

Covenant

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Summary of The Argument

The main argument of this paper is that covenant language is one of several metaphors used in Bible and Jewish tradition to express relationships, in particular the relationships between God and Israel and between God and his creation. Confusion has been engendered by the failure to recognize the metaphorical nature of this language. Many theologians have spoken of "the covenant" as if the words referred to a unique metaphysical object, and that it was meaningful to argue about possession of this object. But this is to mistake poetry for doctrine. Once the metaphorical nature of covenant language is accepted it can be understood as conveying the self-understanding of Israel in relation to God, and it becomes possible without contradiction for other groups to use similar language to convey their own self-understanding.

We review the biblical sources, and some early rabbinic and modern Jewish interpretations. In the course of this several theses are derived. They are collected and rearranged as a concluding summary.

Metaphors of the Relationship with God¹

On Yom Kippur, just prior to an abject confession of sin, the congregation bursts into a joyful song celebrating the diversity of God's relationship with Israel:

<i>For we are your people</i>	<i>and you are our God</i>
<i>We are your children</i>	<i>and you are our father</i>
<i>We are your servants</i>	<i>and you are our master</i>
<i>We are your congregation</i>	<i>and you are our portion</i>
<i>We are your inheritance</i>	<i>and you are our destiny</i>
<i>We are your sheep</i>	<i>and you are our shepherd</i>
<i>We are your vine</i>	<i>and you are our guardian</i>
<i>We are your handwork</i>	<i>and you are our maker</i>
<i>We are your beloved</i>	<i>and you are our lover</i>
<i>We are your treasure</i>	<i>and you are our God</i>
<i>We are your people</i>	<i>and you are our king</i>
<i>We acknowledge you</i>	<i>and you acknowledge us²</i>

Not all of these metaphors are biblical. Here are some of the biblical metaphors that depict God's relationship with Israel:

- Doctor and patient (Exodus 15:26; Psalm 147:3).
- God and special ("treasured") people (Exodus 19; Amos 3). This is a double-edged metaphor, indicating both favor and responsibility.
- Owner and possession (Exodus 19:5).
- Father and child (Deuteronomy 14:1).
- King and subject (Judges 8:23).
- King and client state (Isaiah 43:15).
- Bride and groom (Isaiah 62:5).
- Husband and wife (Hosea 3).
- Shepherd and flock (Psalm 23).
- Master / mistress and servant (Psalm 123:2).
- Judge and plaintiff (Job 9:15).
- Lover and beloved (Song of Songs).

Theologians often generate confusion by taking one or more of the metaphors literally, mistaking poetry for doctrine. It is obvious that the husband and wife metaphor cannot be taken literally; witness the coyness of both Church and Synagogue in interpreting the Song of Songs. Nor does anyone imagine that when Deutero-Isaiah (50:1) has God ask rhetorically, "Where, then, is your mother's divorce bill, that I sent her away, or which of my creditors did I sell you to?" that the prophet refers, by implication, to a marriage contract, or potential divorce and sale documents, that are actual or potential metaphysical entities.

It is less obvious that king and subject, or master and slave, are not to be understood literally; even so, such images do not find their way into a creed in the form "believe God is a master and you are a slave." Why, then, is covenant language treated in this rather literal form, as if it referred to some metaphysical object that could belong to one community or another, but not to both at once? The Bible³ itself does not appear to confer privileged status on this metaphor, frequently though it makes use of it.

Reification of "the covenant," as if it were a unique object to be quarreled over, is an error, an essentialist error. It is a misunderstanding of biblical metaphor and arose in the context of early Christian-Jewish polemic. The significance of this for contemporary Christian-Jewish relations will become clear.

We may now state our first thesis:⁴

Thesis

"Covenant" is a metaphor for a relationship, not the name of a unique metaphysical object.

Now we survey the biblical evidence.

Covenant in the Bible and the Ancient Near East

The biblical Hebrew term *brit* "covenant," or "contract," covers a range of agreements among people or between God and a person or group of persons. Among the covenants with God we find one with Noah, several with Abraham (mostly in connection with circumcision), with Israel through Moses, with David, with Aaron and Phineas (priesthood), with Joshua, Josiah and Ezra. Jeremiah promised a new and lasting covenant in the context of the restoration of Israel and Judah to their land: "I will set my law within them and write it on their hearts" (Jer 31:33).

Much biblical legislation constitutes the conditions, "small print," of covenants. For instance, the legislation in Deuteronomy 12 through 28 constitutes the terms of the covenant of 29. However, the law stands in its own right, God's gracious gift for our benefit. That God has favored us with a covenant is an additional blessing, a sign of his love; but what really matters is His guidance as expressed in the law. Perhaps rather than reading the laws as small print of the covenant we should regard the covenant as an addendum to the laws.

Thesis

Covenant is secondary to Torah.

Covenants appear to bind God. But can God be bound? Jacob B. Agus (1981) pointed out that the "prophets were uncomfortable with the notion of setting conditions for and limitations on God's will. God's relations with Israel were due to God's goodness, love and compassion"; hence, the biblical authors often qualify "covenant" with such terms as *hesed* (love) and *shalom* (peace).

Treaty Covenants

Scholars have drawn parallels between the biblical *brit* (covenant) and *'ala* (oath) and their counterparts in surrounding cultures.

George E. Mendenhall (1954) reviewed Ancient Near Eastern forms of covenant, especially those involving an oath, from third-millennium Sumer onwards. The earliest international covenants for which he found adequate source material were those of the Hittite Empire,⁵ from about 1450-1200 BCE, close enough to the time of Moses. Couched in I-thou

form, they contain a preamble, an historical prologue, stipulations, provision for depositing a copy in the temple and reading it periodically in public, a list of gods as witnesses, and a formula of curses and blessings. This has obvious resemblance to the structure of Deuteronomy, even down to such details as the periodical recital of the Law before the public (Dt 31:9–13) and the prescription that the treaty be read by the king or in his presence (Dt 17:18–19).

On the other hand, there are significant differences. In 1955, during the sixth expedition to Nimrud of the British School of Archaeology in Iraq, numerous fragments of the treaty made by Esarhaddon, king of Assyria, in 672 BCE with "Ramataia, city-ruler of Urukazabanu", were unearthed. The jigsaw was eventually reassembled by D.J. Wiseman (1958); the document as a whole exhibits the form established by the Hittite administration in the previous millennium, and reflected also in Deuteronomy. But Esarhaddon, unlike God in Deuteronomy, does not guarantee the welfare of his loyal client, nor does he incorporate blessings in his covenant; his imprecations, though sharing phraseology with Deuteronomy, exceed the latter in length and barbarity; the high sense of moral purpose which infuses Deuteronomy is entirely absent, as is the sheer literary genius of Deuteronomy and the high poetic quality of many of its sections. Deuteronomy's most distinctive feature, of course, is that love and loyalty are directed to God alone, not to a human being; "heaven and earth" replace the heathen gods as "witnesses" to the covenant.

Many biblical covenants are territorial. Gen 17:8 recounts that God promised "the Land" to Abraham. Moses' final discourse presents the Land as the location for creation of a model, covenantal society (Dt 16:18); the ultimate threat is of exile from the Land (Dt 28:63), though even then God will care for it and it will enjoy its sabbaths (Lev 26:34). A territorial dimension occurs likewise in some of the Hittite treaties; verses 15 and 16 of Goetze's (1927) edition of the Maduwattaš treaty, unearthed at Boghazköi, and dated by Goetze (p. 158) to shortly before 1200 BCE, read "I have given you the Zippašla mountain land to rule over. You, Maduwattaš, sow your people's dwelling in the mountain land of Zippašla".⁶

Marriage and Other Covenants

Prophets including Jeremiah, Ezekiel, and especially Hosea, metaphorically represent the relationship between God and Israel as that between husband and wife bound by a covenant of marriage. Israel, the "wife", stands accused of unfaithfulness to her marriage covenant; idolatry is harlotry. The concept of the "jealous" God (Ex 20:5; Dt 5:9 etc.) fits this image, as does the commitment "you will be my people and I will be your God" (Lev 26:12; Dt 29:12, cf. Hos. 2:4), a legal formula taken from the sphere of marriage, as attested in various legal documents from the Ancient Near East.

Scripture describes other occasions of "meeting" with God in covenant language, too. There are for instance "promissory" covenants, principally those with Abraham (Gen. 15, 17) and David (2 Sam. 7; Psalm 89), which are concerned respectively with the gift of the land and the gift of kingship and dynasty. Sometimes a covenant is accompanied by an external sign or token to remind the parties of their obligations. The Sabbath, the rainbow, and circumcision are the "signs" of the three great covenants established by God at the three critical stages of history: the Creation (Gen 1:1–2:3; Exod 31:16–17), the renewal of humankind after the Flood (Gen 9:1–17), and the beginning of the Hebrew nation. Circumcision came to be regarded in Jewish tradition as the most distinctive sign of the covenant and is known as *brit milah*—"the covenant of circumcision."

Thesis

The Three Great Biblical Covenants are with Creation, with Noah, with Israel. These correspond to (a) the environment, including all creatures, (b) humanity as a whole, (c) Israel as nation of faith.

Covenant Theology

Walther Eichrodt (1890-1978), in his *Theologie des Alten Testaments*, of which the first version was published in 1933 when he was professor at Basel, is credited with marking the beginning of a new epoch in Bible studies. Opposing the "tyranny of historicism in OT studies" he set himself "*the problem of how to understand the realm of OT belief in its structural unity and how, by examining on the one hand its religious environment and on the other its essential coherence with the NT, to illuminate its profoundest meaning*" (Eichrodt 1961, 1:31. Author's emphasis). In two dense volumes Eichrodt skilfully reformulates the triple aspect of God's covenant, with his people, with the world, and with man, as a unifying biblical theme. Contrary to earlier Bible scholars such as Kraetschmar, who viewed "covenant" as a late prophetic notion, Eichrodt argued that "the whole course of Israelite history, in which the religious sense of solidarity is bound up with the Sinai tradition, affords further evidence" that the covenant-union between God and Israel "was an original element in all sources, despite their being in part in very fragmentary form" (1:36); further, "It must be noted that the establishment of a covenant through the work of Moses especially emphasizes one basic element in the whole Israelite experience of God, namely *the factual nature of the divine revelation*."⁷

Eichrodt disclaims doctrinal bias: "We must avoid all schemes which derive from Christian dogmatism" (1:33). Nevertheless, he commits an error to which systematic theologians are prone, the error of imposing an arbitrary system on the raw material of sacred text. It is, indeed, *possible* to "explain," that is, to present, basic phenomena like the kingship of God, revelation, the liberation from myth, and the personal attitude to God, in terms of a

covenant relationship, and Eichrodt is adept at finding textual support for this. But often the phenomena could be interpreted in terms of some other relationship—parent and child ("liberation from myth" = "growing up"), for instance, or doctor and patient, to take two of the examples cited above. The choice of hermeneutic will depend on extra-biblical considerations—in Eichrodt's case, despite his disclaimer, it is perhaps governed by a desire to exhibit Christianity as the fulfilment of the "Old Testament". The error is not merely the arbitrary selection of "covenant" as a hermeneutic key, but the assumption that there is a consistent "system" to be unlocked by a unique key.

Covenant language pervades scripture, but it is not the *only* language of scripture. Much of the richness of scripture derives from the diversity of its images, and to take any one of them as a definitive statement of doctrine, or in a strictly literal sense, impoverishes our understanding. In the present instance, as we shall shortly see, it has also led to futile debate and conflict.

Thesis

The richness of scripture derives from the diversity of its images of the relationship between God, society and the world.

"Chosenness" correlates closely with "covenant". Both concepts carry the following implications:

- Favor—they express God's love and faithfulness.
- Responsibility—they place a collective responsibility on Israel to be faithful to God's commandments.
- Vocation—they serve the aim of promulgating God's "design" for the world by establishing a model society based on faith in him.

With different shades of emphasis, these three parameters have constituted Jewish and Christian understanding of "election" to God's service.

Thesis

Covenant implies divine favor, collective human responsibility and vocation.

Early Rabbinic Judaism

Early Christian-Jewish Polemic

Paul contrasted the covenant of Abraham with that of Moses and the covenant of the spirit with that of the letter.⁸ The Sages in response emphasized that our father Abraham kept all

the commandments of the Torah, that is, the covenant of Moses, before they were given—there was no contrast between the covenants, which were complementary.⁹

Christians soon adopted the notion that they had a new covenant through Jesus Christ, and that the old covenant with Israel was fulfilled, superseded or even displaced. Somehow this was read into Jeremiah 31, despite the latter's insistence (31:31) that the renewed covenant was with the people of Israel and Judah and incorporated a promise to them of the land.

When Christians began to claim that they had displaced Jews in God's favor and inherited the covenant, Jews responded.¹⁰ For instance, from a close reading of the story of Achan (Joshua 7) the rabbis inferred that "a Jew, though he sin, is still a Jew";¹¹ this is a dismissal of Christian claims that Israel, through her sins, had forfeited her covenantal rights.

Jochanan Nappacha¹² was a leading third-century Palestinian teacher. Among his contemporaries was the Church father Origen (d. 254), who lived in Caesarea. Both commented on the biblical Song of Songs; both interpreted it as allegory. For Origen, it stands for God, or Christ and his "bride," the Church; for Jochanan, it is an allegory of the love between God and his people Israel. Reuven Kimelman (1980) has analyzed their comments and found five consistent differences between them, corresponding to five major issues that divided Christians and Jews:

1. Origen writes of a covenant *mediated* by Moses between God and Israel; that is, an *indirect* contact between the two, contrasted with the *direct* presence of Christ. Jochanan, on the other hand, refers to the Covenant as *negotiated* by Moses, hence received by Israel *direct* from God, as "the kisses of his mouth" (Song of Songs 1:2). Jochanan emphasizes the closeness and love between God and Israel, whereas Origen sets a distance between them.
2. According to Origen the Hebrew scripture was "completed," or "superseded," by the New Testament. According to Jochanan scripture is "completed" by the Oral Torah.
3. To Origen, Christ is the central figure, replacing Abraham and completing the reversal of Adam's sin. To Jochanan, Abraham remains in place and Torah is the "antidote" to sin.
4. To Origen, Jerusalem is a symbol, a "heavenly city." To Jochanan, the earthly Jerusalem retains its status as the link between Heaven and Earth, the place where God's presence will again be manifest.
5. Origen sees the sufferings of Israel as the proof of its repudiation by God; Jochanan accepts the suffering as the loving chastisement and discipline of a forgiving father.

Later than Jochanan, the following passage reflects Jewish/Christian polemic at a period when the Mishnah had been received as authoritative:

As a matter of fact—so taught R. Judah [the Levite] son of R. Shallum—Moses asked that the Mishnah also be in written form, like the Torah. But the Holy One, blessed be He, foresaw that the nations would get to translate the Torah, and reading it, say, in Greek, would declare: "We are Israel; we are the children of the Lord." And Israel would declare: "We are the children of the Lord." The scales would appear to be balanced between both claims, but then the Holy One, blessed be He, will say to the nations: "What are you claiming, that you are my children? I have no way of knowing other than that My child is he who possesses My secret lore." The nations will ask: "And what is Thy secret lore?" God will reply: "It is the Mishnah."¹³

So it was that conflict between Jews and Christians in the centuries of self-definition led to the hardening of metaphor into doctrine. God's grace had become an object to be fought over.

When the rabbis were not rebutting Christian attempts to appropriate the covenant, they tended to drop the notion of "the covenant" as a specific object and to revert to a looser, metaphorical understanding. In this spirit they enumerated 13 covenants in connection with circumcision alone,¹⁴ and even claimed that each *mitzva* was issued with 48 covenants to each of the 603,550 Israelites in the desert.¹⁵ They spoke of a covenant with those who suffer,¹⁶ of covenants for those who labor in the study of Torah,¹⁷ of a covenant that the Thirteen Attributes "will not return empty",¹⁸ and of many other covenants; but always Torah was the essence of covenant.

Thesis

Torah is of the essence of covenant.

Covenants are made, broken, renewed. The lack of a covenant that is irrevocable *per se* creates anxiety. If the covenant is not permanent, what is? God's love for Israel, answer the rabbis, and the merits of the fathers—these are the guarantee that God will keep His promises notwithstanding our imperfections.

Clearly, then, the rabbinic concept of covenant is multi-faceted, flexible, non-literal. Only in the context of defense against Christian appropriations did the rabbis adopt the essentialist concept of "*the* covenant" as an object for claim and counter-claim.

Chosenness in Modern Jewish Thought

With the exception of Judah Halevi, of whom more anon, medieval Jewish philosophers pay little attention to covenant, or to the allied notion of chosenness; Maimonides, in his monumental *Guide*, makes only passing reference (1963, 276),¹⁹ perhaps compensating by his insistence on the uniqueness of Moses' prophecy.

None of the mediaeval attempts to formulate a Jewish creed makes reference to covenant or chosenness amongst the core beliefs of Judaism.²⁰ However, chosenness features prominently in Jewish liturgy as well as in scripture itself and is a major theme in Kabbala, where "Israel" becomes a distinctive metaphysical concept.

Once the belief in universal human rights had become established in the West and Jews in many countries were being emancipated, the idea of chosenness became an embarrassment, since it seemed to imply inherent superiority of one nation over others; chosenness had become "politically incorrect." A succession of Jewish apologists "toned down" chosenness by stressing its aspects of responsibility and vocation rather than divine favor. Chosenness could, indeed, be reduced still further to nothing more than a simple historical claim, namely that the people of Israel had pioneered "ethical monotheism"; this is the position taken by the Liberal rabbi and leader Leo Baeck (1873-1956), (Baeck, 1961), following the philosopher Hermann Cohen (1842-1918). The problem with such an interpretation is that it undermines the distinctiveness of Judaism. Nevertheless, it draws out the vocational aspect of covenant. Israel's commitment to the covenant confers on her a mission in the world: "You shall be for me a kingdom of priests and a holy nation" (Ex 19:6).

Thesis

Covenant implies mission.

Rosenzweig

Franz Rosenzweig (1886-1929), like Baeck, was deeply influenced by Hermann Cohen. Unlike Baeck, he rebelled. In the third book of his *Der Stern der Erlösung*,²¹ composed in the trenches in the First World War, he builds on the work of the Spanish Jewish philosopher Judah Halevi (c1075-1141), a selection of whose poems he translated into German. Halevi, uniquely among the medieval philosophers, had stressed the chosenness of Israel, which he saw as manifest in special qualities characteristic of the Jewish soul.²²

People—Christians, Jews, Muslims (Rosenzweig did not take other religions very seriously, and his treatment of Islam is superficial)—seek the kingdom of God through prayer, action, and hope. They do this together, in community, for it is on the community that the

experience of revelation primarily rests. But there is a difference. The people of Israel entered the kingdom of eternity at Sinai, and so are permanently "with the Father."²³ The Jew is born a Jew, and the continuity of the Jewish people is biological. At any rate, the Jew lives "in eternity" through adherence to the religious liturgy and *mitzvot* and is thus outside the stream of history. The nations of the world are still seeking eternity. They can indeed achieve this through their Churches, but they are not yet, in Christian parlance, "with the Father". Christians are always *converts* to Christianity—i.e., they cannot be born Christian as Jews are born Jews—Christianity is superimposed upon their pagan origin and base.

There are thus two complementary covenants (if Islam is to be reckoned with there must be at least three, but Rosenzweig does not develop his thought in that direction), each designed for and valid within its own community, one Jewish, one Christian.

Whether Rosenzweig consistently adopted the "two-covenant" position in later years, or whether he had always accorded higher value to the Sinai covenant, are matters of scholarly debate. His and Halevi's biological concept of Jewish continuity, though rooted in traditional sources, is perceived nowadays as a rather frightening doctrine, too close for comfort to the pseudo-scientific racial theories of the Nazis who came to power after his death. The American theologian Jacob Agus (1911-86), writing long after the defeat of Nazism, pointedly referred to the concept of the metaphysical distinctiveness of the Jews as chosen people as a pernicious "meta-myth": "Once a people has been de-humanized, in the fancy of the populace, lifted out of the common run of humanity, mysteriously set apart and made unique, there is no limit to the canards, malicious and fantastic, that will arise concerning its character and destiny ... Anti-Semitism, as an enduring and pervasive ideology of hatred, is a direct consequence of the myth of Jewish metaphysical difference." Like his teacher Mordecai M. Kaplan (1881-1983), Agus rescues traditional "chosen people" language by interpreting Jewish chosenness as a paradigm for all God-seekers, not as an exclusive exception: "All people are called upon by God to build His kingdom upon earth" (Agus 1966, 11/12).

Another seriously unsatisfactory aspect to Rosenzweig's two-covenant model is that it misrepresents the contemporary Christian world. It is one thing to suggest that in the early days of Christianity gentiles had to experience "conversion" from their pagan background, hence to "come to the father." But this is hardly the state of affairs after two thousand years of Christianity; it is insulting to suggest that a German Christian in Rosenzweig's time was by birth and environment significantly less "with the father" than his Jewish neighbor.

Soloveitchik

Joseph Dov (Joseph Baer) Soloveitchik (1903-1993) was the leading exponent of what is often known as Modern Orthodox Judaism. In *The Lonely Man of Faith*, drafted in the 1940's

but published only in 1965, he establishes a human typology on the basis of the conflicting creation stories in the opening chapters of Genesis. Adam the First, a creator, "in the image of God", is a social being—"male and female he created them"; he asks "how does the cosmos function?" rather than why? Adam the Second is the man of faith, seeking a relationship with his creator, asking why? rather than how? But Adam the Second is created alone and is existentially alone. He discovers his identity through his failure to achieve redemption on his own—"The Lord God brought a deep slumber upon Adam and he slept"(Gen 2:21). God then grants him a companion, Eve, forming the prototypical covenantal community which can seek reconciliation with and through God. Adam the First and Adam the Second, aspects of what it is to be human, are conjoined in actual life through halakha, yet the essential duality remains a human characteristic.

"Within the covenantal community ..." writes Soloveitchik (1997, 53/54), "Adam and Eve participate in the existential experience of being, not merely working, together ... When God joins the community of man the miracle of revelation takes place in two dimensions: in the transcendental—*Deus absconditus* emerges suddenly as *Deus revelatus*—and in the human—*homo absconditus* emerges suddenly as *homo revelatus* ... At this meeting—initiated by God—of God and man, the covenantal-prophetic community is established. When man addresses himself to God, calling Him in the informal, friendly tones of 'Thou,' the same miracle happens again; God joins man and at this meeting, initiated by man, a new covenantal community is born—the prayer community.

One might have thought that Adam was the prototype of all humanity, not just of the Jewish people, and Soloveitchik does indeed acknowledge a "universal faith community" (63). However, "Any encounter with God, if it is to redeem man, must be crystallized and objectified in a normative ethico-moral message" (61). Herein lies the uniqueness of Israel, i.e. the Jewish people, created as a covenantal community through the revelation of the Torah, that is, the halakha, on Sinai.

On the other hand, all humanity is linked through the practical needs of Adam the First. "The whole theory of the social contract, brought to perfection by the philosophers of the Age of Reason, reflects the thinking of Adam the first, identifying man with his intellectual nature and creative technological will and finding in human existence coherence, legitimacy, and reasonableness exclusively" (30).

Soloveitchik's attitude to interfaith dialogue is entirely consistent with this philosophy. At the level of the faith community—Adam the Second—there is a unique covenantal relationship that cannot be broached by others; hence theological dialogue is impossible. Co-operation amongst people of different faiths must therefore be at the secular, humanitarian level of Adam the Second.²⁴

In a powerful essay on the theme of suffering Soloveitchik (1982) distinguishes between the *qiyyum goral* the "allotted," "fated," or passive existence of the Jewish people as a normal people subject to the vicissitudes of history (p.10) and their *qiyyum ye'udi* "promised" or vocational existence, an active existence as a people designated by God for a certain task (p.12). On the former plane there is no answer to questions about their suffering. Only the latter plane is there an answer to the problem of suffering, and the answer is halakhic, for the halakha says we must not "waste" suffering, but respond to it positively—its purpose is to contribute something to man, to atone for him, to redeem him from impurity, pride and dejection, to refine and purify him ... (p.13). For the former existence, that of a "normal" people, the "camp" of Israel in biblical terminology, there is the *brit goral* "covenant of fate", or covenant of Egypt. For the vocational existence, that of the 'eda "congregation," there is the *brit ye'ud* "covenant of vocation," the Sinai covenant (p.43).

This distinction between the two covenants, *brit goral* and *brit ye'ud*, like that between Adam the First and Adam the Second, rests on the simple distinction between natural and spiritual identity. Natural identity, for Soloveitchik, is common to all humanity; spiritual identity is unique to a particular religious community. Both identities involve collective covenantal relationships with God.

Thesis

Covenant defines spiritual identity.

Borowitz and Liberal Judaism

Elliot Dorff (1988, 95/6) remarked, ". . . even non-halakhic approaches to Judaism like those of Buber and Borowitz have used the Covenant model because of its powerful affirmation of the bond between God and Israel . . . It is that transcendent thrust which the Covenant conveys . . . which provides much of the *raison d'être* of Jewish law".

Yet Jewish law and the "hard" doctrine of the revealed Torah are precisely the areas in which Liberal or Reform²⁵ Judaism differs from Orthodoxy. Liberal Judaism had been shy of covenant, since the special relationship it implied between God and Israel did not sit lightly with the universalism emphasized in liberal circles, or with the identification of Torah as universal ethics.²⁶

Eugene B. Borowitz, in an influential article published in 1961, introduced the term "covenant theology" to characterize what he saw as an emerging paradigm shift in non-Orthodox Jewish thought. The San Francisco Platform of 1976 reflected the impact of the Holocaust and of the establishment of the state of Israel; there is less faith in human progress, less clarity on God, a greater appreciation of home life and ritual and of the place

of Israel in Jewish life, a sense of the covenant theology that Borowitz and other liberals were then working out.

In 1991 Borowitz published a fuller expression of his views. Humanity has failed, and values are to be sought in God—the "transcendent thrust," in Dorff's words, is the ground of values, and it is in the light of those values that, contrary to the Orthodox position, halakha itself must be evaluated. Referring to Buber and Rosenzweig, Borowitz writes, "Had they not taught me the theological virtue of the metaphor of the [covenant] relationship, I would not have been empowered to find a way between Buber's antinomianism and Rosenzweig's dogmatic legalism and disdain of ethnicity"²⁷ (Borowitz 1991, 212). Israel (the nation) is particular, limited, error-prone; God is infinite, perfect, universal. This imbalance between the covenant partners gives rise to a "Covenantal dialectic" that underlies the "notorious rabbinic hospitality to contradiction" as pronouncements are issued from the perspective of God, Israel, or the balance of concerns of both (Borowitz 1991, 218).

I find this rhetoric, which prides itself on bypassing the law of excluded middle, confusing and unhelpful. Nor do I comprehend why Borowitz regards such discourse as distinctively Jewish. Muslims and Christians likewise assert a relationship between unequals, God and humanity. Mystics in all religions play Houdini with the law of excluded middle, to their cost. Nor does any of it either confirm or disconfirm Borowitz' essentially straightforward position, which is that covenant language is a metaphor for God's specific relationship with Israel/the Jewish people, and that our values are mediated from God through Torah. Precisely what those "covenantal values" are is extremely difficult to determine, since Borowitz rejects both the Orthodox understanding that they constitute the system of halakha, and the secular interpretation that they constitute ethnic loyalty (237). He claims personal experience of the Transcendent (266), but is not content with a Buberian individualism, for experience of God has to involve the whole self, and the whole "radically historical" (291) Jewish self is determined by five characteristics. This is a muddle, exacerbated by his assertion that "should our various Covenantal obligations appear to conflict, our duty to God ... takes priority over our responsibilities to the Jewish people or the dictates of Jewish tradition" (297). This still does not help us decide what our "duty to God" is.

Covenant and the Holocaust

Eliezer Berkovits (1908-1992), Irving Greenberg, and Emil Fackenheim, have re-examined the covenant concept in the light of the *Shoah*. Berkovits (1973) argues that the Jewish response to the Holocaust should be modelled on Job's response to suffering, questioning God yet accepting his superior wisdom. Greenberg (1977) wrote, "The Holocaust poses the most radical counter-testimony to both Judaism and Christianity The cruelty and the

killing raise the question whether even those who believe after such an event dare to talk about God who loves and cares without making a mockery of those who suffered."

Greenberg maintains his Orthodox faith, yet in this third, post-Holocaust era, where Jewish powerlessness has been superseded by empowerment, he calls for a Jewish unity that transcends doctrinal differences; the Shoah shattered the naïve faith in the covenant of redemption; Auschwitz was "a call to humans to stop the Holocaust, a call to the people Israel to rise to a new, unprecedented level of covenantal responsibility . . . Even as God was in Treblinka, so God went up with Israel to Jerusalem." Jews today, in Israel and elsewhere, have a special responsibility, in fidelity to those who perished, to work for the abolition of that matrix of values that supported genocide.

From this we may gather two theses:

Thesis

The covenant with Israel transcends intra-Jewish doctrinal differences.

Thesis

Covenant talk should not lead to naïve expectation of divine intervention.

Neither of these theses is original or peculiar to Holocaust theology, though both are focused by it.

Hartman and Messianism

"The struggle," writes David Hartman (1985, 205) "not to allow the external world to undermine the coherence of Jewish self-perception presented rabbinic Judaism with a profound challenge". Historically, the "external world" of the nations has denied Israel freedom, independence, the normal existence of a nation in its own land. Under such circumstances the covenant could not be fully implemented, for without national independence, surrounded by hostile nations and alien cultures, Jews remained unable to create a fully Torah-oriented society within which freely and joyfully to observe all the commandments.

Because of this, the rabbis abandoned the "theology of instant success" (213). They followed the lead of Nehemiah (9:36-10:1) to renew, or reaffirm, the covenant, on the basis of such small success as might be achieved. The hope of a fully realized eschatology is not abandoned, merely deferred, and the partial fulfilment in the present is acknowledged as the occasion for renewal of the covenant. Contrary to Scholem (1971), Jewish messianism does not lead to a "life lived in deferment," but to an affirmation of the present.

On this basis Hartman, for whom the return to Israel is of paramount significance, absorbs eschatology into covenant theology. Unlike, for instance, Rav Kook (1865-1935), Hartman refuses to "interpret current events in nature and history as direct expressions of God's will or design. I look exclusively to the Torah and *mitzvot* as mediators of the personal God of the covenant." (281) The return to Israel is a catalyst for a broadened perception of the scope of Torah, therefore a reaffirmation of the covenant. In Hartman's words:

A messianic society's guiding principle is to seek to expand the powers of knowledge, wisdom, and love. Exilic religious consciousness has been dominated by fear, estrangement, and questions of communal survival ... The more fear and estrangement are overcome, the more God and Torah can be perceived in terms of love, and the more one can liberate oneself from seeing God in terms of reward and punishment or a nationalist triumphalist vision. (291)

For all Hartman's emphasis on the particularity of the Sinai covenant, he acknowledges the metaphorical nature of covenant language and does not deny its use to others. "I strongly argue for the significance of Jewish particularity, not its uniqueness" (1985, 3). Elsewhere he has developed the notion of the Covenant of Noah as expressing God's relationship with humanity.

Thesis

Covenant has a visionary, eschatological dimension.

Feminism

Jewish usage has allowed the term *brit* "covenant," unqualified, to stand for the covenant of circumcision. As the covenant with Abraham, progenitor of the Jewish people and father to all "who come beneath the wings of the *Shekhina*," it was of undoubted significance. The problem is, that though Abraham's covenant was *for* both men and women, it was made *with* males only.

Deuteronomy, at least, emphatically includes women as participants in the covenant:

You stand this day, all of you, before the Lord your God—your tribal leaders, your elders, your officers, all the men of Israel, your little ones, your women, and the stranger within your gates ... to enter the covenant of the Lord your God (Dt 29:1-11)

Exodus is less clear,²⁸ and it would be idle to pretend that the waters are not further muddied by rabbinic interpretation.

Any new theology of covenant must clearly articulate gender equality, however difficult this may be to reconcile with traditional Jewish teaching. Ellen Umansky (1992) has rightly called for a way to "reclaim the covenant" for women.

Thesis

Covenant is with all Israelites, regardless of gender or social status.

Novak and Relational Distinctiveness

David Novak (1995) illumines many aspects of the Jewish concept of election, concluding that "the doctrine of election, when rightly constituted, removes the temptation of chauvinism. It does not say that Israel is somehow more human than anyone else ... It says that Israel's election is an intimate matter between her and God." (254/5) He articulates "relational distinctiveness" so beautifully that I cannot forbear to cite the passage at length:

In a situation of relational distinctiveness, the distinctiveness of the participants in the relationship is only meaningful in the context of the relationship itself. The best example is marriage, which is a model that plays a regular role in both biblical and rabbinic teaching. In a marriage deeply lived by its participants, the husband and wife believe themselves both chosen and choosing in unique ways, ways having a significance beyond the mere experience of a man and a woman. To and for each other, he is *the* man and she is *the* woman. Moreover, in this profound situation, the husband and wife make very special demands on each other, demands that would be totally unreasonable if extended outside their own communion. But in their relations with the outside world, he is just a man and she is just a woman.

So it is with the covenantal relationship between God and the Jewish people. In this communion, when the participants are living in mutual presence, God is *the Lord* ... and the Jewish people is *Israel*, both of which are unique proper names. But in relation to the rest of the world, God is the highest power and authority (*elohim*), whose distinction from the other powers and authorities in the world is one of degree, not one of kind. As for Israel, in this relation she is just one people among many ... (Novak 1995, 222)

Building on Novak's analogy, we may say that one perfect marriage does not exclude another. Likewise, that Israel perceives itself in an intimate covenantal relationship with God does not exclude some other nation, religion or group perceiving itself in an intimate covenantal relationship with God.

Thesis

Covenant and its correlate chosenness, understood as relational distinctiveness, constitute a paradigm or prototype, not a unique category. There is room for religious pluralism.

Does it Matter What Christians Claim?

Pope John Paul II has categorically stated that God did not revoke His covenant with Israel. Likewise, The World Council of Churches' Committee on the Church and the Jewish People, at Sigtuna, Sweden, in 1988, claimed wide agreement amongst its members that, *inter alia*, God's covenant with the Jewish people remains valid.²⁹ Certainly, Catholics since *Nostra Aetate* and many Protestant Churches in the past fifty years have issued pronouncements that convey a new and positive attitude towards Jews and Judaism and seek improved relations on a covenantal basis.

From a Jewish point of view, does this matter? From a theological point of view, since Jewish doctrine is defined by the Torah as interpreted by the rabbis and their successors, not by the *magisterium* of the Roman Catholic Church nor by the broad consensus of member Churches of the World Council, it does not matter to Jews whether Christians claim that God has or has not revoked His covenant with them. We know He has not revoked it, and if Catholics or any others are in error on this point of doctrine it is not the only one or the most important one on which they are in error. The Catholic Church does not worry whether we formally endorse its doctrines, so why should we worry whether it endorses ours?

But this is to take a simplistic and somewhat medieval approach. It is to revert to the notion of covenant as an object about the ownership of which people might quarrel, rather than as a beautiful yet plastic metaphor of God's relationship with people.

Other people's doctrines matter if they affect relationships, and there is no doubt at all that earlier Catholic assertions about covenant, whether official doctrine or not, aroused popular hatred towards Jews. The French philosopher and educationalist Jules Isaac coined the term *l'enseignement du mépris* as the title of his major work on Christian antisemitism (Isaac, 1964). In its English form, "the teaching of contempt," it is commonly used to refer to the cluster of ideas used by Christians to malign Jews and Judaism, including (a) the charge that the Jews killed Christ, (b) the claim that Christianity has superseded Judaism as the true fulfillment of scripture, (c) the claim that Christians have displaced Jews as the parties to God's Covenant and recipients of his favor and hence constitute the "true Israel" (*verus Israel*), and (d) the idea that Jews are a degenerate and despised people, rejected by God since they did not accept Jesus and only to be tolerated in Christian society as a divine sign and warning of the fate of the unfaithful. Certainly, the abandonment by Christians of such pernicious ideas is enthusiastically welcomed by Jews.

So the Pope's statement that God has never forsaken His covenant with the Jewish people is welcomed for its semiotic rather than its theological value; it proclaims "We Catholics sense that through our relationship with God we are close to the Jewish people, and we wish to act towards them in a loving manner that cherishes our common heritage." Judaism, that is, is not to be treated as "just another religion".

Most Jews will warmly welcome this sentiment. They may not necessarily reciprocate in kind; this will depend on whether they prefer to regard Christianity as an independent faith, even though acknowledging that it shares some text and history.

Thesis

To acknowledge that another may share one's covenant is to assert a close relationship between two faiths.

At the theological level some clarification is needed.

What is the significance of a covenantal relationship including Jews and Christians but excluding other faiths? As we have suggested, it might indicate a special relationship between Jews and Christians based on their shared scriptures and history. This relationship might exist within the broader framework of a covenant of all faiths (Jews would understand this as the Noah Covenant, Catholics as the Covenant with Abel). That covenant in turn might be part of the Creation Covenant binding God to the whole of His creation.

I have insisted that covenant language is metaphor, not object language. Looking at it this way makes it possible for Christians, Jews, and any other to describe their collective relationship with God in covenantal terms without denying each other's right to do likewise.

I am the Lord thy God (Exod. 20:2). The Lord spoke with you face to face in the mount (Deut. 5:4). R. Johanan said: A statue—a thousand men look at it, each and every one of whom says, "It is looking at me." Even so the Holy One, blessed be He, made each and every man in Israel feel that He was looking at him. Saying, *I am the Lord thy God*.³⁰

The thesis we derived from Novak's analysis of relational distinctiveness may be derived by extension from this midrash. For if each and every man in Israel felt at Sinai that the Lord was looking at him, we may understand that each and every Christian might feel the Lord is looking at him through Jesus, and *mutatis mutandis* for men and women of other faiths. These relationships are distinctive, but not exclusive. As the thesis stated, covenant and its correlate chosenness, understood as relational distinctiveness, constitute a paradigm or prototype, not a unique category.

Fourteen Theses on Covenant

We may now rearrange the theses derived in the main discussion to formulate our understanding of covenant language and its uses in religious discourse. The presentation, firmly rooted in traditional and modern Jewish sources, retains the distinctiveness of Judaism and the Jewish relationship with God, whilst enabling a theology of religious pluralism and dialogue, and remaining open on the precise nature of the relationship between Judaism and Christianity.

Thesis 1: The Three Great Biblical Covenants are with Creation, with Noah, with Israel. These correspond to (a) the environment, including all creatures, (b) humanity as a whole, (c) Israel as nation of faith.

Thesis 2: The richness of scripture derives from the diversity of its images of the relationship between God, society and the world.

Thesis 3: "Covenant" is a metaphor for a relationship, not the name of a unique metaphysical object.

Thesis 4: Torah is of the essence of covenant.

Thesis 5: Covenant is secondary to Torah.

Thesis 6: Covenant implies divine favor, collective human responsibility and vocation.

Thesis 7: Covenant defines spiritual identity.

Thesis 8: Covenant is with all Israelites, regardless of gender or social status.

Thesis 9: The covenant with Israel transcends intra-Jewish doctrinal differences.

Thesis 10: Covenant implies mission.

Thesis 11: Covenant has a visionary, eschatological dimension.

Thesis 12: Covenant and its correlate chosenness, understood as relational distinctiveness, constitute a paradigm or prototype, not a unique category. There is room for religious pluralism.

Thesis 13: To acknowledge that another may share one's covenant is to assert a close relationship between two faiths.

Thesis 14: Covenant talk should not lead to naïve expectation of divine intervention.

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ENDNOTES

¹ This section is based on Solomon (1994), 142-172.

² There are many versions of this hymn. The choice is arbitrary and is not critical for our purposes; the translation is my own.

³ By "Bible" I mean "Hebrew scriptures" ("Old Testament").

⁴ Theses are not numbered here. They will be gathered, rearranged and numbered in the final section.

⁵ These had been previously studied by Korošec (1931).

⁶ My translation from Goetze's German.

⁷ Eichrodt (1961), 37.

⁸ I have refrained from citing sources for early Christian teaching, since my task here is to present the Jewish sources.

⁹ Babylonian Talmud *Yoma* 29b.

¹⁰ It is entirely possible that Jews were first in the ring, taunting uncircumcized Christians with not being *bnei brit* (members of the covenant).

¹¹ Babylonian Talmud *Sanhedrin* 44a.

¹² Jochanan ("John the Smith") was born in Sepphoris and studied under Judah Ha-Nasi and Oshaya Rabba. He opened his own academy at Tiberias, where he died c. 279. His decisions and expositions occupy a major place in both Talmuds.

¹³ *Pesikta Rabbati* 5, translated by Braude (1968), 93.

¹⁴ Babylonian Talmud *Nedarim* 31b.

¹⁵ Babylonian Talmud *Sota* 37b.

¹⁶ Babylonian Talmud *Berakhot* 5a.

¹⁷ Jerusalem Talmud *Berakhot* 1:1.

¹⁸ That is, the invocation in prayer of the attributes of God in Exodus 34:6,7 will meet with a response. Babylonian Talmud *Rosh Hashana* 17b.

¹⁹ On Maimonides' indifference to the distinctiveness of Israel, see Kellner 1991; Novak 1995, 225.

²⁰ This surely undermines the claim attributed to J. D. Soloveitchik, "The word *segulah* in Hebrew ... connotes singularity. In Exodus (19:5) the Torah enunciates the doctrine of the election of Israel as a cardinal tenet of our faith" (Besdin 1979, 118).

²¹ English translation *The Star of Redemption* by William Hallo (1971).

²² For a refutation of Halevi's claim of the ontological distinctiveness of the Jewish people, see Novak 1995, 221f. Unfortunately, kabbalists adopted Halevi's view and elevated it almost to the status of a dogma.

²³ The reference is to the words attributed to Jesus in John 14:6: "No man comes to the Father but through me."

²⁴ I have criticized this view in Solomon (1992).

²⁵ The terms "Liberal" and "Reform" have been used inconsistently of Jewish denominations in Germany, England and North America. The distinctions are irrelevant for our purpose.

²⁶ See our reference to Baeck above.

²⁷ I am surprised that Borowitz thinks Rosenzweig disdained ethnicity.

²⁸ The expression "Do not approach a woman" (Ex 19:15) is presumably a euphemism for sexual intercourse; it does not imply that women were excluded from the covenantal procedure. On the other hand, even if included they remain "invisible".

²⁹ See Brockway 1988, 154, for some statements as early as 1948 to this effect.

³⁰ *Pesikta Rabbati* 21:6, translated by Braude (1968), 420/1.