The second, occupying the last three days, concerns the creation of objects and living beings that will exist in these environments.

“And God Said:

“Let there be . . . “

Light	Firmament	Land
<i>(separation)</i>	<i>(separation)</i>	<i>(Separation)</i>
light/dark	heaven/waters	earth/seas

The chart attempts to show the creation of the three regions of light, firmament, and land and their division into the environments of light, darkness, heaven, earth, and seas.

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|-------------------|------------------|----------------------------|
| 1. light/darkness | 2. heaven/waters | 3. earth/seas |
| 4. sun/moon | 5. birds/fish | 6. terrestrial animals/man |

Reading across the chart shows the order of creation as it is organized by chapters one through six. Reading down reveals that objects are created in the same order in which their respective environments are created. The second order reduplicates the first. Clearly, God creates according to an order that is not only internally consistent but intuitively logical. The text leads us to assume that such order still exists among all created things and to expect, therefore, that all future creations will take place according to the pattern of logical order developed in the first chapter.

The subject of the first chapter of *Genesis* is God, the agent of creation, and the universe, the result of God’s creative acts. Agent and object are explicitly distinct

from the beginning. God is disembodied and detached, a “spirit” who creates by repeating spoken formulae. The text scrupulously avoids description, particularly where God is concerned, and this may be seen as another effort to strengthen God’s detachment. There is remarkably little indication of why, for example, God should wish to create. Other character features are also absent or muted. God does not decide or deliberate, evaluate or explain. In fact, the only instance of a mental reaction at all is the occasional appraisal “it was good” and the one superlative statement “it was very good.” Lack of character development adds to God/s distance, forcing the reader to consider the creation process itself.

Of the various contractual prerequisites listed above, how many exist at this point? Differentiation is certainly present, as we have seen. God is a discrete actor absolutely separate from everything he creates. His separateness is enhanced by the fact that he is a disembodied spirit and by his use of distinctive language, which puts him at a distance. In the majority of these formulae is the construction that beings “let these be . . . “ and is completed with the name of the created thing.

Of the second prerequisite to making contracts, “communication,” it too has begun to develop in the first few sections of Genesis. The first instance of a communicative act is a command, issued by God to Adam at the very end of chapter one:

Be fruitful and multiply; fill the earth and subdue it. Have dominion over the fish of the sea, the birds of the air, the cattle and all the animals that crawl on the earth. See, I give you every seed-bearing fruit to be your food. To every wild animal of the earth, to every bird of the air, and to every creature that crawls on the earth and has the breath of life, I have given green plants for food (1:28-30)

Throughout the early parts of Genesis, communication is simple and one-sided, and follows the pattern of imperative statements earlier in the chapter. It is simple because the relationship between God and man is still simple. As their relationship grows more complex, and as man himself acquires the ability, the role of communication as a mediator increases and progressively complicates all the forms of speech

and conversation. We see this process at work in the formation of a sovereign-subject order for the relationship between God and man, the order which eventually breaks down because of its own inherent shortcomings as a mode of communication.

THE MAKING OF THE SOVEREIGN ORDER

In the first chapter of *Genesis*, the stress is upon the creative fiat as a means of differentiation. The second chapter's revised account of the creation shifts the emphasis to matters of dominion. The seventh day, at the beginning of the second chapter, marks the transition between the two. Fittingly, just after this transitional passage, the very name of God undergoes a change, from simply "God" to the more kingly "Lord God." The change is in keeping with the text's use of epithets to introduce new character roles. Here, of course, the new epithet marks the change from the role of detached authorship to the role of immediate authority, and, as if to signal the transition from disembodied to embodied states in a concrete manner, God creates man by touching and shaping dust, not by using formulaic utterances. The text is rife with graphic, physical detail. God "forms man out of the dust of the ground and breathes into his nostrils the breath of life" (2:7). God plants a garden and puts man in it (2:8). This God is quite different from the distant and disembodied creator in the first chapter - a God who is actually getting his hands dirty.

The full extent of the metamorphosis is indicated in the altered character of his communication. Whereas in 1:29 God tells the man and woman that he fruit of "every tree" is permitted them, in 2:17 the Lord God notably revises thus: "But of the tree of the knowledge of good and evil thou shalt not eat of it: for on the day that thou eatest thereof thou shalt surely die." This utterance has important characteristics which mark it as the origin of a new form of communication. First, it is constructed in the imperative mood but, unlike its predecessors in the first chapter, it comprehends the possibility of disobedience. Second, it attaches a conditional clause

to indicate that if the command is disobeyed, certain consequences will follow immediately. These new features serve to manifest the important capacity of a sovereign to recognize and punish his subjects' disobedience. They also serve to significantly broaden the range of potential utterances, which now include, by implication, counter commands, the future tense, and conditional constructions.

God has shown that he can recognize negative outcomes to command situations. In the next group of verses he shows the ability to negatively appraise a situation, and says, "It is not good that the man should be alone: I will make him a help-meet for him" (2:18). Notice that the appraisal "It is not good" duplicates the construction of the earlier appraisals "It was good," but modifies it in three important ways. First, it represents the development of a negative equivalent. Second, it is followed by an object phrase that explains what the "it" is. This, too, differs from the earlier pattern in that the explanation is spoken, not described, and is based on an intellectual reaction and not merely a sensory one. Before, God simply "saw" and then appraised, without any comment. Third, the appraisal is followed by a decision to act, to make the man a help-meet.

These features mark the stages of a decision-making process, the first in the created universe, and the necessary precursor to the covenantal order to follow. To make this more plain, we can reconstruct the stages thus:

Premise: A definition of man's condition such that if the man is alone then his condition is not good. If the man is not alone, then his condition is good.

Argument: Man's condition is not good because the man is alone: "It is not good that the man should be alone."

Conclusion: The decision to make a helper so that man's condition will be good: "I will make him a help-meet for him."

This sequence represents the first instance of actual reasoning in the Bible. We

infer the existence of an implied premise from God's statement in the argument. The argument is a recognition that one of the states or conditions specified in the premise exists. The conclusion is a decision to address the condition argued to exist in the earlier statement. Now, the decision to make a helper for the man need not have been the only one capable of solving the problem. We know from the Noah episode, for example, that God decides to destroy the world to relieve another condition that is "Not good." This is an important issue because the ability to choose from a range of alternatives is an important communicative skill, and a necessary prerequisite to contract.

Having made a decision, God attempts to put it into effect. He brings "all the beasts of the field and the birds of the air" to Adam "to see what he would call them" and (although this purpose is not explicit) to locate the promised helper (2:19). The man named every creature, but finally "found no helper like himself" (2:20). The text has introduced a new role for man, as a communicator, and here especially, as a namer. Not surprisingly, the man acquires a name before he acts in his new role, in keeping with the text's habit of re-identifying an actor to correspond to a new role. Do the animals, which Adam names, also perform new roles? If they do, then it is to distinguish their roles as specific animals from the role God has assigned to the one who will be Adam's helper. Naming the animals ends by showing that none of the animals qualifies. So it is left to God to create the helper, and this he does in 2:21-22. We know immediately that he is successful because Adam names her "woman" and thus identifies her in the role of helper.

Finally, let us return to the command in 2:17 and examine its structure more fully. Here is the command in its entirety: "From every tree of the garden thou mayest freely eat: but of the tree of knowledge of good and evil, though shalt not eat of it: for in the day that thou eatest of it though shalt surely die." We have already discussed the command as a manifestation of God's new role as sovereign and as the first instance of a negative imperative accompanied by a conditional threat of capital

punishment. When, however, the serpent tempts the woman (3:4) saying that “Ye shall not surely die,” his statement is proved partially correct, to the extent they do not physically die on the day they ate the forbidden fruit. This changes the character of the threat, since it is not really a threat, but a bluff. Should it be necessary for the all-powerful sovereign to bluff? The answer lies in the weakness of the order of dominion and in the kind of communication it depends on.

A command relies the known ability of the commander to enforce his decrees and to punish disobedience. But to insure that his subjects’ belief remains strong, the commander deliberately exaggerates the extent to which he will really punish. He makes the consequences of disobedience too horrible to contemplate. But such an order is difficult to maintain for a couple of reasons. First, the commander must be (and must be known to be) ever vigilant. That may be easy when the subjects are few, but as numbers grows the task becomes more and more difficult. Second, the commander must insure that a subject never actually breaks the rules, for if one does, then he and everyone else will soon know that the commander is not prepared to make good his threat to seriously punish. The command thus puts the full burden of regulation and enforcement on the commander. It can only be as strong as he is.

A stronger, more efficient form of regulation is one in which sovereign and subject share the burden of enforcement. This is one of the advantages to a contractual or covenantal order. But necessary to the creation of such an order are other forms of reason and communication. At this point some are already present. It is now possible for actors to consider future consequences. But other features are still missing, including counterfactual reasoning and freedom of choice. Not surprisingly, given the inner logic of creation, these will be developed in due course, in order to make them available when they are needed.

THE BIRTH OF DISCOURSE

The third chapter of *Genesis* contains the first two moments of actual discourse in the created universe. They are real conversations, and develop a number of critical reasoning capacities. It is best for our purposes if we reproduce them in script form so that we can make a sequential analysis of the discourse.

The first conversation (3:1-6)

The Serpent (to woman): “Did God say, Ye shall not eat of every tree in the garden?”

The Woman (to serpent): “We may eat of the fruit of the trees of the garden: but of the fruit of the tree which is in the midst of the garden, God hath said, Ye shall not eat of it, neither shall ye touch it, lest ye die.”

The Serpent (to woman): “Ye shall not surely die: For God doth know, that in the day ye eat of it, then your eyes shall be opened: and ye shall be as gods, knowing good and evil.”

The serpent’s simple question - the first question of any kind in the Bible - is rhetorical and demands affirmative response. Perhaps this serves to get the woman in a more affirming mood, in which she will be more likely to agree with the serpent’s suggestion. The woman answers by repeating God’s command. Then the serpent, having elicited the response it sought, alters the meaning of the command, saying, in

effect, that God was bluffing and implying that God is jealous of his knowledge of good and evil, for it is that knowledge which makes him a god.

The woman does not accept or reject the serpent's argument. She meditates on the desirability of the fruit: "the woman saw that the tree was good for food, and that it was pleasant to the eyes, and a tree to be desired to make one wise" (3:6). She ignores the consequences of disobeying God's command and concentrates on the immediate results of eating. There are two interpretations of her act. First, she is rationalizing, preferring not to regard a decision to eat as an act of disobedience or as an attempt to rival God. Second, and more likely, the woman is genuinely unable to consider distant consequences. She can only evaluate the immediate sensual rewards of eating the fruit.

The reason for this may be that the text has not introduced future awareness or causal thinking into the inventory of human capacities. A second and related reason is the nature of the context. Life in the garden is uniform and unchanging. There is no past and no future, no birth and no death. Thus the woman's inability to consider the consequences of disobedient actions is a result of her condition in the garden, which grounds her experience in a kind of eternal present. This makes the already inherently weak command structure even weaker.

The second conversation (3:9-19)

God (to Adam):

"Where art thou?"

Adam (to God):

"I heard thy voice in the garden: and I was afraid, because I was naked: and I hid myself"

God (to Adam):

"Who told thee that thou wast naked? Hast thou eaten of the tree of which I commanded thee, that thou shouldst not eat?"

- Adam (to God): “The woman, whom thou gavest to be with me, she gave me of the tree, and I did eat.”
- God (to woman): “What is this that thou hast done?”
- Woman (to God): “The serpent beguiled me, and I did eat.”
- God (to serpent): “Because thou hast done this, thou art cursed above all cattle, and above every beast of the field: upon thy belly thou shalt go, and dust shalt thou eat all the days of thy life. And I will put enmity between thee and the woman, and between thy seed and her seed: it shall bruise thy head, and thou shalt bruise his heel”
- (to woman): “I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children: and thy desire shall be to thy husband, and he shall rule over thee.”
- (to Adam): “Because thou hast hearkened to the voice of thy wife, and hast eaten of the tree which I commanded thee, saying, Thou shalt not eat of it: cursed is the ground for thy sake; in sorrow shalt thou eat of it all the days of thy life: thorns and thistles shall it bring forth to thee; and thou shalt eat the herb of the field; in the sweat of thy face shalt thou eat bread, till thou shalt return to the ground; for out of it wast thou taken: for dust thou art, and to dust shalt thou return.”

By the time of this conversation, Adam and Eve have been transformed into beings who, like God, know good and evil and who feel shame and fear. These are explicit transformations. But the conversation reveals other transformations which are not explicit. These relate to developments in the sophistication of thought and language.

The conversation divides into three divisions: The first (3:9-12), in which God questions Adam about his whereabouts, his reasons for hiding, and whether he ate the fruit of the forbidden tree; the second (3:13), in which God asks the woman about her responsibility; and the third (3:14-19), in which God curses the serpent, Eve, and Adam each in turn. Let us examine the features of these divisions.

In the first, Lord God assumes the role of interrogator and asks his first question, "Where art thou?" Consider the implications of this question and recall that all along God has been moving away from his detachment during creation and toward a physical, earthy experience in the second and third chapters. A question of physical location is, after all, rather mundane. It betrays a lack of the total omniscience earlier associated with God, and it is another sign that God's transformation is being further fulfilled.

Adam's response, on the other hand, represents nothing less than a quantum leap forward, from lack of interior sensations and only the simple ability to name, to the experience of deep inner feelings and the capacity to account for his own actions. To be sure, Adam could have answered with a simple statement of his location, behind a fig tree or under a bush, and left it at that. But he answered, instead, with a causal explanation, to account for why he did what he did. Of course Adam's explanation is not the first instance of causal explanation. Earlier, God himself prefaced the decision to make a helper with the explanation that man should not be alone. But the two must be distinguished. God's causal thinking is in reference to planning to do something in the future. Adam's is in reference to a deed done in the past. The latter is retrospective and diagnostic, and there is as yet no indication that Adam has the ability to anticipate future events.

The second and third questions of this discussion seek to trace the details of the sequence, and link Adam's shame to its cause in some past event. Interestingly, God asks these questions, but leaves Adam no time to answer the first ("Who told thee that thou wast naked?") The prior question functions to restate the link between nudity and shame. As a question it preserves the conversation's interrogatory tone. Adam's answer completes the chain of events up to his involvement and directs the next section to consideration of Eve's motivation.

In the second division of the conversation, God interrogates Eve, to whom he has traced the chain of events leading up to Adam's hiding. He asks her what she has done and she answers, "the serpent beguiled me." Her answer is terse and does not repeat the revelations uncovered in Adam's questioning. She, like Adam, answer causatively, be relating her action to the working of an outside agent, the serpent, who "beguiled" her. But unlike Adam's answers, Eve's account goes beyond a straight report of the sequence of events. She not only explains causes, she *interprets* motives. The difference is this: A simple causal account would have linked the inclination to try the fruit to a suggestion by the serpent that, probably, no harm could be done. This kind of explanation might lead to the conclusion that the serpent was in error, but no more. An interpretive account, however, has the power to recast the chain of events to incorporate the later realization that the serpent may have acted to deceive her.

The conversation's third division (3:9-19) is taken up by curses and maledictions. Their order is significant, because it reverses the interrogatory order, which proceeded from the final result (Adam's hiding) to the proximal cause (the fruit) to the distal cause (the serpent's alleged guile). In the order of events, God assesses the culpability of the agents and assigns punishments. This is the first instance in which God, like a modern jurist, recovers a causes sequence from the order of effects and then and only then judges and punishes.

MAN AND GOD AT THE END OF THE FIRST THREE CHAPTERS

We may take as our cue to this summary God's final statement on all the events that have taken place so far:

Behold, the man hath become as one of us, to know good and evil. And now, lest he should put forth his hand, and take also of the tree of life, and eat, and live forever; therefore the Lord sent him forth from the garden of Eden, to till the ground from which he was taken. (3:22-23)

This allows us to place with some confidence a division between the first three chapters of Genesis and the rest. God marks the division with the arresting command to "behold!" the humans who are now like God. To be like God is not only to share his knowledge of good and evil. The first three chapters have gone far to put God and man on par in the ways they perceive, interpret, and explain their own and each other's behavior.

First, the inner logic of the creation process has already suggested that new objects and new beings do not suddenly spring into being but are created to fit into an order that has been or will be developed. Increasingly complex features of intellectual and linguistic competence are created in the same fashion. God leaves the order he created by fiat and enters the order he creates in his role as sovereign. His speech and behavior alter with the role and he begins to think, act, and converse in new and complex ways. Human beings enter the new order when they "fall." Until then, they do not develop many of the complex features because, in the "pre-Fall" world, they are not required to think beyond the immediate sensual consequences of their actions. They have no emotions, no intentions, no inner consciousness. But after they eat the forbidden fruit, they suddenly feel shame and fear. What is more, they explain why they feel, from accounts of past events related in causal sequences. They

even demonstrate the ability to recognize another's intentions from his surface behavior. It is significant that they develop these abilities only after they disobey God. If they had possessed them before, possibly their transgressions would not have occurred.

The development of these abilities by God and man comprises an inventory for thought and action in the present order, the order of sovereign and subject. This inventory contains the ability to make and receive commands, to make conditional statements, to recognize and explain causal sequences, and to interpret motives. But even though God and man have moved remarkably close to each other in the development of this order, several fine distinctions remain. Man has yet to show a future awareness or the ability to make choices. Also, the order itself is incomplete and weak, for the full burden of its maintenance is on God.

THE CONCEPT OF SIN

The developing complexity of communication, paralleled by the evolution in thought forms, brings God and man into a kind of reciprocal intellectual relationship. The relationship is premised on the "exchange" of God's favor for man's obedience to God's commands, until the Fall, when the equation shifts. It then becomes clear that successful reciprocity depends on man's active participation in the exchange, not just on his passive acquiescence. In other words, it becomes necessary for man to have some active stake in the relationship he must contribute to in order to maintain. This activity is created in the fourth chapter.

After their expulsion from the garden of Eden, Adam and Eve move into the mundane world and commence to live more ordinary human lives. They produce two children, Abel, the keeper of flocks, and Cain, the tiller of soil:

And in the process of time it came to pass that Cain brought the fruit of the

ground as an offering to the Lord. And Abel, he also brought of the firstlings of his flock, and the fat thereof. (4:3-4)

The making of offerings is new and has important implications. First, it suggests that men must now provide God with something other than passive obedience. They must give tangible objects to bear witness to their intent to reciprocate God for his favors. Second, the making of offerings proves that men are conscious of their relationship with God and of the relationship between offerings objects and receiving blessings. This view is supported by God's comment to Can, "If thou doest well, shalt thou not be accept? And if thou doest not well, sin lieth at the door" (4:7). Here an explicit connection is established between "doing well" and the promise of reward, and between "not doing well" and the newly introduced concept of sin. Now, the prospect of reward or punishment is inherent in the purpose of making offerings. But the concept of sin is not.

Sin adds something akin to a moral dimension to the performance of reciprocal exchanges and to the anticipation of appropriate results. The difference can be seen in the contrast between God's threat of retribution if his command is disobeyed (2:17) and his announcement that sin will "lie at the door" if men do not do well. In the first, God threatens punishments for certain crimes. In the second, God gently but firmly informs men that an undefined quality, sin, will be with them if they perpetrate actions in the category of "not doing well." The lack of specificity is defining the terms in the second case serves to encompass a variety of behaviors and results, all of which men must be aware of so not as to incur God's wrath. But it is possible that men are not aware of the full variety, which forces them to be all the more careful, to avoid actions that approach "not doing well." The advantage of this order compared to the one that specifies transgressions and punishments is its efficiency as a balanced system. It places at least half the burden of maintenance on men, who must then evaluate their actions by reference to an all-encompassing, if vague rule. They

are forced to use their expensively acquired ability to know good and evil to avoid doing evil, thus relieving God of the full task of identifying instances of each.

These developments conclude the creation process of the pre-Flood era. At this point it may be asked, has the expectation that the prerequisites to contract will appear been fulfilled? The conclusion to the analysis of the first three chapters would seem to indicate that at least two had appeared fully by the time Adam and Eve are expelled from the garden of Eden. These were, first, differentiation of the characters into discrete agents and, second, development of the ability to communicate using complex formations and causal explanations. The Cain and Abel episode has introduced the two remaining prerequisites. The first, an awareness of the future, emerges in relation to balanced reciprocity with God and the expectation of rewards for what one gives to God. The second, a capacity for choice, is implicit in the moral system set up to govern man. The fourth chapter exemplifies the working of the system when Cain chooses to commit a wrong and suffers life-long punishment for his sin as a result.

THE FLOOD AND THE FIRST COVENANT

Many generations pass in the time between Cain and Noah. God provides the only information on this long period in his comment at the beginning of chapter six: "The wickedness of man was great on earth" and "every imagination of the thoughts of his heart was only evil continually" (6:5). What does this comment say about the time up to Noah? Wickedness and evil are new in their usage here and could, perhaps, be related to the concept of sin developed in the fourth chapter. But they are different. Why, instead, couldn't God have seen the "sinfulness" of man in the world? We can suggest an answer to this based, in part, on the system of order that has been established so far.

In the first three chapters, order is created and maintained by God's direct, oral

commands. Challenges to this order came in the form of acts of disobedience. In the fourth chapter, a moral system is introduced which maintains order normatively (for the sake of “doing well”). This shifts part of the maintenance burden to man. However, the order lacks formal structure. The early sovereign/subject order had a structure in the one command not eat the forbidden fruit. The later introduction of a moral system, however, lacks the ability to specify direction and purpose, which can only be provided by a structure which *regulates* the relationship between God and man. It is the absence of a formal structure that leads to the breakdown of the pre-Flood world.

Evil is that state of disorder resulting from the absence of a structure to adequately map out and define the full extent and purpose of God’s duties to man and vice versa; to provide means for each to test the other’s compliance and to create a record or ritual to remind the parties of the terms of their relationship. This view of evil does not take into account the considerations, adduced in retrospect from later Christian thinking, which assumes the existence of a powerful and pervasive force in the universe (Satan) that operates to undo God’s order. In the present view, evil is a condition of disorder and a result of the transition between formal structures.

In the sixth chapter God resolves to destroy the old world and create a new one, based on a new and better concept of order. He locates an individual, Noah, who will convey the good elements of the old world into the new. The choice of Noah is significant since it does not mean that only Noah will escape the Flood. At least seven other individuals accompany him. Now, the selection of one person to represent a relationship between God and other people is not new. God commands Adam, but the command holds for Eve, too, even though she doesn’t exist at the time God makes the command. Likewise, all of the covenants in Genesis are made between God and individuals (Noah, Abraham, and Isaac), but include others (relatives, descendants, the members of a household). This pattern is fully in keeping with the inner logic of the text, which has been to create opposed pairs (here, God and human

society) that are mediated by increasingly complex form of communication.

The next series of verses (6:13-21) contain god's instructions to Noah on the building and purpose of the ark and his promise to establish a covenant. Noah does not speak or question, he only obeys. In fact, Noah typifies the ideal of the perfect "pre-Flood" man: complete and unquestioning obedience. It is ironic that it is only now, at a moment when the world is filled with evil men and about to be destroyed, a perfect man appears who conforms to the ideal. The episode represents the last gasp of the ancient regime - it is the last time (the only time) a divine command, alone and unaccompanied by conversation or ritual, can suffice to control human behavior. God and Noah, the perfect devotee, escape together the doom of the old order and strike out to establish another; and it is in his promise of the covenant that we know they succeed.

In the seventh chapter Noah is still the simple obedient subject who does "according to all that the Lord commanded him" (7:5). Chapter eight introduces a different Noah. Here, he tests the earth's condition to determine the flood's extent. In the first two experiments, the birds Noah sends out return, because they didn't find dry land. But on the third try, the birds return bearing an olive branch "so Noah knew that the waters were abated from off the earth" (8:11). To confirm this, Noah sends the bird out again and this time it does not return. To Noah, this confirms his earlier thought that the earth has emerged from beneath the abating flood.

Noah's experimentation marks man's first use of "scientific analysis" or the ability to make, tests, and confirm hypotheses. This ability signifies the development of a critical decision-making capacity, similar to the development of decision-making for God some time ago. But if the capacity is awakened or revealed here, it is not quite brought to bear on the construction of action. Noah fails to make a conclusion that leads him to do something concrete. Instead, he waits for God to command him to leave the ark (8:16).

Once on dry land, Noah does do something on his own initiative:

And Noah built an altar to the Lord, and took of every clean beast, of every clean fowl, and offered burnt-offerings to the Lord. (8:20)

God smells the offering and says in his heart, thus:

I will not again curse the ground anymore for man's sake, for the imagination of man's heart is evil from his youth: neither will I again smite anymore every living creature as I have done. (8:21)

These two events (the offering and its acceptance) preface the next chapter where the first covenant is made. There are two features of the present episode that deserve mention beyond their demonstration of Noah's initiative. First, Noah is the first human to build something on the surface of the earth; and the building of the altar is the first human action on the new world. From reading later chapters, we know that altars are important determinants of special localities. They make and mark a symbolic and geographic domain. Second, the issue of domain is the central topic of all the upcoming covenants.

The ninth chapter contains the terms God sets which will bind his own and man's behavior in the new order. These are terms that relate to man:

1. The fear of you and the dread of you shall be upon every beast of the earth, and upon every fowl of the air, upon all that moveth upon the earth, and upon all the fishes of the sea; into your hand they are delivered. (9:2)
2. Every living thing that moveth shall be food for you; even as the green herbs have I given you all things. (9:3)
3. But the flesh with life of it, which is its blood, shall ye not eat. (9:4)
4. And surely your blood of your lives will I require: of every beast will I require it: and at the hand of man and at the hand of every man's brother will I require the

life of man. (9:5)

5. Whoever sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man. (9:6)
6. And you, be ye fruitful, and multiply, bring forth abundantly in the earth and multiply therein. (9:7)

For his own part, Gods sets the following terms:

Neither shall flesh be cut off anymore by the waters of a flood: neither shall there anymore be a flood to destroy the earth. (9:11)

Then, to ratify the covenant and to preserve it tangibly in visible form, Gods sets his bow in the sky. It will permanently attest to the terms of the covenant.

Let us examine the terms imposed on Noah and his line. The first three are commissions that grant food and made man the source of fear and dread to the animals. These differ substantially from the pre-Flood commissions bestowed on Adam. Formerly, God had commissioned man to populate the earth, subdue it, and have dominion over its life. Noah is directed to populate but not to have dominion over or to subdue it. Also, God adds to what man may properly take as food. Now animals as well as plants can be eaten, except for the blood, which represents life itself.

The second set of terms regarding man spells out the condition of man's life and the circumstances in which it can be taken away. The first term (9:5) specifies that man's lease on life is short and dependent on God. The second term (9:6) specifies what will happen if one man interrupts another's life, thus robbing God of his right to end life. These two terms bring the issue of death into the foreground and remind humans, lest they transgress, that God alone retains the right to bestow and withdraw life.

God sets only one term for himself in the covenant: not to inundate the earth

again. It is significant that this term, apart from the fact that it will insure the survival of the earth, concerns God's relationship with the land. As we shall see, all the terms that concern regulation of God's action deal specifically with the land, dominion over and ownership of the land, and rights of succession to specific parcels of land. But, for now, simply contrast this term to the command made in the first chapter. The command is one-sided and issued without man's participation, possibly without even his understanding. The covenant, on the other hand, creates an order that depends on mutual and binding accords. An independent sign, the rainbow, will exist to remind the participants of their commitments. A challenge to this order will not come simply as disobedience to God, but as a breach of the covenantal order, affecting and offending the structure of the relationship.

The strength of the created order depends on the structure of the relationship of God and man. A sovereign/subject order (pre-Flood) depended on God's commands and his ability to detect and punish transgressions. This order was weak because it placed the full burden for maintenance on God. A contractual order (post-Flood) depends on each party's fulfillment of the contract's terms. Its strength lies in the (not necessarily equal) distribution of the burden of maintenance among the participants.

The Noachic covenant has given formal structure to the moral relationship between God and man, but at God's instigation. Noah is certainly a complex thinker, but he does not apply his thinking to the making of the covenant. He is the silent partner par excellence. But now that the covenant form has been introduced, man and God, as parties to it, continue to develop.

The Significance of Place

The first creation process (chapters one through four) ended with a population explosion. The second creation process (chapters six through ten) also culminate in a population explosion that repopulates the earth after the Flood. Here, a process of

extensive human differentiation begins, starting with the dispersal of Noah's three sons and their wives and families. In the eleventh chapter humans are further differentiated when the language they speak is confused and made into many different languages. The post-Flood world thus differentiates humans in three ways - descent, location, and language.

This has several implications for the future. Differentiation in the pre-Flood world tended to distinguish man by his increasingly complex thought and language, particularly his communicative skills. The purpose was to develop man into an independent actor who could transact, then contract with God. The present episode is moving in the same direction, but in a somewhat different way. The purpose here is to distinguish men on the basis of their social conditions and to provide a foundation for their relationships with each other in transaction and contract.

From the above, we are led to expect that the next covenant will be constructed with particular attention to one or several of these differences (descent, location, or language). This is the case, from the moment the text introduces the character of Abraham (or Abram, in the early chapters). God commands Abraham to move from his home to a land where, God says, he will be the founder of a great nation. Abram arrives in that place (12:6) and God tells him that he will give him his land. Abram then builds an altar to God (12:7) and moves again, to a mountain "on the east of Bethel" (12:8) where he builds another altar. Then Abraham goes South into Egypt and encounters Pharaoh (this episode will be discussed in the next section). In the 13th chapter, Abram returns from Egypt "rich in cattle, in silver, and in gold" (13:2) and settles at Bethel, the site of his first altar. Abraham and his brother, Lot, separate and Lot goes to the plain of Jordan, while Abraham remains in Canaan. God appears here and repeats that this land will belong to Abraham and to his seed forever. Then (quite inexplicably) Abram moves to the plain of Mamre, which is in Hebron and there builds yet another altar (13:8).

These chapters devote most of their length to Abram's peregrinations and altar-

building. The purpose would seem to be to establish the boundaries of Abraham's domain and to mark them with permanent structures that will attest to Abraham's ownership and signify Abraham's special relationship with God.

CONFRONTATION AND COORDINATION

We return in this section to Abraham's sojourn in Egypt. On entering Egypt, Abraham fears that his wife's beauty will lead to her abduction and his murder by the Pharaoh. He tells Saria, his wife, to pose as his sister. The Egyptians take her and invite Abraham to be a favored guest. Abraham profits from this arrangement and return to Canaan a wealthy man. But the Egyptians suffer the wrath of God, who afflicts them "with great plagues, because of Sarai, Abraham's wife" (12:17).

This story provokes many questions. Why would the Egyptians have killed Abraham to obtain his wife? Why does God afflict the Egyptians, the victims of deception, but not Abraham, who is guilty of deception? Why, in the aftermath, does the Pharaoh refrain from seeking restitution from Abraham? These questions cannot be answered without a study of ancient Hebrew kinship and custom which is well beyond the scope of this paper. Still, a few developments can be noted.

When Abraham recognized the danger posed by the approaching Egyptians, he feared for his life and acted to protect himself. Compare this to Adam, who also recognized a danger posed by God's approach and also acts to protect himself. Adam hides himself, but Abraham devises a ruse to trick the enemy. Hiding and deceiving are similar acts with similar intentions. In the first, Adam alters a situation by removing himself physically. In the second, Abraham alters the situation by using a phony identification. The second is a sophisticated transformation of the first. Abraham can use such a trick because unlike Adam he has the ability to consider the future, to plan, and to calculate strategies.

Men in Genesis have interacted only to resolve their differences through the use

of violence, as with Cain and Able, or through the use of deception, as with Abraham and the Egyptians. Two elements are lacking - communication and coordination. The 13th chapter, men finally succeed in doing both. Abraham and Lot recognize that they would better off if they separated and so gave each more land to graze their flocks. They discuss the problem (the first conversation between humans in the Bible) and agree that Lot will relocate and Abraham will remain. They have coordinated their behavior in a way that avoids conflict and resolves the problem in a way advantageous to both. But two facts mitigate the extent of their achievement. First, the two men are close relations and, second, their agreement is non-binding, non-covenantal arrangement.

THE MAKING OF THE COVENANT

The 15th chapter of Genesis divides itself evenly between the subject of Abraham's progeny and the subject of his property, as seen in the following outline:

A. Subject: Abraham's progeny

1. appearance of God and self-identification: "I am thy shield and thy exceeding great reward" (15:1).
2. Abraham's complaint: "Behold, to me thou hast given no seed; and lo, one born in my house is my heir" (15:3)
3. God's response: "This shall not be thy heir; but that shall come forth out of thy own bowels shall be thy heir" (15:4).
4. illustration of God's intent: "Look now towards the heaven, and tell the stars, if thou art able to number them: so shall thy seed be" (15:5).
5. conclusion: "And Abraham believed in the Lord: and he counted it to him for righteousness" (15:6).

B. Subject: Abraham's property

1. God's appearance and self-identification: "I am the Lord that brought thee out of Ur of the Chaldees, to give thee this land and to inherit it" (15:7).
2. Abraham's question: "Lord God, by what shall I know that I shall inherit it?" (15:8)
3. instructions: "Take me a heifer of three years old, and a she-goat of three years old, and a ram of three years old, and a turtle-dove, and a young pigeon" (15:9).
4. Abraham's response: "And he took all of these, and divided them in the midst, and laid each piece one against the other: but the birds he did not divide" (15:10).
5. God's response: "Know certainly that thy seed shall be a stranger in a land that is not theirs, and shall serve them; and they shall afflict them four hundred years" (15:13). "And also that nation which they shall serve, will I judge: and afterward they shall come out with great substance" (15:14). But in the fourth generation they shall come hither again: for the iniquity of the Amorites is not yet full" (15:15).
6. Ratification of covenant: "And it came to pass that when the sun went down, and it was dark, behold a smoking furnace, and a burning lamp that passed between those pieces" (15:17).
7. Conclusion of covenant: "In that same day the Lord made a covenant with Abram, saying, 'To thy seed have I given this land, from the river of Egypt to the great river, the river Euphrates'" (15:18).

The two subject divisions each begin with the appearance of God and his identification with an epithet that introduces his role in the present episode. In the first (15:1), God appears as a "shield" and a "great reward," the protector and bestower of rewards in return for Abraham's righteousness (15:6). Abraham complains to the Lord that he is without natural offspring. God responds by taking Abraham outside and offering an illustration comparing Abraham's future children to the numberless stars

in the sky. This repeats God's earlier assurance (13:16) and differs from it only in the choice of images: here the stars of the sky, there the dust of the earth. Abraham accepts the assurance because he believes in God.

Let us contrast this to the second subject division. It begins with the appearance of God and his re-identification with a different epithet, signaling a change of character role. God uses a historical epithet that recalls Abraham's departure from Ur and the movement from place to place up to his arrival in the promised land. The epithet sums up the relationship between God and man. Its purpose here is to set the stage for the making of the covenant which, like modern contracts, beings by identifying the parties and summarizing their relevant relations up to the present. A historical epithet is a particularly useful way of making this kind of summary.

Abraham asks God to offer some evidentiary sign to signify that Abraham will own the promised land. This is quite different from the earlier Abraham who merely complained that he was childless and was satisfied with God's imagistic assurance. It is also different from Noah, who accept but does not seek or require a sign that God will not flood the earth again. God put his bow in the sky as a reminder to himself and then as a token to man that he would abide by his covenanted promise. But Abraham insists on a token.

The covenant comes into being at Abraham's insistence. This is evident also in where and how the covenant is made. The covenant is consecrated in a ritual performed on earth, with earthly materials, and in the presence of a participating human actor. Once Abraham has assembled and prepared the ritual articles, God appears through the "smoking furnace" and "burning lamp" to activate and ratify it. The point is that Abraham and God construct and enact the covenant, which becomes the product of their joint labor and their joint concerns.

When the ritual is completed, the covenant is operational. All of the lands God promised to Abraham are now fully his. That the covenant has achieved this is known from the tense used in God's final statement, "I have given you this land" (15:18). In

past statement of this kind the future tense was used. But what the covenant has not achieved and, in fact, has not addressed is the problem of Abraham's ability to produce children. This returns our discussion to an earlier point, namely, why does this chapter divide so neatly between the subjects of Abraham's progeny and his property, and only the latter issue settled in a covenant?

Very likely the answer to this question must come from a close analysis of ancient Hebrew notions of kinship and property. But a few possibilities may be suggested on the basis of the text's inner logic of creation. In the first chapter, God blesses many living creatures and commissions them to multiply. The pattern is repeated even up to man and suggests that the act of blessing endows the animals and man with reproductive ability. In later chapters, God blesses those who are obedient and righteous and curses those who sin and disobey. A sense emerges in which blessings become tied to the idea of reward for obedience and right living and to the idea of punishment for disobedience and incorrect living. This indicates why the issue of reproduction is not the prior subject for resolution by covenant with Abraham. God will bless Abraham and grant him children only as a reward for his faith and obedience - that is the only way blessings, which are a system of rewards, can operate.

Abraham's covenant is not a reward and merit system but a structure that regulates the long-term relationship between God and Abraham as the representative of the chosen people. The covenant provides the framework for the ordering of critical Biblical issues, such as entitlement to and inheritance of the promised lands. But the covenantal order is not separate from the moral system of merit and reward. On the contrary, the text makes it clear that moral consideration of faith and justice are crucial to the success of the order. Consider the story of Abraham and Isaac. God tests Abraham's faith by asking him to sacrifice his only son, the very thing that must exist for God to fulfill his promise to increase Abraham's lineage and make it a great nation. Such tests of faith serve to increase and reaffirm the sense of mutual trust between contractors.

Abraham and Abimilech

The relationships strictly between human beings have been developing parallel to the God-man relation, though not at the same pace. At first human relations were lacking in forms of communication and, in conflict situations, always in violence (Cain and Abel). But communication soon developed and men were able to deceive one another (Abraham and the Egyptians) and to coordinate their behaviors with closely related kin (Abraham and Lot). But so far men who are unrelated and who have conflicting interests have not managed to coordinate or regulate their relationships. Yet with the model of contractual relations between God and man now developed, one is led to expect some similar development among only men.

In chapter 21, Abraham and Abimilech meet to settle their differences. Abimilech broaches the idea of a negotiated settlement to Abraham:

Now therefore swear to me here by God, that thou wilt not deal falsely with me, nor with my son, nor with my son's son: but according to the kindness that I have done thee, thou shalt do to me, and the land in which thou hast sojourned. (21:23)

Abraham swears but accuses Abimilech of obstructing his use of certain water well, which Abimilech flatly denies. Next Abraham "took sheep and oxen, and gave them to Abimilech: and both of them made a covenant" (21:27). But this act does not suffice to ratify the covenant. Abraham then "set seven ewe-lambs of the flock by themselves" and Abimilech asks, "What mean these seven ewe-lambs, which thou hast set by themselves?" (21:28-29). Abraham explains: "For these seven ewe-lambs shalt thou take from my hand, that they may bear witness to me, that I have digged this well" (21:30). This completes the covenant.

This story is notable because it is the first instance of covenant-making between humans. But unlike other “firsts” in the development of communication, this episode provides an account of how the form of the covenant was introduced into human society by one of God’s prophets. From our reading of the passage, Abimilech does not understand the making of the covenant and its ratification in a sign or token that can stand and bear witness. Abraham must teach this to him (21:228-29). In this way it is known not just how the first covenant was made, but also how it was conveyed.

FROM MYTHICAL ONTOLOGY TO SOCIAL ORDER

Two points must be made in conclusion. First, the West’s long fascination with the origin and maintenance of social order, and the charter for disciplines concerned with these issues (including social anthropology), begins with and received validation from the origin myth in the Biblical account. The Genesis story tells us the world is impossible with the existence of agents capable of independent thought and action, and that agreement between these agents, formalized in some way, is essential to the world’s development. The way that is preferred is contract. This brings us to the second point. How does the Biblical account create agents who are capable of the making of formal contracts? Parties to agreements as formal as the covenants must be capable of understanding and considering future consequences, counterfactuals, and complex outcomes. Adam is certainly not an agent of this kind of the beginning of creation, when he lacks even the ability to speak in the future tense. He acquires them only slowly, in an evolution of intellectual skills that is patterned and progressive — an anticipation, in mythic form, of the stages of cognitive development described by Piaget.

Other cultural traditions, such as the Hindu, place little or no emphasis on the development of intellectual skills. There is no sense in which the development or

creation of the world depends on the existence of contracting agencies. Indeed, from the classical Hindu perspective, almost nothing is as suspicious as the intellect. An order founded on it must be fleeting, and the true of objective of development must be to erase the intellectual consciousness and extinguish the fallacy of individual agency. Those who seek an answer to why contract law, and tort law in general, is so limited in India might do well to consider the absence of any mythical-ontological grounding for these concepts there, despite centuries of close cultural contact with British legal theory.

The purpose of this essay has been to suggest that there is a relationship between theory of ontology, how the world comes into being, and concepts of social order. A cultural tradition which develops all the world out of contract will be predisposed to view its social order similarly, and to regard those social theories as best which focus attention on contract-making and keeping powers. Rousseau found this notion so congenial that he used it to describe the ideal system of government; so did Hobbes, and so, of course, did the “founding fathers” of the United States. What could be more natural? It is therefore not difficult to understand why non-legal, non-contractual theories of social organization are so difficult to accept in the West, especially the United States. Symbols and meanings, however compelling we (as the anthropologists) may find them as elements of social order do not carry much weight in a cultural tradition that view the formality of contract as fundamental. That is why cultural anthropology, especially of the symbolic sort, must always seem a bit out of place here, and constantly at risk of conversion into a theory of political economy (Nuckolls 1995)

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社会契約の創造と創造の内的論理

チャールズ・W・ナクルス

〈要約〉

旧約聖書の創世記は、コミュニケーションと契約の発展の物語であり、発展は創造の当初から十戒の授与に至るまで継続する。

契約関係の樹立には、まず互いに異なる当事者が居り、次に当事者は意思疎通が出来、期待に反する結果や状況を想像する能力を備えていなければならない。さらに当事者は選択あるいは二者択一の片方を選ぶ自由を保持すべきである。これら必須要因を手がかりに、創世記を解説する。

第三章までは神が直かに、口頭で発する命令によって秩序が創造され維持される。第四章では神と人間との関係が秩序の基盤とされる。道徳体系の導入である。秩序びん乱が悪とされる。

第六章で神は旧世界の破壊と新秩序にもとづく世界の創出を果たす。ノアは神の命令に従ってではあるが、ハトを使って自ら判断し、初めて人間の手で新たな世界を創る。第九章で神は自らと人間の行動を律する諸条項を定める。人間は血液を除き、動物を食してよい。しかし人間の生死は神のみが司る。

大洪水以後の人口増加に従い、人間は出自、居住地、言語のうえで多様化が進む。ノアの息子3人と妻子たちの分散が先鞭をつけた。人間が社会的諸条件の違いを増し、取引きと契約の基となる関係を築き始めるのである。

アブラハムをめぐる人びとの関係に認められるとおり、神と人間との関係に倣って、対人関係が進展する。当初は当事者間の衝突時にコミュニケーションが欠落し、暴力に終わる（カインとアベル）。次に相手を欺き（アブラハムとエジプト人）、さらに近親との協調（アブラハムとロト）とい

う形でコミュニケーションが進む。

結論として、創世記が物語るのは次の事柄である。独自に思考し行動する当事者たちなくして世界は成立し得ず、これら当事者間の、なんらかの形で定式化された合意こそが世界の発展の礎になる。望ましい定式は契約である。西欧、とりわけ合衆国では、法にも契約にもとづかない社会組織の理論は受け容れがたい。しかし、契約を結ぶ当事者の存在が世界の発展あるいは創造に必須であるという考えは、インドの文化的伝統には見当たらないのである。

(文責 大森)