

The Prohibition of Cross-Dressing in Deuteronomy 22:5 as a Basis for the Controversy among Churches in Nigeria on Female Wearing of Trousers

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ABSTRACT

The research¹ which this writer conducted recently reveals that one major controversy among churches in Nigeria is on wearing of trousers by women, particularly female Christians. While the majority of the mainline churches still teach that women are not allowed to wear trousers, some of the neo-pentecostals claim that the text is being misapplied; hence many of their female members wear trousers even to church on Sundays. The present study therefore critically examines the Deuteronomic text vis-à-vis this controversy with a view to ascertaining what relevance it has for wearing of trousers by women in contemporary Africa, particularly Nigeria.

A INTRODUCTION

Reading the text literally, Deut 22:5 appears to condemn cross-dressing, that is, males wearing female clothes and *vice versa*. In Nigeria, as in other African countries, this text had been given a literal interpretation by all mainline churches since the advent of Christianity in Africa. In recent times, however, there has been a challenge to this interpretation, particularly among some neo-pentecostal churches who claim that the text is being misapplied. It is therefore common these days to see many female members of these denominations not only wearing trousers as part of their casual dressing but, in fact, going to church in them on Sundays.

The aim of this article is not to accept or reject female wearing of trousers but to examine Deut 22:5 to determine its possible intended meaning with a view to ascertaining whether or not its common application to this subject is correct. The essay begins with a report of the defense of the proponents of the practice as contained in a research which the author conducted recently.² This

¹ Solomon O. Ademiluka, *Issues at Stake in the Contemporary Nigerian Church* (Ilorin: Nathadex Publishers, 2007).

² Interviews were conducted only among Christians who were in favour of women wearing trousers in view of the fact that the reason why members of the mainline churches condemn the practice is clear to everyone namely that the injunction in Deut 22:5 prohibits it; hence what needs to be shown is the defense of the proponents of the practice against the biblical injunction.

is followed by a historical-critical examination of the text in relation to the Deuteronomistic Source (D) and Deuteronomistic Code. Finally, a textual approach is used to ascertain its possible original meaning.

2 THE CONTROVERSY ON WEARING OF TROUSERS BY WOMEN

In Africa the practice of women wearing trousers is relatively new and unusual; hence the practice of wearing them to the church naturally aroused curiosity when it started because it is at the same time un-African. To this end, the issue of whether women should wear trousers or not was not one of the challenges the early missionaries had to contend with. Most early African Christians readily accepted the injunction in Deut 22:5 that women should not put on what pertains to men and *vice versa* as applying to all ages and cultures. Hence, the same text is usually quoted against women who wear trousers, not even to the church but as part of their casual dressing.

It is therefore not surprising that when the practice of women wearing trousers to the church started in Nigeria in the 1990s among some neo-pentecostals, the proponents faced much criticism. In the course of the research mentioned earlier this writer interviewed some pastors of churches which welcome the practice as well as some of their female members who use trousers in and out of church. Pastor Seyi Adekunle of Winners' Chapel was of the opinion that Deut 22:5 does not apply to contemporary times.³ His premise is the book of Galatians (5:1-14) where Paul makes it clear that the death of Jesus freed us from bondage to the laws of the Old Testament (OT). The pastor believed that because the world keeps changing, there might be the need to review certain standards, especially those that do not really matter for the gospel. Adekunle's view therefore is not that the text does not forbid women to wear trousers but that it is not relevant to our time.

Bose Ojo, a female pastor of Christ Embassy, was most of the time in trousers. In my interview with her, her spontaneous reaction to the question of wearing trousers was that she was not under the law but under grace.⁴ She then went on to give her own understanding of Deut 22:5. In the first place, there are other laws in that same chapter that are not practicable, and logically when you break one law you break all. The text says a woman shall not put on "what pertaineth" to man and *vice versa*. In her own opinion, what pertains to man means what a man has put on, and not the type of fashion that belongs to men. If it is a statement about fashion we do not know what men wore different from those of women in ancient Israel; so we cannot apply to our time what we are not sure of. Concerning trousers specifically the pastor said women's trousers are sewn differently from those of men, so we cannot say women are putting on

³ Ademiluka, *Issues at Stake*, 49.

⁴ Ademiluka, *Issues at Stake*, 49.

what pertains to men. She explained further that fashion differs from culture to culture. For example, in Chile and Fiji Island skirts are men's wear. She had once watched a programme by Revd. Benny Hinn from Fiji Island in which he appeared in skirts. Consequently she asserted that the Gospel of Christ is not localised; it is the same everywhere, whether in Nigeria or Fiji Island. Hence, according to this female pastor, apart from having been freed by grace from the laws of the OT, we cannot apply the prohibition in our own time because we do not really know what it forbids.

Similarly, Miss Olivia Idoko of Salem Chapel was of the opinion that the Deuteronomy text is not talking about trousers because Israelites were not using trousers then, otherwise it would have been mentioned in the Bible.⁵ She also said that what pertains to men or women depends on the culture of the place; for example, in Scotland men wear skirts. Idoko was concerned that people were leaving the basics of the Gospel to address immaterial doctrines. On the question of dressing what churches should emphasise is decency, and not the type of dress. Like the other female pastor, Idoko is of the opinion that we do not know what type of dress Deut 22:5 is talking about as we do not have evidence that the Israelites used to wear trousers.

The main purpose of the foregoing discussion is to establish the fact that in Nigeria, as in many parts of Africa, there is currently a controversy on whether women may wear trousers or not. Next, we shall examine the Deuteronomic text to ascertain its relevance to female wearing of trousers in Africa.

3 DEUTERONOMY 22:5 IN THE CONTEXT OF THE DEUTERONOMISTIC SOURCE (D)

In the Documentary Hypothesis the book of Deuteronomy is one of the four major sources of which the Pentateuch is composed; it is called the Deuteronomistic Source (D). The book takes its name from the Greek translation of a phrase in 17:18 which prescribes that the king should have "a copy of the law" written for him by the Levitical priests. The Greek expression *deuteros nomos* means rather "a second law" after the one given in Exodus. The Hebrew name *hadd^evarim* (the words) is taken from the opening phrase.⁶ Deuteronomy is presented as the farewell address of Moses in the wilderness before the Israelites crossed the Jordan to the Promised Land. Moses recalls the giving of the law on the mountain of revelation which in Deuteronomy is consistently called Horeb. Collins identifies four major literary units in Deuteronomy namely motivation speeches, including some recollection of Israel's history (1-11); the laws – the Deuteronomic Code (12-26); curses and blessings (27-28); and concluding

⁵ Ademiluka, *Issues at Stake*, 50

⁶ John J. Collins, *Introduction to the Hebrew Bible* (Minneapolis: Augsburg Fortress, 2004), 159.

materials, some of which have the character of appendices (29-34).⁷ The focus of this research, however, is on the Deuteronomic Code.

1 The Emergence of Deuteronomy

Contrary to the traditional approach which ascribes the authorship of the whole of the Pentateuch to Moses, critical scholarship dates the book of Deuteronomy to late seventh century B.C.E.. The parallels with the Assyrian vassal treaties of seventh century B.C.E. constitute a powerful argument that the book of Deuteronomy was not formulated in the time of Moses but in the seventh century. In fact, the date of Deuteronomy had become apparent long before the vassal treaties were discovered in 1956. According to Collins, in 1805, the German scholar, Wilhelm M. L. de Wette, revolutionised scholarship by pointing out the correspondence between Deuteronomy and the "book of the law" that was allegedly found in the temple in 621/622 B.C.E. during the reign of King Josiah (2 Kgs 22-23).⁸ The late seventh century B.C.E. has come to be accepted by many as the date for the earliest version of Deuteronomy, giving allowance for subsequent editing and interpolations in the exilic/postexilic times. Collins also identifies an internal evidence for the seventh-century date in Deut 29:28 ("the Lord uprooted them from their land in anger, fury and great wrath") which, according to him, presupposes the exile of the northern tribes to Assyria in 722 B.C.E..

Rogerson argues that originally the aim of Deuteronomy was to justify Josiah's reform of 621/622 B.C.E., which centralised worship in Jerusalem and closed down provincial shrines (2 Kgs 22-23).⁹ In fact, some do not accord the so-called reform any level of historicity. Römer, for example, views the narrative merely as part of the nationalistic propaganda of the Deuteronomists, rather than a historical event.¹⁰ According to Longman and Dillard, critical scholarship was forced, by and large, to regard the book as a pious fraud, possibly developed by Josiah and his partisans to legitimate his bid for authority and the extension of Jerusalem's sway over the outlying areas.¹¹ Similarly, Collins describes the account of the finding of the book as a fiction, designed to ensure its ready acceptance by the people. Ultimately, all of the major authority centres in Israel (Levites, prophets, elders, sages at the royal court) have been suggested as possible sources for the book.¹²

⁷ Collins, *Introduction to the Hebrew Bible*, 160.

⁸ Collins, *Introduction to the Hebrew Bible*, 162.

⁹ John W. Rogerson, *An Introduction to the Bible* (London: Equinox, 2005), 41.

¹⁰ Tomas C. Römer, *The So-called Deuteronomistic History: A Sociological, Historical and Literary Introduction* (London: T&T Clark, 2007), 56.

¹¹ Tremper Longman III and Raymond B. Dillard, *An Introduction to the Old Testament* (Michigan: Zondervan, 2006), 106, 108.

¹² Collins, *Introduction to the Hebrew Bible*, 164.

2 The Historical and Religious Context of Deuteronomy

The contents of the "discovered" law code and the intent of its authors are portrayed in the actions which King Josiah took after reading it. He proceeded to purge the temple of the vessels made for Baal and Asherah, and to tear down the rural shrines all over the country, where priests had traditionally offered sacrifice. Then the king celebrated the Passover, which had been abandoned for ages, as prescribed in the book (2 Kgs 23:4-24; cf. Deut 12:2-3). The drift of Josiah's reform is clear enough. He prohibited the worship of deities other than Yahweh, banned all sacrifices outside Jerusalem, either in the "high places" or to Yahweh. In effect, he centralised worship in Jerusalem, which many have seen as the central purpose of the Deuteronomistic Code (12-26).¹³ Thus, the two main principles of the reform were the purification of Israelite life and worship from heathen practices and the centralisation of sacrificial worship in Jerusalem as the one legitimate sanctuary.

The law of centralisation makes sense in the political context of the late seventh century B.C.E.. According to Fabian, the first half of the seventh century B.C.E. had constituted a period of political and religious crises for the ancient Israelite society.¹⁴ The territorial expansion of Ashurbanipal of Assyria (669-626 B.C.E.) brought Judah under the auspices of Assyria and forced the political and religious status of Israel to change. Thus, the religious policies of Ahaz through Manasseh's apostasy brought into Jerusalem Assyrian religious practices, much to the disappointment of the priestly and prophetic schools. There was therefore a desire to purify Yahwism as soon as the light was seen. The major areas of the religion that needed to be addressed included the many unsupervised Yahweh sanctuaries which were springing up in the hinterland and therefore were open to corruption from Canaanite worship. The Assyrian worship in Jerusalem also needed to be stopped.

Before Josiah (641-610 B.C.E), Hezekiah (727-699 B.C.E) had tried with only partial success to unify the people who worshipped Yahweh around the temple in Jerusalem (cf. 2 Kgs 18:4). By the time Josiah came of age, the Assyrian Empire was in decline, and the young king felt free to try to expand his control. The centralisation of worship in Jerusalem was part of a wide effort to centralise control, and this is reflected in the laws in the Deuteronomistic Code. Thus, in one respect, the promulgation of the law of the code was an exercise in the politics of control. The policy of centralisation central to the book was central to Josiah's policy, and, as we have seen earlier, the book seems to have been either composed or edited by Josiah's scribes to support his policy. Fabian agrees with earlier scholars that these Deuteronomists would have consisted of

¹³ Collins, *Introduction to the Hebrew Bible*, 163.

¹⁴ Dapila N. Fabian, "Prophetic Fulfilment: An Examination of 'true' and 'false' prophecy in the Deuteronomistic Works," *OTE* 13/1 (2000): 11.

the levitical and prophetic groups who came together to perform the exercise.¹⁵ Hence, the "discovered" code of law was presented by Hilkiah (the high priest) to Huldah (the prophetess).

As we have noted earlier, many scholars give allowance for subsequent editing of the D source in the exilic/postexilic times. Thus, the use of the D code was not limited to the seventh century. Gerstenberger finds relevance for its latest version, along with the book of the Covenant (Exod 21-3) and the Holiness Code (Lev 16-26), in the exilic/post-exilic period.¹⁶ As a matter of course, in the exile the old precepts, religious customs which had been handed down orally, were collected and developed by professional scribes and scholars. The collection of norms in Deuteronomy (12-26) would be a codex used as preface to the Deuteronomistic and Chronistic histories by which Israel, and most especially the community of the exilic period, was constantly to be measured. The *Sitz im Leben* of this collection of stories and rules for behaviour were in all probability the divine assemblies and lessons for the growing youth. The main purpose was to build up and stabilise the community internally under the conditions of foreign rule particularly to shape community life under the eyes of the one God. This view which is supported by Moore and Kelle shows that Judean exiles engaged in practices of recalibration and survival that commonly mark traumatised and displaced communities including establishment of new patterns of ritual practice such as the cultic legislation of the relevant passages of the Pentateuch commonly dated to the exilic era.¹⁷

4 DEUTERONOMY 22:5 IN THE CONTEXT OF THE D CODE

From the foregoing, the laws in the D code constitute a guide for living meant to set the Israelites apart from other peoples whether in the pre-exilic, exilic or post-exilic time. The regulations are often categorised into three groups namely ceremonial laws (12:1-16:17), civil laws (16:18-20:20) and social laws (21:1-26:19).¹⁸ Thus, the D code deals with far more than religious matters; it legislates for a style of life that involves economic, political, social and even military matters. Perhaps for this comprehensiveness some would call it a "constitution." Longman and Dillard, for example, affirm that the D code in effect became the "constitution" of ancient Israel.¹⁹ This is because it was the written

¹⁵ Fabian, "Prophetic Fulfilment," 12.

¹⁶ Erhard S. Gerstenberger, *Theologies in the Old Testament* (Minneapolis: Fortress Press, 2002), 11, 13, 222.

¹⁷ Megan B. Moore and Brad E. Kelle, *Biblical History and Israel's Past* (Grand Rapids: WmB. Eerdmans, 2011), 366.

¹⁸ Ronald F. Youngblood, Frederick F. Bruce and Roland K. Harrison, eds., (?)*Nelson's Student Bible Dictionary* (Nashville: Thomas Nelson, 2005), 59.

¹⁹ Longman and Dillard, *An Introduction to the Old Testament*, 112; cf. Bruce C. Birch, Walter Brueggemann and Terence E. Fretheim, *A Theological Interpretation to the Old Testament* (2nd ed.; Nashville: Abingdon, 2005), 298.

deposit that defined her social order, the codification of her legal principles and juridical procedures, and her self-understanding under the rule of God.

The classification above places our text (Deut 22:5) under social laws (21-26), which include regulations concerning murderers, prisoners, inheritance, sexual relationships as well as cultic and other miscellaneous issues. Several commentaries and certain English translations of the Bible group Deut 22:1-12 together under "Miscellaneous Laws," which contain regulations about care for one's neighbour's lost livestock or materials (vv. 1-4), cross-dressing (v. 5), attitude to wild animals (vv. 6-7), type of material to use for one's roof (v. 8), type and number of seeds to plant at a time, type of animal to plough with, and type and number of cloths to use in sewing one's garment (v. 9-12). The collection in 22:1-12 is therefore properly called "miscellaneous" as the regulations have very little in common; hence 22:5 has to be examined in isolation.

5 THE MEANING OF DEUTERONOMY 22:5

The text originally reads thus:

לֹא־יִהְיֶה כְּלִי־גִבּוֹר עַל־אִשָּׁה וְלֹא־יִלְבַּשׁ גִּבּוֹר שְׂמֹלֶת אִשָּׁה
כִּי תוֹעֵבֶת יִהְיֶה אֱלֹהֶיךָ כָּל־עֲשֵׂה אֵלֶּה:

There shall not be an article (*k'elî*) of a man upon a woman, and a man shall not put on a wrapper of (*simlat*) a woman, because everyone doing (who does) these (things) is an abomination of (unto) the Lord your God.

The two key words in the prohibition are *k'elî* and *simlat* (both in construct form), which have been translated in different ways in various versions of the English Bible. The KJV translates *k'elî* as "that which pertaineth unto a man," and *simlat* as "garment;" but the LXX English translation renders *k'elî* as "apparel," and *simlat* as "woman's dress." In the RSV *k'elî* is "anything that pertains to a man," and *simlat* is translated, "a woman's garment" but the NRSV has "apparel" for *k'elî* and "garment" for *simlat*. Whereas the New American Bible (NAB) translates *k'elî* as "article" and *simlat* as "dress" the New International Version (NIV) uses the word "clothing" for both terms and the New Jerusalem Bible (NJB) says, "A woman must not dress like a man, nor a man like a woman," thereby avoiding the two terms.

There is not much problem with the interpretation of *simlat*. *simlâ* (Greek *himation*) is one of the numerous terms used to denote clothes in general in the OT. It signifies an "outer garment," a "mantle," or "cloak."²⁰ Hence, the translation as any form of clothe is acceptable. However, the term *k'elî* in

²⁰ See James Orr, "Dress," *ISBE* 2: n.p. [cited 8 March 2013]. Online: <http://www.bible-history.com/isbe/D/DRESS/>; "שְׂמֹלֶת," *HALOT*: 353.

this context is nebulous in that it may mean a variety of things such as armour, bag, carriage, furniture, instrument, jewel, sack, stuff, thing, vessel, weapon, implement, baggage, boat, seat.²¹ The word occurs 319 times, and seems to be a noun denoting any type of material of personal belonging, or equipment, containers, tools, *et cetera*, appropriate to a given service or occupation. As evident from the variety of words used to translate *k'elî*, the translators have used English words appropriate for the situations involved. Thus a soldier's equipment would be an armour or weapon (Judg 18:16) or a baggage (1 Sam 17:22). A musician's equipment would be an instrument (1 Chron 15:16), whereas a builder's would be a tool (1 Kgs 6:7). Finely worked items of gold and silver are called jewels (Gen 24:53; Num 31:50-51) or vessels (2 Kgs 12:13 [H 14]), depending on the context. Hence, if *k'elî* denotes any type of material of personal or corporate belonging, it may be correct to translate כְּלֵי-נָבֵר as any material pertaining to a man as seen in many of the English versions of the Bible, especially as it seems to be a parallel to שְׂמֹלֶת אִשָּׁה.

The Hebrew word נָבֵר derives from the root נָבַר. The verb נָבַר (*gābar*) means "to prevail," "be mighty," "have strength" or "be great;" the noun נְבוּרָה (*g'ûrâ*) means "might," while the adjective גְּבוּר (*gibbôr*) denotes "strong" or "mighty." In this latter sense the term is used in the OT to denote "a valiant man" or "mighty man" (Josh 10:2; 1 Sam 14:52) or "mighty man of valour" (Judg 6:12; 1 Sam 16:18; 2 Kgs 5:1). Some dictionaries²² define נָבֵר not only as "man" but also as "a valiant man," "warrior," probably due to this biblical usage. However, the definition may not be correct, for according to Jenni and Westermann, the *segholate* noun נָבֵר is used as a rule just like אִישׁ (*'ish*); that is, the basic meaning of the root is curtailed.²³ Hence, כְּלֵי-נָבֵר is correctly translated as man's clothing, and as such it is a simple parallel to שְׂמֹלֶת אִשָּׁה. Clarke may therefore not be correct that the word נָבֵר as used in Deut 22:5 properly signifies a strong man or man of war.²⁴

However, Clarke shares Matthew Henry's view that the text might mean more than a simple change in dress.²⁵ Both scholars suggest that the text may refer to the idolatrous custom of the Gentiles. For example, in the worship of Venus, to which that of Astarte or Ashtaroth among the Canaanites bore a striking resemblance, women appear in armour and men in women's clothes.

²¹ "כְּלֵי," *BDB*: 479; R. Laird Harris, "כְּלֵי," *TWOT* (The Moody Bible Institute of Chicago, 1980 Electronic version Bible Works); *HALOT*: 194.

²² See "נָבֵר," *LHEDOT*: 149.

²³ Ernst Jenni and Claus Westermann, *Theological Lexicon of the Old Testament*. Trans. M. E. Biddle. Vol 1. (Peabody, Mass.: Hendrickson, 1997), 300.

²⁴ Adam Clarke, *Adam Clarke's Commentary on the Bible*, n.p. [cited 8 March 2013.] Online: <http://www.studylight.org/com/acc/view.cgi?bk=4&ch=22>.

²⁵ Matthew Henry, *Matthew Henry's Commentary on the Whole Bible* (Peabody, Massachusetts: Hendrickson, 2003), 264.

Similarly, McConville conjectures that the text aims at condemning certain rituals of non-Israelite religions which involved what he calls "transvestism,"²⁶ that is, the practice in which men put on women's clothes and vice versa.

We may not have any direct evidence that our text refers to a religious context of transvestism, but we also cannot rule out this probability in view of the fact that part of the original purpose of the D code was to purge Yahwism of heathen practices, as discussed earlier. Deuteronomy 22:5 may therefore be one of those laws meant to achieve this very purpose; in which case a literal interpretation of the text as a prohibition of cross-dressing would not be correct.

Another factor which makes a literal interpretation of the text untenable resides in the information that "Biblical references for clothes are nearly all to the costume of the males, owing doubtless to the fact that the garments ordinarily used indoors were worn alike by men and women."²⁷ If most biblical references for clothes are to male costumes, and it was common knowledge that both male and female wore the same type of dress at home, it implies that in that culture difference between male and female dressing was not emphasised; hence, a literal interpretation of prohibition of cross-dressing would not make sense in that culture. Therefore, the intended meaning of the text cannot be a reference to the usual day-to-day appearance, but certain specific, unusual occasion(s).

The argument for an unusual occasion is strengthened by the earlier suggestion of a non-Israelite-religion context which, as seen above, is in accord with the religious purpose of the D code namely religious centralisation and purification of Yahwism from heathen practices which characterised it particularly in the seventh century B.C.E. In other words, Deut 22:5 could be one of those regulations meant to stop the Israelites from patronising the foreign cults. With this religious-context interpretation, the significance of the prohibition resides not in the material worn, but in the heathen practice involved. Thus, the text should not be seen as a prohibition of cross-dressing as it is commonly misconstrued but a law against idolatry.

²⁶ Godon McConville, "Deuteronomy," *NBC*: 220.

²⁷ Orr, "Dress," 2: n.p.

6 CONCLUSION

In recent times in Nigeria, as in many parts of Africa, there has arisen the controversy on whether or not it is doctrinally acceptable for women to wear trousers; the controversy which is based on the apparent prohibition of cross-dressing in Deut 22:5. Using the historical-critical and textual approaches we have found out that the D source was meant primarily to centralise Yahwism in Jerusalem and to purge it of heathen practices which characterised the religion particularly in the seventh century B.C.E. The D code (Deut 12-26) which was more or less the "constitution" of the nation Israel was at the centre of this religious agenda. The original meaning of Deut 22:5 is best sought within this religious context; that is, as one of those regulations meant to dissuade the Israelites from indulging in heathen practices, and not a prohibition of cross-dressing as it is often misconstrued. This position is supported by the fact that the socio-cultural milieu of the text was one in which the difference between male and female clothing was not emphasised. Since the concern of the text is not about fashion but about heathenism, Deut 22:5 is not relevant as a basis for the acceptance or rejection of female wearing of trousers in Nigeria or in Africa at large.

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