



Law and ethics among the Lemba and early Israel

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Abstract

It appears that laws or traditions that have been written down inevitably reflect the worldview of those who wrote it. Once written down, these laws and codes become trapped in the time and conditions in which they were written as well as in the method in which the writer interpreted them. When studying any society, this occurrence must be remembered since the laws might not grant insight into the society as a whole, but rather tells us about the editors or redactors. Bearing this in mind, I began my research amongst the Lemba communities based on the theoretical framework developed by Smart in the discipline of comparative religion (1989:17-19). The purpose of this paper is to distinguish between the moral teaching incorporated in the doctrines and mythology of a religion and the real sociological effects on and circumstances of those who adhere to the faith in question. Some of the laws and codes used by Lemba communities, as well as those that occurred in early Israel (and the ancient Near East), and the diverse questions relating to life, status and behaviour, will be investigated.

Keywords: Africa, tribes, Lemba, ethics; covenant, early Israel, traditions, moral teaching

Introduction

'Religions usually incorporate legal and ethical codes', although 'people do not always meet the standards they profess' (Le Roux, 2015:191). The 'standards which are inculcated by the dominant faith' within a society 'may not be embraced by all members of that society' (Le Roux, 2015:191). Smart (1989:17-19) distinguishes between the moral teaching incorporated in the doctrines and mythology of a religion and the real sociological effects on and circumstances of those who adhere to the faith in question. He argues that in most pre-technical societies, religion is not just a personal matter; it is inherent to daily life. This argument is supported by evidence from the Babylonians whose well known laws, created by Hammurabi to instil order, begins with praises to his gods (Garner, 1994:85).

In Southern Africa, 'the Lemba have their own particular "Judaic" oral laws'. These laws exist within a larger community that includes African cultures, Christianity and Islam to name but a few (Le Roux, 2015:191). Because of the nature of Jewish laws and traditions reiterating their own, the Lemba found resonance in the notion of 'Jewishness'. Aside from their so-called 'Book of the Mwenye', written laws do not form part of the lives of the Lemba (Parfitt, 1992:231) as they mostly have an oral culture through which legal and ethical codes are transferred over generations. Their oral traditions provided more information than any written sources (Le Roux, 2012:567). For example, my field study has shown that the Lemba still have more pre-Talmudic laws and practices than any modern orthodox Jewish group (Le Roux, 2015) has.

By 1993, Mathivha, the president of the LCA (Lemba Cultural Association), had attempted to commit the oral traditions of the Lemba to a written form (Le Roux, 2015:192). Based on my own field research (since 1995) it appeared that his book merely included some pieces, and in other instances, expansions of data I had gathered and did not necessarily reflect the real way of life of the Lemba people. Rather, it is apparent that laws or traditions, once written down in a culture, become susceptible to the world in which it is written and to editing by



interested parties after which they are fixed into set codes of their time (Le Roux, 2015:191). Bearing this in mind, laws and codes (especially from a pre-industrial or tribal community) should not be complete as they are inevitably in a state of constant transformation.

Originally, the tribes of Israel also 'had an oral culture and therefore oral codes (legal and ethical)'; however, to 'a certain extent, this mode ended about five hundred years later, when some of their oral traditions and legal and ethical codes were encapsulated [or fixed into set codes] in a number of the books of the Old Testament' (Le Roux, 2015:201; my insertion). It is possible that the Israelites (in exile) in a quest to develop their own legal and ethical codes incorporated Babylonian and other ancient Near Eastern laws (Le Roux, 2015:201; cf Driver & Miles, 1956:54-58). This theory is based on examples of similarity such as the concept of talion (Driver & Miles, 1956:408). However, they developed their own unique character because of their religious traditions (Le Roux, 2015:201). Many scholars (cf De Vaux, 1973:146; Grant, 1984:60) find it improbable that Israel's civil legislation was of a Babylonian origin and argue that Israel's incontestable laws and the covenantal character of the law were quite unique.

Nevertheless, it remains possible that the written Israelite laws and codes we find were not necessarily meant to be written down but rather that they were meant to change along with the inevitable change of society. When one bears this in mind, we might learn more of the world view of the different writers and editors of the laws and not of the customs of the ancient Israelites as a whole (Le Roux, 2015:201). Many of those 'set codes and laws' have changed since Old Testament days due to inner-Jewish migrations, while others are adhered to religiously or legalistically. For example, Judaism as it is practiced today includes over a hundred rules (from the Mishnah), which are believed to have been imposed upon them by God along with those of the Ten Commandments. These rules and regulations reflect much of the culture and world view of the interpreters of these codes and became fossilised into set codes. The legal and ethical codes also reflect the dominant culture ideology, prescribing the situation as it is desired to be by those in power (Marsman, 2003:45).

In the ensuing discussion, a selection of (mainly) the oral laws and codes of the Lemba, which seem to resemble those (written) in the Hebrew Bible and which possibly functioned in a similar way in early Israel (and the ancient Near East), will be investigated.

The Covenant

A covenant can be described as, 'an agreement between God and human beings, where God promises blessing if the conditions are kept and threatens curses if the conditions are broken' (Rhodes, 2014:18). For the Lemba, 'it appears that mainly groups in Southern Zimbabwe, specifically, link circumcision with the Covenant which God (Mwari) has with his "chosen" people. Most of these groups regard circumcision as the occasion where "new-comers" become part of the Covenant' (D:A:4; D:M:11, 12; in Le Roux, 2015:192). During this initiation process, the Lemba's own specific laws are learnt and must be obeyed (D:O:7, 10, 11). These laws [the link to the Covenant] are meant to remain hidden from those who are uncircumcised. These laws are probably not static since they are transferred verbally and could even differ between tribes (Le Roux, 2015:192-193).

It became clear that not all the Lemba 'observe the Covenant as a treaty between God and themselves', although 'their self-identity shows that they perceive themselves to be in a special relationship with the God of Israel' [as they regard themselves to be Israelites]. They perceive the Covenant to be an order from God, which they have to obey (Le Roux, 2015:192).

When looking at the Hebrew Bible, it is clear that the early Israelites regarded the Covenant as an integral part of their relationship with their God. Subsequently, it is not surprising that



many of their laws and codes were based on the Covenant (Le Roux, 2015:200). Israel is to 'love' its God by keeping his laws in exchange for YHWH's provision and protection (Marsman 2003:114). In the accounts of the patriarchs, reference is also made to God's Covenant with Abraham and his posterity, 'together with the accompanying sign of circumcision for all males' (Le Roux, 2015:200; Genesis 17:7-11; Exodus 24; Deuteronomy 29).

Joshua 24 represents a renewal of the Covenant with verses 25 and 26 specifically mentioning Joshua giving the book of the law to the people at Shechem. Due to idolatry, it was necessary for Joshua to urge the 'chosen people' to choose whom they wanted to serve in future (YHWH or Baal). The Covenant and its laws were stated clearly on this occasion – but not everyone adhered to it and they did not meet the standards they professed.¹

The law

During my research, many of the respondents indicated that the Lemba follow 'the law' (D:A:5). Exactly what they teach (mostly during initiation schools) is not certain, but some of the laws and values I encountered can be correlated to a certain extent with the Ten Commandments, for example (Le Roux, 2015:193):

- (i) The general consensus among the Lemba people was that they believe in one god. Most refer to Him as the God of the Bible.
- (ii) In contrast to the second commandment. The traditional Lemba have a figurine which they use to represent God and pray to Him.
- (iii) The Lemba believe that children will suffer the consequences of their parents' actions. For instance, 'if the parents do not confess all their sins before their son is circumcised, he will certainly die'.
- (iv) Respect for God as well as parents and elders are emphasised. Different from the Ten Commandments, children must pay attention both to those who are alive and those who have already died.
- (v) Some of the Lemba remember that there was a time when they kept the Sabbath.
- (vi) Adultery [sexual intercourse with a married woman] is a sin.
- (vii) Stealing is not allowed.
- (viii) Mixing poison is not allowed.
- (ix) Truthfulness is emphasised as important.

The Lemba's rules and codes differ from that of other African people and so many scholars recognised similarities with the Mosaic Code instead (cf Gayre of Gayre, 1967:6, 7; Wessman 1908; De Vaal, 1958:54).

The Ten Commandments (in Exodus 20) emphasise the love for God (YHWH), and respecting the property and lives of one's neighbours; this leads to the conclusion that identity is not merely defined by actions, but also by thoughts and feelings (Niditch, 1997:75). The tribes of Israel initially had an oral culture and so their legal and ethical codes were oral as well. This mode of transferring the laws between nations ended to a certain extent when some of these codes were captured in a number of the books of the Old Testament.² It is evident that these laws and codes did not represent the real life of the proto-Israelites (cf Jdg 2).

Case law Covenant obligations

The Lemba adhere to numerous Covenant obligations that include, for example, the following:

¹ In spite of later editing, there might, in fact, have been a core collection of legal stipulations, which dated at least from the era before the monarchy (Bosman 1991:210).

² Although the Book of Judges and Deuteronomy are part of the Deuteronomist's historiography (thus dating from the Exile), they probably do contain early traditions and do reflect early conditions.



Casuistic laws

Covenant obligations such as casuistic laws must be adhered to in Lemba tradition. 'A casuistic law might be represented by the code where the failure of parents to confess their sins result in the death of their son' (D:M:11, 12). The Lemba further believes that if they have evil ways, their 'heavenly God' will punish them (Le Roux, 2015:194).

The casuistic laws in Exodus 21 to 23 in all likelihood formed part of the common law, which was conveyed verbally in the early Israelite community (Deist 1991:118). Common law, especially as it occurs in the Covenantal Code (Exodus 21-23 – the oldest law collection) is based on interpretation and applying the laws to daily life, which translates to a kind of situational ethics³ (cf Marsman, 2003:310).

Earning one's own living

According to a respondent, the Lemba are not meant to work under the employ of others, but rather to be in a managerial position (cf D:J:[1]5). The reasoning behind this is that they have learnt skills such as pottery, building, metal and copper work (called *safuri*, bangles; D:M:2, 3) from their forefathers and so they should be able to be self-sufficient (Le Roux, 2015:194). Many of the Lemba people whom I interviewed showed a preference for working for other Jewish people before venturing into businesses of their own (cf e.g. Luke Mpaketsane, Mr and Mrs Mack Ratsoma at Apel, Sekhukhuneland; D:J:[1]1, 3; D:K:2; cf Le Roux, 2015:194).

Like strangers, slaves were generally treated well in the early Israelite communities. Legally, slaves were meant to be treated as follows (Exodus, 21:2-11):

It was probably only because of debt or impoverishment that an Israelite could allow himself to become a slave. In such a case, he may also have only worked for a fellow Israelite and the slavery was temporary until he paid his debt. Apparently an Israelite who allowed himself to be enslaved by his own free will, was called a Hebrew [*'apiru*] (cf 1 Samuel 14:21). For instance, the Israelites who found themselves in bondage in Egypt, were called Hebrews (Jagersman 1982:12). As the head of the home, a father could also decide to sell his daughter on the slave market when he was in debt (in Le Roux, 2015:203).

In practice, not all Lemba or early Israelites obeyed these rules and regulations.

Monetary compensation

'Monetary compensation concerning a Lemba wife becomes valid when it is discovered, on the wedding night, that the newly wedded wife, for whom *lobola* (dowry) had been paid, is not a virgin' (Le Roux, 2015:194). In this event, the *lobola* that was paid by the groom must be returned to him (Theal, [1898-1903]1964:202-203). Some respondents have stated that the parents of the bride were responsible for compensating the groom's family. Interestingly, in terms of adultery (in the case of women), it is not regarded as a basis for divorce since the woman was not seen as being at fault. However, the man who was involved had to pay a certain amount of money or three heads of cattle to the groom (Le Roux, 2015:194). No indication of slaves or the monetary compensation for slaves was found.

The Covenantal Code of early Israel 'shares some essentials with other Near Eastern and modern codes' in terms of monetary compensation for slaves (Exodus 21:6-7, 26-27, 20; 22:1-15), the offering for the first-born (Exodus 13:12-13; 22:29-30; 34:19-20; Numbers 3:41, 45)

³ For instance, is it as great a sin to steal bread when you are hungry as it would be if you were to steal jewellery? (cf Buchholz 1988:393).



and the monetary value of daughters (Exodus 21:7; 22:16). When it was discovered that the bride was not a virgin, the dowry had to be paid back and she was returned to her parents and might be put to death by stoning (cf Deuteronomy 22:20-21; Le Roux 2015:299). Matthews (2004:97-112) describes how the honour of the household, in this case the husband, is the main issue in the trial of the suspected adulteress (cf Num 5:11-21). Frymer-Kensky (2004:85) states that 'virginity becomes the tangible reason for the family's right to control their women' (cf Dt 22:13-21).

Love for one's neighbour, care for the poor and showing hospitality

Hospitality along with looking after marginalised people were considered as very important to the Lemba. 'They are convinced that they are obliged to help the poor, because they are created by God. In particular, the members of their own extended family who suffer should be looked after' (D:1:A:17, 18; Le Roux, 2015:195). This can be seen by Mathivha's description:

The poor ones must look after the rich ones and the rich ones must look after the poor ones... You see according to basic African custom you are not allowed to laugh at anyone and you are not allowed to see anyone die of starvation. You take the old things, money, anything you give him so that he must not die in the street ... You must love that one because that one is also God's creation ... (D:1:A:17, 18).

The 'most ethically appealing aspect of the Covenantal Code' in the Hebrew Bible 'is the concern for widows, orphans and resident foreigners – the marginal figures of society' (Niditch 1997:77, 78). Caring for these people was necessary if one expected the mercy of God. He is considered sympathetic to the marginalised and could, rightly so, punish the oppressors according to *lex talionis* (an eye for an eye; cf Exodus 22:21, 22, 24, 27)' (Le Roux, 2015:203; Selman, 1988:494-495).

Obviously, the early Israelites did not always provide in travellers' needs and were therefore the prophets' polemic against them (Deuteronomy 23:3, 4; 1 Samuel 25:2-38; Judges 8:5-17).

Offerings made at childbirth

The Lemba code says that 'when a son is born a lamb has to be slaughtered and when a girl is born, a cock has to be slaughtered'. This custom is meant to tie the children to both their ancestors by spilling blood. A child is often given an ancestral name as well. The 'spirit of this particular ancestor' is believed to enter 'this child and protects' them (Le Roux, 2015:196).

God's command that 'The first-born of your sons you shall give to me. You shall do the same with your oxen and with your sheep. It shall be with its mother seven days; on the eighth day you shall give it to me' (Exodus 22:29-30), is a trace of the cruelty of the pre-monarchical era (Bosman, 1991:210). Offerings to the first-born are described as 'a most valuable offering, a precious commodity' (Le Roux, 2015:202). It seems likely that the first-borns were replaced by a sacrificial animal (Wolfe, 1982:13).

Family ethics and women Chief, elders and a patriarchal family

'The Lemba are communally organised into tribes, clans or lineages. Each lineage is headed by its own chief. Although authority in the villages is vested in the hands of the chief and of the elders, they do not seem to wield absolute power over the others in the community' (Le Roux, 2015:197).



The Lemba's social organisation follows that of a patriarchy. Even though some differences might exist between different tribes or families, women remain under the authority of men. Thus, the father holds the authority to make decisions albeit with the council of his wife. The circumcision ceremony includes teaching the boys to respect their parents and elders as well as caring for both the living and the living-dead (Le Roux, 2015:197).

Within the segmented Israelite communities there was also mention of 'a loose social organisation', which in all likelihood would also have differed between tribes. Authority over the clans was only given to a judge when he needed to lead the clans of Israel against the enemy. In time, fathers and elders became more important (cf 1 Samuel 30:26-31; Le Roux, 2015:204). The biblical text is a product of a 'tradition-orientated' society in which honourable behaviour played an important role (Matthews, 2004:98). Matthews states that every member of the household was responsible to 'uphold the honor of the household through his or her speech and actions' (2004:98). Social justice and sexual conduct are the basis of morality in the dominant culture ideology (Matthews, 2004:97).

The various genres (descriptive versus prescriptive literature) in the Bible often contradict one another in terms of the historical reality of women (Marsman, 2003:45-46). For example, in Leviticus 18:18 it is forbidden for a man to be married to two sisters at the same time whereas in Genesis 29 Jacob marries the two sisters, Leah and Rachel (cf Pressler, 2004:148).

Inheritance

Mathivha (1992:51) describes the inheritance process by saying that both sons and daughters were eligible for an inheritance from their fathers. The allocation of the inheritance was based on the *lobola* cattle, which were given by the man's father (cf Le Roux, 2015:204).

According to De Vaux (1973:53-55), the practice of using a written will is absent from the Old Testament. However, the wishes of the soon to be deceased was relayed to his family (2 Samuel 17:23; 2 Kings 20:1). 'Only sons could inherit and the eldest usually received a double portion of the inheritance. Widows could not inherit, except when there were no children. Sons of female slaves could apparently also not inherit, except if they were adopted legally and daughters could only inherit if there were no sons' (cf Numbers 27; Le Roux, 2015:204; cf Marsman, 2003:310).

Virginity of women

Traditionally, a sort of ceremony precedes a wedding. In this ceremony, a *kalabash* is presented to the groom's family. A whole *kalabash* is meant to symbolise the virginity of the bride, whereas a broken one means the opposite. The virginity of girls is confirmed by an inspection performed by old women (Le Roux, 2015:197). If there was no proof, further negotiations would follow and the *lobola* paid by the groom was at stake.

As mentioned above, a feature of the patriarchal system in early Israel was the value placed on a woman's virginity. Proof of virginity was presented in the form of a bloodstained cloth or chemise following the wedding night. Women who were no longer virgins when getting married were to be stoned (Deuteronomy 22:21, 22; cf Frymer-Kensky, 2004:94). Reasons that were acceptable for a man to get a divorce was not limited to the absence of virginity (Le Roux 2015:204; cf Deuteronomy 24:1-2). The expectation that daughters should be virgins before marriage is shared by other cultures in the ancient Near East (Frymer-Kensky, 2004:85). It draws attention to the fact that there is a close relationship between the ideal of virginity and the control of women (Frymer-Kensky, 2004:85).



Women as items of chattel

Girls who were yet to be married are regarded as being their father's property and so all *lobola* cattle goes to him (Mathivha, 1992:51). Daughters thus have value in terms of affluence for their fathers.

According to Niditch (1997:86), the early Israelite women held similar values. Some laws (texts) treat women as chattel, while others treat them as persons – it depends on the status of women (Otto, 2003:146). There are different laws that existed in early Israel that were meant to protect widows and orphans, but examples from the Book of Judges relay many instances in which women were still reliant on the mercy of men (cf Judges 19 and 21; Le Roux, 2015:204).

Economic ethics

Economic justice is an important value for the Lemba people. Subsequently, those who do not have economic stability are meant to be cared for by the rest. Boys undergoing circumcision are specifically taught to remain honest in all legal endeavours (Le Roux, 2015:198).

The perspective of the Deuteronomist (Deuteronomy 10:18) indicates that YHWH was partial towards strangers. As such, He declared that strangers were indeed free in every respect, although civil rights as the Israelites were superior. Because the Promised Land belonged to the Israelites, strangers were only allowed to work there in return for wages (Deuteronomy 10:18; 24:14; cf Otto, 2004:141). Economic ethics in ancient Israel was focused on the sabbatical (Deuteronomy 15:1-18): land was meant to be rested, slaves freed, loans given (interest-free to Israelites), and debts forgiven (Deuteronomy 23:19; cf Le Roux, 2015:205).

Dietary laws, cleanliness and other codes

The Lemba's dietary, sexual and priestly values can still be traced to an earlier time (Le Roux, 2015:198). Some have indicated that they are still bound by the laws in Leviticus 11 and that much emphasis is placed on cleanliness. However, in the field I could not find that many people who strictly adhered to those rules.

The key aspects of priestly world views in early Israel are represented in Leviticus and Numbers. For example, the laws about clean and unclean food found in Leviticus 11 reflect attempts to present a systematisation in daily living (Niditch, 1997:89). Uncleanliness was a more universal name used for sin; one's behaviour towards others and one's relationship with God could be classified as clean or unclean. Uncleanliness was also 'contagious' in the sense that the state of being could be transferred to another person (Niditch, 1997:89).

Enemies within

Cultural diffusion threatens the laws and codes that the Lemba adhere to. Because of this, many of their traditional rules and regulations are no longer followed (even though they might have preferred it if they could adhere to them). Due to assimilation for instance, the laws of circumcision are no longer practiced by the Lemba on the eighth day, intermarriage occurs often, and many traditions no longer exist (cf D:K:2; cf Le Roux, 2015:198). Many of the Lemba leaders were concerned about the 'enemy from within' – that their traditions of where they came from and their laws and codes would be lost.

Deuteronomy reflects a similar point of view and the writers thereof warn against the enemies within their nation. Wholeness and cleanliness of the society as well as standardised values are stressed. It seems that in early Israel, when belief and morals were clear-cut some things



were forbidden. If you worshipped other gods, you would be put to death, children were to not be sacrificed, (Deuteronomy 18:10) and communing with the dead (18:11,12) was regarded as an atrocity before Yahweh (Le Roux, 1999:214; cf Demsky, 2004:69).

No centralised authority to enforce these laws

There is no one authority that presides over the Lemba as a whole. As such, enforcement of their laws and codes lie with the elders and clan chiefs. The initiation ceremonies are subsequently of great importance to ensure the continuance of certain codes since the attendees are meant to learn their laws and customs (Le Roux, 2015:198).

Niditch (1997:78; cf Noth, 1943:47ff) states that 'there is no specific reference to any centralised authority which could enforce the Covenantal Code in early Israel'. However, Deuteronomy's mention of a 'leader of your people' (Deuteronomy 22:28) could indicate a chief or judge. Due to the ever-changing nature of early Israel, 'jurisprudence at the ground level either took place through the fathers of families, or through the elders of the town who met at the city gates' (Niditch, 1997:78).

Proverbs

Proverbs may refer to both unwritten laws and cultural wisdom and must be placed in the context in which it was written. The Lemba people also possess many of their own proverbs, although 'cultural diffusion' brings into question whether all the proverbs can be assigned to them (Le Roux, 2015:198). Due to the Lemba living with other groups and speaking different languages, assigning a Lemba origin is difficult. The following proverbs were collected from older people in the Lemba communities (Mathivha, 1999):

Nasa ya la munuwa a i humi

'If a duiker eats a bean plant, it will repeat it.'

(If a person commits a mistake, he will commit it again [especially if it is sweet.])

Wa sa li pfa u vhadzwani u do li pfela vhulaloni

'If you do not heed a warning you will learn it when you are in bed.'

(Always take advice or you will regret it.)

Khosi ndi khosi nga vhathu

'A chief is a chief because of people.'

(A leader should not undermine his subjects.)

Vhuhadzi ndi nama ya thole ya fhufhuma ri a fhunzhela

'A wife's in-laws are like veal for if it starts to boil with froth, then one is in trouble.'

(Always stay cool with the in-laws because problems are part of life.)

Hu ambuwa vhunanga vhukololo a vha ambuwi

'The witch-doctor's/herbalist's art can be imparted but royalty cannot.'

(You can learn an art but not inherit it.)

Muvhuda a u na zwilalo zwivhili

'A hare does not have two sleeping places.'

(Do not handle more than you can manage.)

Thoho thema i laya thoho tshena

'A black head gives advice to the white head.'

(Even younger people can give the elderly advice.)



U luvha a hu na mapone

'To pay homage has no blisters.'
(You do not lose anything in paying homage.)

Ya longa khwanda yo nwa

'Once it puts its hoof inside [the water] it has drunk.'
(A mistake is a mistake.)

U beba a si u ka muroho

'To bear a child is not like collecting vegetables.'
(Said by a parent whose child is being ill-treated.)

A u lati nwana nga phadi

'You do not disown your child because of chicken-pox [eczema; minor things].'
(Your child is your child, regardless of his/her mistakes.)

Funguvhu lo ri thi laiwi la fhira mudi lo kovhela

'The crow said, I do not need your advice, and passed a home very late at night.'
(If you do not take advice, you will be in trouble.)

Li naka li tshi hoha linwe li tshi hohwa li ri mavhala anga

'It is nice to do good when you are hurting others, but when you yourself are being hurt you have concern.'
(Some people rejoice when they hurt others, but if it is their turn, they are concerned.)

The proverbs mentioned above are considered as the most important ones by the older people of the Lemba. Some of the proverbs above is known to the Venda people as well, however, the Lemba claim their origin as part of their culture. The proverbs should not be taken literally since they often mean something different to the Lemba than what is expected (Le Roux, 2015:200).

Deist (1991:117-119) and others have theorised that proverbs from a pre-monarchical Israel was relayed across generations until they could be written down. Deist further refers specifically to tribal values and wisdom, which he believes are found in Proverbs 10-16:

Poor is he who works with a negligent hand, but the hand of the diligent makes rich (Proverbs 10:4).

The merciful man does himself good, but the cruel man does himself harm (Proverbs 11:17).

The soul of the sluggard craves and gets nothing, but the soul of the diligent is made fat (Proverbs 13:4).

Better is a little with the fear of the Lord, than great treasure and turmoil with it (Proverbs 15:16).

It is true that these proverbs could date from pre-monarchical times, but it is not a certainty (Le Roux, 2015:207). Proverbs generally reflect the values of a group that they could use to measure their daily living. As such, proverbs can be used to glean from the world view of the time when they originated. For example, they could show that God rewards hard work (Le Roux, 2015:207).



Evaluation and comparison

Comparing the laws and ethics of the Lemba to that of early Israel is a daunting task and might even be deemed an impossible exercise. However, by crossing cultural boundaries our understanding of both can be expanded and enriched (Le Roux, 2012; cf Buchholz, 1988:389).

The legal and ethical codes that have been found among the Lemba appear to hold a close relationship to that of the laws and codes in Exodus, Deuteronomy and especially those in Leviticus. Subsequently, they also appear to reflect an influence from the Old Testament and its world (cf Le Roux, 2015:207). Whether the laws of the Lemba have their origin in the laws of the Hebrew Bible is impossible to determine in a definite sense, but the possibility of a connection between the two is plausible. The Lemba do have codes that differ from any of ancient Israel, but this is expected as they live in a different time and place altogether (cf Le Roux, 2015:207).

Although a book with the written laws and codes of the Lemba is not available, based on their tradition such a book did exist. The oral tradition is that this book contained legal codes and that the arrival of missionaries reminded them of this book's existence (Le Roux, 2015:207).

Those Lemba respondents who indicated that they strictly follow laws laid out in Leviticus 11 subsequently emphasised the laws of cleanness. In nearly all instances this is mentioned as part of their self-identification although in practice not all of them live accordingly (cf Le Roux, 2015:207). In all likelihood, the situation in ancient Israel would have been similar. The laws and codes that were written down showed the ideals of the early Israelites, but it does not mean that everyone adhered to these ideals. Laws and ethical codes are not meant to be complete since they change as society changes (cf Le Roux, 2015:208).

All the arguments of the prophets along with material remains support the theory that the codes that are laid out do not necessarily show what life in ancient Israel was truly like. Assimilation of religions and deviations from the Ten Commandments are, after all, referred to in the books of the Old Testament (cf Le Roux, 2012). It is also evident that the biblical narratives offer a combination of ideal and practice regarding the ancient Israelites. Legal and narrative texts often offer different views on social reality (Otto, 2003:144).

By looking at the legal and ethical composition of some African groups that follow a tribal system can add to a better understanding of the Old Testament in Africa. The reciprocity between orality and inscripturation of traditions in the Lemba traditions also grants insight into the possible development of traditions of the Old Testament (cf Le Roux, 2012).

Resources

Bosman, H.L. (1991). 'So iets word nie in Israel gedoen nie'. Die regspraak in oud-Israel, in Bosman et al (reds) 1991:202-219.

Bosman, H.L., Gous, I.G.P. & Spangenberg, I.J.J. (reds). (1991). *Purper en flenterlap. Rykdom en armoede in die Ou Testament*. Pretoria: Van Schaik.

Buchholz, T.G. (1988). Biblical laws and the economic growth of ancient Israel. *Journal of law and religion*.

Deist, F.E. (1991). Die historiese ruimte waarin die Ou Testament afspeel, in Bosman et al (reds) 1991:116-138.



- Demsky, C.J. (2004). The 'whore' of Ezekiel 16: The impact and ramifications of gender-specific metaphors in light of biblical law and divine judgment, in Matthews, Levinson & Frymer-Kensky (eds), 2004:57-78.
- De Vaal, J.B.N.D. (1958). Die Lemba: Die Semiete onder die Bantu van suidelike Afrika. *Bantu* 7, 51-74.
- De Vaux, R. (1973). *Ancient Israel. Its life and institutions*. London: Darton, Longman & Todd.
- Driver, G.R. & Miles, J.C. (eds). (1956). *The Babylonian laws*. Oxford: Clarendon.
- Frymer-Kensky, T. (2004). 'Virginity in the Bible', in Matthews, Levinson, & Frymer-Kensky, (eds) 2004:79-96.
- Garner, R. (1994). *Beyond morality*. Philadelphia: Temple University Press.
- Gayre of Gayre, R. (1967). The Lembas or Vendas of Vendaland. *Mankind Quarterly* 8, 3-15.
- Grant, M. (1984). *The history of ancient Israel*. London: Weidenfeld and Nicholson.
- Jagersman, H. (1982). *A history of Israel in the Old Testament period*. London: SCM.
- Le Roux, M. (1999). In search of the understanding of the Old Testament in Africa. The case of the Lemba. Unpublished DLitt et Phil, Unisa, Pretoria.
- Le Roux, M. (2012). Teaching and interpreting the Old Testament in Africa. *Old Testament Essays* 25(3), 559-582.
- Le Roux, M. (2015). *The Lemba. A lost tribe of Israel in Southern Africa?* Pretoria: Unisa.
- Marsman, H.J. (2003). *Women in Ugarit and Israel. Their social and religious position in the context of the ancient Near East*. Atlanta: SBL.
- Matthews, V.H. (2004). 'Honor and shame in gender-related legal situations in the Hebrew Bible', in Matthews, Levinson & Frymer-Kensky (eds) 2004:97:112.
- Matthews, V.H., Levinson, B.M. & Frymer-Kensky, T. (eds). (2004). *Gender and law in the Hebrew Bible and the ancient Near East*.
- Mathivha, M.E.R. (1992). *The Basena/Vamwenye/Balemba*. Morester: The Author.
- Mathivha, M.E.R. (1999). Private communication. Shayandima, Limpopo Province.
- Niditch, S. (1997). *Ancient Israelite religion*. Oxford: University Press.
- Noth, M. (1943). *Überlieferungsgeschichte des Pentateuch*. Stuttgart: Kohlhammer.
- Otto, E. (2004). False weights in the scales of Biblical justice? Different views of women from patriarchal hierarchy to equality in the Book of Deuteronomy, in Matthews, Levinson & Frymer-Kensky (eds), 2004:128-146.



Parfitt, T. (1992). *Journey to the vanished city. The search for a lost tribe of Israel*. London: Hodder & Stoughton.

Pressler, C. (2004). 'Wives and daughters, bond and free: Views of women in the slave laws of Exodus 21:2-11, in Matthews, Levinson & Frymer-Kensky (eds) 2004:147-172.

Rhodes, J. (2014). *Covenant made simple: Understanding God's unfolding promises to his people*. New Jersey: P&R.

Selman, M.J. (1988). S v 'Hospitality', in Douglas, JD (ed), *New Bible Dictionary*, 2nd ed. Leicester: Intervarsity Press.

Smart, N. (1989). *The world's religions. Old traditions and modern transformations*. Cambridge: University Press.

Theal, G.M. [1898-1903] (1964). *Records of south-eastern Africa*, Vol 9. Cape Town: Struik.

Wessmann, R. (1908). *The Bavenda of the Spelonken (Transvaal). A contribution towards the psychology and folk-lore of African peoples*. London: The African world.

Wolfe, R. (1982). *The twelve religions of the Bible. Studies in the Bible and early Christianity*, 2. New York: Edwin Mellen.

TRANSCRIPTS OF INTERVIEWS CONDUCTED DURING FIELD STUDY AND VIDEO TAPES:

D:1:A August 1994. Prof Mathivha (President of the LCA, retired Professor, University of the North) Venda.

D:A April 1996. High Priest Zvinowanda, Mberengwa, Zimbabwe.

D:J[1] April 1997. Mack Ratsoma, Apel, Sekhukhuneland.

D:K April 1997. John Mpaketsane, India, Sekhukhuneland.

D:M July 1997. Zivengwa Mposi (brother of the late Chief Mposi), Mberengwa, Zimbabwe.

D:O July 1997. Tinos Mutazu, (Imam, Muslim centre), Chinyika, Zimbabwe.

Bible version used: NIV