

In this essay Dr. José Faur, a distinguished rabbinical scholar, addresses himself to one of the basic issues in Jewish theology.

UNDERSTANDING THE COVENANT

INTRODUCTION

It is impossible to grasp the dynamics of Judaism, in its usual historical sense, and the basic principles of its faith without seriously considering first how it understands the *berit*, the covenant, established between God and Israel at the foot of Mount Sinai. Whatever the actual historicity of the covenant itself may be for the modern Jew, Judaism had always considered it as the most important event in its history, the ground of its faith, and the assurance of its eventual redemption. As the subject of the covenant, the Jewish people were "the chosen people," i.e., the people chosen by God to participate in a covenant with Him, and thus were subject to specific duties and privileges. A number of questions arise when we consider this concept. Why did God choose the people of Israel? Was it for a specific quality or virtue not found in any other people? And if so, what was God's criterion in considering that specific quality or virtue superior to other qualities? Furthermore, was the *berit* unilaterally imposed by God on Israel, or was it a bilateral covenant? And whatever the answer may be, what are the theological and philosophical assumptions that one must make to allow for such a covenant? These questions I will attempt to answer in the present article.

There are other matters to consider when examining why the idea of a *berit* with God merits a serious study. First of all, it is a genuinely Hebrew concept. Although the idea of a covenant is quite common in the Ancient Near East, it is only as a covenant between people, never between God and an entire nation.¹ Furthermore, it is the central nucleus of the theology of the Scripture, and the only concept fully developed, and constantly used,

throughout the entire Biblical literature. Let us contrast it, for the sake of illustration, with the doctrine of monotheism. Monotheism is nowhere fully developed in the Bible. Though implicit in many Biblical passages, in the Pentateuch it is explicitly taught only a few times in Deuteronomy (4, 35, 39; 6, 4). In Genesis, God does not reveal this doctrine to the Patriarchs, implying thereby that it is independent of revelation (and hence of the theology of) the Bible. When Moses wants to identify which God sent him, he does not say, "The One and Only God," or something to this effect, but simply "The God of the Hebrews" (Ex. 3:18), or "The God of thy Fathers" (Ex. 3:16). Nowhere in the Book of Exodus, not even in theophany of Sinai, is monotheism explicitly taught. Nor does the Bible consider it an exclusive Israelite belief. Malkitzedek, king of Shalem, was certainly a monotheist (Gen. 14; 19-20), although he was not an Israelite. The same is true of Job, the patriarch of Uz, and his three friends, and probably also of the legendary Daniel (Ez. 14; 14). As a matter of fact, throughout the nations are to be found men that worship the One and True God. "For from the rising of the sun even unto the going down of the same, My name is great among the nations and in every place offerings are presented unto My name. Even pure oblations. For My name is great among the nations, Saith the Lord of hosts" (Mal. 1:11).²

The *berit* of Sinai is fully developed in Exodus and Deuteronomy (see chapter III), and subsequently mentioned throughout the entire Biblical literature (see *Hebrew Concordance*, s. v. *berit*, etc.). The Sinaitic covenant was not the first that God had established with man. God had established a unilateral covenant with Noah not to upset again the forces of nature (Gen. 9:8-17).³ With the Patriarchs, He had established a covenant to give to their children the Holy Land and make them His people (i.e. to make a *berit* with the entire nation). When the cry of the people came unto the Lord, as a result of their bondage in Egypt, the first act of the Lord was to "remember" the covenant (Ex. 2:24).

Notwithstanding its importance, the concept of a covenant with God was never fully discussed in Jewish medieval literature. Only occasional reference to it is found. Some of its aspects

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were discussed in the polemics between Jews and Christians in Spain. Spinoza was the first philosopher to realize the theological and political possibilities of the *berit*, and took it as the model for his own ideal of the democratic society where every individual surrenders equally and voluntarily his own natural right, and the society retains in its own hands the right of sovereignty. His understanding of the covenant to which I substantially subscribe, is as follows:

We have said in Chapter V, that after the Hebrews came up out of Egypt they were not bound by the law and right of any other nation, but were at liberty to institute any new rites at their pleasure, and to occupy whatever territory they chose. After their liberation from the intolerable bondage of the Egyptians, they were bound by no covenant to any man: and, therefore, every man entered into his natural right, and was free to retain it or to give it up, and transfer it to another. Being, then, in the state of nature, they followed the advice of Moses in whom they chiefly trusted, and decided to transfer their right to no human being, but only to God, without further delay they all, with one voice, promised to obey all the commands of the Deity and to acknowledge no right that he did not proclaim as such by prophetic revelation. This promise, or transference of right to God was effected in the same manner as we have conceived it to have been in ordinary societies when men agree to divest themselves of their natural rights. It is, in fact, in virtue of a set covenant, and an oath (see Exod. 7) that the Jews freely and not under compulsion or threats, surrendered their rights and transferred them to God. Moreover, in order that this covenant might be ratified and settled, and might be free from all suspicion of deceit, God did not enter into it till the Jews had had experience of His wonderful power by which alone they had been, or could be, preserved in a state of prosperity (Exod. xix 4, 5). It is because they believed that nothing but God's power could preserve them that they surrendered to God the natural power of self-preservation, which they formerly, perhaps, thought they possessed and consequently they surrendered at the same time all their natural right.

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Inasmuch as the Hebrews did not transfer their rights to any other person but as in a democracy, all surrendered their rights equally and cried out with one voice, "Whatsoever God shall speak (no mediator or mouthpiece being named) that will we do" it follows that all were equally bound by the covenant and that all had an equal right to consult the Deity to accept and to interpret His laws so that all had an exactly equal share in the government. Thus at first they all approached God together so that they might learn His commands, but

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in this first salutation they were so thoroughly terrified and so astounded to hear God speaking that they thought their last hour was at hand: full of fear, therefore, they went afresh to Moses, and said, "Lo, we have heard God speaking in the fire and there is no cause why we should wish to die: surely this great fire will consume us: if we hear again the voice of God we shall surely die. Thou, therefore, go near, and hear all the words of our God, and thou (not God) shalt speak with us: all that God shall tell us, that will we harken to and perform" (*The Theological-Political Treatise*, Ch. XVII).

And now a word on the method and sources used here in determining the Jewish view of the Sinaitic Covenant. As I am well aware no one method will be considered Jewish by everyone. My criterion in this matter is to base my conclusions on the plain meaning of the Hebrew text of the Scriptures. Of Rabbinic literature I will consider only its *halakhic* elements, not the *midrashic* or *aggadic*. The reason for this is that traditionally for normative Judaism only the *halakhic* elements of the Talmud are authoritative. However, occasionally, I refer to some *midrash*, *aggadah*, or some Medieval Jewish author simply for the sake of illustration.

It may be argued that the result of such a methodology will be "radical."⁴ This is true. But perhaps it is not untimely to explore this "radical" Jewish view. To my mind, it has a special relevance to an age of scientific relativism (and absolute ideology). For if we realize that the spectacular success of our age in sending interplanetary vehicles is the result of the abandonment of the absoluteness of time and space in favor of relativism, and if we apply the same principle to the sphere of human values, then a much greater and more beneficial (if not spectacular) result will be achieved. If we recognize that the values that form the ground of a particular ideology, culture, or religion, owe their validity not to some necessary, universal, and immutable Truth, but to some sort of a *berit*, then we must admit that those values are relative to the specific frame of reference established through a *berit*, and that outside that specific frame of reference, they have no meaning whatsoever. Rather than of Truth, in its universal and absolute sense, we should speak of *Emet*, truth, in the Hebrew sense, i.e. as an act of *Emunah*,

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faith. For in the last analysis it is by an act of faith that we choose one frame of reference over and against another.

Chapter I. *Natural and Positive Right*

The acts and the values of man are judged according to standards. These standards may be political, religious, or moral. In this chapter, I will consider two divergent views as to what constitutes the ground of these standards. One view conceives the standards of judgment as objective criteria inherent in the eternal and unchangeable order of the Universe. This view is related to the doctrine of natural right. The other view, conceives the standards of judgment as fundamentally arbitrary and of a purely subjective character. This view is related to the doctrine of positive right.

Essentially, the doctrine of natural right teaches that there are certain rights that do not depend on legislation and authority, but are necessitated by the very order of the universe. Therefore, these rights are universal and cannot be abrogated, since they owe their validity, not to promulgation or legislation, but to their intrinsic truth. This doctrine presupposes an objective and necessary order of the universe that determines not only the standards of right and wrong, but also what man's ultimate goal is. This order may be conceived as the foundation of jurisprudence (natural law), morality (natural morality), or religion (natural, when known through natural reason, divine, when known through revelation). Judgments are possible only because in this order we find objective and true criterion of right and wrong, piety and wickedness, good and evil, and thus determine the intrinsic value of human acts.

Essentially, the doctrine of positive right teaches that every right is the result of legislation, and thus depends on promulgation and authority. Fundamentally, it rejects the notion of an objective criterion of right and wrong. Standards of judgments have their grounds not in nature, but in the conventionalism, implicit or explicit, of society, and become authoritative only because the authority promulgates them. These standards may be promulgated by a political, moral, or religious authority, and

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thus we have, respectively, positive law, positive ethics, and positive religion. Modern historicism coincides with the doctrine of positive right in its rejection of an objective criterion of judgment. Historicism views human values within their specific historical context and situation. Their validity is relative to the specific society and thus no single standard may be used as a yardstick to measure the acts of individuals who are not members of that particular society. Once we reject the notion of an objective criterion, as the adherents of historicism and positive right do, standards no longer owe their validity to their intrinsic truth, but to either authority or society. Therefore, when we say that a particular act is either right or wrong, pious or wicked, good or evil, our judgment may be either true or false only in respect to a definite society at a definite time.

Although the doctrines of natural and positive right are logically possible, they are difficult to accept because of their dogmatism.

The first difficulty with the doctrine of natural right is epistemological, i.e., the knowability of this "natural" criterion or standard. This doctrine of natural right rests on the assertion that its principles and values are inherent in the natural reason of man, and thus universally acknowledged and accepted. However, this is untenable in view of the existence of equally logical, yet mutually excluding, opinions of natural doctrine and its teaching. To dismiss this on the grounds that diversity of opinions is a result of the fall, the corruption of reason, or the lack of rationality of certain minds and societies, is to disregard the very essence of nature, and ultimately to impose a dogmatic view of what this "uncorrupted" or "rational" natural reason consists of.

Furthermore, there is the ontological problem. Pagan and Christian philosophy conceives of this eternal and unchangeable order as identical to the essence of God. To accept the notion of an order or standard of values identical to, or inherent in, the essence of God, implies that God's behavior is determined by his own nature and thus not absolutely free; that there is an ontological relation between God, man, and the universe; and the knowability of God's essence. This could be rejected on

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metaphysical and theological grounds.⁵

Finally, we must question the teleological basis of natural right. Natural right is an imperative only because it is the ultimate goal of man's existence. For those who reject the teleological aspect of man, there is no longer any basis to attribute authority to the standard and values of natural right.

The doctrine of positive right and modern historicism are not entirely free of dogma.

Positive right, or the values of society, become imperative only on the basis that the individual has the duty to obey the decrees of authority or society. Furthermore, the notion of the relativity of human values and judgments leads eventually to nihilism. If standards are to be viewed within the context of a particular historical situation, and if the validity of those standards depends exclusively upon their being legislated by authority, it is quite impossible to consider one form of society or set of values as of higher merit than another.⁶

Chapter II. The Berit as Basis for the Relation Between God and Man

Usually, Judaism is conceived either as a religion that owes its validity to some rational objective criterion accessible to man and discernible by human reason, or as a positive religion whose validity rests on divine authority. The first view is related to the notion of natural right; the second is related to the notion of positive right. We shall examine both views. However, since the fundamental role of religion is to establish and maintain a relation between God and man, let us first consider the concepts of God and man in Jewish thought.

God, in Jewish thought, is an omnipotent being categorically superior to any other being. There is nothing outside Him, or any necessitation emanating from His own being that determines His behavior or that conditions Him: His freedom is categorical and absolute, His behavior and plural activities could have been entirely different from what they are. They are what they are, simply, because God freely willed so. God is not conceived as a part of the universe, as the pagan divinities were, nor is

