

THE METABOLIC PROCESS IN JUDAISM:

Particularly as it is illustrated
in Israel's conception of
its ancient, ongoing covenant
with God

By

Emily Ann Lipof

Submitted in partial fulfillment of academic requirements

for the degree: Rabbi

August 1987

"I am the Eternal. I [alone] change not" (Malachi 3.6).

"Everything which is subject to time, is subject to change"
(Albo, Ikkarim 1428).

"Like a language, a religion is dead when it ceases to change"
(Israel Zangwill, Dreamers of the Ghetto, p. 521).

"The One remains, the many fade and pass.
Life, like a dome of many-coloured glass,
Stains the white radiance of Eternity."

--Percy Bysshe Shelley
Adonais, 52

"What is freedom if not the possibility of change"
(Twerski, Hegyonot Ha-Poel Ha-Tzair, 1951).

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ACKNOWLEDGMENTS

I am deeply grateful to:

Adelle Robinson, for her expertise and tireless patience in transforming this document, from the nearly illegible scrawled pages she uncomplainingly accepted, into the esthetic form which the reader has before her/him.

Professor Alvin J. Reines, for graciously submitting for my inspection and use so many of his published monographs and unpublished manuscripts.

Professor Ellis Rivkin, for the generous gifts of his time, scholarly materials, and most helpful suggestions for this project, as well as for his intense and sustained interest in this thesis and in the success of my career.

Rabbi Stephen Leon, for giving me the opportunity to become a rabbi; for his continued encouragement and moral, intellectual, and spiritual support during all my years at the Academy for Jewish Religion, of which he is the President; and for his flattering respect for my opinions and ability.

My mentor, Dr. Albert S. Goldstein, Rabbi Emeritus of Temple Ohabei Shalom, the congregation of which I and my family have been members since my childhood, for suggesting the theme of this thesis, editing the manuscript at every stage of its development, and for being, throughout all my Jewish studies, a **המתגבר מעין** --a never-failing source of inspiration as well as a bottomless well of information in a broad spectrum of academic disciplines.

My husband Michael, my daughter Cheryl, my son Ronald and daughter-in-law Deborah, my sons Mark, Richard, and Philip--but for all of whose self-sacrificial forfeiture of their right to my time and attention, this work would never have been initiated, let alone completed.

Emily Lipst

GLOSSARY

Life: The quality or character which is especially manifested by metabolism, growth, reproduction, and internal powers of adaptation to environment.

The property by which an organism maintains the performance of its functions.

The most general attributes of life are the capacity of adaptation and the exhibition of growth and differentiation. Tests for the living state of an organism are given by changes in the metabolic activity it displays.

Exercise of vital activities; animate existence.

Syn.: vitality, energy, vivacity

Ant.: death, decay, dissolution

Metabolism: (in biology and physiology) The sum of the processes involved in the building up and destruction of cells incidental to life. The changes by which energy is provided for the vital activities and new material is assimilated to repair the waste. There are two aspects: the constructive (anabolism, assimilation); the destructive (catabolism, disintegration).

Anabolism: constructive metabolism

Synthesis: A putting together of components to form a whole; the composition or combination of ideas, factors, forces, or materials into one complex entity--to form a whole.

It is possible to synthesize formerly separate elements wholly from one's own tradition or to combine ingredients from that tradition with elements from outside it. The latter type of synthesis is usually called acculturation.

Ex.: gift-giving on Chanukah imitated from Christmas.

Syncretism: (in the development of religion) The process of growth through coalescence of different forms of faith and worship or through accretions of tenets, customs, rites, etc. from religions which are being superseded.

Assimilation: appropriating, transforming, and incorporating into the substance of the assimilating body.

Syn.: adaptation, digestion, acculturation

In its strictest sense, assimilation is synonymous with anabolism; i.e., constructive metabolism.

Catabolism: Opposed to anabolism.

Excretion, dissolution, decomposition, deletion, elimination of waste.

CHAPTER 1

THE METABOLIC PROCESS IN JUDAISM

The General Concept

Every living organism is sustained by an internal process of metabolism. This twofold process of constructive anabolism and destructive catabolism seems to be the conditione sine qua non for all survival.

A body anabolizes: accretes matter it needs for its continuing life, health, development, and growth; absorbs, assimilates, integrates, synthesizes, constructs, and accommodates.

It catabolizes: disintegrates, sloughs off, excretes material which is detrimental to its survival in the particular environment in which it finds itself.

This process is intrinsic to biological existence--from the amoeba to man. It is quite as essential to the life of societal institutions: cultures, polities, civilizations, and religious systems--if they are to maintain themselves in an ever-changing world. In nature, metabolism is apparently automatic and unconscious. In the development of social systems and institutions, the process has the advantage and shows the effects of human effort: intellectual, esthetic, spiritual, and ethical input.

It is a truism that "times change and we change with them." In a society, any significant change, no matter what the reason--

be it the appearance of a new invention or leader, the results of economic growth or failure, or the fallout from political upheaval--can initiate changes throughout the entire structure, which catalyze major alterations in the current religious system (Cronbach, 1963, p. 15).

Historical events have produced major transformations in all areas of Israelite existence: the Exodus from Egypt; the theophany at Sinai; the entrance into Canaan; the victory of the Philistines over the Israelite tribal league; the formation of the Monarchy; the destruction of the Temple; the diaspora; the Crusades; the French Revolution; the World Wars. In each case, a complete reconstruction of religious thought and practice is precipitated and new added components, as well as departures from old ones, are among the consequences.

As historical circumstances raised novel and unanticipated problems of survival, the original concept became more sophisticated and complex to underwrite the development of new forms of Jewish life, each connected with the others, together forming the entire sweep of Jewish history. (Rivkin, 1971, p. xv).

If we did not know, from archaeology, literature, and history, that there had been many changes in our people's 4,000 years, we would have to assume their existence, for regardless of how we denote our way of life--Judaism, Religion of Israel, Yiddishkeit--as long as it lives, it metabolizes.

Jewish history reveals that no law, idea, custom, or dictum has been preserved intact from the beginning. . . . Jewish history is the interconnected sequence of changing forms. (Ibid., p. xix)

That changes have occurred throughout Judaism's lifetime is hardly disputed. However, the nature of the change and how it was recorded and transmitted to us does give rise to differing opinions. Rivkin

considers each to be a "revolution"; a definitive break from the values and practices of the previous system; the consequence of novel and new problem-solving devices often adopted from the surrounding secular environment and specifically invented to serve the needs of contemporary society (Rivkin, "Lessons from the Past," p. 2). For him, the only constant in Jewish history and thought is the principal of unity. (See below, pp. 62-63.)

The Pentateuch itself, according to Rivkin, is a revolutionary work designed by a specific class of people with specific motivation. It was fashioned,

. . . not by editors or by redactors of traditions or stories and narrative, but by a class of priests who sought to solve the problems confronting the community after its return from exile in Babylon by having Yahweh and Moses assign absolute power to Aaron and his sons. They did not compile the Pentateuch, but created it; i.e., they so designed the work that a class that had never exercised power previously was now to enjoy it as a God-given monopoly. The promulgation of the Pentateuch was thus a revolutionary act launching a form of Judaism that had never previously existed. (Rivkin, 1971, p. xxiii)

Kaufman (1972), on the other hand, views Judaism as a self-contained continuum--assimilating nothing of lasting significance from its ancient neighbors. He asserts that its revolution was realized at its beginning with its sudden and complete departure from paganism. From then on, all Judaism--theory, practice, and literature--is of one piece:

Israelite religion was an original creation of the people of Israel. It was absolutely different from anything the pagan world ever knew; its monotheistic world view had no antecedents in paganism. Nor was it a theological doctrine conceived and nurtured in limited circles or schools; nor a concept that finds occasional expression in this or that passage or stratum of the Bible. It was the fundamental idea of a national culture, and informed every aspect of that culture from its very beginning. (Kaufman, 1972, p. 2)

Within the Bible itself are to be found data that stem from different periods, various sources and genres of literature (e.g., narrative, laws, prophecy); and these varied materials agree with and complement each other so as to bear certain and compelling witness. (Ibid., p. 3)

One has only to glance at a portion of Cassuto's Commentary on Exodus to see that it agrees with Kaufman. He asserts that all of Torah (and specifically Shemot) is, line by line, the work of one hand--the production of one people with one set of beliefs delivered to them at one time.

The burden of this thesis is that Judaism--its theology, practice, and history--is neither the result of a series of revolutions from which nothing, or very little, remains of its past, nor is it an unaltered continuum in which all is brought forward, unchanged by time, custom, or need. Rather, it is a living organism, the product of the natural metabolic process which has perpetuated its survival by anabolizing from its past those nutrients necessary for its present existence and growth, and catabolizing that which, for one reason or another, can no longer serve as nourishment or sustenance.

The proof of the existence and results of this process in every age and for every aspect of Judaism would be material for an entire encyclopedia. This writer has presented two treatments of the subject: The first is the compilation of a comprehensive chart showing our people's most significant ideas and practices (festival and life-cycle rites) and their metabolism through history.

The second is a thorough investigation of what this writer considers (along with the idea of One God) to be Judaism's most basic and sustaining theological principle: the Covenant idea. To understand the Jewish concept of covenant is to have a summary of Israel's religion: basic

phenomena such as the personal and national attitudes toward God; the image of God, including His Kingship; the cult; mitzvot; the importance of the individual, of circumcision, and of the Land of Israel; the idea of the Chosen; the Sh'ma, the promises of God to humankind, and the latter's responsibility in response to acceptance of the covenant relationship; the belief in a surviving remnant, in eschatology and in resurrection; all laws, all rituals, and more--can best be understood when filtered through the covenant idea and its metabolism throughout history.

This essay indicates the workings of metabolism in Judaism by investigating this most basic concept as it appears in different forms, in successive historic periods from the biblical, through the Tannaitic, to the modern era of Reform.

The metabolic process is demonstrated by indicating a) what in the tradition remained constant, b) what was augmented through ingestion and modified by digestion and synthesis, and c) what was decomposed or deleted. Often, where possible, reasons are suggested for the metabolism.

The essence of Judaism is Jewry's religious relationship to God. The core of that relationship is the idea of covenant which gives us, not only an image of God, but also our sense of security, unity with God and with our people, our understanding of our religious selves: our ethical and religious obligations.

One aspect of the covenant idea has remained constant. That is, that the very relationship is always dominated and usually initiated by God. Although humankind, or a segment of it, is always the partner and all else is subject to the metabolic process, God retains His position

as the prime Mover, without Whom there would be no covenantal relationship and therefore no Judaism.

Our little systems have their day;
They have their day and cease to be.
They are but broken lights of Thee,
And Thou, O Lord, art more than they.

--Alfred Lord Tennyson

CHAPTER 2

COVENANT

An Introduction to the Concept

In a sense---a very real sense--every religious community has a covenant with its god. That is to say, there is presupposition of a mutually agreed-upon (even if never actually verbalized) relationship of every people to its god.

Without such an understanding, there would be no sense whatever to any religious practice--no purpose or meaning to prayer, sacrifice, or any ritual observance. Why would one pray unless it was believed by the supplicant that there would be a response from the deity to the supplication? Why would one bring offerings unless there was an understanding that the donor could thus make contact with and favorably influence the mysterious, supernatural power outside himself?

Perhaps the essential distinction of Israel's covenant with God is the stress placed on the contract. From the beginning, it was the covenant which epitomized the very essence of the religious ideology of our people and which, from then until now, has been its leitmotif. As far as we know, Israel was the only society that based its relationship to its God on a formal, written treaty (Sasson, 1976, p. 181). Even the oral agreement, handed down as a tradition presumably from Abraham's time, was crystalized into a document so that the writing itself--whether on stone, parchment, papyrus, or computer discs--became revered as something holy: The Covenant.

Also distinct within Israel's covenant concept is its God Idea.

We will find several variations in this God-concept as we study the metabolic process in successive contracts made between God, as the party of the first part, and Israel, of the second. However, it is possible to speak of a "normative Jewish concept of God" as:

. . . the creator and sustainer of the universe, whose will and purposes are supreme. He is the only being whose existence is necessary, uncaused, and eternal, and all other beings are dependent on Him. God as conceived by Judaism transcends the world, yet He is also present in the world, and "the whole earth is full of His glory" (Isa. 6:3). He is a personal God, whom man can love with the highest and most complete love, while confronting Him as father, king, and master. He loves man and commands him, and his commandments are the criterion of the good. He is absolutely one, admitting no plurality in his nature, and absolutely unique, so that no other existing thing can in any way be compared to Him. This is essentially the picture of the biblical God as it was developed and understood in classical Jewish thought. (Bright, 1981, p. 157)

Augmenting this definition, Rivkin opines that Israel's God is one of "process, history, and problem solving. . . . He is the Power enabling the enduring to persist through change" (1971, p. 17).

The etymology of בְּרִית (b'rit), which is the biblical Hebrew most frequently used for "covenant," is uncertain. It is found in no other Semitic language (Goldman, 1958, p. 253). Most probably, it was used in the sense of "binding" since the terms for "covenant" in both Akkadian and Hittite also indicate "binding" and the Akkadian word for "fetter" is biritu.¹

It is the idea of covenant that is, for many reasons, far more troublesome to the Bible scholar than the uncertainty of its etymology. The first problem which scholars face is that Tanach is replete with analogies depicting YHWH's relationship to Israel. Yet, most often one analogy being drawn from one kind of human experience has nothing in

common with another which stems from a different experience. Compare:

- 1) אִפְשֶׁם בְּרֵב שְׂפֹל וְאֶקְרַע סִנּוֹר לָבָם וְאֶגְלֶם שָׁם בְּלִבָּיָה חַת
הַשָּׂדֶה תִּבְקָעֵם: שִׁחַתְךָ יִשְׂרָאֵל כִּי בִּעֲוֹנֶיךָ:

"I [God] will fall on them like a she-bear bereft of her cubs, and I will rip up their vitals" (Hos. 13.8).

- 2) זָכַרְתִּי לְךָ חֶסֶד נְעוּרֶיךָ אֲהַבַת כְּלוּלֶיךָ לִבְתְּךָ אַחֲרִי
בְּמִדְבָּר בְּאֶרֶץ לֹא זְרוּעָה:

"I [God] remember your devotion when you were young, your love as a bride, how you followed me in the wilderness, in the land that is not sown" (Jer. 2.2).

In Deuteronomy 5.2 we read, "Yahweh, our God, made a covenant with us in Horeb." Which of the above images is present here? Is this a reference to the human kind of marriage contract which can be "proposed, concluded, witnessed, committed to writing, broken, renewed and so on. . . ." (Hillers, 1969, p. 4), or does it depict a simpler, more instinctive bonding, like that of the she-bear defending her cubs? Or perhaps this Deuteronomic phrase is a simple statement dealing with a specific ancient law, for the sphere of law has always been apparent within the Israelite covenant. A second problem confronting scholars occurs when they try to "make do with information about modern contracts or Roman *foedera* or bedouin alliances" (Ibid., p. 6) in their attempts to interpret and understand the idea. But this has proven to be a risky procedure at best, since "the form and intention of an alliance are things determined by a particular society or age at a particular time. In a different society or age, these things are bound to be different. "Interpreters of the past, like courteous travelers, must respect the customs of the country in which they

find themselves. But where they have not been told what those customs are, it is not surprising if they commit some blunders" (Ibid.).

Another difficulty: "Covenant" is not, and possibly never was, one idea. We cannot assume that at any one time there was only one kind of arrangement labeled "covenant" between people or between them and their deity. Most likely, there were many forms and procedures for making and binding an agreement. And, most likely, new eras brought new forms and new procedures. This accounts for many of the curious contradictions among scholars who, in the late nineteenth and early twentieth century, produced a proliferation of opinions on "covenant."

Starting with the assumption that wherever they found the Hebrew word for covenant they were dealing with the same idea, different interpreters achieved remarkably varied views; mutual obligation, we read, is the essence of the relation; the covenant is a completely one-sided arrangement; God initiates any covenant; men take the initiative in concluding it; there are four covenants in the Priestly writer--no, three; no, two. And, of course, in each different work we find the writer struggling with a recalcitrant body of evidence which will not easily fit his scheme. This state of affairs suggests rather strongly that there are tensions and conflicts in the material itself. It is not a case of six blind men and the elephant, but of a group of learned paleontologists creating different monsters from the fossils of six separate species. (Hillers, 1969, p. 7)

It is not the intention of this writer to arbitrate these tensions and conflicts. On the contrary, their very existence provides a basis for the thesis that, not helter-skelter, did various ideas of covenant exist. Nor has one singular idea or one unadulterated form of alliance persisted, untouched, from the beginning until now. Rather, the idea has been processed by time, environment, and the immediate needs of a particular community. We will see that when a crisis occurs in a community, the covenant concept metabolizes to accommodate itself to the new milieu and

thus continues to be the basis for Israelite survival.

When did the processing begin? When did the religious conception that the relationship between God and man is established by a covenant first appear? Once again, scholarly opinions vary and often conflict. Wellhausen (1885) views the idea of covenant as one of the latest concepts to arise in Israel's history. He insists that it was not presupposed by the prophets, but rather, it grew out of their ideas. For Wellhausen, Israel's real history begins with Moses, and the contents of the Mosaic religion are summarized in the formula: "Yahweh the God of Israel, and Israel the people of Yahweh" (Ex. 6:7; II Sam. 7.24). This, he says, is not monotheism; it meant much the same as "Chemash the god of Moab." Further, he says, YHVH's relationship to His people was not defined by any kind of legal or covenantal bond:

Nor did the theocracy exist from the time of Moses in the form of the covenant, though that was afterwards a favorite mode of regarding it. The relation of Jehovah to Israel was in its nature and origin a natural one; there was no interval between Him and His people to call for thought or question. Only when the existence of Israel had come to be threatened by the Syrians and Assyrians, did such prophets as Elijah and Amos raise the Deity high above the people, sever the natural bond between them, and put in its place a relation depending on conditions, conditions of a moral character. (Wellhausen, 1885, p. 417)

Others (Kaufman, 1972; Mendenhall, 1955) assign an early date to the Israelite covenant with YHVH, suggesting that since it is extremely difficult to conclude with any authority that the blood-ties of the descendants of Abraham, Isaac, and Jacob were close enough to bind the clans together, the covenant relationship alone accounts for the bond--a religious rather than an economic or military alliance (Mendenhall, 1955, p. 24f).

Early dating of the covenant concept explains how the twelve tribes of Israel lived together before there was a king. "Even if these tribes were blood descendants of one man (the implausible view suggested by a casual reading of the Bible), it is still hard to believe that they existed side-by-side for over a century, without a formal agreement binding them" (Hillers, 1969, p. 68). Usually, in the ancient world, when separate groups confronted one another, the choice was either a treaty or war. (See Joshua 9: The Story of the Gibeonites.)

Early existence of a covenant is even more plausible when one reads in the Bible that not all those who entered Canaan with Joshua were blood-kin. Passages in Exodus and Numbers mention the presence of "27 270," a mixed multitude (Ex. 12.38) or **הַמִּזְבָּח** "a great mixture" (Nu. 11.4) in the number of those who fled from Egypt. If so many diverse groups were combined into a cohesive league, what held them together? The bond does not seem to be "natural," as Wellhausen suggests (p. 416).

There seems to be no evidence of a pact with a human leader; no covenant between Israel and Moses or Israel and Joshua; no recorded formal agreement between tribes and clans: "What we do find presupposed in all our sources is Judah and Benjamin and the rest, first of all in league with Yahweh, and through this bound to one another" (Hillers, 1969, p. 69).

If, then, we conclude that the basis of Israelite solidarity, beginning with the Patriarchs, has always been their covenant relationship with YHVH, we must look for the origin of the sense of law and justice and ethical morality inherent in that covenant and for the prototype, if indeed there is any, of the specific relationship itself. Did all this suddenly appear, full blown, in Abraham's mind? Mendenhall, as we will

see, is convinced that the Patriarch and his clan assimilated² and syncretised the covenant concept and form from contemporary, second millennium B.C.E. neighboring cultures and modes.

One of the popular modes of the ancient world, particularly in the realm of international relations, was the covenant-upheld-by-an-oath as a nonmilitary means of enforcing promises. "References to international (i.e., intercity-state) covenants occur already in old Sumerian texts of the third millennium B.C. and it would seem likely that covenants-upheld-by-oath must go back many centuries, if not millennia before" (Mendenhall, 1955, p. 27).

We are most fortunate to have, through the success of archaeological excavations, adequate source material for studying the international covenants of the Hittite Empire (1450-1200 B.C.)--a society contemporary with the beginnings of the Israelite people. Mendenhall has carefully detailed the form of the Hittite suzerainty covenant³ and concluded that it is the most likely basis for all those in the Bible.⁴

A summary look at his findings will familiarize the reader with recognized, recurring elements of this model treaty (see Addendum AA), which can then be a point of departure or comparison in our discussions of various biblical covenants.

There are six essential elements in the texts of the Hittite treaty, but the form is not an extremely rigid one: there are variations in the order of the elements and in the wording; occasionally, for unknown reasons, one element or another is not present. The elements are:

1) The Preamble: This begins with the formula "thus says NN, the great king, king of the Hatti land, son of NN . . . the valiant."

This identifies the author of the covenant, "giving his titles and attributes, as well as his genealogy. The emphasis is upon the majesty and power of the king . . . who confers a relationship by covenant upon his vassal" (Ibid., p. 32).

2) The Historical Prologue: A description, in detail, of the previous relationship between the two parties. Much time is spent recounting the king's benevolent deeds, thus obligating the vassal to perpetual gratitude toward him for all past favors. Immediately following this, the vassal expresses his great devotion to the king, "exchanging future obedience to specific commands for past benefits which he received without any real right" (Ibid.).

3) The Stipulations: Here are the details of the obligations imposed upon and accepted by the vassal. Often they include, among other elements, the prohibition of any other foreign relationships (Ibid., p. 33).

4) Provisions for Deposit in the Temple and Periodic Public Readings: Since it was not only the vassal but also his entire community that was bound by the treaty, it was necessary to educate the public as to the stipulated obligations and the greatness of the king. "Since the treaty itself was under the protection of the (human) deity, it was deposited as a sacred thing in the sanctuary of the vassal state--perhaps also, to indicate that the local deity or deities would not and could not aid in breach of covenant" (Bright, 1981, p. 152).

5) The List of Gods as Witnesses: Just as legal contracts were witnessed by several people in the community, so the gods acted as witnesses to the international covenants (Hillers, 1969, p. 36).

6) The Curses and Blessings Formula: It is most interesting that there is no hint of military retaliation by the king if the vassal breaks his oath. Rather, "the curses and blessings in the texts are treated as the actions of the gods" (Mendenhall, 1955, p. 34).

There are three other elements which, although often not in the written text, were known to be present in these ancient treaties: a) the formal oath through which the vassal pledged his loyalty to the king; b) some kind of solemn ceremony which accompanied the oath; c) a form for initiating some action against a rebellious vassal (Ibid., p. 35).

To summarize: An ancient suzerainty treaty is essentially an elaborate oath--thoroughly introduced, stipulations carefully listed, provisions made for perpetual renewal, and promises of both acceptance and retribution clearly expressed. At some early date, Israel entered into a covenant with YHVH modeled on this kind of agreement.

Why did Israel choose this particular treaty? What was there about this alliance that appealed to them as a way of expressing important convictions about God, about Israel's relationship to Him? Doubtless, the decision grew out of experience rather than out of abstract thought. "We must not imagine the elders in Israel sitting in convention, like so many founding fathers, debating on a constitution for the new state, or like prelates in a church council, arguing over the formulation of articles of faith" (Hillers, 1969, p. 64).

This writer chooses to speculate that the appeal of the suzerainty treaty was found in the positions assigned there to both the king and the vassal. The ancient Israelites analyzed and synthesized the gist of those positions for their God and for themselves.

In the treaty, the king collaborates with others without being reduced to the status of an equal. So, too, Israel's God is free and sovereign, swearing to nothing but promising faithfulness to the faithful and protection to His people.

The Israelites also find their proper place. They sensed a basic respect for human freedom in the king's choice of the vassal and in the stipulation that the vassal must accept his royal appointment. They assimilated the idea that entry into the covenant is initially a matter of choice. Though YHWH takes the initiative in the selection of His people, He does not force Himself on an unwilling partner. The people must choose to be in league with Him.

Human freedom is also present in the sense that, except for certain required and other prohibited activities, Israel, as a people and as individuals, are left by the covenant Deity to function and develop as it deems best.

The idea of the security of a benevolent God offering direction, limitations, and protection to His people, and the people's freedom to accept this God as its own and walk in His stipulated yet not unreasonably restrictive ways, must have been a most appealing arrangement in an ancient and chaotic world--an arrangement that the Israelites obviously could not resist.

From this point, with the understanding that the religion began by borrowing ideas, customs, and forms from its environment, we can now proceed to investigate what happened to those foreign, covenant-related components after they were assimilated by the Israelite people. Were they so synthesized that they are no longer discernible? With what else

were they infused to eventually make them and keep them distinctively and especially "Jewish"? What did the Israelites/Jews of subsequent generations do to their originally assimilated and syncretized ideas of the covenant?

Notes to Chapter 2

1. Etymology of B'rit. B'rit has also been traced to:

- a) "To cut" (Josh. 17/15; Ez. 23.47): In Gesenius, "cutting in pieces of the victims which were sacrificed on concluding a solemn covenant and between parts of which the contracting parties were accustomed to pass." (Gn. 15; Jer. 34.18)
- b) "To see visions": Akkadian baru (Goldman, 1958, p. 253).
- c) "An eating together," "banquet" (Lee, Hebrew Lexicon, mentioned in Gesenius).
- d) "A bite," "A bit of food"--probably connected to the meal that accompanied the making of a covenant in ancient times (Goldman, p. 253. Also see p. 15.
- e) "To decide": Sumerian bar (Ibid.)

Hebrew has two additional terms for "covenant":

. . . 'edut (cf. the parallel terms luhot ha-'edut and luhot ha-berit) and 'alah. These also have their counterparts in the cognate languages: 'dy['] in old Aramaic (Sefire) and ade in Akkadian on the one hand, and 'lt in Phoenician, mamitu in Akkadian, and lingai in Hittite on the other. 'Alah and the corresponding terms in Akkadian and Hittite connote an oath which actually underlies the covenantal deed. The terms berit and 'alah often occur together (Gen. 26:28; Deut. 29:11, 13, 20; Ezek. 16:59; 17:18), rendering the idea of a binding oath, as does the Akkadian hendiadys ade mamit or ade-u mamite. (Encyc. 5:1012)

For concluding a covenant, Tanach often uses the term (karat berit)--to "cut a covenant." The same expression is used "in Aramaic treaties in connection with dy and in Phoenician documents in connection with 'It (Ibid.). Possibly the term originated in the ancient ceremony of cutting an animal which concluded the making of the covenant (Black & Rowley, 1982, p. 204).

2. Particularly, in nonscholarly Jewish circles, the word "assimilate" has recently received a negative connotation, suggesting dissolution, dilution, disintegration, absorption--even paganization. However, the word is used throughout this paper in its original and positive sense (see Glossary). (For further discourse on the word, read The Blessing of Assimilation in Jewish History, by Gerson D. Cohen. My thanks to Rabbi Hershel Matt for indicating the article to me.)

3. Both Mendenhall and V. Korosek analyzed the covenants and discovered two distinct classifications: the suzerainty treaty and parity treaty (Albright, 1967, p. 181). There is a basic difference between the two. In the latter, "both parties are bound to obey identical stipulations, making it, in effect, two treaties in opposite directions, i.e., each king binds the other to identical obligations" (Mendenhall, 1955, p. 29).

In the former, the vassal is obligated to obey the commands of the Hittite king. Its primary purpose is to establish a solid relationship of mutual support between the two parties. "The stipulations of the suzerainty treaty are binding, only upon the vassal and only the vassal took an oath of obedience. . . . It is the vassal's obligation to trust in the benevolence of the sovereign" (Ibid.). It is this treaty which is the model for those in the Bible.

4. Aware that the Hittite Empire had vanished long before Israel existed, and therefore the Israelite covenant could hardly have been adapted directly from the Hittite form, scholars have justified the comparison thus:

a) The Hittites, it is certain, did not originate the form. They borrowed it from Mesopotamian sources (Albright, 1961, pp. 182-83). "Therefore it must be the common property of many people and states in the second millennium B.C." (Mendenhall, 1955, p. 28).

b) The form of many of the alliances made with both Syria and Egypt at this time was similar and was referred to or preserved in the Hittite archives. Therefore, "abundant opportunity to become familiar with the treaty form must be admitted for ancient Israel" (Ibid.).

c) There are many other accepted independent parallels between the Hittite and biblical materials. (See W. F. Albright, Journal of Biblical Literature, LIX, 1940).

CHAPTER 3

IN THE GARDEN

The Covenant with Adam

To begin an odyssey of the Israelite people with Adam must seem, at reader's first glance, puzzling. Adam was no Israelite. It is only through the priestly contrivances of ancient genealogy, written back into Torah, centuries after alleged events (Speiser, 1982, pp. xxiv-xxv) that Adam is in any way connected to Abraham. However, all of Tanach was written by Israelites/Jews; from a Jewish perspective; through Jewish experience; with Jewish ideas and motives. All Tanach reflects this Jewish authorship. Therefore, to investigate the metabolism of the Judaic covenant and not consider the very beginning of this very Jewish Genesis would be to miss a most important link.

Every action or event narrated in Genesis 1 and 2 is a result of God's work. Nothing has happened which He did not cause. In contrast, the events of Chapter 3 are the results of man's first independent action. That action was sinful and the devastating results included the loss of the perfection of Eden and of man's innocence and immortality.

That this story is undoubtedly a blending of elements from several even more ancient myths, and that it was probably written by J (Ibid.), is not pertinent to our study.¹ The significance of biblical myths is not so much in the tracing of their origins, but rather in an understanding of what Jewish idea this Jewish version of the myth is trying to convey to the reader.

From our "covenantal" vantage point, it can be said that the Adam myth intimates that there is a natural and necessary covenant within any and every relationship between God and man. Although informal, many of the treaty elements previously discussed are present here.

The first two chapters of Genesis, depicting divine creation, surely suffice as preamble and historical prologue. No past benevolent deeds of king or deity could equal those described here. To complete the prologue and direct it specifically to Adam, we read:

The Lord God planted a garden in Eden, in the east, and placed there the man whom He had formed. And from the ground the Lord God caused to grow every tree that was pleasing to the sight and good for food. . . . And the Lord God fashioned the rib that He had taken from the man into a woman; and He brought her to the man. (Gen. 2.8-9, 22)

What more could any human ask of Deity! The stipulations of the covenant are clearly stated:

And the Lord God commanded the man, saying, "Of every tree of the garden you are free to eat; but as for the tree of knowledge of good and bad, you must not eat of it; for as soon as you eat of it, you shall die." (Gen. 2.16-17)

Adam's acceptance of the terms of the relationship are unwritten. His acquiescence to live within the garden, "to till it and tend it," and his initial adherence to the prohibition of eating the specific fruit, all suggest his personal though informal agreement.

The witness--although a destructive one--is woman.

Now the serpent said: "Did God really say: You shall not eat of any tree of the garden?" The woman replied to the serpent, "We may eat of the fruit of the other trees of the garden. It is only about fruit of the tree in the middle of the garden that God said: You shall not eat of it or touch it, lest you die." (Gen. 3.1-3)

Other than the threat of death--the ultimate curse--none is mentioned before Adam violates the pact. Then they are clearly stated:

To Adam He said, "Because you did as your wife said and ate of the tree about which I commanded you, 'You shall not eat of it,'

By the sweat of your brow
Shall you get bread to eat,
Until you return to the ground-- . . . (Gen. 3.17, 19)

There is no oath, no formal ceremony, yet the covenantal relationship is implicit in the story, as is the image and the positions of both man and Deity.

God provides man with a garden in which to live but gives man the responsibility and freedom to cultivate and perpetuate the gift; God creates all kinds of beasts and birds, and man is allowed to name them. Here is a picture of a "working relationship" based on an agreement between the contracting parties. Adam's silence is assumed consent!

When the pact is broken, man loses most of what he has been given. The contrast of the world of man's experience in Genesis, Chapter 3, to God's intended world of beauty, concord, and fulfillment in the previous two chapters is striking. The myth cries out a warning, "Ugliness, discord and deprivation will surely result from a broken covenant" (Gardner, 1966, p. 114).

Many centuries later, the same theme reverberates in the prophetic voice:

Hear, O heavens, and give ear, O earth,
For the Lord has spoken:
"I reared children and brought them up--
And they have rebelled against Me!". . .
They have forsaken the Lord,
Spurned the Holy One of Israel,
Turned their backs [on Him].

Assuredly,
Thus said the Holy One of Israel:
Because you have rejected this word . . .
Of a surety,
This iniquity shall work on you

Like a spreading breach that occurs in a lofty wall,
Whose crash comes sudden and swift.

It is smashed as one smashes an earthen jug,
Ruthlessly shattered
So that no shard is left in its breakage
To scoop coals from a brazier,
Or ladle water from a puddle. (Is. 1.2, 4, 12f)

Note to Chapter 3

1. In any investigation of Tanach, there is a constant tension between what is actually written and the era or time frame in which various scholars propose it was written. A pshat understanding of a particular event or phrase, which considers only its immediate context and the simple meaning of the words, may have no coincidence with an interpretation filtered through biblical criticism or any other contemporary analytical method of scriptural investigation.

This thesis is concerned, in general, with Judaism's perpetual process or tradition, if you will, of adaptation and change, as manifested in theories and practices throughout its history. Specifically, here it is examining that process and those manifestations concerning the covenant idea.

Therefore, the emphasis of the writer is on Israelite thought and practices in each historical period under investigation: how and why and the consequences of our people's use, misuse, disuse, or reuse of a motif. Often, this was the result of contemporary interpretations of Tanach. It is on this that the writer has chosen to focus.

The course and dating of biblical events have, in this investigation, an academic importance which will be noted and evaluated when apropos. (See above discussion of Hittite treaty, and priestly writers [p. 23] and Adam [p. 24].

CHAPTER 4

AFTER THE FLOOD

The Covenant with Noah

The first explicit covenant in Tanach appears in the story of Noah and the Flood (Gen. 6.9-9.29) where, for the first time, the term b'rit is used to denote covenant:

וְהִקְמֹתִי אֶת-בְּרִיתִי אִתָּךְ וּבָאתִי אֵל-הַתֵּבָה אִתָּךְ וּבִנְיָךְ וְאִשְׁתְּךָ וְנִשְׂרֵי-בְנֶיךָ אִתָּךְ :

"And I will make my covenant with you" (Ibid., 6.18)

The story of the flood¹ is simple but pointed. Discontented with the wickedness of His creation, YHVH decrees its destruction. Only the "righteous" (Ibid., 6.9), Noah and his family, were to be saved---to become an instrument for the perpetuation of life on earth.

Throughout the saga of annihilation, there is a mood of optimistic promise: Along with His announcement of the impending flood, YHVH reveals His intention to make a covenant with Noah. The negative theme of judgment stands alongside the positive hope emphasized by covenant: "For My part, I am about to bring the Flood. . . . everything on earth shall perish. But I will establish My covenant with you" (Gen. 6.17).

Through Noah, YHVH provides the world with a fresh start. Human life was not extinguished but was given a new beginning. Creation was restored and humankind was charged with the original command--and blessed.

Never again will I doom the earth because of man, since
the devisings of man's mind are evil from his youth; nor
will I ever again destroy every living being, as I have done.
So long as the earth endures,
Seedtime and harvest,

Cold and heat,
 Summer and winter,
 Day and night
 Shall not cease."

God blessed Noah and his sons, and said to them, "Be fertile and increase, and fill the earth. . . . all the beasts of the earth and all the birds of the sky--all the fish of the sea; they are given into your hand. Every creature that lives shall be yours to eat; as with the green grasses, I give you all these." (Gen. 8.21-9.3)

Noah and his family are alive and with them and all humankind God makes covenant, promising His protection and presence and requiring of them only the "responsible allegiance originally demanded by the act of creation" (Flanders, Crapps & Smith, 1973, p. 90).

And God said to Noah and to his sons, "I now establish My covenant with you and your offspring to come, and with every living thing--birds, cattle, and every wild beast as well, every living thing on earth. I will maintain My covenant with you: never again shall all flesh be cut off by the waters of a flood, and never again shall there be a flood to destroy the earth."

God further said, "This is the sign that I set for the covenant between Me and you, and every living creature with you, for all ages to come. I have set My bow in the clouds, and it shall serve as a sign of the covenant between Me and the earth. When I bring clouds over the earth, and the bow appears in the clouds, I will remember My covenant between Me and you and every living creature among all flesh, so that the waters shall never again become a flood to destroy all flesh. When the bow is in the clouds, I will see it and remember the everlasting covenant between God and all living creatures, all flesh that is on earth. That," God said to Noah, "shall be the sign of the covenant that I have established between Me and all flesh that is on earth." (Gen. 9.8-17)

Here is a covenant between YHVH and man which uses the word involving a binding obligation ("for all ages") and which was initiated by the Deity. No formal history is told as an introduction. It is the storyteller, not the covenant text, that indicates the previous relationship of the two parties and the past great deeds of YHVH.

In the blessing which precedes the actual covenant, YHVH says, "Be fertile and increase and fill the earth" (Gen. 9.1), but nowhere in the text of the covenant (9.8-17) is any obligation placed on Noah and his descendants.² This is simply a unilateral promise of God. What Noah and humankind may do will not alter the promise.

In the promise contained in the "J" account, the author repeats the very words that motivated the flood in the first place: God will not destroy the world by flood again, "for the thoughts of a man's mind are evil from little up." The same idea is implied in "P." Even if man is hopelessly corrupt, God will not again destroy him. (Hillers, 1969, p. 102)

There is no formal ceremony of acceptance of the covenant by Noah since he has no responsibilities concerning the pact. However, it is worth noting that when Noah debarked from the ark, his first activity was to ceremoniously offer a sacrifice to YHVH:

Then Noah built an altar to the Lord and, taking of every clean animal and of every clean bird, he offered burnt offerings on the altar. The Lord smelled the pleasing odor, and the Lord said to Himself: . . . (Gen. 8.20)

Probably this was written into the story by P in an effort to build a foundation for the Priestly Sacrificial Cult. Nevertheless, sacrifice as a means of expressing gratitude by one involved in covenant was introduced into our tradition here.

The obligations in this covenant rest solely with YHVH. In the future, it will be He who will have to "remember" the promise.

The rainbow, the "sign" (**אֵת**) of the covenant, is primarily for YHVH to see so that He does not forget.

Speiser contends that the rainbow represents "a bright and comforting reminder that the race shall endure, however transient the individual" (1982, p. 59).

However, it is the writer of the medieval play, Noah's Flood, whose quaint explanation captures the essential meaning of the bow:

My bow between you and me
In the firmament shall be . . .
The string is turned towards you
And towards me is bent the bow,
That such weather shall never show,
And this beheet I thee.

--A. C. Cowley, Everyman and Medieval Plays

Although Noah is the specific, human focus of the story, he is relatively unimportant in this unilateral covenant. It is YHVH who decides on the flood; when it will begin and end; who will survive and who will not. Unlike Abraham, Noah makes no protest, offers no suggestions or resistance to YHVH's plans. He is simply "an instrument of the omnipotent Master of Nature" and "incidental to his covenant with God" (Hartman, 1985, p. 29). The pact does not depend upon nor revolve around an individual. It is a comprehensive rather than personal covenant, which embraces all forms of life. (See Gen. 8.22; 9.8; 9.12. Also, compare Abraham's covenant, pp. 36 ff.

It follows, then, that this covenantal sign would be a universal one--a sign of YHVH's merciful promise for all to see, rather than a mark of personal identification. The function of the next sign, circumcision, differs from that of the rainbow in that it does identify those individuals who share in the promise made by YHVH.

YHVH's premeditated choice to destroy all but one family, so that it alone could emerge from devastation and begin again, introduces the principle of the "remnant." This principle underlies the events leading up to most of the biblical and post-biblical covenants (consider the circumstances of Abraham, the Sinaitic covenant, the Israelites entering

Canaan with Joshua, the Talmudic Rabbis after 70 C.E., the Jews after Napoleonic emancipation, and those after 1945).

It is anabolized by the prophet Isaiah in the 7th century and clearly articulated:

And in that day,
The remnant of Israel
And the escaped of the House of Jacob
Shall lean no more upon him that beats it,
But shall lean sincerely
On the Lord, the Holy One of Israel.
Only a remnant shall return,
Only a remnant of Jacob,
To Mighty God.
Even if your people, O Israel,
Should be as the sands of the sea,
Only a remnant of it shall return.
Destruction is decreed;
Retribution comes like a flood!
For my Lord God of Hosts is carrying out
A decree of destruction upon all the land.
(Is. 10.20-23)

Isaiah went so far as to name one of his sons "Shear-jashub" meaning "a remnant will return." For him, this was "God's living sign for a supreme hope" (Heschel, 1955, p. 95).

So I will wait for the Lord, who is hiding His face from the House of Jacob, and I will trust in Him. Here stand I and the children the Lord has given me as signs and portents in Israel from the Lord of Hosts, who dwells on Mount Zion.
(Is. 8.17)

The idea of remnant is further refined until it represents the hope of the coming of the Messiah:

But a shoot shall grow out of the stump of Jesse,
A twig shall sprout from his stock.
The spirit of the Lord shall alight upon him:
A spirit of wisdom and insight,
A spirit of counsel and valor,
A spirit of devotion and reverence for the Lord.
(Is. 11.1-2)

The significance of this covenant can best be analyzed and compared to others in terms of what it indicates about God. He is the all-powerful initiator of creation and covenant. He asks for nothing and promises all. He is merciful and forgiving and wants, so intensely, for His creatures to endure that in this covenant He separates His responsibility for creation from His response to the moral condition of humankind.

Prior to the Flood, all of nature was doomed to destruction because God "regretted that He had made man on earth"; human corruption was sufficient reason to justify the destruction of all living things. After the Flood, however, God proclaims His awareness that although human beings are created in His image, they do not automatically embody all that God wishes them to be. God's reflections on them are, as it were, similar to a parent's realization that his child is not his mirror image but is a separate being with limitations, weaknesses, and an independent will. The child may come from the parent, but it is nevertheless separate and independent. (Hartman, 1985, p. 28)

We can sense this newly established distance between God and humans in the covenant made after the flood; in God's promise not to destroy nature in consequence of and as punishment for what people might do.

This distancing of humans from God and God's realistic assessment of their propensity to evil are necessary stages of the process leading to the covenantal mutuality represented by the giving of the law at Sinai, which charges a particular human community with responsibility for its own spiritual growth. (Ibid., p. 29)

The redemptive concern of YHWH which is seen so clearly in the theme of His first verbal covenant also provides a rationale for YHWH's selection of a people with whom to make a future alliance (Flanders et al., 1973, p. 87). Since the flood was unsuccessful in obliterating human sin (as evidenced by Noah's sinful actions after the flood (see Gen. 9.21-29), He eventually elected an entire people and made His alliance with

them (see Ex. 19.4-6). But, our tradition recalls, before He enters into that public covenant, He chooses one more individual--this time a righteous, more deserving one--and his descendants, with whom to form His next alliance.

Notes to Chapter 4

1. There are other ancient versions of the flood story. The Yahwist and Priestly versions (J and P) can be found in Genesis and are the ones on which the discussion in this paper is based.

It is now generally accepted that the biblical flood stories (or myths) are closely related to those of Sumer and Babylonia. The main Babylonian version can be found in the Gilgamesh Epic. For a synopsis of this myth and a comparison with three mentioned above, see Black and Rowley, Peak's Commentary on the Bible, pp. 183-85.

2. It is the later addition of P incorporated into the story text which speaks of obligation:

You must not, however, eat flesh with its life-blood in it. But for your own life-blood I will require a reckoning: I will require it of every beast; of man, too, will I require a reckoning for human life, of every man for that of his fellow man!

Whoever sheds the blood of man,
By man shall his blood be shed;
For in His image
Did God make man.

Be fertile, then, and increase; abound on the earth and increase on it."

This passage is replete with grist for analytical, homiletical, and halachic mills, but it is not within the scope of this thesis to go beyond its mere mention.

CHAPTER 5

HEBREW ORIGINS

The Covenant with Abraham and the Patriarchs

Beginning with the twelfth chapter of Genesis, Torah is concerned with the unique relationship--the particular b'rit between God and Israel. The purpose of all of the traditions--all of the stories--which follow this chapter is not to recount history or detail the events in individual lives, but to tell of the promise made to the Faithful by YHWH, the God of Israel.

The history of the people, Israel, is also the history of the idea of covenant. The stories of the Patriarchs are a graphic way of giving theological meaning to that history; to indicate that the coming together of certain tribes into the covenant community of Israel was not a haphazard series of historic(al) events, but rather the fulfillment of the divine intent to establish a people whose religious faith was inextricably interwoven with their physical existence.

"The patriarchal traditions related the religious and legal claims of the Israelite tribal confederacy of later times to a sacred past when Yahweh made himself known to men whose descendants became the community of Israel" (Flanders et al., 1973, p. 102). It is the memory of the past covenant by subsequent generations that has, throughout the ages, given continuity to the Israel community. It is the new interpretations given to the covenant as remembered from the vantage point of

the new era that account for the metabolic changes in the covenant concept itself.

Three basic affirmations pervade Israel's covenantal theology: 1) promise, 2) obligation, 3) response. The answer to the question, "Who made the promise to the People Israel?" remains perpetually the same. "What is Israel's obligation? What expectations are required by the promise? How should a covenanted people respond? Indeed, how did they respond?" In each age and environment, these questions received answers relevant to the contemporary scene. To recognize the flux of the economic, social, and political history of our people is to begin to understand the reasons for the variations in its covenantal theme.

The narratives in Genesis do not furnish adequate information for an exact description of the patriarchal religion.¹ We can say that although the narratives refer to the Patriarchal God as YHVH, the name historically began with Moses (cf. Ex.6.3-4). It may have been YHVH who appeared to the Patriarchs, but they had not really known Him by that name "and they did not yet know the fullness which the Sinaitic revelation would provide" (Flanders, p. 121).

However, the patriarchal cults did exist: "The extent of their devotion and the continuity between their worship and that of Mosaic days is more than an anachronistic projection backwards of the faith of later Israel" (Ibid.).

Each patriarch chose his own form of worship of God, Who, he believed, was entrusted with the care of his clan. Although they used many names for God: El Shaddai (God the Mountain One [Ex. 6.3; Gen. 17.1]); El Elyon (God Most High [Gen. 14.18-24]); El Olam (God of

Eternity [Gen. 21.33]); El Roi (God the Seer [Gen. 16.13]); and El Bethel (God of Bethel [Gen. 31.13; 37.7]), there was always a close personal tie between the clan father and his God. (See pp. 58, 59.)

Most likely within the various clans, the patron God was worshipped to the practical exclusion of other gods. This does not mean that the patriarchal religion was monotheistic. Out of this type of religion, however, monotheism would ultimately grow, since later Israel could say with honesty that the patriarchs had worshipped Yahweh and he had directed their movement to Canaan. (Flanders, p. 122)

The worship of the patriarchal tribes was "filled with simple dignity" (Ibid.). The patriarch himself presided over the ritual sacrifice (Gen. 15.10-11; compare priestly sacrifices [Lev. 2.1-2; 3.1-3 ff]). Each clan had shrines or places of worship, usually associated with places where the patriarchs had had a theophany and made or renewed the covenant with their god (Gen. 15.7-18; 28.10-19; 32.25-32).

The theme, peculiar to the People Israel and YHWH, which begins in Genesis 12 and is repeated early and often, is always depicted through a theophany. (See Addendum B.)

Promises, promises! "I will bless you . . . make your name great . . . bless those who bless you . . . curse those who curse you . . . give this land to your offspring . . . make you the father of a multitude of nations . . . bless your wife and give you a son by her . . . make you exceedingly fertile . . . make kings come forth from you . . . I will be your God."

The promise--especially the one in the J version (Gen. 15.12-21, Addendum B)--is primarily one of Divine protection, possession of land, and numerous posterity. What more could an ancient pastoral shepherd want? "If the patriarchs followed their God at all--if they believed

that He had promised them anything (and surely they must have so believed or they would not have followed him)--then land, protection, and progeny may be assumed to have been the gist of that promise" (Bright, 1967, p. 101).

The series of stories which follow the making of the covenant substantiate the theme of the promise:

Abraham is promised a multitude of descendants (Gen. 13.16). Childless, he considers making Eliezer of Damascus his heir (Gen. 15.2), but it would be impossible to fulfill the promise through a household slave. The subsequent stories of Abraham siring Ishmael through Hagar (Gen. 16; 21.9-20), the conflict between Sarah and Hagar, which leads to the latter's expulsion from their home, the elderly Abraham and Sarah's plea for a child, and the climactic birth of Isaac, are all instrumental in serving the promise.

Abraham is pledged the land of Canaan (Gen. 13.14-17; 15.18). The story of his purchase of a burial place at Machpeleth for Sarah solidifies this pledge.

The Promised Land was a spiritual grant from God. But the best practical safeguard in terms that everybody could recognize and accept was a clear legal title to the land. The living could get by as sojourners; but the dead required a permanent resting ground. The Founding Fathers, at least, must not be buried on alien soil. The spot had to be theirs beyond any possibility of dispute. Small wonder, therefore, that tradition had to insist on a title which no law-abiding society would dare to contest and upset. (Speiser, 1982, pp. 171-72)

It is in the story of the Akeda that this theme of promise is most forcefully expressed. Here, Abraham is asked to sacrifice the only concrete evidence of the pledge made to him and his descendants. God's intervention and provision of a substitute for the child is clear

substantiation of the validity of His word.

From the covenant writings, we can easily sense ancient Israel's confidence in Divine promises and its "exuberant expectation of good things in the future" (Flanders, 1973, p. 156). There is no doubt in this writer's mind that the patriarchal idea of "future" extended throughout all the earthly lives of infinite generations of descendants. We will see, later, how the prophets ingested this idea and, influenced by the horrendous earthly events of the day, syncretized it into a much-needed eschatological belief.

Nevertheless, in Genesis the Divine promises were clearly stated, often reiterated, and easily understood. But what of the human obligation in the pact? Here we have a difference of scholarly opinions. Mendenhall opines:

Both in the narrative of Gen. 15 and 17, and in the later references to this covenant, it is clearly stated or implied that it is Yahweh Himself who swears to certain promises to be carried out in the future. It is not often enough seen that no obligations are imposed upon Abraham. (1955, p. 36)

Hillers (somewhat of a protege of Mendenhall) says that the Abrahamic covenants are obviously one-sided. But then he adds,

. . . even though a covenant like that with Abraham does not spell out how Abraham is to behave, it is assumed in the relation--that of having Yahweh as God--that Abraham will continue to trust God and walk righteously before him. (1969, p. 105)

Alvin J. Reines, of Hebrew Union College, does not see the relationship as unilateral:

In essence, the covenant states that Yahveh will be the god of Abraham and his descendants, the Israelites, if they will be his people. As god of Abraham and the Israelites, Yahveh will exercise special providence over them to enable them to cope successfully with their finite condition; and

as Yahveh's people, they have an absolute obligation to obey his commands. (1976, pp. 58-59. See also Addendum B, 2)

Historian Jeremy Silver is certain that this is a reciprocal agreement:

God offered and stipulated, but the covenant was not activated until Abraham or the people assented, even though, like Caesar's soldiers, they could only acclaim and not bargain. Israel was offered the privilege of service and there is no suggestion that they were impressed against their will. But the covenant must not be confused with an agreement between equals. In the covenant relationship God is melech, king, at His most potent, and Israel is eved, servant. (1974, p. 25)

Professor and author, Cyrus Gordon, agrees with Silver, using a different analogy:

The relationship between the king and the protecting deity is of a piece with the personal Covenant relationship between the Patriarchs and Yahweh, in which human devotion is matched by divine protection. Greek heroic literature is replete with illustrations of such covenant relationships between a particular man and a particular deity. Anchises and Aphrodite are such a pair; Odysseus and Athena are another. (1962, p. 96)

There is no doubt that YHWH is the One upon Whom rests most of the responsibility for fulfilling this pact: He chooses Abraham and his descendants. He initiates the deal, makes the promises, and sets the terms for the permanence of the relationship. However, this writer must agree with those scholars who glean human obligation from the phrasing as well as the unworded intention of the b'rit--most especially in the P version where we read:

I am El Shaddai. Walk in My ways and be blameless. . . .
(Gen. 17.1)

As for you, you and your offspring to come throughout the ages shall keep My covenant. (Gen. 17.9)

I have singled him out, that he may instruct his children and his posterity to keep the way of the LORD by doing

what is just and right, in order that the LORD may bring about for Abraham what He has promised him. (Gen. 18.19)

Granted, there are no specific instructions given to Abraham as to how to walk blamelessly in God's path, but certainly it has been implied that humankind has an active responsibility in the perpetuation of this pact.

Specifically, Abraham is told to circumcise² every male among him (Gen. 17.9-14. See Addendum B2). Of this, Mendenhall says:

Circumcision is not originally an obligation, but a sign of the covenant, like the rainbow in Gen. 9. It serves to identify the recipient(s) of the covenant, as well as to give a concrete indication that a covenant exists. It is for the protection of the promise, perhaps, like the mark on Cain of Gen. 4. (p. 38)

Hillers corroborates this view that circumcision is merely a sign --an indication of those included in the covenant (p. 104). However, this writer argues that in the very wording of Gen. 17.9 f (see Addendum B2) there is a sense of obligation to keep the covenant--not merely to display it--through circumcision.

Furthermore, it was YHVH, not man, Who executed the sign of the rainbow and promised to periodically repeat the act. Circumcision, which is the command of YHVH, cannot be implemented without the deliberate action of man.

This human "doing" of the sign makes a significant difference. No longer does all the action rest with YHVH. For Abraham, there is no unilateral promise that his descendants will perpetually and automatically receive the gifts of divine promises. To the contrary, anyone who personally does not show his acceptance of the covenant, and his voluntary will to participate physically in it, will be forever punished:

Thus shall My covenant be marked in your flesh as an everlasting pact. And if any male who is uncircumcised fails to circumcise the flesh of his foreskin, that person shall be cut off from his kin; he has broken My covenant. (Gen. 17.13-14)

Biblical critics are quick to show that the subject of circumcision, like the Noahide laws, comes from the pen of P and was therefore written back into Torah long after J's contribution had been recorded. This writer does not deny the presence of two literary strata, nor does she ignore a comparison of them. (See Speiser, 1982, pp. 111-15, 122-27; Flanders, 1973, pp. 105-107; Hillers, 1969, pp. 102-105; Black & Rowley, 1982, p. 185.) However, her primary concern is with the tradition as a whole--not when or by whom it was written, but how did our people digest and use it.

Once again, it is the spiritual meaning of the event, rather than its historicity, which comprises tradition. Circumcision, originally anabolized by Israel from her neighbors, was infused by the religious beliefs of the family of Abraham (see note 2). The synthesis resulted in circumcision becoming the obligatory ritual and sign of a people's faithful acceptance of YHVH's covenant. Through further metabolism--whether by design of P or through the mere repetition of the tradition--circumcision as commanded in this covenant became the precedent for all future ritual (Speiser, pp. 126-27).

The covenant idea has undergone some significant change from Noah to Abraham. The former lacks "the singling-out quality of intense relationships" that we find in the latter (Hartman, 1985, p. 27). YHVH announced the covenant to Noah, but it is obvious that He is addressing all of nature .

The relevance of Noah's presence

appears to be by virtue of his being a member of "the class of living things on earth" (Ibid.). A universal commitment has been made by YHVH and, soon after, Noah's virtue is impugned and he disappears from the world scene.

On the other hand, Abraham's presence and relevance to the covenant is significant. Often we read God's name as (elohey avraham), God of Abraham (Gen. 28.13; 31.42, 53), indicating an intense personal relationship. Later, the Patriarch's name is changed "as an external sign of an important turn in the life or function of the bearer" (Speiser, p. 127).

YHVH establishes a personal relationship with him, pledging His faithfulness with the promise of a child--specifically, Abraham's child.

The birth of an heir, however, goes beyond personal considerations. It is essential in YHVH's scheme which employs Abraham as a means through which to select Israel as His covenant counterpart. Now we clearly see metabolism at work: The covenant emphasis shifts from the universal to the national, involving a future nation and a Promised Land; the focus of Torah's concern is no longer on the preservation of creation but rather on the history of the world; the alliance, now, is between the Creator of the Universe and a very specific ancestor of a very specific nation.

Unlike Noah, Abraham's importance and stature grow after the covenant has been made. "He emerges as a protagonist in the drama of human history--a worthy partner of the Lord of History" (Hartman, p. 28). He is informed by YHVH of the intended destruction of Sodom. Noah is not consulted about the flood; his complete silence and acquiescence in

God's plan to destroy all of life is in sharp contrast to Abraham's heroic confrontation with God concerning the fate of the people of Sodom.

"Through Abraham's actions, the Master of Nature becomes the 'God of the Earth'" (Ibid.).

The selection of Abraham and the election of his people by YHVH is introduced with this covenant. The two are basic to the tradition and fundamental to Israel's self-understanding. Israel exists only because it was divinely chosen from among the nations. In itself, Israel was nothing. It was not because of any merit in her that she was chosen. (Dt. 7.7) It was by YHVH's elective grace that she became His people who would be a blessing to all mankind.

Scholars are convinced and give proof that there is no period in its history when Israel did not believe that it was YHVH's chosen people.³ What various generations have done with the idea of election--why and how the idea has metabolized--will be seen shortly, but the basic kernel of God's choice of an undeserving people and their obligation of response to His favor has never been lost:

But you, Israel, my servant,
Jacob, whom I have chosen,
the offspring of Abraham, my friend;
You whom I took from the ends of the earth,
and called from its farthest corners,
saying to you, "You are my servant,
I have chosen you and not cast you off." (Is. 41:8-9)

There is one more significant idea, born in the covenant between YHVH and Abraham and destined to weave its way through all tradition and all history. It is what Ellis Rivkin (Adolph S. Ochs Professor of Jewish History, HUC-JIR) calls "The Unity Principal"--the affirmation that the source of all Jewish identity is "rooted in the experience of [Israel's]

ancestors with a single God"; the claim to the land of Israel is seeded in God's promise to the Patriarchs; and "the source of all diversity and the power behind all change is a single One" (Rivkin, n.d., p. 13).

This unity principle was at work from the beginning of Israel's heritage when the tribes sensed a solidarity through a common covenant (Bright, 1981, p. 102) and the people sensed a unity with YHVH because of a common covenant. The covenant is renewed with Isaac and Jacob (see Addendum B3), who continue the unity concept begun in Gen. 12.

The Patriarchs stand, in the truest sense, at the beginning of Israel's history. Their covenant with YHVH forms the beginning of its faith. The promise of numerous posterity, divine protection, and a land of their own, along with the ideas of nationhood, election, obligation, and unity, was the crux of their covenant, "helping to shape the faith of Israel as it was later to be" (Ibid., p. 103).

No matter what the metabolic process--or perhaps because of that process--the covenant between YHVH and Abraham has survived and sustained our faith to this day. In our prayerbooks we read:

אֱלֹהֵינוּ* ואלהי אבותינו, זכרנו בזכרון טוב לפניך, ופקדנו בפקדון
ישועה ורחמים משמי קדם. וזכר לנו יהוה אֱלֹהֵינו
אהבת הקדמונים אברהם יצחק וישראל עבדיך, את הברית ואת החסד
ואת השבועה שנשבעת לאברהם אבינו בהר המוריה, ואת העקדה
שעקר את יצחק בנו על גבי המזבח, בכתוב בתורתך:

Our God and the God of our forefathers, remember us with a favorable memory before You, and recall us with a recollection of salvation and mercy from the primeval loftiest heavens. Remember on our behalf--O HASHEM our God--the love of the Patriarchs, Abraham, Isaac and Israel, Your servants; the covenant, the kindness, and the oath that You swore to our father Abraham at Mount Moriah, and the Akeidah, when he bound his son Isaac atop the altar, as it is written in Your Torah: (Artscroll Siddur--Prayer before recitation of Akeida)

וְקִים לָנוּ, יְהוָה אֱלֹהֵינוּ, אֶת הַדָּבָר שֶׁהִבְטַחְתָּנוּ עַל יְדֵי מֹשֶׁה
עֲבָדְךָ, בְּאִמּוֹר: וְזָכַרְתִּי אֶת בְּרִיתִי יַעֲקֹב, וְאֵף אֶת בְּרִיתִי יִצְחָק, וְאֵף אֶת
בְּרִיתִי אַבְרָהָם אֲזָכֹר, וְהָאָרֶץ אֲזָכֹר.

Fulfill for us, HASHEM, our God, the word You pledged through Moses, Your servant, as it is said: "I shall remember My covenant with Jacob; also My covenant with Isaac; and also My covenant with Abraham shall I remember; and the land shall I remember." (Ibid., conclusion of prayer following Akeida)

רְבוֹן כָּל הָעוֹלָמִים, לֹא עַל צְדָקוֹתֵינוּ אֲנַחְנוּ מְפִילִים
תַּחֲנוּגֵינוּ לְפָנֶיךָ, כִּי עַל רַחֲמֶיךָ הָרַבִּים. מָה אֲנַחְנוּ, מָה חַיֵּינוּ,
מָה חֲסִדֵּנוּ, מָה צְדָקוֹתֵינוּ, מָה יְשׁוּעָתֵנוּ, מָה כֹּחֵנוּ, מָה
גְּבוּרָתֵנוּ. מָה נֹאמַר לְפָנֶיךָ, יְהוָה אֱלֹהֵינוּ וְאֱלֹהֵי אֲבוֹתֵינוּ,
הֲלֹא כָּל הַגְּבוּרִים כָּאֵין לְפָנֶיךָ, וְאִנְשֵׁי הַשָּׁם כֻּלָּא הִיוּ, וְחַכְמַיִם
כְּבִלֵי מָדַע, וְנְבוֹנִים כְּבִלֵי הַשֶּׁכֶל. כִּי רוֹב מַעֲשֵׂיהֶם תָּהוּ, וַיְמִי
חַיֵּיהֶם הֵבֵל לְפָנֶיךָ, וּמוֹתֵר הָאָדָם מִן הַבְּהֵמָה אֵין, כִּי הֵבֵל
הֵבֵל.

אֲבָל אֲנַחְנוּ עֲמָךְ, בְּנֵי בְרִיתְךָ, בְּנֵי אַבְרָהָם אֱהָבָךָ
שֶׁנִּשְׁבַּעְתָּ לוֹ בְּהַר הַמֹּרִיָּה, וְרַע יִצְחָק יַחֲדוֹ שֶׁנֶּעֱקַד עַל גֵּב
הַמִּזְבֵּחַ, צֵדֶת יַעֲקֹב בֶּנֶךְ בְּכוֹרֶךָ, שֶׁמֵּאַהֲבָתְךָ שֶׁאַהֲבַת אוֹתוֹ
וּמִשְׁמַחְתְּךָ שֶׁשְּׂמַחַת בּוֹ, קָרָאתָ אֶת שְׁמוֹ יִשְׂרָאֵל וַיִּשְׁרוּן.

Master of all worlds! Not in the merit of our righteousness do we cast our supplications before You, but in the merit of Your abundant mercy. What are we? What is our life? What is our kindness? What is our righteousness? What is our salvation? What is our strength? What is our might? What can we say before You, HASHEM, our God, and the God of our forefathers?

But we are Your people, members of Your covenant, children of Abraham, Your beloved, to whom You took an oath at Mount Moriah; the offspring of Isaac, his only son, who was bound atop the altar; the community of Jacob, Your firstborn son, whom . . . You named Israel. (Ibid., prayer in Shachrit service which is the first of the preliminary prayers leading to the Shma)

I, the Eternal, have called you to
righteousness, and taken you by
the hand, and kept you; I have
made you a covenant people, a
light to the nations.

אֲנִי, יי, קראתיך בצדק ואֲחֻזָּק
בְּיָדְךָ, וְאַצְרֶךָ; וְאַתָּנֶךָ לְבְרִית
עַם, לְאוֹר גּוֹיִם.

We are Israel: witness to the covenant between God and His children.

This is the covenant I make with
Israel; I will place My Torah in
your midst, and write it upon
your hearts. I will be your God,
and you will be My people.

(Gates of Prayer [C.C.A.R.]
segment of weekday service)

כִּי זֹאת הַבְּרִית אֲשֶׁר אֶכְרֹת
אֶת־בֵּית יִשְׂרָאֵל: נָתַתִּי אֶת־
תּוֹרָתִי בְּקֶרְבָּם, וְעַל־לִבָּם
אֶכְתָּבָנָה. וְהָיִיתִי לָהֶם לֵאלֹהִים,
וְהָמָּה יְהוּדֵי לְעָם.

Notes to Chapter 5

1. For such information see Albrächht Alt, "The God of the Fathers," in Essays on Old Testament History and Religion (Oxford, 1966), pp. 3-86.

2. Circumcision is an old and widely diffused practice, generally linked with puberty and premarital rites. In the ancient Near East it was observed by many of Israel's neighbors, among them the Egyptians, the Edomites, the Ammonites, the Moabites, and certain other nomadic elements (cf. Jer. ix 25). But the Philistines did not follow it (cf. II Sam i 20), and neither did the "Hivites" (i.e., Horites) of Central Palestine (xxxiv 15). Nor was the custom in vogue in Mesopotamia. Thus the patriarchs would not have been likely to adopt circumcision prior to their arrival in Canaan. Eventually, the rite became a distinctive group characteristic, and hence also a cultural and spiritual symbol. To P, however, it was essential proof of adherence to the covenant. (For a comprehensive recent summary, see R. de Vaux, Les Institutions de l'Ancien Testament I, 1958, pp. 78 ff.) (Speiser, 1982, pp. 126-27)

3. . . . given its clearest expression and characteristic vocabulary in literature of the seventh and sixth centuries, the notion of election was fixed in Israelite belief from the beginning. It is central in the theology of the Yahwist (tenth century) who, having told of the call of Abraham, finds the promises to him fulfilled in the events of exodus and conquest. The Elohist likewise tells of the calling of the patriarchs, and he speaks of Israel (Ex. 19.3-6) as God's "own possession" among the peoples. Both Yahwist and Elohist, as we have said, found these themes already present in the traditions with which they worked. And, beyond this, what is perhaps the oldest poem that we have in the Bible (Ex. 15:1-18) does not refer to Israel by that name, but speaks simply of it as Yahweh's people, the people that He has "redeemed" (v. 13) and "acquired" (or perhaps better, "created"; v. 16). Similar themes recur in this and other ancient poems. Israel was rescued from Egypt by God's gracious favor and guided to his "holy encampment" (15:13); she is a people set apart, claimed by Yahweh as His very own (Num. 23:9; Deut. 33:28f; cf. 32:8ff.), secure in the continuing protection of His mighty acts (Judg. 5:11; Ps. 68:19ff.). From all this it is clear that from earliest times Israel saw itself as a people chosen by Yahweh and the object of His special favor. (Bright, 1967, pp. 148-49)

CHAPTER 6

AT SINAI

The Covenant with Moses and Israel

"Growth from the infancy of initial surrender to the maturity of a fully committed people of covenant came only with great agony for Israel" (Flanders, 1973, p. 154). We have seen that in Israel's infancy YHVH made a covenant with Abraham (Gen. 15, 17), renewed it with Isaac (26.24), and again with Jacob (28.13-22; 35.11-12). The suffering in Egypt and the eventual Exodus bound YHVH and His chosen people to each other, but now, for their own security, the people needed a formal recognition of that relationship. Sinai provided the opportunity.

At the mountain, the Israelites "held their constitutional assembly, formulated the essential, ethical premises of the covenant, and clarified the nature of their community" (Flanders, p. 154). Here they voluntarily became YHVH's covenanted people through whom all humankind would be blessed (Gen. 12.3). Here God's choice of Israel, as remembered in the call of Abraham, came to a climax and the promises made to the three Patriarchs were fulfilled.

For a detailed account of the historical events which brought Israel to Sinai, see Kaufman's explanation in Addendum C1&2; however, the traditional aura of holiness and mystery which is the people's memory of how God transmitted the covenant to them can only be found in the superb prose narrative of Exodus 19.16-19:

On the third day, as morning dawned, there was thunder, and lightning, and a dense cloud upon the mountain, and a very loud blast of the horn; and all the people who were in the camp trembled. Moses led the people out of the camp toward God, and they took their places at the foot of the mountain.

Now Mount Sinai was all in smoke, for the Lord had come down upon it in fire; the smoke rose like the smoke of a kiln, and the whole mountain trembled violently. The blare of the horn grew louder and louder. As Moses spoke, God answered him in thunder.

The themes of the Exodus and covenant are inseparably intertwined in Israel's religious thinking and understanding of its national self; for the drama of the Exodus culminates in the covenant. The reason for Israel's deliverance from Egypt was to arrive at Sinai in order to enter into the covenant; the covenant traditions are always the traditions of a delivered people.

Israel was taught to recognize that what gave its God the right to impose upon it this covenantal relationship with all that it involved was the decisive act of deliverance by which he freed it from its servitude in Egypt and led it out to a new life of national independence. . . . From the beginning, the covenant relation must have implied for Israel a sense of obligation towards a God who, though transcendent, had intervened on the historical plane on behalf of a particular people. (Black & Rowley, 1982, p. 153)

This fundamental unity of the two themes is clearly expressed in the "religious confession" (Flanders, p. 132) with which the covenant ceremony opens:

I am YHVH, your God, who brought you out of the land of Egypt, out of the house of bondage. (Ex. 20.2)

It continues:

You shall not have other gods besides Me.

You shall not make yourself a graven image, or a likeness of anything in heaven above or in the earth beneath, or in the water under the earth. You shall not bow down to them or serve them.

For I, Yahweh your God, am a jealous God, one who brings the iniquity of fathers upon their children even to the third

and fourth generations for those who hate me, and one who keeps faith unto thousands of generations with those who love me and keep my commandments.

You shall not swear falsely by the name of Yahweh, your God, for Yahweh will not acquit anyone who swears falsely by his name.

Remember the Sabbath, so as to keep it holy. Six days you shall labor, and do all your work, but the seventh day is a day of rest belonging to Yahweh your God. You shall not do any work, you or your son, or your daughter or your slaves, male or female, or your cattle or the alien who lives among you, because Yahweh made heaven and earth, the sea, and everything in them in six days, and on the seventh day he rested. Therefore Yahweh blessed the seventh day and made it holy.

Honor your father and your mother, so that your days may be long in the land Yahweh your God is going to give you.

You shall not commit murder.

You shall not commit adultery.

You shall not steal.

You shall not give false testimony against your neighbor.

You shall not covet another man's house. You shall not covet another man's wife, or his slave, male or female, or his ox or his donkey or anything that belongs to someone else. (Ex 20.1-14)¹

The Decalogue was not written by a lawyer, but rather by a prophet, a preacher, a spiritual thinker. It is not a law code, for it "neither covers every possible contingency nor provides any sanctions--save the implicit wrath of the Deity" (Bright, 1967, p. 172). Instead, "It lays down the constitutive stipulations of covenant to which all specific law must conform and whose intent it must seek to express" (Ibid., p. 173). It broadly defines areas of conduct which are required or forbidden, while leaving other areas unmentioned. "But precisely because ancient covenant stipulations did not legislate for specific cases" (Ibid., p. 172) (see Alt, 1966, pp. 79-132), "we may assume that a case law began to develop at once--even in the desert! (cf. Ex. 18.13-27) as instances requiring it arose" (Bright, p. 172).²

If we compare the Decalogue with the Hittite suzerainty treaty (remembering that the Hebrew word b'rit is used here for "pact" as it is used for treaties with kings), we clearly see an essential similarity in the status of the partners--for the two parties are by no means equal in strength or status. Neither party, to either pact, was passive, yet their roles are different. The king--or God--simply offers his terms while the vassal--or Israel--can only choose to accept or reject them (Ex. 19.8; see Mendenhall, p. 37).

The form of the covenant is also similar to that of the Hittite treaty: "I am YHVH, your God" is the prologue,³ "Who brought you out of the land of Egypt . . ." is the historical introduction. The positive and negative commandments are obvious parallels to the suzerainty stipulations, with loyalty to one lord/Lord being the principal command.

In ancient secular treaties, except for military assistance and yearly tribute, not much is said about the conduct of affairs in the vassals' own state. "This corresponds to the casting of the commandments in negative form. Certain acts are intolerable if there is to be a covenant with God, or any life together as a people--murder, theft, adultery, perjury, and so on--but once these forbidden areas have been fenced off, the rest of their affairs are for them to manage (Ibid., p. 10).

A solemn ceremony, which puts the covenant into effect, follows both the Decalogue and Hittite statements of alliance. The Exodus traditions are not clear on this point. One ceremony is the sprinkling of blood on the altar and people (Ex. 24.6, 8); another is a banquet in the presence of YHVH (Ex. 24.11).

Just as, in the Hittite treaty, the King did not swear to fulfill any obligations for the vassal, so too, the Decalogue speaks of no formal obligation on YHWH's part:

Yahweh's good will is implicit; he is the one who has graciously brought them out of the house of bondage. He will continue to be loyal and kind, since he is "One who keeps faith unto thousands of generations with those who love me and keep my commandments." But he swears to nothing. (Hillers, p. 52).

Both covenants are mutual in the sense that both parties have a certain freedom and initiative in its conclusion, but it is not mutual in the sense that it is not a quid pro quo agreement.

There are, however, several elements of the suzerainty treaty which are not present in the actual text of the Hebrew covenant: There is no list of divine witnesses. How could there be? "In the very nature of the case, it would be impossible to appeal to any other third party as a guarantor of this covenant between YHWH and Israel" (Mendenhall, p. 40). Later, we will see that the psalmists speak of "witnesses to the covenant" (see Ps. 69.35), but this is definitely a metaphor which leaves no doubt about Israel's monotheism. (See also Dt. 4.26.)

Similarly, there is no curse and blessing formula in the text of Exodus 20. However, as the tradition in Deuteronomy indicates, they were regarded as action which accompanied the ratification of the covenant (Mendenhall, p. 40).

And where is the oath in the Decalogue--so important in the Hittite treaty? There is none in Exodus 20, but in a sequel to the theophany in Chapter 24, we read: "Then Moses came and told the people all the words of YHWH and all the ordinances. And the people answered with one voice,

saying, **כָּל־הַדְּבָרִים אֲשֶׁר־דִּבֶּר יְהוָה נַעֲשֶׂה:** "All that God has said, we will do" (Ex. 24.2).

Although the Decalogue makes no explicit reference to the preservation of the covenant text, the tradition speaks of "The Ark of the Covenant," the box in which the two tablets were laid and which was carefully guarded and kept in the holiest place(s) (Ex. 30.6, 31.7; Num. 10.33, 14.44; Dt. 31.9; Josh. 3.6; Jg. 20.27; Sam. 4.3,4; et alii). Although there is no specific provision for perpetual periodic public readings, there is a later Deuteromic mention of it:

Then Moses wrote down this law and gave it to the priests, and commanded them: After seven years, at the appointed time, when all Israel comes to see the face of Yahweh your God, in the place which He shall choose, you are to read this law aloud so that all Israel can hear. (Dt. 31.9-13)

Some scholars opine that this has been synthesized from the ancient custom of the three pilgrimage festivals: "Three times in every year every male of your number shall see the face of the Lord, Yahweh, the God of Israel" (Ex. 34.24) (Seltzer, 1980, p. 74).

All this, then, has the Sinaitic covenant anabolized from the extrabiblical source of the ancient Hittites. But how do the previous biblical covenants of which we have spoken fit into this process?

Reines (1976, p. 62) considers this question by focusing on the conflict between autarchy and heterarchy⁴--a tension he perceives in the Pentateuch as it views the history of humankind from Adam to Sinai. In the beginning, says Reines, YHWH provided finite man, whom He created, with all the sustenance and security required to satisfy human needs (Gen. 2.8-10a; 15, 18, 21f). However, He did not do this without demanding a price: "Adam and Eve were to surrender the freedom to do as

is the strong intimation that YHVH will unconditionally protect Abraham and his descendants--just as He would protect all humankind from annihilation by flood. Thus, according to Reines, Scripture is depicting a quasi-autarchic human condition.

At Sinai, immediately prior to the revelation of the covenant, YHVH again promises special care to His people, but this time He emphasizes the people's obligation to obey His commands:

. . . and Moses went up to God. The Lord called to him from the mountain, saying, "Thus shall you say to the house of Jacob and declare to the children of Israel: 'You have seen what I did to the Egyptians, how I bore you on eagles' wings and brought you to Me. Now then, if you will obey Me faithfully and keep My covenant, you shall be My treasured possession among all the peoples. Indeed, all the earth is Mine, but you shall be to Me a kingdom of priests and a holy nation.'" (Ex. 19.3-5)

Reines says that YHVH's commands are not "vague, general suggestions that a person do good as the heart prompt" (p. 59).

On the contrary, Yahveh's commands are particular, precise and pervasive rules that control human life in all its spheres of activity. They dictate the beliefs that must be held, the rituals that must be observed, and the morals that must be practiced. Thus the covenant into which the Israelites enter with Yahveh is essentially similar to the agreement implicit in the relation that existed between Yahveh and Adam. Special providence is granted the human person, but only if the person surrenders his freedom. (Ibid.)

In this context, "Sinai is Eden regained. The journey of humankind had gone full cycle, from Eden to exile and back again" (Ibid.). YHVH made a "deal"--if not an unofficial covenant--with Adam: "All that the God of Goodness, Justice, Protection and Plenty has to give is yours --if you can follow just one of YHVH's rules." Adam failed the test--he "lost the deal"--and with it, he lost Eden, eternal life, and unconditional divine protection.

These heavenly offered boons are absent from the stories of Noah and the Patriarchs. Instead, with Noah, humankind is unconditionally promised that the flood will never annihilate earthly existence. YHVH Himself had adjusted His expectations, His promises, and His threats of punishments. He had eliminated His method of testing His human creation because man was not capable of meeting divine standards. Ultimately, human survival was the supreme divine objective.

Abraham, too, was offered much, with little expected in return. With him, the plan for survival rests not on universal man, but on one nation. It is at Sinai, when this nation is formally inducted into divine service, that "the special providence . . . withdrawn with the exile of Adam and Eve from the garden, is now attainable by those who keep the covenant made here" (Ibid.). Like Eden, those at Sinai must, according to Reines, "surrender their freedom" (Ibid.) through obedience to YHVH's commands. Those faithful who do obey will find the conditions of their world equivalent to those in the Garden.

And if you do obey these rules and observe them faithfully, the LORD your God will maintain for you the gracious covenant that He made on oath with your fathers. He will love you and bless you and multiply you; He will bless the issue of your womb and the produce of your soil, your new grain and wine and oil, the calving of your herd and the lambing of your flock, in the land that He swore to your fathers to give you. You shall be blessed above all other peoples; there shall be no sterile male or female among you or among your livestock. The LORD will ward off from you all sickness. (Dt. 7.12-15a)

For the LORD your God is bringing you into a good land, a land where you may eat food without stint, where you will lack nothing. (Dt. 8.7, 9a)

Eliminated from the Sinai pledge is the Eden promise of life without death. The concept has yet to be subjected to further metabolism by prophetic and rabbinic thought before it too can come full cycle (see p. 84)

The covenant at Sinai firmly fixes the concept that a heterarchical foundation must be the basis for national existence. The period of the Judges is a clear example of the alternative ". . . when each man did what was right in his own eyes . . ." (Jg. 17.6; 21.25) "they did what was evil in the sight of the Lord" (Ibid., 3.7,12). The depth and breadth of human obligation and divine promise within the heterarchy continued to metabolize throughout Israel's history, experiencing its greatest changes at the hands of the Priests, the Pharisees, and the modern Reformers (see below, p. 85).

At Sinai, we begin to see the progressive importance of the individual: Adam was all-important in the divine scheme. He failed. Noah, after he built his ark and weathered the storm, was unimportant in the same scheme. Only YHVH's promise was significant. Abraham was key to the physical perpetuation of a people who would eventually, at Sinai, be covenanted to do the Divine Will. He was the "father of our folk" while Moses was the "founder of our faith" (from notes, Boston College course, "Fundamentals of Judaism," R. A.S.G., 1981).

Abraham had a personal relationship with YHVH, as does Moses. But Abraham's role in the covenant is a passive one and his obligations following the pact are not clearly delineated. It is assumed that he will continue to trust God and walk righteously before Him. Subsequent events prove this to be true (Gen. 13.5-10; 14.14, 22-24, et alii), culminating in the Akeda where YHVH, because of and through Abraham, symbolically intervened to perpetuate the entire nation (Gen. 22).

It is through Moses at Sinai, however, that the whole nation is covenanted with YHVH. Moses' individual importance is gleaned from the

lengths to which Torah goes to detail his biography. The emphasis on his ability to persuade and lead, according to YHVH's instructions, might suggest that if he, like Adam, had failed YHVH, the Sinai covenant might not have been concluded.

Moses continues to play a key role following the events at Sinai. When the covenant is made, however, it is made between YHVH and a nation. The people do not bind themselves by oath to obey Moses as their leader. Instead they covenant themselves with YHVH. Moses' role in the whole procedure is that of a mediator and witness to the pact. (See Schwartz, 1956, p. 24.)

Therefore, when the individual does not meet a divine challenge (Num. 20.24), it is he--not the nation and certainly not all of humanity --who will be punished. The covenantal promise is kept; the nation enters Canaan. Only its leader, and those who would or could not believe in or adhere to the covenant, were excluded. Although the magnitude of their sins was not equal, Adam was expelled from the Garden just as Moses was not allowed to enter the Promised Land, but no segment of humankind was punished for Moses' individual failures.

"Although Moses gave a new feeling of unity to the tribes" (Mendenhall, 1955, p. 36), it was the covenant which made religion the basis of that unity. The group which left Egypt under Moses' leadership were of diverse backgrounds. Perhaps there was a nucleus which traced its origins back to Jacob. This has yet to be proven (Ibid., p. 37).

In the desert, as it was in Egypt, the entire group had no status great enough to ensure their survival among the other communities (Ibid.). One of the aims of the covenant was to mold this diverse people into a

new and cohesive unity. Consequently, the covenant was made in public with each individual and family hearing and accepting its terms. This is a procedural change from previous covenant making where both Noah and Abraham alone heard the divine Voice and were privy to the covenantal stipulations.

At Sinai, it was essential that all were present for the experience so that their collective memory and future objectives would unify them into a cohesive people. This assembly for covenant-making was often used by the Hittites in making their suzerainty alliances (Hillers, 1969, pp. 109-16). The Israelites ingested the practice and synthesized it for their own needs--namely, the formation of a people covenanted with God.

No longer does the responsibility for maintaining the covenant rest with YHWH, as it did previously, but with the people of the new nation. This change in emphasis sets the metabolic process into perpetual motion. It raises questions which are re-asked in each historic era and re-answered through the filter of the modes and needs of the time: basic questions such as: "How do we keep the covenant?" "How do we accomplish the task for which we were chosen?" The answers lie not in the direct interpretation of the covenant, but in Israel's cultic and common law, the setting for which was furnished by this covenant; for, from its inception, the Sinai covenant was inseparably intertwined with law.

Although the Decalogue did not constitute a law code, it nevertheless had binding authority since it defined how the community members must regulate their actions both toward their God and toward one another. "As the attempt was made to apply the covenant stipulations to daily situations, a legal tradition inevitably developed" (Bright, 1981, p. 172).

"Keeping of the law was man's covenant obligation. Every member of the community was a covenant person and no part of their activity was exempt from covenant obligation" (Flanders, 1973, p. 158).

The nature of their responsibility was clarified by the Covenant Code found in Exodus 20.22-23.33. This is not an official state law but "a description of normative Israelite judicial procedure" during the early days of the nation (Bright, 1981, p. 173).

The covenant code is an application of the fundamental principles of the Ten Commandments to specific matters of daily conduct. Each commandment is the comprehensive foundation for the building of a fitting superstructure of specific legislation. For example, the commandment, "You shall not kill," embraces the principle of basic respect for human life. The covenant code seeks to make the principle practical by distinguishing situations in which a life is taken. (Flanders, 1973, p. 159)

The laws of the Covenant Code reflect the customs, morality, and religious and legal policies of the early Israelite community before the Monarchy--a community of individual families or tribes whose leaders were the elders and tribal officials in each region or social unit.

The covenant between Yahweh and people was a covenant with each family, if not with each individual. Since protection was an important concern of all covenants, this meant that each Israelite family was thus placed under the direct protection of God, and could be attacked only at the risk of incurring the enmity of God. This placed on the law great responsibilities for the protection of each member of the community regardless of his social or economic status, including the protection of the thief (Ex. 22.3). This I would regard as the source of the perpetual concern for justice which is so characteristic above all in Israelite law. (Mendenhall, 1955, p. 16)

Nearly all the stipulations of the Decalogue are protected in the Covenant Code (see Addendum D). Most of them are provided with sanctions--in most cases, death (e.g., Ex. 21.15, 17; 22.20). Theft requires only restitution (Ex. 22.1-4) and manslaughter is distinguished from

murder (Ex. 21.12-14). Only the false use of the name of YHVH and the prohibition of coveting are found in the Decalogue and not in the Code.

Much more significant than its components is the spirit of the Covenant Code: The concern for justice which has been mentioned above is presented not so much as a right, but as a responsibility which gives rights even to the foreigner and noncitizen (see Addendum D5). Righteousness and humaneness also permeate the code (see Addendum D2 & 3).

This spirit as well as many of the code's laws was anabolized by the Deuteronomic writers (D) who expanded, reformulated, and amended not only the secular, but also the cultic and priestly laws. New cases were used and new applications made as the ancient code was synthesized to meet the needs of the more settled and sophisticated Deuteronomic community. (See Lewy, 1955, pp, 96-98, for detailed biblical references.)

The difference between the two codes is based on different social and cultural conditions:

The rebellious son who was a drunkard and glutton, and the daughter who whored in her father's house, reflect a society economically more advanced than one in which children beat or curse their parents. In a more advanced society, adultery is more frequent than witchcraft or copulation with animals. Worship of foreign gods, as a result of the incitement of idolatrous prophets or another urban group, was a greater threat to the religion of Yahweh during the reign of the Baal-worshipping Queen Jezebel than it was in the tribal period of semi-nomadic wanderings. (Lewy, pp. 97-98)

Obviously D transformed the material of the Covenant Code for its own purposes. Later, as we shall see, the Priests follow suit. However, they ingest the spirit but not the specific laws because the cult of the Covenant Code was still substantially the cult of the family, with the head of the clan officiating as Priest (Unger, 1966, p. 881).

"A religion may be understood on the basis of its teachings, the behavior of its adherents and the symbols used in its worship" (Flanders, 1973, p. 160). The Decalogue expresses the fundamental ethics of Israel's faith. The Covenant Code applies those ethics to daily behavior, and the Levitical Law (so called because the Levites were the designated priests) defines the ritual practice of the community at worship.

Levitical law, like the Covenant Code, emerged over a period of several centuries. However, tradition has looked to Moses as the founder of the cult as well as of the worship ritual which "inevitably draws upon a cultic heritage and utilizes meaningful elements from the past" (Ibid.).

Space limitations preclude a thorough investigation of ancient ritual and cultic activity. Suffice to say that the response to the covenant can be seen in the ordering of sacred days and seasons--including Shabbat, three annual feasts, and the New Year (Lev. 23). Prayers, psalms, but most especially sacrifice, were the most obvious ways of worshipping YHVH.

All this was metabolized by generations of descendants of those who were present at Sinai. The metabolism of specific rituals, holidays, and modes of worship will be discussed below when appropriate.

Only Shabbat need be mentioned here, for it is the single ritual observance mentioned in the Decalogue. The Creation story in Genesis closes with the statement that God "blessed the seventh day and declared it holy, because on it God ceased from all the work of creation which He had done" (Gen. 2.1-3). There is no mention here of a fixed, weekly observance. Nevertheless, the Decalogue clearly connects the weekly Sabbath day with creation:

Remember the sabbath day and keep it holy: you shall not do any work. For in six days the Lord made heaven and earth and sea, and all that is in them, and He rested on the seventh day; therefore the Lord blessed the sabbath day and hallowed it. (Ex. 20.8-11)

"Imitateo Dei" may very well have been the catalyst for the metabolism of an idea in Genesis, which turned it into a weekly observance in Exodus.

The process continues: Shabbat, like the rainbow and circumcision, becomes a sign of the covenant:

. . . you must keep My sabbaths, for this is a sign between Me and you throughout the ages, that you may know that I the Lord have consecrated you. He who profanes it shall be put to death: whoever does work on it, that person shall be cut off from among his kin. (Ex. 31.13-14)

These biblical passages understand the seventh day to be "an integral part of the divinely ordained cosmic order:

It is infused with blessing and sanctity, not by any action on the part of man but by God Himself. Its cosmic reality is entirely independent of human effort, and it is beyond the power of human beings to abrogate or change it. (Sarna, 1986, p. 146)

Yet, unlike the rainbow, but similar to circumcision, the Shabbat is the responsibility of the people. It is they who must continuously renew the covenant by making its sign to YHWH. (For the history of the seventh day, see Sarna, pp. 145-48.)

The presence of Shabbat is found in each era that follows. By anabolism and synthesis, the stipulations for its observance are altered by time and need. With the Talmudic Rabbis, it reaches a complexity that would probably astound Moses himself! (See below, p. 99.)

The promises made to Abraham are reiterated and expanded at Sinai, but before they are made, YHWH reminds the multitude^{of} what He has done for

them and, quid pro quo, conveys in broad terms what he expects from them:

You have seen what I did to the Egyptians, how I bore you on eagles' wings and brought you to Me. Now then, if you will obey Me faithfully and keep My covenant, you shall be My treasured possession among all the peoples. Indeed, all the earth is Mine, but you shall be to Me a kingdom of priests and a holy nation. These are the words that you shall speak to the children of Israel. (Ex. 19.1-6)

Once again, election is a major covenantal theme, but now it is more specific. The people Israel have been chosen, not just to "be a blessing" (Gen. 12.2) but "to be to Me a kingdom of priests and a holy nation."

The promise of land, protection, and posterity are not specifically mentioned in the covenant writings but is implied by subsequent laws:

I am sending an angel before you to guard you on the way and to bring you to the place which I have made ready. . . . if you obey him and do all that I say, I will be an enemy to your enemies and a foe to your foes. (Ex. 23.20-22)

When My angel goes before you and brings you to the Amorites, the Hittites, the Perizzites, the Canaanites, the Hivites, and the Jebusites, and I annihilate them, you shall not bow down to their gods in worship or follow their practices. You shall serve the Lord your God, and He will bless your bread and your water. And I will remove sickness from your midst. No woman in your land shall miscarry or be barren. I will let you enjoy the full count of your days. (Ibid., 23-26)

From the broad generalizations of the Abrahamic covenant, we now find specific promises followed by detailed laws. Why the metabolism? Possibly because in order for a "mixed multitude" to function as a cohesive group and develop into a unified, productive, and religious nation, it must have a common set of rules by which its

THE METABOLIC PROCESS IN JUDAISM:

Particularly as it is illustrated
in Israel's conception of
its ancient, ongoing covenant
with God

By

Emily Ann Lipof

Submitted in partial fulfillment of academic requirements

for the degree: Rabbi

August 1987

"I am the Eternal. I [alone] change not" (Malachi 3.6).

"Everything which is subject to time, is subject to change"
(Albo, Ikkarim 1428).

"Like a language, a religion is dead when it ceases to change"
(Israel Zangwill, Dreamers of the Ghetto, p. 521).

"The One remains, the many fade and pass.
Life, like a dome of many-coloured glass,
Stains the white radiance of Eternity."

--Percy Bysshe Shelley
Adonais, 52

"What is freedom if not the possibility of change"
(Twerski, Hegyonot Ha-Poel Ha-Tzair, 1951).

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ACKNOWLEDGMENTS

I am deeply grateful to:

Adelle Robinson, for her expertise and tireless patience in transforming this document, from the nearly illegible scrawled pages she uncomplainingly accepted, into the esthetic form which the reader has before her/him.

Professor Alvin J. Reines, for graciously submitting for my inspection and use so many of his published monographs and unpublished manuscripts.

Professor Ellis Rivkin, for the generous gifts of his time, scholarly materials, and most helpful suggestions for this project, as well as for his intense and sustained interest in this thesis and in the success of my career.

Rabbi Stephen Leon, for giving me the opportunity to become a rabbi; for his continued encouragement and moral, intellectual, and spiritual support during all my years at the Academy for Jewish Religion, of which he is the President; and for his flattering respect for my opinions and ability.

My mentor, Dr. Albert S. Goldstein, Rabbi Emeritus of Temple Ohabei Shalom, the congregation of which I and my family have been members since my childhood, for suggesting the theme of this thesis, editing the manuscript at every stage of its development, and for being, throughout all my Jewish studies, a **מעיין המתגבר** --a never-failing source of inspiration as well as a bottomless well of information in a broad spectrum of academic disciplines.

My husband Michael, my daughter Cheryl, my son Ronald and daughter-in-law Deborah, my sons Mark, Richard, and Philip--but for all of whose self-sacrificial forfeiture of their right to my time and attention, this work would never have been initiated, let alone completed.

Emily Lips

GLOSSARY

Life: The quality or character which is especially manifested by metabolism, growth, reproduction, and internal powers of adaptation to environment.

The property by which an organism maintains the performance of its functions.

The most general attributes of life are the capacity of adaptation and the exhibition of growth and differentiation. Tests for the living state of an organism are given by changes in the metabolic activity it displays.

Exercise of vital activities; animate existence.

Syn.: vitality, energy, vivacity

Ant.: death, decay, dissolution

Metabolism: (in biology and physiology) The sum of the processes involved in the building up and destruction of cells incidental to life. The changes by which energy is provided for the vital activities and new material is assimilated to repair the waste. There are two aspects: the constructive (anabolism, assimilation); the destructive (catabolism, disintegration).

Anabolism: constructive metabolism

Synthesis: A putting together of components to form a whole; the composition or combination of ideas, factors, forces, or materials into one complex entity--to form a whole.

It is possible to synthesize formerly separate elements wholly from one's own tradition or to combine ingredients from that tradition with elements from outside it. The latter type of synthesis is usually called acculturation.

Ex.: gift-giving on Chanukah imitated from Christmas.

Syncretism: (in the development of religion) The process of growth through coalescence of different forms of faith and worship or through accretions of tenets, customs, rites, etc. from religions which are being superseded.

Assimilation: appropriating, transforming, and incorporating into the substance of the assimilating body.

Syn.: adaptation, digestion, acculturation

In its strictest sense, assimilation is synonymous with anabolism; i.e., constructive metabolism.

Catabolism: Opposed to anabolism.

Excretion, dissolution, decomposition, deletion, elimination of waste.

CHAPTER 1

THE METABOLIC PROCESS IN JUDAISM

The General Concept

Every living organism is sustained by an internal process of metabolism. This twofold process of constructive anabolism and destructive catabolism seems to be the conditione sine qua non for all survival.

A body anabolizes: accretes matter it needs for its continuing life, health, development, and growth; absorbs, assimilates, integrates, synthesizes, constructs, and accommodates.

It catabolizes: disintegrates, sloughs off, excretes material which is detrimental to its survival in the particular environment in which it finds itself.

This process is intrinsic to biological existence--from the amoeba to man. It is quite as essential to the life of societal institutions: cultures, polities, civilizations, and religious systems--if they are to maintain themselves in an ever-changing world. In nature, metabolism is apparently automatic and unconscious. In the development of social systems and institutions, the process has the advantage and shows the effects of human effort: intellectual, esthetic, spiritual, and ethical input.

It is a truism that "times change and we change with them." In a society, any significant change, no matter what the reason--

be it the appearance of a new invention or leader, the results of economic growth or failure, or the fallout from political upheaval--can initiate changes throughout the entire structure, which catalyze major alterations in the current religious system (Cronbach, 1963, p. 15).

Historical events have produced major transformations in all areas of Israelite existence: the Exodus from Egypt; the theophany at Sinai; the entrance into Canaan; the victory of the Philistines over the Israelite tribal league; the formation of the Monarchy; the destruction of the Temple; the diaspora; the Crusades; the French Revolution; the World Wars. In each case, a complete reconstruction of religious thought and practice is precipitated and new added components, as well as departures from old ones, are among the consequences.

As historical circumstances raised novel and unanticipated problems of survival, the original concept became more sophisticated and complex to underwrite the development of new forms of Jewish life, each connected with the others, together forming the entire sweep of Jewish history. (Rivkin, 1971, p. xv).

If we did not know, from archaeology, literature, and history, that there had been many changes in our people's 4,000 years, we would have to assume their existence, for regardless of how we denote our way of life--Judaism, Religion of Israel, Yiddishkeit--as long as it lives, it metabolizes.

Jewish history reveals that no law, idea, custom, or dictum has been preserved intact from the beginning. . . . Jewish history is the interconnected sequence of changing forms. (Ibid., p. xix)

That changes have occurred throughout Judaism's lifetime is hardly disputed. However, the nature of the change and how it was recorded and transmitted to us does give rise to differing opinions. Rivkin

considers each to be a "revolution"; a definitive break from the values and practices of the previous system; the consequence of novel and new problem-solving devices often adopted from the surrounding secular environment and specifically invented to serve the needs of contemporary society (Rivkin, "Lessons from the Past," p. 2). For him, the only constant in Jewish history and thought is the principal of unity. (See below, pp. 62-63.)

The Pentateuch itself, according to Rivkin, is a revolutionary work designed by a specific class of people with specific motivation. It was fashioned,

. . . not by editors or by redactors of traditions or stories and narrative, but by a class of priests who sought to solve the problems confronting the community after its return from exile in Babylon by having Yahweh and Moses assign absolute power to Aaron and his sons. They did not compile the Pentateuch, but created it; i.e., they so designed the work that a class that had never exercised power previously was now to enjoy it as a God-given monopoly. The promulgation of the Pentateuch was thus a revolutionary act launching a form of Judaism that had never previously existed. (Rivkin, 1971, p. xxiii)

Kaufman (1972), on the other hand, views Judaism as a self-contained continuum--assimilating nothing of lasting significance from its ancient neighbors. He asserts that its revolution was realized at its beginning with its sudden and complete departure from paganism. From then on, all Judaism--theory, practice, and literature--is of one piece:

Israelite religion was an original creation of the people of Israel. It was absolutely different from anything the pagan world ever knew; its monotheistic world view had no antecedents in paganism. Nor was it a theological doctrine conceived and nurtured in limited circles or schools; nor a concept that finds occasional expression in this or that passage or stratum of the Bible. It was the fundamental idea of a national culture, and informed every aspect of that culture from its very beginning. (Kaufman, 1972, p. 2)

Within the Bible itself are to be found data that stem from different periods, various sources and genres of literature (e.g., narrative, laws, prophecy); and these varied materials agree with and complement each other so as to bear certain and compelling witness. (Ibid., p. 3)

One has only to glance at a portion of Cassuto's Commentary on Exodus to see that it agrees with Kaufman. He asserts that all of Torah (and specifically Shemot) is, line by line, the work of one hand--the production of one people with one set of beliefs delivered to them at one time.

The burden of this thesis is that Judaism--its theology, practice, and history--is neither the result of a series of revolutions from which nothing, or very little, remains of its past, nor is it an unaltered continuum in which all is brought forward, unchanged by time, custom, or need. Rather, it is a living organism, the product of the natural metabolic process which has perpetuated its survival by anabolizing from its past those nutrients necessary for its present existence and growth, and catabolizing that which, for one reason or another, can no longer serve as nourishment or sustenance.

The proof of the existence and results of this process in every age and for every aspect of Judaism would be material for an entire encyclopedia. This writer has presented two treatments of the subject: The first is the compilation of a comprehensive chart showing our people's most significant ideas and practices (festival and life-cycle rites) and their metabolism through history.

The second is a thorough investigation of what this writer considers (along with the idea of One God) to be Judaism's most basic and sustaining theological principle: the Covenant idea. To understand the Jewish concept of covenant is to have a summary of Israel's religion: basic

phenomena such as the personal and national attitudes toward God; the image of God, including His Kingship; the cult; mitzvot; the importance of the individual, of circumcision, and of the Land of Israel; the idea of the Chosen; the Sh'ma, the promises of God to humankind, and the latter's responsibility in response to acceptance of the covenant relationship; the belief in a surviving remnant, in eschatology and in resurrection; all laws, all rituals, and more--can best be understood when filtered through the covenant idea and its metabolism throughout history.

This essay indicates the workings of metabolism in Judaism by investigating this most basic concept as it appears in different forms, in successive historic periods from the biblical, through the Tannaitic, to the modern era of Reform.

The metabolic process is demonstrated by indicating a) what in the tradition remained constant, b) what was augmented through ingestion and modified by digestion and synthesis, and c) what was decomposed or deleted. Often, where possible, reasons are suggested for the metabolism.

The essence of Judaism is Jewry's religious relationship to God. The core of that relationship is the idea of covenant which gives us, not only an image of God, but also our sense of security, unity with God and with our people, our understanding of our religious selves: our ethical and religious obligations.

One aspect of the covenant idea has remained constant. That is, that the very relationship is always dominated and usually initiated by God. Although humankind, or a segment of it, is always the partner and all else is subject to the metabolic process, God retains His position

as the prime Mover, without Whom there would be no covenantal relationship and therefore no Judaism.

Our little systems have their day;
They have their day and cease to be.
They are but broken lights of Thee,
And Thou, O Lord, art more than they.

--Alfred Lord Tennyson

CHAPTER 2

COVENANT

An Introduction to the Concept

In a sense--a very real sense--every religious community has a covenant with its god. That is to say, there is presupposition of a mutually agreed-upon (even if never actually verbalized) relationship of every people to its god.

Without such an understanding, there would be no sense whatever to any religious practice--no purpose or meaning to prayer, sacrifice, or any ritual observance. Why would one pray unless it was believed by the supplicant that there would be a response from the deity to the supplication? Why would one bring offerings unless there was an understanding that the donor could thus make contact with and favorably influence the mysterious, supernatural power outside himself?

Perhaps the essential distinction of Israel's covenant with God is the stress placed on the contract. From the beginning, it was the covenant which epitomized the very essence of the religious ideology of our people and which, from then until now, has been its leitmotif. As far as we know, Israel was the only society that based its relationship to its God on a formal, written treaty (Sasson, 1976, p. 181). Even the oral agreement, handed down as a tradition presumably from Abraham's time, was crystalized into a document so that the writing itself--whether on stone, parchment, papyrus, or computer discs--became revered as something holy: The Covenant.

Also distinct within Israel's covenant concept is its God Idea.

We will find several variations in this God-concept as we study the metabolic process in successive contracts made between God, as the party of the first part, and Israel, of the second. However, it is possible to speak of a "normative Jewish concept of God" as:

. . . the creator and sustainer of the universe, whose will and purposes are supreme. He is the only being whose existence is necessary, uncaused, and eternal, and all other beings are dependent on Him. God as conceived by Judaism transcends the world, yet He is also present in the world, and "the whole earth is full of His glory" (Isa. 6:3). He is a personal God, whom man can love with the highest and most complete love, while confronting Him as father, king, and master. He loves man and commands him, and his commandments are the criterion of the good. He is absolutely one, admitting no plurality in his nature, and absolutely unique, so that no other existing thing can in any way be compared to Him. This is essentially the picture of the biblical God as it was developed and understood in classical Jewish thought. (Bright, 1981, p. 157)

Augmenting this definition, Rivkin opines that Israel's God is one of "process, history, and problem solving. . . . He is the Power enabling the enduring to persist through change" (1971, p. 17).

The etymology of בְּרִית (b'rit), which is the biblical Hebrew most frequently used for "covenant," is uncertain. It is found in no other Semitic language (Goldman, 1958, p. 253). Most probably, it was used in the sense of "binding" since the terms for "covenant" in both Akkadian and Hittite also indicate "binding" and the Akkadian word for "fetter" is biritu.¹

It is the idea of covenant that is, for many reasons, far more troublesome to the Bible scholar than the uncertainty of its etymology. The first problem which scholars face is that Tanach is replete with analogies depicting YHVH's relationship to Israel. Yet, most often one analogy being drawn from one kind of human experience has nothing in

common with another which stems from a different experience. Compare:

- 1) אִפְשֶׁם בָּרֶב שָׁפֹל וְאֶקְרַע סִגְרָם לָבָם וְאֶכְלֶם שֶׁם כָּלְבִיא תַחַת
הַשָּׂדֶה תִּבְקָעַם: שְׁחַתֵּךְ יִשְׂרָאֵל כִּי־בִי בַעֲזָרְךָ:

"I [God] will fall on them like a she-bear bereft of her cubs, and I will rip up their vitals" (Hos. 13.8).

- 2) זָכַרְתִּי לָךְ חֶסֶד נְעוּרֶיךָ אֲהַבַת כְּלוּלֶיךָ לִכְתֹּךְ אַחֲרֵי
בְּמִדְבָּר בָּאָרֶץ לֹא זֹרְעָה:

"I [God] remember your devotion when you were young, your love as a bride, how you followed me in the wilderness, in the land that is not sown" (Jer. 2.2).

In Deuteronomy 5.2 we read, "Yahweh, our God, made a covenant with us in Horeb." Which of the above images is present here? Is this a reference to the human kind of marriage contract which can be "proposed, concluded, witnessed, committed to writing, broken, renewed and so on. . . ." (Hillers, 1969, p. 4), or does it depict a simpler, more instinctive bonding, like that of the she-bear defending her cubs? Or perhaps this Deuteronomic phrase is a simple statement dealing with a specific ancient law, for the sphere of law has always been apparent within the Israelite covenant. A second problem confronting scholars occurs when they try to "make do with information about modern contracts or Roman *fœdera* or bedouin alliances" (Ibid., p. 6) in their attempts to interpret and understand the idea. But this has proven to be a risky procedure at best, since "the form and intention of an alliance are things determined by a particular society or age at a particular time. In a different society or age, these things are bound to be different. "Interpreters of the past, like courteous travelers, must respect the customs of the country in which they

find themselves. But where they have not been told what those customs are, it is not surprising if they commit some blunders" (Ibid.).

Another difficulty: "Covenant" is not, and possibly never was, one idea. We cannot assume that at any one time there was only one kind of arrangement labeled "covenant" between people or between them and their deity. Most likely, there were many forms and procedures for making and binding an agreement. And, most likely, new eras brought new forms and new procedures. This accounts for many of the curious contradictions among scholars who, in the late nineteenth and early twentieth century, produced a proliferation of opinions on "covenant."

Starting with the assumption that wherever they found the Hebrew word for covenant they were dealing with the same idea, different interpreters achieved remarkably varied views; mutual obligation, we read, is the essence of the relation; the covenant is a completely one-sided arrangement; God initiates any covenant; men take the initiative in concluding it; there are four covenants in the Priestly writer--no, three; no, two. And, of course, in each different work we find the writer struggling with a recalcitrant body of evidence which will not easily fit his scheme. This state of affairs suggests rather strongly that there are tensions and conflicts in the material itself. It is not a case of six blind men and the elephant, but of a group of learned paleontologists creating different monsters from the fossils of six separate species. (Hillers, 1969, p. 7)

It is not the intention of this writer to arbitrate these tensions and conflicts. On the contrary, their very existence provides a basis for the thesis that, not helter-skelter, did various ideas of covenant exist. Nor has one singular idea or one unadulterated form of alliance persisted, untouched, from the beginning until now. Rather, the idea has been processed by time, environment, and the immediate needs of a particular community. We will see that when a crisis occurs in a community, the covenant concept metabolizes to accommodate itself to the new milieu and

thus continues to be the basis for Israelite survival.

When did the processing begin? When did the religious conception that the relationship between God and man is established by a covenant first appear? Once again, scholarly opinions vary and often conflict. Wellhausen (1885) views the idea of covenant as one of the latest concepts to arise in Israel's history. He insists that it was not presupposed by the prophets, but rather, it grew out of their ideas. For Wellhausen, Israel's real history begins with Moses, and the contents of the Mosaic religion are summarized in the formula: "Yahweh the God of Israel, and Israel the people of Yahweh" (Ex. 6:7; II Sam. 7.24). This, he says, is not monotheism; it meant much the same as "Chemash the god of Moab." Further, he says, YHVH's relationship to His people was not defined by any kind of legal or covenantal bond:

Nor did the theocracy exist from the time of Moses in the form of the covenant, though that was afterwards a favorite mode of regarding it. The relation of Jehovah to Israel was in its nature and origin a natural one; there was no interval between Him and His people to call for thought or question. Only when the existence of Israel had come to be threatened by the Syrians and Assyrians, did such prophets as Elijah and Amos raise the Deity high above the people, sever the natural bond between them, and put in its place a relation depending on conditions, conditions of a moral character. (Wellhausen, 1885, p. 417)

Others (Kaufman, 1972; Mendenhall, 1955) assign an early date to the Israelite covenant with YHVH, suggesting that since it is extremely difficult to conclude with any authority that the blood-ties of the descendants of Abraham, Isaac, and Jacob were close enough to bind the clans together, the covenant relationship alone accounts for the bond--a religious rather than an economic or military alliance (Mendenhall, 1955, p. 24f).

Early dating of the covenant concept explains how the twelve tribes of Israel lived together before there was a king. "Even if these tribes were blood descendants of one man (the implausible view suggested by a casual reading of the Bible), it is still hard to believe that they existed side-by-side for over a century, without a formal agreement binding them" (Hillers, 1969, p. 68). Usually, in the ancient world, when separate groups confronted one another, the choice was either a treaty or war. (See Joshua 9: The Story of the Gibeonites.)

Early existence of a covenant is even more plausible when one reads in the Bible that not all those who entered Canaan with Joshua were blood-kin. Passages in Exodus and Numbers mention the presence of "27 270," a mixed multitude (Ex. 12.38) or ~~מִזְבָּנִי~~ "a great mixture" (Nu. 11.4) in the number of those who fled from Egypt. If so many diverse groups were combined into a cohesive league, what held them together? The bond does not seem to be "natural," as Wellhausen suggests (p. 416).

There seems to be no evidence of a pact with a human leader; no covenant between Israel and Moses or Israel and Joshua; no recorded formal agreement between tribes and clans: "What we do find presupposed in all our sources is Judah and Benjamin and the rest, first of all in league with Yahweh, and through this bound to one another" (Hillers, 1969, p. 69).

If, then, we conclude that the basis of Israelite solidarity, beginning with the Patriarchs, has always been their covenant relationship with YHVH, we must look for the origin of the sense of law and justice and ethical morality inherent in that covenant and for the prototype, if indeed there is any, of the specific relationship itself. Did all this suddenly appear, full blown, in Abraham's mind? Mendenhall, as we will

see, is convinced that the Patriarch and his clan assimilated² and syncretised the covenant concept and form from contemporary, second millennium B.C.E. neighboring cultures and modes.

One of the popular modes of the ancient world, particularly in the realm of international relations, was the covenant-upheld-by-an-oath as a nonmilitary means of enforcing promises. "References to international (i.e., intercity-state) covenants occur already in old Sumerian texts of the third millennium B.C. and it would seem likely that covenants-upheld-by-oath must go back many centuries, if not millennia before" (Mendenhall, 1955, p. 27).

We are most fortunate to have, through the success of archaeological excavations, adequate source material for studying the international covenants of the Hittite Empire (1450-1200 B.C.)--a society contemporary with the beginnings of the Israelite people. Mendenhall has carefully detailed the form of the Hittite suzerainty covenant³ and concluded that it is the most likely basis for all those in the Bible.⁴

A summary look at his findings will familiarize the reader with recognized, recurring elements of this model treaty (see Addendum AA), which can then be a point of departure or comparison in our discussions of various biblical covenants.

There are six essential elements in the texts of the Hittite treaty, but the form is not an extremely rigid one: there are variations in the order of the elements and in the wording; occasionally, for unknown reasons, one element or another is not present. The elements are:

1) The Preamble: This begins with the formula "thus says NN, the great king, king of the Hatti land, son of NN . . . the valiant."

This identifies the author of the covenant, "giving his titles and attributes, as well as his genealogy. The emphasis is upon the majesty and power of the king . . . who confers a relationship by covenant upon his vassal" (Ibid., p. 32).

2) The Historical Prologue: A description, in detail, of the previous relationship between the two parties. Much time is spent recounting the king's benevolent deeds, thus obligating the vassal to perpetual gratitude toward him for all past favors. Immediately following this, the vassal expresses his great devotion to the king, "exchanging future obedience to specific commands for past benefits which he received without any real right" (Ibid.).

3) The Stipulations: Here are the details of the obligations imposed upon and accepted by the vassal. Often they include, among other elements, the prohibition of any other foreign relationships (Ibid., p. 33).

4) Provisions for Deposit in the Temple and Periodic Public Readings: Since it was not only the vassal but also his entire community that was bound by the treaty, it was necessary to educate the public as to the stipulated obligations and the greatness of the king. "Since the treaty itself was under the protection of the (human) deity, it was deposited as a sacred thing in the sanctuary of the vassal state--perhaps also, to indicate that the local deity or deities would not and could not aid in breach of covenant" (Bright, 1981, p. 152).

5) The List of Gods as Witnesses: Just as legal contracts were witnessed by several people in the community, so the gods acted as witnesses to the international covenants (Hillers, 1969, p. 36).

6) The Curses and Blessings Formula: It is most interesting that there is no hint of military retaliation by the king if the vassal breaks his oath. Rather, "the curses and blessings in the texts are treated as the actions of the gods" (Mendenhall, 1955, p. 34).

There are three other elements which, although often not in the written text, were known to be present in these ancient treaties: a) the formal oath through which the vassal pledged his loyalty to the king; b) some kind of solemn ceremony which accompanied the oath; c) a form for initiating some action against a rebellious vassal (Ibid., p. 35).

To summarize: An ancient suzerainty treaty is essentially an elaborate oath--thoroughly introduced, stipulations carefully listed, provisions made for perpetual renewal, and promises of both acceptance and retribution clearly expressed. At some early date, Israel entered into a covenant with YHWH modeled on this kind of agreement.

Why did Israel choose this particular treaty? What was there about this alliance that appealed to them as a way of expressing important convictions about God, about Israel's relationship to Him? Doubtless, the decision grew out of experience rather than out of abstract thought. "We must not imagine the elders in Israel sitting in convention, like so many founding fathers, debating on a constitution for the new state, or like prelates in a church council, arguing over the formulation of articles of faith" (Hillers, 1969, p. 64).

This writer chooses to speculate that the appeal of the suzerainty treaty was found in the positions assigned there to both the king and the vassal. The ancient Israelites anabolized and synthesized the gist of those positions for their God and for themselves.

In the treaty, the king collaborates with others without being reduced to the status of an equal. So, too, Israel's God is free and sovereign, swearing to nothing but promising faithfulness to the faithful and protection to His people.

The Israelites also find their proper place. They sensed a basic respect for human freedom in the king's choice of the vassal and in the stipulation that the vassal must accept his royal appointment. They assimilated the idea that entry into the covenant is initially a matter of choice. Though YHVH takes the initiative in the selection of His people, He does not force Himself on an unwilling partner. The people must choose to be in league with Him.

Human freedom is also present in the sense that, except for certain required and other prohibited activities, Israel, as a people and as individuals, are left by the covenant Deity to function and develop as it deems best.

The idea of the security of a benevolent God offering direction, limitations, and protection to His people, and the people's freedom to accept this God as its own and walk in His stipulated yet not unreasonably restrictive ways, must have been a most appealing arrangement in an ancient and chaotic world--an arrangement that the Israelites obviously could not resist.

From this point, with the understanding that the religion began by borrowing ideas, customs, and forms from its environment, we can now proceed to investigate what happened to those foreign, covenant-related components after they were assimilated by the Israelite people. Were they so synthesized that they are no longer discernible? With what else

were they infused to eventually make them and keep them distinctively and especially "Jewish"? What did the Israelites/Jews of subsequent generations do to their originally assimilated and syncretized ideas of the covenant?

Notes to Chapter 2

1. Etymology of B'rit. B'rit has also been traced to:

- a) "To cut" (Josh. 17/15; Ez. 23.47): In Gesenius, "cutting in pieces of the victims which were sacrificed on concluding a solemn covenant and between parts of which the contracting parties were accustomed to pass." (Gen. 15; Jer. 34.18)
- b) "To see visions": Akkadian baru (Goldman, 1958, p. 253).
- c) "An eating together," "banquet" (Lee, Hebrew Lexicon, mentioned in Gesenius).
- d) "A bite," "A bit of food"---probably connected to the meal that accompanied the making of a covenant in ancient times (Goldman, p. 253. Also see p. 15.
- e) "To decide": Sumerian bar (Ibid.)

Hebrew has two additional terms for "covenant":

. . . 'edut (cf. the parallel terms luhot ha-'edut and luhot ha-berit) and 'alah. These also have their counterparts in the cognate languages: 'dy['] in old Aramaic (Sefire) and ade in Akkadian on the one hand, and 'lt in Phoenician, mamitu in Akkadian, and lingai in Hittite on the other. 'Alah and the corresponding terms in Akkadian and Hittite connote an oath which actually underlies the covenantal deed. The terms berit and 'alah often occur together (Gen. 26:28; Deut. 29:11, 13, 20; Ezek. 16:59; 17:18), rendering the idea of a binding oath, as does the Akkadian hendiadys ade mamit or ade-u mamite. (Encyc. 5:1012)

For concluding a covenant, Tanach often uses the term (karat berit)---to "cut a covenant." The same expression is used "in Aramaic treaties in connection with dy and in Phoenician documents in connection with 'It (Ibid.). Possibly the term originated in the ancient ceremony of cutting an animal which concluded the making of the covenant (Black & Rowley, 1982, p. 204).

2. Particularly, in nonscholarly Jewish circles, the word "assimilate" has recently received a negative connotation, suggesting dissolution, dilution, disintegration, absorption--even paganization. However, the word is used throughout this paper in its original and positive sense (see Glossary). (For further discourse on the word, read The Blessing of Assimilation in Jewish History, by Gerson D. Cohen. My thanks to Rabbi Hershel Matt for indicating the article to me.)

3. Both Mendenhall and V. Korosek analyzed the covenants and discovered two distinct classifications: the suzerainty treaty and parity treaty (Albright, 1967, p. 181). There is a basic difference between the two. In the latter, "both parties are bound to obey identical stipulations, making it, in effect, two treaties in opposite directions, i.e., each king binds the other to identical obligations" (Mendenhall, 1955, p. 29).

In the former, the vassal is obligated to obey the commands of the Hittite king. Its primary purpose is to establish a solid relationship of mutual support between the two parties. "The stipulations of the suzerainty treaty are binding, only upon the vassal and only the vassal took an oath of obedience. . . . It is the vassal's obligation to trust in the benevolence of the sovereign" (Ibid.). It is this treaty which is the model for those in the Bible.

4. Aware that the Hittite Empire had vanished long before Israel existed, and therefore the Israelite covenant could hardly have been adapted directly from the Hittite form, scholars have justified the comparison thus:

a) The Hittites, it is certain, did not originate the form. They borrowed it from Mesopotamian sources (Albright, 1967, pp. 182-83). "Therefore it must be the common property of many people and states in the second millennium B.C." (Mendenhall, 1955, p. 28).

b) The form of many of the alliances made with both Syria and Egypt at this time was similar and was referred to or preserved in the Hittite archives. Therefore, "abundant opportunity to become familiar with the treaty form must be admitted for ancient Israel" (Ibid.).

c) There are many other accepted independent parallels between the Hittite and biblical materials. (See W. F. Albright, Journal of Biblical Literature, LIX, 1940).

CHAPTER 3

IN THE GARDEN

The Covenant with Adam

To begin an odyssey of the Israelite people with Adam must seem, at reader's first glance, puzzling. Adam was no Israelite. It is only through the priestly contrivances of ancient genealogy, written back into Torah, centuries after alleged events (Speiser, 1982, pp. xxiv-xxv) that Adam is in any way connected to Abraham. However, all of Tanach was written by Israelites/Jews; from a Jewish perspective; through Jewish experience; with Jewish ideas and motives. All Tanach reflects this Jewish authorship. Therefore, to investigate the metabolism of the Judaic covenant and not consider the very beginning of this very Jewish Genesis would be to miss a most important link.

Every action or event narrated in Genesis 1 and 2 is a result of God's work. Nothing has happened which He did not cause. In contrast, the events of Chapter 3 are the results of man's first independent action. That action was sinful and the devastating results included the loss of the perfection of Eden and of man's innocence and immortality.

That this story is undoubtedly a blending of elements from several even more ancient myths, and that it was probably written by J (Ibid.), is not pertinent to our study.¹ The significance of biblical myths is not so much in the tracing of their origins, but rather in an understanding of what Jewish idea this Jewish version of the myth is trying to convey to the reader.

From our "covenantal" vantage point, it can be said that the Adam myth intimates that there is a natural and necessary covenant within any and every relationship between God and man. Although informal, many of the treaty elements previously discussed are present here.

The first two chapters of Genesis, depicting divine creation, surely suffice as preamble and historical prologue. No past benevolent deeds of king or deity could equal those described here. To complete the prologue and direct it specifically to Adam, we read:

The Lord God planted a garden in Eden, in the east, and placed there the man whom He had formed. And from the ground the Lord God caused to grow every tree that was pleasing to the sight and good for food. . . . And the Lord God fashioned the rib that He had taken from the man into a woman; and He brought her to the man. (Gen. 2.8-9, 22)

What more could any human ask of Deity! The stipulations of the covenant are clearly stated:

And the Lord God commanded the man, saying, "Of every tree of the garden you are free to eat; but as for the tree of knowledge of good and bad, you must not eat of it; for as soon as you eat of it, you shall die." (Gen. 2.16-17)

Adam's acceptance of the terms of the relationship are unwritten. His acquiescence to live within the garden, "to till it and tend it," and his initial adherence to the prohibition of eating the specific fruit, all suggest his personal though informal agreement.

The witness--although a destructive one--is woman.

Now the serpent said: "Did God really say: You shall not eat of any tree of the garden?" The woman replied to the serpent, "We may eat of the fruit of the other trees of the garden. It is only about fruit of the tree in the middle of the garden that God said: You shall not eat of it or touch it, lest you die." (Gen. 3.1-3)

Other than the threat of death--the ultimate curse--none is mentioned before Adam violates the pact. Then they are clearly stated:

To Adam He said, "Because you did as your wife said and ate of the tree about which I commanded you, 'You shall not eat of it,'

By the sweat of your brow

Shall you get bread to eat,

Until you return to the ground-- . . . (Gen. 3.17, 19)

There is no oath, no formal ceremony, yet the covenantal relationship is implicit in the story, as is the image and the positions of both man and Deity.

God provides man with a garden in which to live but gives man the responsibility and freedom to cultivate and perpetuate the gift; God creates all kinds of beasts and birds, and man is allowed to name them. Here is a picture of a "working relationship" based on an agreement between the contracting parties. Adam's silence is assumed consent!

When the pact is broken, man loses most of what he has been given. The contrast of the world of man's experience in Genesis, Chapter 3, to God's intended world of beauty, concord, and fulfillment in the previous two chapters is striking. The myth cries out a warning, "Ugliness, discord and deprivation will surely result from a broken covenant" (Gardner, 1966, p. 114).

Many centuries later, the same theme reverberates in the prophetic voice:

Hear, O heavens, and give ear, O earth,

For the Lord has spoken:

"I reared children and brought them up--

And they have rebelled against Me!". . .

They have forsaken the Lord,

Spurned the Holy One of Israel,

Turned their backs [on Him].

Assuredly,

Thus said the Holy One of Israel:

Because you have rejected this word . . .

Of a surety,

This iniquity shall work on you

Like a spreading breach that occurs in a lofty wall,
Whose crash comes sudden and swift.

It is smashed as one smashes an earthen jug,
Ruthlessly shattered
So that no shard is left in its breakage
To scoop coals from a brazier,
Or ladle water from a puddle. (Is. 1.2, 4, 12f)

Note to Chapter 3

1. In any investigation of Tanach, there is a constant tension between what is actually written and the era or time frame in which various scholars propose it was written. A pshat understanding of a particular event or phrase, which considers only its immediate context and the simple meaning of the words, may have no coincidence with an interpretation filtered through biblical criticism or any other contemporary analytical method of scriptural investigation.

This thesis is concerned, in general, with Judaism's perpetual process or tradition, if you will, of adaptation and change, as manifested in theories and practices throughout its history. Specifically, here it is examining that process and those manifestations concerning the covenant idea.

Therefore, the emphasis of the writer is on Israelite thought and practices in each historical period under investigation: how and why and the consequences of our people's use, misuse, disuse, or reuse of a motif. Often, this was the result of contemporary interpretations of Tanach. It is on this that the writer has chosen to focus.

The course and dating of biblical events have, in this investigation, an academic importance which will be noted and evaluated when apropos. (See above discussion of Hittite treaty, and priestly writers [p. 23] and Adam [p. 24].

CHAPTER 4

AFTER THE FLOOD

The Covenant with Noah

The first explicit covenant in Tanach appears in the story of Noah and the Flood (Gen. 6.9-9.29) where, for the first time, the term b'rit is used to denote covenant:

וְהִקְמַתִּי אֶת־בְּרִיתִי אִתָּךְ וּבָאתִי אֵלַי - נִתְּבָה אִתָּךְ וּבְנֶיךָ וְאִשְׁתְּךָ וְנִשְׂרֵי־בְנֶיךָ אִתָּךְ:

"And I will make my covenant with you" (Ibid., 6.18)

The story of the flood¹ is simple but pointed. Discontented with the wickedness of His creation, YHVH decrees its destruction. Only the "righteous" (Ibid., 6.9), Noah and his family, were to be saved--to become an instrument for the perpetuation of life on earth.

Throughout the saga of annihilation, there is a mood of optimistic promise: Along with His announcement of the impending flood, YHVH reveals His intention to make a covenant with Noah. The negative theme of judgment stands alongside the positive hope emphasized by covenant: "For My part, I am about to bring the Flood . . . everything on earth shall perish. But I will establish My covenant with you" (Gen. 6.17).

Through Noah, YHVH provides the world with a fresh start. Human life was not extinguished but was given a new beginning. Creation was restored and humankind was charged with the original command--and blessed.

Never again will I doom the earth because of man, since the devisings of man's mind are evil from his youth; nor will I ever again destroy every living being, as I have done. So long as the earth endures, Seedtime and harvest,

Cold and heat,
 Summer and winter,
 Day and night
 Shall not cease."

God blessed Noah and his sons, and said to them, "Be fertile and increase, and fill the earth. . . . all the beasts of the earth and all the birds of the sky--all the fish of the sea; they are given into your hand. Every creature that lives shall be yours to eat; as with the green grasses, I give you all these." (Gen. 8.21-9.3)

Noah and his family are alive and with them and all humankind God makes covenant, promising His protection and presence and requiring of them only the "responsible allegiance originally demanded by the act of creation" (Flanders, Crapps & Smith, 1973, p. 90).

And God said to Noah and to his sons, "I now establish My covenant with you and your offspring to come, and with every living thing--birds, cattle, and every wild beast as well, every living thing on earth. I will maintain My covenant with you: never again shall all flesh be cut off by the waters of a flood, and never again shall there be a flood to destroy the earth."

God further said, "This is the sign that I set for the covenant between Me and you, and every living creature with you, for all ages to come. I have set My bow in the clouds, and it shall serve as a sign of the covenant between Me and the earth. When I bring clouds over the earth, and the bow appears in the clouds, I will remember My covenant between Me and you and every living creature among all flesh, so that the waters shall never again become a flood to destroy all flesh. When the bow is in the clouds, I will see it and remember the everlasting covenant between God and all living creatures, all flesh that is on earth. That," God said to Noah, "shall be the sign of the covenant that I have established between Me and all flesh that is on earth." (Gen. 9.8-17)

Here is a covenant between YHVH and man which uses the word involving a binding obligation ("for all ages") and which was initiated by the Deity. No formal history is told as an introduction. It is the storyteller, not the covenant text, that indicates the previous relationship of the two parties and the past great deeds of YHVH.

In the blessing which precedes the actual covenant, YHWH says, "Be fertile and increase and fill the earth" (Gen. 9.1), but nowhere in the text of the covenant (9.8-17) is any obligation placed on Noah and his descendants.² This is simply a unilateral promise of God. What Noah and humankind may do will not alter the promise.

In the promise contained in the "J" account, the author repeats the very words that motivated the flood in the first place: God will not destroy the world by flood again, "for the thoughts of a man's mind are evil from little up." The same idea is implied in "P." Even if man is hopelessly corrupt, God will not again destroy him. (Hillers, 1969, p. 102)

There is no formal ceremony of acceptance of the covenant by Noah since he has no responsibilities concerning the pact. However, it is worth noting that when Noah debarked from the ark, his first activity was to ceremoniously offer a sacrifice to YHWH:

Then Noah built an altar to the Lord and, taking of every clean animal and of every clean bird, he offered burnt offerings on the altar. The Lord smelled the pleasing odor, and the Lord said to Himself: . . . (Gen. 8.20)

Probably this was written into the story by P in an effort to build a foundation for the Priestly Sacrificial Cult. Nevertheless, sacrifice as a means of expressing gratitude by one involved in covenant was introduced into our tradition here.

The obligations in this covenant rest solely with YHWH. In the future, it will be He who will have to "remember" the promise.

The rainbow, the "sign" (**אֵת**) of the covenant, is primarily for YHWH to see so that He does not forget.

Speiser contends that the rainbow represents "a bright and comforting reminder that the race shall endure, however transient the individual" (1982, p. 59).

However, it is the writer of the medieval play, Noah's Flood, whose quaint explanation captures the essential meaning of the bow:

My bow between you and me
In the firmament shall be . . .
The string is turned towards you
And towards me is bent the bow,
That such weather shall never show,
And this beheet I thee.

--A. C. Cowley, Everyman and Medieval Plays

Although Noah is the specific, human focus of the story, he is relatively unimportant in this unilateral covenant. It is YHVH who decides on the flood; when it will begin and end; who will survive and who will not. Unlike Abraham, Noah makes no protest, offers no suggestions or resistance to YHVH's plans. He is simply "an instrument of the omnipotent Master of Nature" and "incidental to his covenant with God" (Hartman, 1985, p. 29). The pact does not depend upon nor revolve around an individual. It is a comprehensive rather than personal covenant, which embraces all forms of life. (See Gen. 8.22; 9.8; 9.12. Also, compare Abraham's covenant, pp. 36 ff.

It follows, then, that this covenantal sign would be a universal one--a sign of YHVH's merciful promise for all to see, rather than a mark of personal identification. The function of the next sign, circumcision, differs from that of the rainbow in that it does identify those individuals who share in the promise made by YHVH.

YHVH's premeditated choice to destroy all but one family, so that it alone could emerge from devastation and begin again, introduces the principle of the "remnant." This principle underlies the events leading up to most of the biblical and post-biblical covenants (consider the circumstances of Abraham, the Sinaitic covenant, the Israelites entering

Canaan with Joshua, the Talmudic Rabbis after 70 C.E., the Jews after Napoleonic emancipation, and those after 1945).

It is anabolized by the prophet Isaiah in the 7th century and clearly articulated:

And in that day,
The remnant of Israel
And the escaped of the House of Jacob
Shall lean no more upon him that beats it,
But shall lean sincerely
On the Lord, the Holy One of Israel.
Only a remnant shall return,
Only a remnant of Jacob,
To Mighty God.
Even if your people, O Israel,
Should be as the sands of the sea,
Only a remnant of it shall return.
Destruction is decreed;
Retribution comes like a flood!
For my Lord God of Hosts is carrying out
A decree of destruction upon all the land.
(Is. 10.20-23)

Isaiah went so far as to name one of his sons "Shear-jashub" meaning "a remnant will return." For him, this was "God's living sign for a supreme hope" (Heschel, 1955, p. 95).

So I will wait for the Lord, who is hiding His face from the House of Jacob, and I will trust in Him. Here stand I and the children the Lord has given me as signs and portents in Israel from the Lord of Hosts, who dwells on Mount Zion.
(Is. 8.17)

The idea of remnant is further refined until it represents the hope of the coming of the Messiah:

But a shoot shall grow out of the stump of Jesse,
A twig shall sprout from his stock.
The spirit of the Lord shall alight upon him:
A spirit of wisdom and insight,
A spirit of counsel and valor,
A spirit of devotion and reverence for the Lord.
(Is. 11.1-2)

The significance of this covenant can best be analyzed and compared to others in terms of what it indicates about God. He is the all-powerful initiator of creation and covenant. He asks for nothing and promises all. He is merciful and forgiving and wants, so intensely, for His creatures to endure that in this covenant He separates His responsibility for creation from His response to the moral condition of humankind.

Prior to the Flood, all of nature was doomed to destruction because God "regretted that He had made man on earth"; human corruption was sufficient reason to justify the destruction of all living things. After the Flood, however, God proclaims His awareness that although human beings are created in His image, they do not automatically embody all that God wishes them to be. God's reflections on them are, as it were, similar to a parent's realization that his child is not his mirror image but is a separate being with limitations, weaknesses, and an independent will. The child may come from the parent, but it is nevertheless separate and independent. (Hartman, 1985, p. 28)

We can sense this newly established distance between God and humans in the covenant made after the flood; in God's promise not to destroy nature in consequence of and as punishment for what people might do.

This distancing of humans from God and God's realistic assessment of their propensity to evil are necessary stages of the process leading to the covenantal mutuality represented by the giving of the law at Sinai, which charges a particular human community with responsibility for its own spiritual growth. (Ibid., p. 29)

The redemptive concern of YHWH which is seen so clearly in the theme of His first verbal covenant also provides a rationale for YHWH's selection of a people with whom to make a future alliance (Flanders et al., 1973, p. 87). Since the flood was unsuccessful in obliterating human sin (as evidenced by Noah's sinful actions after the flood (see Gen. 9.21-29), He eventually elected an entire people and made His alliance with

them (see Ex. 19.4-6). But, our tradition recalls, before He enters into that public covenant, He chooses one more individual--this time a righteous, more deserving one--and his descendants, with whom to form His next alliance.

Notes to Chapter 4

1. There are other ancient versions of the flood story. The Yahwist and Priestly versions (J and P) can be found in Genesis and are the ones on which the discussion in this paper is based.

It is now generally accepted that the biblical flood stories (or myths) are closely related to those of Sumer and Babylonia. The main Babylonian version can be found in the Gilgamesh Epic. For a synopsis of this myth and a comparison with three mentioned above, see Black and Rowley, Peak's Commentary on the Bible, pp. 183-85.

2. It is the later addition of P incorporated into the story text which speaks of obligation:

You must not, however, eat flesh with its life-blood in it. But for your own life-blood I will require a reckoning: I will require it of every beast; of man, too, will I require a reckoning for human life, of every man for that of his fellow man!

Whoever sheds the blood of man,
By man shall his blood be shed;
For in His image
Did God make man.

Be fertile, then, and increase; abound on the earth and increase on it."

This passage is replete with grist for analytical, homiletical, and halachic mills, but it is not within the scope of this thesis to go beyond its mere mention.

CHAPTER 5

HEBREW ORIGINS

The Covenant with Abraham and the Patriarchs

Beginning with the twelfth chapter of Genesis, Torah is concerned with the unique relationship--the particular b'rit between God and Israel. The purpose of all of the traditions--all of the stories--which follow this chapter is not to recount history or detail the events in individual lives, but to tell of the promise made to the Faithful by YHVH, the God of Israel.

The history of the people, Israel, is also the history of the idea of covenant. The stories of the Patriarchs are a graphic way of giving theological meaning to that history; to indicate that the coming together of certain tribes into the covenant community of Israel was not a haphazard series of historic(al) events, but rather the fulfillment of the divine intent to establish a people whose religious faith was inextricably interwoven with their physical existence.

"The patriarchal traditions related the religious and legal claims of the Israelite tribal confederacy of later times to a sacred past when Yahweh made himself known to men whose descendants became the community of Israel" (Flanders et al., 1973, p. 102). It is the memory of the past covenant by subsequent generations that has, throughout the ages, given continuity to the Israel community. It is the new interpretations given to the covenant as remembered from the vantage point of

the new era that account for the metabolic changes in the covenant concept itself.

Three basic affirmations pervade Israel's covenantal theology:

1) promise, 2) obligation, 3) response. The answer to the question, "Who made the promise to the People Israel?" remains perpetually the same. "What is Israel's obligation? What expectations are required by the promise? How should a covenanted people respond? Indeed, how did they respond?" In each age and environment, these questions received answers relevant to the contemporary scene. To recognize the flux of the economic, social, and political history of our people is to begin to understand the reasons for the variations in its covenantal theme.

The narratives in Genesis do not furnish adequate information for an exact description of the patriarchal religion.¹ We can say that although the narratives refer to the Patriarchal God as YHVH, the name historically began with Moses (cf. Ex. 6.3-4). It may have been YHVH who appeared to the Patriarchs, but they had not really known Him by that name "and they did not yet know the fullness which the Sinaitic revelation would provide" (Flanders, p. 121).

However, the patriarchal cults did exist: "The extent of their devotion and the continuity between their worship and that of Mosaic days is more than an anachronistic projection backwards of the faith of later Israel" (Ibid.).

Each patriarch chose his own form of worship of God, Who, he believed, was entrusted with the care of his clan. Although they used many names for God: El Shaddai (God the Mountain One [Ex. 6.3; Gen. 17.1]); El Elyon (God Most High [Gen. 14.18-24]); El Olam (God of

Eternity [Gen. 21.33]); El Roi (God the Seer [Gen. 16.13]); and El Bethel (God of Bethel [Gen. 31.13; 37.7]), there was always a close personal tie between the clan father and his God. (See pp. 58, 59.)

Most likely within the various clans, the patron God was worshipped to the practical exclusion of other gods. This does not mean that the patriarchal religion was monotheistic. Out of this type of religion, however, monotheism would ultimately grow, since later Israel could say with honesty that the patriarchs had worshipped Yahweh and he had directed their movement to Canaan. (Flanders, p. 122)

The worship of the patriarchal tribes was "filled with simple dignity" (Ibid.). The patriarch himself presided over the ritual sacrifice (Gen. 15.10-11; compare priestly sacrifices [Lev. 2.1-2; 3.1-3 ff]). Each clan had shrines or places of worship, usually associated with places where the patriarchs had had a theophany and made or renewed the covenant with their god (Gen. 15.7-18; 28.10-19; 32.25-32).

The theme, peculiar to the People Israel and YHVH, which begins in Genesis 12 and is repeated early and often, is always depicted through a theophany. (See Addendum B.)

Promises, promises! "I will bless you . . . make your name great . . . bless those who bless you . . . curse those who curse you . . . give this land to your offspring . . . make you the father of a multitude of nations . . . bless your wife and give you a son by her . . . make you exceedingly fertile . . . make kings come forth from you . . . I will be your God."

The promise--especially the one in the J version (Gen. 15.12-21, Addendum B)--is primarily one of Divine protection, possession of land, and numerous posterity. What more could an ancient pastoral shepherd want? "If the patriarchs followed their God at all--if they believed

that He had promised them anything (and surely they must have so believed or they would not have followed him)--then land, protection, and progeny may be assumed to have been the gist of that promise" (Bright, 1967, p. 101).

The series of stories which follow the making of the covenant substantiate the theme of the promise:

Abraham is promised a multitude of descendants (Gen. 13.16). Childless, he considers making Eliezer of Damascus his heir (Gen. 15.2), but it would be impossible to fulfill the promise through a household slave. The subsequent stories of Abraham siring Ishmael through Hagar (Gen. 16; 21.9-20), the conflict between Sarah and Hagar, which leads to the latter's expulsion from their home, the elderly Abraham and Sarah's plea for a child, and the climactic birth of Isaac, are all instrumental in serving the promise.

Abraham is pledged the land of Canaan (Gen. 13.14-17; 15.18). The story of his purchase of a burial place at Machpeleth for Sarah solidifies this pledge.

The Promised Land was a spiritual grant from God. But the best practical safeguard in terms that everybody could recognize and accept was a clear legal title to the land. The living could get by as sojourners; but the dead required a permanent resting ground. The Founding Fathers, at least, must not be buried on alien soil. The spot had to be theirs beyond any possibility of dispute. Small wonder, therefore, that tradition had to insist on a title which no law-abiding society would dare to contest and upset. (Speiser, 1982, pp. 171-72)

It is in the story of the Akeda that this theme of promise is most forcefully expressed. Here, Abraham is asked to sacrifice the only concrete evidence of the pledge made to him and his descendants. God's intervention and provision of a substitute for the child is clear

substantiation of the validity of His word.

From the covenant writings, we can easily sense ancient Israel's confidence in Divine promises and its "exuberant expectation of good things in the future" (Flanders, 1973, p. 156). There is no doubt in this writer's mind that the patriarchal idea of "future" extended throughout all the earthly lives of infinite generations of descendants. We will see, later, how the prophets ingested this idea and, influenced by the horrendous earthly events of the day, syncretized it into a much-needed eschatological belief.

Nevertheless, in Genesis the Divine promises were clearly stated, often reiterated, and easily understood. But what of the human obligation in the pact? Here we have a difference of scholarly opinions. Mendenhall opines:

Both in the narrative of Gen. 15 and 17, and in the later references to this covenant, it is clearly stated or implied that it is Yahweh Himself who swears to certain promises to be carried out in the future. It is not often enough seen that no obligations are imposed upon Abraham. (1955, p. 36)

Hillers (somewhat of a protege of Mendenhall) says that the Abrahamic covenants are obviously one-sided. But then he adds,

. . . even though a covenant like that with Abraham does not spell out how Abraham is to behave, it is assumed in the relation--that of having Yahweh as God--that Abraham will continue to trust God and walk righteously before him. (1969, p. 105)

Alvin J. Reines, of Hebrew Union College, does not see the relationship as unilateral:

In essence, the covenant states that Yahveh will be the god of Abraham and his descendants, the Israelites, if they will be his people. As god of Abraham and the Israelites, Yahveh will exercise special providence over them to enable them to cope successfully with their finite condition; and

as Yahveh's people, they have an absolute obligation to obey his commands. (1976, pp. 58-59. See also Addendum B, 2)

Historian Jeremy Silver is certain that this is a reciprocal agreement:

God offered and stipulated, but the covenant was not activated until Abraham or the people assented, even though, like Caesar's soldiers, they could only acclaim and not bargain. Israel was offered the privilege of service and there is no suggestion that they were impressed against their will. But the covenant must not be confused with an agreement between equals. In the covenant relationship God is melech, king, at His most potent, and Israel is eved, servant. (1974, p. 25)

Professor and author, Cyrus Gordon, agrees with Silver, using a different analogy:

The relationship between the king and the protecting deity is of a piece with the personal Covenant relationship between the Patriarchs and Yahweh, in which human devotion is matched by divine protection. Greek heroic literature is replete with illustrations of such covenant relationships between a particular man and a particular deity. Anchises and Aphrodite are such a pair; Odysseus and Athena are another. (1962, p. 96)

There is no doubt that YHWH is the One upon Whom rests most of the responsibility for fulfilling this pact: He chooses Abraham and his descendants. He initiates the deal, makes the promises, and sets the terms for the permanence of the relationship. However, this writer must agree with those scholars who glean human obligation from the phrasing as well as the unworded intention of the b'rit--most especially in the P version where we read:

I am El Shaddai. Walk in My ways and be blameless. . . .
(Gen. 17.1)

As for you, you and your offspring to come throughout the ages shall keep My covenant. (Gen. 17.9)

I have singled him out, that he may instruct his children and his posterity to keep the way of the LORD by doing

what is just and right, in order that the LORD may bring about for Abraham what He has promised him. (Gen. 18.19)

Granted, there are no specific instructions given to Abraham as to how to walk blamelessly in God's path, but certainly it has been implied that humankind has an active responsibility in the perpetuation of this pact.

Specifically, Abraham is told to circumcise² every male among him (Gen. 17.9-14. See Addendum B2). Of this, Mendenhall says:

Circumcision is not originally an obligation, but a sign of the covenant, like the rainbow in Gen. 9. It serves to identify the recipient(s) of the covenant, as well as to give a concrete indication that a covenant exists. It is for the protection of the promise, perhaps, like the mark on Cain of Gen. 4. (p. 38)

Hillers corroborates this view that circumcision is merely a sign --an indication of those included in the covenant (p. 104). However, this writer argues that in the very wording of Gen. 17.9 f (see Addendum B2) there is a sense of obligation to keep the covenant--not merely to display it--through circumcision.

Furthermore, it was YHVH, not man, Who executed the sign of the rainbow and promised to periodically repeat the act. Circumcision, which is the command of YHVH, cannot be implemented without the deliberate action of man.

This human "doing" of the sign makes a significant difference. No longer does all the action rest with YHVH. For Abraham, there is no unilateral promise that his descendants will perpetually and automatically receive the gifts of divine promises. To the contrary, anyone who personally does not show his acceptance of the covenant, and his voluntary will to participate physically in it, will be forever punished:

Thus shall My covenant be marked in your flesh as an everlasting pact. And if any male who is uncircumcised fails to circumcise the flesh of his foreskin, that person shall be cut off from his kin; he has broken My covenant. (Gen. 17.13-14)

Biblical critics are quick to show that the subject of circumcision, like the Noahide laws, comes from the pen of P and was therefore written back into Torah long after J's contribution had been recorded. This writer does not deny the presence of two literary strata, nor does she ignore a comparison of them. (See Speiser, 1982, pp. 111-15, 122-27; Flanders, 1973, pp. 105-107; Hillers, 1969, pp. 102-105; Black & Rowley, 1982, p. 185.) However, her primary concern is with the tradition as a whole--not when or by whom it was written, but how did our people digest and use it.

Once again, it is the spiritual meaning of the event, rather than its historicity, which comprises tradition. Circumcision, originally anabolized by Israel from her neighbors, was infused by the religious beliefs of the family of Abraham (see note 2). The synthesis resulted in circumcision becoming the obligatory ritual and sign of a people's faithful acceptance of YHWH's covenant. Through further metabolism--whether by design of P or through the mere repetition of the tradition--circumcision as commanded in this covenant became the precedent for all future ritual (Speiser, pp. 126-27).

The covenant idea has undergone some significant change from Noah to Abraham. The former lacks "the singling-out quality of intense relationships" that we find in the latter (Hartman, 1985, p. 27).

YHWH announced the covenant to Noah, but it is obvious that He is addressing all of nature .

The relevance of Noah's presence

appears to be by virtue of his being a member of "the class of living things on earth" (Ibid.). A universal commitment has been made by YHVH and, soon after, Noah's virtue is impugned and he disappears from the world scene.

On the other hand, Abraham's presence and relevance to the covenant is significant. Often we read God's name as (elohey avraham), God of Abraham (Gen. 28.13; 31.42, 53), indicating an intense personal relationship. Later, the Patriarch's name is changed "as an external sign of an important turn in the life or function of the bearer" (Speiser, p. 127).

YHVH establishes a personal relationship with him, pledging His faithfulness with the promise of a child--specifically, Abraham's child.

The birth of an heir, however, goes beyond personal considerations. It is essential in YHVH's scheme which employs Abraham as a means through which to select Israel as His covenant counterpart. Now we clearly see metabolism at work: The covenant emphasis shifts from the universal to the national, involving a future nation and a Promised Land; the focus of Torah's concern is no longer on the preservation of creation but rather on the history of the world; the alliance, now, is between the Creator of the Universe and a very specific ancestor of a very specific nation.

Unlike Noah, Abraham's importance and stature grow after the covenant has been made. "He emerges as a protagonist in the drama of human history--a worthy partner of the Lord of History" (Hartman, p. 28). He is informed by YHVH of the intended destruction of Sodom. Noah is not consulted about the flood; his complete silence and acquiescence in

God's plan to destroy all of life is in sharp contrast to Abraham's heroic confrontation with God concerning the fate of the people of Sodom.

"Through Abraham's actions, the Master of Nature becomes the 'God of the Earth'" (Ibid.).

The selection of Abraham and the election of his people by YHWH is introduced with this covenant. The two are basic to the tradition and fundamental to Israel's self-understanding. Israel exists only because it was divinely chosen from among the nations. In itself, Israel was nothing. It was not because of any merit in her that she was chosen. (Dt. 7.7) It was by YHWH's elective grace that she became His people who would be a blessing to all mankind.

Scholars are convinced and give proof that there is no period in its history when Israel did not believe that it was YHWH's chosen people.³ What various generations have done with the idea of election--why and how the idea has metabolized--will be seen shortly, but the basic kernel of God's choice of an undeserving people and their obligation of response to His favor has never been lost:

But you, Israel, my servant,
Jacob, whom I have chosen,
the offspring of Abraham, my friend;
You whom I took from the ends of the earth,
and called from its farthest corners,
saying to you, "You are my servant,
I have chosen you and not cast you off." (Is. 41:8-9)

There is one more significant idea, born in the covenant between YHWH and Abraham and destined to weave its way through all tradition and all history. It is what Ellis Rivkin (Adolph S. Ochs Professor of Jewish History, HUC-JIR) calls "The Unity Principal"--the affirmation that the source of all Jewish identity is "rooted in the experience of [Israel's]

ancestors with a single God"; the claim to the land of Israel is seeded in God's promise to the Patriarchs; and "the source of all diversity and the power behind all change is a single One" (Rivkin, n.d., p. 13).

This unity principle was at work from the beginning of Israel's heritage when the tribes sensed a solidarity through a common covenant (Bright, 1981, p. 102) and the people sensed a unity with YHVH because of a common covenant. The covenant is renewed with Isaac and Jacob (see Addendum B3), who continue the unity concept begun in Gen. 12.

The Patriarchs stand, in the truest sense, at the beginning of Israel's history. Their covenant with YHVH forms the beginning of its faith. The promise of numerous posterity, divine protection, and a land of their own, along with the ideas of nationhood, election, obligation, and unity, was the crux of their covenant, "helping to shape the faith of Israel as it was later to be" (Ibid., p. 103).

No matter what the metabolic process--or perhaps because of that process--the covenant between YHVH and Abraham has survived and sustained our faith to this day. In our prayerbooks we read:

אֱלֹהֵינוּ* ואלהי אבותינו, זכרנו בזכרון טוב לפניך, ופקדנו בפקדון
 ישועה ורחמים משמי קדם. וזכר לנו יהוה אֱלֹהֵינו
 אהבת הקדמונים אברהם יצחק וישראל עבדיך, את הברית ואת החסד
 ואת השבועה שנשבעת לאברהם אבינו בהר המוריה, ואת העקדה
 שעקר את יצחק בנו על גבי המזבח, כפתוב בתורתך:

Our God and the God of our forefathers, remember us with a favorable memory before You, and recall us with a recollection of salvation and mercy from the primeval loftiest heavens. Remember on our behalf--O HASHEM our God--the love of the Patriarchs, Abraham, Isaac and Israel, Your servants; the covenant, the kindness, and the oath that You swore to our father Abraham at Mount Moriah, and the Akeidah, when he bound his son Isaac atop the altar, as it is written in Your Torah: (Artscroll Siddur--Prayer before recitation of Akeida)

וְקִים לָנוּ, יְהוָה אֱלֹהֵינוּ, אֶת הַדָּבָר שֶׁהִבְטַחְתָּנוּ עַל יְדֵי מֹשֶׁה
עַבְדְּךָ, בְּאֲמֹר: וְזָכַרְתִּי אֶת בְּרִיתִי יַעֲקֹב, וְאָף אֶת בְּרִיתִי יִצְחָק, וְאָף אֶת
בְּרִיתִי אַבְרָהָם אֲזָכֹר, וְהָאָרֶץ אֲזָכֹר.

Fulfill for us, HASHEM, our God, the word You pledged through Moses, Your servant, as it is said: "I shall remember My covenant with Jacob; also My covenant with Isaac; and also My covenant with Abraham shall I remember; and the land shall I remember." (Ibid., conclusion of prayer following Akeida)

רְבוֹן כָּל הָעוֹלָמִים, לֹא עַל צְדָקוֹתֵינוּ אֲנֻחֵנוּ מִפִּילִים
תַּחֲנוּנֵינוּ לִפְנֶיךָ, כִּי עַל רַחֲמֶיךָ הָרַבִּים. מָה אֲנֻחֵנוּ, מָה חַיֵּינוּ,
מָה חֲסָדֵנוּ, מָה צְדָקוֹתֵינוּ, מָה יְשׁוּעָתֵנוּ, מָה כֶּחֶנוּ, מָה
גְּבוּרָתֵנוּ. מָה נֹאמַר לִפְנֶיךָ, יְהוָה אֱלֹהֵינוּ וְאֱלֹהֵי אֲבוֹתֵינוּ,
הֲלֹא כָּל הַגְּבוּרִים כָּאֵין לִפְנֶיךָ, וְאֲנָשֵׁי הַשֵּׁם כֻּלָּא הִיוּ, וְחַכְמַיִם
כִּבְלֵי מַדָּע, וְנִבְוִנִים כִּבְלֵי הַשֶּׁכֶל. כִּי רֹב מַעֲשֵׂיהֶם תָּהוּ, וַיְמִי
חַיֵּיהֶם הֶבֶל לִפְנֶיךָ, וּמוֹתָר הָאָדָם מִן הַבְּהֵמָה אֵין, כִּי הֶבֶל
הֶבֶל.

אֲבָל אֲנֻחֵנוּ, עֲמָךְ, בְּנֵי בְרִיתְךָ, בְּנֵי אַבְרָהָם אֱהֲבָךְ
שֶׁנִּשְׁבַּעְתָּ לוֹ בְּהַר הַמֹּרִיָּה, וְרַע יִצְחָק יַחֲדוֹ שֶׁנֶּעֱקַד עַל גֵּב
הַמִּזְבֵּחַ, עֲדַת יַעֲקֹב בְּנֵי בְכוּרָךְ, שֶׁמֵּאֱהָבְתָּךְ שֶׁאֱהָבְתָּ אוֹתוֹ
וּמִשְׁמַחְתָּךְ שֶׁשִּׁמַּחְתָּ בּוֹ, קִרְאתָ אֶת שְׁמוֹ יִשְׂרָאֵל וַיִּשְׁרוּן.

Master of all worlds! Not in the merit of our righteousness do we cast our supplications before You, but in the merit of Your abundant mercy. What are we? What is our life? What is our kindness? What is our righteousness? What is our salvation? What is our strength? What is our might? What can we say before You, HASHEM, our God, and the God of our forefathers?

But we are Your people, members of Your covenant, children of Abraham, Your beloved, to whom You took an oath at Mount Moriah; the offspring of Isaac, his only son, who was bound atop the altar; the community of Jacob, Your firstborn son, whom . . . You named Israel. (Ibid., prayer in Shachrit service which is the first of the preliminary prayers leading to the Shma)

I, the Eternal, have called you to
righteousness, and taken you by
the hand, and kept you; I have
made you a covenant people, a
light to the nations.

אֲנִי, יי, קָרָאתִיךָ בְּצֶדֶק וְאַחֲזִיק
בְּיָדְךָ, וְאַצְרֶךָ; וְאַתְּנֶנִּי לְבְרִית
עַם, לְאוֹר גּוֹיִם.

We are Israel: witness to the covenant between God and His children.

This is the covenant I make with
Israel; I will place My Torah in
your midst, and write it upon
your hearts. I will be your God,
and you will be My people.

(Gates of Prayer [C.C.A.R.]
segment of weekday service)

כִּי זֶאת הַבְּרִית אֲשֶׁר אֶכְרֹת
אִתְּכֶם בֵּית יִשְׂרָאֵל: נָתַתִּי אֶת־
תּוֹרָתִי בְּקֶרְבְּכֶם, וְעַל־לִבְכֶם
אֶכְתְּבֶנָּה. וְהָיִיתִי לָהֶם לֵאלֹהִים,
וְהָמָּה יְהִי־לִי לְעָם.

Notes to Chapter 5

1. For such information see Albrecht Alt, "The God of the Fathers," in Essays on Old Testament History and Religion (Oxford, 1966), pp. 3-86.

2. Circumcision is an old and widely diffused practice, generally linked with puberty and premarital rites. In the ancient Near East it was observed by many of Israel's neighbors, among them the Egyptians, the Edomites, the Ammonites, the Moabites, and certain other nomadic elements (cf. Jer. ix 25). But the Philistines did not follow it (cf. II Sam i 20), and neither did the "Hivites" (i.e., Horites) of Central Palestine (xxxiv 15). Nor was the custom in vogue in Mesopotamia. Thus the patriarchs would not have been likely to adopt circumcision prior to their arrival in Canaan. Eventually, the rite became a distinctive group characteristic, and hence also a cultural and spiritual symbol. To P, however, it was essential proof of adherence to the covenant. (For a comprehensive recent summary, see R. de Vaux, Les Institutions de l'Ancien Testament I, 1958, pp. 78 ff.) (Speiser, 1982, pp. 126-27)

3. . . . given its clearest expression and characteristic vocabulary in literature of the seventh and sixth centuries, the notion of election was fixed in Israelite belief from the beginning. It is central in the theology of the Yahwist (tenth century) who, having told of the call of Abraham, finds the promises to him fulfilled in the events of exodus and conquest. The Elohist likewise tells of the calling of the patriarchs, and he speaks of Israel (Ex. 19.3-6) as God's "own possession" among the peoples. Both Yahwist and Elohist, as we have said, found these themes already present in the traditions with which they worked. And, beyond this, what is perhaps the oldest poem that we have in the Bible (Ex. 15:1-18) does not refer to Israel by that name, but speaks simply of it as Yahweh's people, the people that He has "redeemed" (v. 13) and "acquired" (or perhaps better, "created"; v. 16). Similar themes recur in this and other ancient poems. Israel was rescued from Egypt by God's gracious favor and guided to his "holy encampment" (15:13); she is a people set apart, claimed by Yahweh as His very own (Num. 23:9; Deut. 33:28f; cf. 32:8ff.), secure in the continuing protection of His mighty acts (Judg. 5:11; Ps. 68:19ff.). From all this it is clear that from earliest times Israel saw itself as a people chosen by Yahweh and the object of His special favor. (Bright, 1967, pp. 148-49)

CHAPTER 6

AT SINAI

The Covenant with Moses and Israel

"Growth from the infancy of initial surrender to the maturity of a fully committed people of covenant came only with great agony for Israel" (Flanders, 1973, p. 154). We have seen that in Israel's infancy YHVH made a covenant with Abraham (Gen. 15, 17), renewed it with Isaac (26.24), and again with Jacob (28.13-22; 35.11-12). The suffering in Egypt and the eventual Exodus bound YHVH and His chosen people to each other, but now, for their own security, the people needed a formal recognition of that relationship. Sinai provided the opportunity.

At the mountain, the Israelites "held their constitutional assembly, formulated the essential, ethical premises of the covenant, and clarified the nature of their community" (Flanders, p. 154). Here they voluntarily became YHVH's covenanted people through whom all humankind would be blessed (Gen. 12.3). Here God's choice of Israel, as remembered in the call of Abraham, came to a climax and the promises made to the three Patriarchs were fulfilled.

For a detailed account of the historical events which brought Israel to Sinai, see Kaufman's explanation in Addendum C1&2; however, the traditional aura of holiness and mystery which is the people's memory of how God transmitted the covenant to them can only be found in the superb prose narrative of Exodus 19.16-19:

On the third day, as morning dawned, there was thunder, and lightning, and a dense cloud upon the mountain, and a very loud blast of the horn; and all the people who were in the camp trembled. Moses led the people out of the camp toward God, and they took their places at the foot of the mountain.

Now Mount Sinai was all in smoke, for the Lord had come down upon it in fire; the smoke rose like the smoke of a kiln, and the whole mountain trembled violently. The blare of the horn grew louder and louder. As Moses spoke, God answered him in thunder.

The themes of the Exodus and covenant are inseparably intertwined in Israel's religious thinking and understanding of its national self; for the drama of the Exodus culminates in the covenant. The reason for Israel's deliverance from Egypt was to arrive at Sinai in order to enter into the covenant; the covenant traditions are always the traditions of a delivered people.

Israel was taught to recognize that what gave its God the right to impose upon it this covenantal relationship with all that it involved was the decisive act of deliverance by which he freed it from its servitude in Egypt and led it out to a new life of national independence. . . . From the beginning, the covenant relation must have implied for Israel a sense of obligation towards a God who, though transcendent, had intervened on the historical plane on behalf of a particular people. (Black & Rowley, 1982, p. 153)

This fundamental unity of the two themes is clearly expressed in the "religious confession" (Flanders, p. 132) with which the covenant ceremony opens:

I am YHVH, your God, who brought you out of the land of Egypt, out of the house of bondage. (Ex. 20.2)

It continues:

You shall not have other gods besides Me.

You shall not make yourself a graven image, or a likeness of anything in heaven above or in the earth beneath, or in the water under the earth. You shall not bow down to them or serve them.

For I, Yahweh your God, am a jealous God, one who brings the iniquity of fathers upon their children even to the third

and fourth generations for those who hate me, and one who keeps faith unto thousands of generations with those who love me and keep my commandments.

You shall not swear falsely by the name of Yahweh, your God, for Yahweh will not acquit anyone who swears falsely by his name.

Remember the Sabbath, so as to keep it holy. Six days you shall labor, and do all your work, but the seventh day is a day of rest belonging to Yahweh your God. You shall not do any work, you or your son, or your daughter or your slaves, male or female, or your cattle or the alien who lives among you, because Yahweh made heaven and earth, the sea, and everything in them in six days, and on the seventh day he rested. Therefore Yahweh blessed the seventh day and made it holy.

Honor your father and your mother, so that your days may be long in the land Yahweh your God is going to give you.

You shall not commit murder.

You shall not commit adultery.

You shall not steal.

You shall not give false testimony against your neighbor.

You shall not covet another man's house. You shall not covet another man's wife, or his slave, male or female, or his ox or his donkey or anything that belongs to someone else. (Ex 20.1-14)¹

The Decalogue was not written by a lawyer, but rather by a prophet, a preacher, a spiritual thinker. It is not a law code, for it "neither covers every possible contingency nor provides any sanctions--save the implicit wrath of the Deity" (Bright, 1967, p. 172). Instead, "It lays down the constitutive stipulations of covenant to which all specific law must conform and whose intent it must seek to express" (Ibid., p. 173). It broadly defines areas of conduct which are required or forbidden, while leaving other areas unmentioned. "But precisely because ancient covenant stipulations did not legislate for specific cases" (Ibid., p. 172) (see Alt, 1966, pp. 79-132), "we may assume that a case law began to develop at once--even in the desert! (cf. Ex. 18.13-27) as instances requiring it arose" (Bright, p. 172).²

If we compare the Decalogue with the Hittite suzerainty treaty (remembering that the Hebrew word b'rit is used here for "pact" as it is used for treaties with kings), we clearly see an essential similarity in the status of the partners--for the two parties are by no means equal in strength or status. Neither party, to either pact, was passive, yet their roles are different. The king--or God--simply offers his terms while the vassal--or Israel--can only choose to accept or reject them (Ex. 19.8; see Mendenhall, p. 37).

The form of the covenant is also similar to that of the Hittite treaty: "I am YHVH, your God" is the prologue,³ "Who brought you out of the land of Egypt . . ." is the historical introduction. The positive and negative commandments are obvious parallels to the suzerainty stipulations, with loyalty to one lord/Lord being the principal command.

In ancient secular treaties, except for military assistance and yearly tribute, not much is said about the conduct of affairs in the vassals' own state. "This corresponds to the casting of the commandments in negative form. Certain acts are intolerable if there is to be a covenant with God, or any life together as a people--murder, theft, adultery, perjury, and so on--but once these forbidden areas have been fenced off, the rest of their affairs are for them to manage (Ibid., p. 10).

A solemn ceremony, which puts the covenant into effect, follows both the Decalogue and Hittite statements of alliance. The Exodus traditions are not clear on this point. One ceremony is the sprinkling of blood on the altar and people (Ex. 24.6, 8); another is a banquet in the presence of YHVH (Ex. 24.11).

Just as, in the Hittite treaty, the King did not swear to fulfill any obligations for the vassal, so too, the Decalogue speaks of no formal obligation on YHVH's part:

Yahweh's good will is implicit; he is the one who has graciously brought them out of the house of bondage. He will continue to be loyal and kind, since he is "One who keeps faith unto thousands of generations with those who love me and keep my commandments." But he swears to nothing. (Hillers, p. 52).

Both covenants are mutual in the sense that both parties have a certain freedom and initiative in its conclusion, but it is not mutual in the sense that it is not a quid pro quo agreement.

There are, however, several elements of the suzerainty treaty which are not present in the actual text of the Hebrew covenant: There is no list of divine witnesses. How could there be? "In the very nature of the case, it would be impossible to appeal to any other third party as a guarantor of this covenant between YHVH and Israel" (Mendenhall, p. 40). Later, we will see that the psalmists speak of "witnesses to the covenant" (see Ps. 69.35), but this is definitely a metaphor which leaves no doubt about Israel's monotheism. (See also Dt. 4.26.)

Similarly, there is no curse and blessing formula in the text of Exodus 20. However, as the tradition in Deuteronomy indicates, they were regarded as action which accompanied the ratification of the covenant (Mendenhall, p. 40).

And where is the oath in the Decalogue--so important in the Hittite treaty? There is none in Exodus 20, but in a sequel to the theophany in Chapter 24, we read: "Then Moses came and told the people all the words of YHVH and all the ordinances. And the people answered with one voice,

saying, **כָּל־הַדְּבָרִים אֲשֶׁר־דִּבֶּר יְהוָה נַעֲשֶׂה:** "All that God has said, we will do" (Ex. 24.2).

Although the Decalogue makes no explicit reference to the preservation of the covenant text, the tradition speaks of "The Ark of the Covenant," the box in which the two tablets were laid and which was carefully guarded and kept in the holiest place(s) (Ex. 30.6, 31.7; Num. 10.33, 14.44; Dt. 31.9; Josh. 3.6; Jg. 20.27; Sam. 4.3,4; et alii). Although there is no specific provision for perpetual periodic public readings, there is a later Deuteromic mention of it:

Then Moses wrote down this law and gave it to the priests, and commanded them: After seven years, at the appointed time, when all Israel comes to see the face of Yahweh your God, in the place which He shall choose, you are to read this law aloud so that all Israel can hear. (Dt. 31.9-13)

Some scholars opine that this has been synthesized from the ancient custom of the three pilgrimage festivals: "Three times in every year every male of your number shall see the face of the Lord, Yahweh, the God of Israel" (Ex. 34.24) (Seltzer, 1980, p. 74).

All this, then, has the Sinaitic covenant anabolized from the extrabiblical source of the ancient Hittites. But how do the previous biblical covenants of which we have spoken fit into this process?

Reines (1976, p. 62) considers this question by focusing on the conflict between autarchy and heterarchy⁴--a tension he perceives in the Pentateuch as it views the history of humankind from Adam to Sinai. In the beginning, says Reines, YHVH provided finite man, whom He created, with all the sustenance and security required to satisfy human needs (Gen. 2.8-10a; 15, 18, 21f). However, He did not do this without demanding a price: "Adam and Eve were to surrender the freedom to do as

is the strong intimation that YHVH will unconditionally protect Abraham and his descendants---just as He would protect all humankind from annihilation by flood. Thus, according to Reines, Scripture is depicting a quasi-autarchic human condition.

At Sinai, immediately prior to the revelation of the covenant, YHVH again promises special care to His people, but this time He emphasizes the people's obligation to obey His commands:

. . . and Moses went up to God. The Lord called to him from the mountain, saying, "Thus shall you say to the house of Jacob and declare to the children of Israel: 'You have seen what I did to the Egyptians, how I bore you on eagles' wings and brought you to Me. Now then, if you will obey Me faithfully and keep My covenant, you shall be My treasured possession among all the peoples. Indeed, all the earth is Mine, but you shall be to Me a kingdom of priests and a holy nation.'" (Ex. 19.3-5)

Reines says that YHVH's commands are not "vague, general suggestions that a person do good as the heart prompt" (p. 59).

On the contrary, Yahveh's commands are particular, precise and pervasive rules that control human life in all its spheres of activity. They dictate the beliefs that must be held, the rituals that must be observed, and the morals that must be practiced. Thus the covenant into which the Israelites enter with Yahveh is essentially similar to the agreement implicit in the relation that existed between Yahveh and Adam. Special providence is granted the human person, but only if the person surrenders his freedom. (Ibid.)

In this context, "Sinai is Eden regained. The journey of humankind had gone full cycle, from Eden to exile and back again" (Ibid.). YHVH made a "deal"--if not an unofficial covenant--with Adam: "All that the God of Goodness, Justice, Protection and Plenty has to give is yours --if you can follow just one of YHVH's rules." Adam failed the test--he "lost the deal"--and with it, he lost Eden, eternal life, and unconditional divine protection.

These heavenly offered boons are absent from the stories of Noah and the Patriarchs. Instead, with Noah, humankind is unconditionally promised that the flood will never annihilate earthly existence. YHVH Himself had adjusted His expectations, His promises, and His threats of punishments. He had eliminated His method of testing His human creation because man was not capable of meeting divine standards. Ultimately, human survival was the supreme divine objective.

Abraham, too, was offered much, with little expected in return. With him, the plan for survival rests not on universal man, but on one nation. It is at Sinai, when this nation is formally inducted into divine service, that "the special providence . . . withdrawn with the exile of Adam and Eve from the garden, is now attainable by those who keep the covenant made here" (Ibid.). Like Eden, those at Sinai must, according to Reines, "surrender their freedom" (Ibid.) through obedience to YHVH's commands. Those faithful who do obey will find the conditions of their world equivalent to those in the Garden.

And if you do obey these rules and observe them faithfully, the LORD your God will maintain for you the gracious covenant that He made on oath with your fathers. He will love you and bless you and multiply you; He will bless the issue of your womb and the produce of your soil, your new grain and wine and oil, the calving of your herd and the lambing of your flock, in the land that He swore to your fathers to give you. You shall be blessed above all other peoples; there shall be no sterile male or female among you or among your livestock. The LORD will ward off from you all sickness. (Dt. 7.12-15a)

For the LORD your God is bringing you into a good land, a land where you may eat food without stint, where you will lack nothing. (Dt. 8.7, 9a)

Eliminated from the Sinai pledge is the Eden promise of life without death. The concept has yet to be subjected to further metabolism by prophetic and rabbinic thought before it too can come full cycle (see p. 84)

The covenant at Sinai firmly fixes the concept that a heterarchical foundation must be the basis for national existence. The period of the Judges is a clear example of the alternative ". . . when each man did what was right in his own eyes . . ." (Jg. 17.6; 21.25) "they did what was evil in the sight of the Lord" (Ibid., 3.7,12). The depth and breadth of human obligation and divine promise within the heterarchy continued to metabolize throughout Israel's history, experiencing its greatest changes at the hands of the Priests, the Pharisees, and the modern Reformers (see below, p. 85).

At Sinai, we begin to see the progressive importance of the individual: Adam was all-important in the divine scheme. He failed. Noah, after he built his ark and weathered the storm, was unimportant in the same scheme. Only YHVH's promise was significant. Abraham was key to the physical perpetuation of a people who would eventually, at Sinai, be covenanted to do the Divine Will. He was the "father of our folk" while Moses was the "founder of our faith" (from notes, Boston College course, "Fundamentals of Judaism," R. A.S.G., 1981).

Abraham had a personal relationship with YHVH, as does Moses. But Abraham's role in the covenant is a passive one and his obligations following the pact are not clearly delineated. It is assumed that he will continue to trust God and walk righteously before Him. Subsequent events prove this to be true (Gen. 13.5-10; 14.14, 22-24, et alii), culminating in the Akeda where YHVH, because of and through Abraham, symbolically intervened to perpetuate the entire nation (Gen. 22).

It is through Moses at Sinai, however, that the whole nation is convenanted with YHVH. Moses' individual importance is gleaned from the

lengths to which Torah goes to detail his biography. The emphasis on his ability to persuade and lead, according to YHWH's instructions, might suggest that if he, like Adam, had failed YHWH, the Sinai covenant might not have been concluded.

Moses continues to play a key role following the events at Sinai. When the covenant is made, however, it is made between YHWH and a nation. The people do not bind themselves by oath to obey Moses as their leader. Instead they covenant themselves with YHWH. Moses' role in the whole procedure is that of a mediator and witness to the pact. (See Schwartz, 1956, p. 24.)

Therefore, when the individual does not meet a divine challenge (Num. 20.24), it is he--not the nation and certainly not all of humanity --who will be punished. The covenantal promise is kept; the nation enters Canaan. Only its leader, and those who would or could not believe in or adhere to the covenant, were excluded. Although the magnitude of their sins was not equal, Adam was expelled from the Garden just as Moses was not allowed to enter the Promised Land, but no segment of humankind was punished for Moses' individual failures.

"Although Moses gave a new feeling of unity to the tribes" (Mendenhall, 1955, p. 36), it was the covenant which made religion the basis of that unity. The group which left Egypt under Moses' leadership were of diverse backgrounds. Perhaps there was a nucleus which traced its origins back to Jacob. This has yet to be proven (Ibid., p. 37).

In the desert, as it was in Egypt, the entire group had no status great enough to ensure their survival among the other communities (Ibid.). One of the aims of the covenant was to mold this diverse people into a

new and cohesive unity. Consequently, the covenant was made in public with each individual and family hearing and accepting its terms. This is a procedural change from previous covenant making where both Noah and Abraham alone heard the divine Voice and were privy to the covenantal stipulations.

At Sinai, it was essential that all were present for the experience so that their collective memory and future objectives would unify them into a cohesive people. This assembly for covenant-making was often used by the Hittites in making their suzerainty alliances (Hillers, 1969, pp. 109-16). The Israelites ingested the practice and synthesized it for their own needs--namely, the formation of a people covenanted with God.

No longer does the responsibility for maintaining the covenant rest with YHWH, as it did previously, but with the people of the new nation. This change in emphasis sets the metabolic process into perpetual motion. It raises questions which are re-asked in each historic era and re-answered through the filter of the modes and needs of the time: basic questions such as: "How do we keep the covenant?" "How do we accomplish the task for which we were chosen?" The answers lie not in the direct interpretation of the covenant, but in Israel's cultic and common law, the setting for which was furnished by this covenant; for, from its inception, the Sinai covenant was inseparably intertwined with law.

Although the Decalogue did not constitute a law code, it nevertheless had binding authority since it defined how the community members must regulate their actions both toward their God and toward one another. "As the attempt was made to apply the covenant stipulations to daily situations, a legal tradition inevitably developed" (Bright, 1981, p. 172).

"Keeping of the law was man's covenant obligation. Every member of the community was a covenant person and no part of their activity was exempt from covenant obligation" (Flanders, 1973, p. 158).

The nature of their responsibility was clarified by the Covenant Code found in Exodus 20.22-23.33. This is not an official state law but "a description of normative Israelite judicial procedure" during the early days of the nation (Bright, 1981, p. 173).

The covenant code is an application of the fundamental principles of the Ten Commandments to specific matters of daily conduct. Each commandment is the comprehensive foundation for the building of a fitting superstructure of specific legislation. For example, the commandment, "You shall not kill," embraces the principle of basic respect for human life. The covenant code seeks to make the principle practical by distinguishing situations in which a life is taken. (Flanders, 1973, p. 159)

The laws of the Covenant Code reflect the customs, morality, and religious and legal policies of the early Israelite community before the Monarchy--a community of individual families or tribes whose leaders were the elders and tribal officials in each region or social unit.

The covenant between Yahweh and people was a covenant with each family, if not with each individual. Since protection was an important concern of all covenants, this meant that each Israelite family was thus placed under the direct protection of God, and could be attacked only at the risk of incurring the enmity of God. This placed on the law great responsibilities for the protection of each member of the community regardless of his social or economic status, including the protection of the thief (Ex. 22.3). This I would regard as the source of the perpetual concern for justice which is so characteristic above all in Israelite law. (Mendenhall, 1955, p. 16)

Nearly all the stipulations of the Decalogue are protected in the Covenant Code (see Addendum D). Most of them are provided with sanctions--in most cases, death (e.g., Ex. 21.15, 17; 22.20). Theft requires only restitution (Ex. 22.1-4) and manslaughter is distinguished from

murder (Ex. 21.12-14). Only the false use of the name of YHWH and the prohibition of coveting are found in the Decalogue and not in the Code.

Much more significant than its components is the spirit of the Covenant Code: The concern for justice which has been mentioned above is presented not so much as a right, but as a responsibility which gives rights even to the foreigner and noncitizen (see Addendum D5). Righteousness and humaneness also permeate the code (see Addendum D2 & 3).

This spirit as well as many of the code's laws was anabolized by the Deuteronomic writers (D) who expanded, reformulated, and amended not only the secular, but also the cultic and priestly laws. New cases were used and new applications made as the ancient code was synthesized to meet the needs of the more settled and sophisticated Deuteronomic community. (See Lewy, 1955, pp, 96-98, for detailed biblical references.)

The difference between the two codes is based on different social and cultural conditions:

The rebellious son who was a drunkard and glutton, and the daughter who whored in her father's house, reflect a society economically more advanced than one in which children beat or curse their parents. In a more advanced society, adultery is more frequent than witchcraft or copulation with animals. Worship of foreign gods, as a result of the incitement of idolatrous prophets or another urban group, was a greater threat to the religion of Yahweh during the reign of the Baal-worshipping Queen Jezebel than it was in the tribal period of semi-nomadic wanderings. (Lewy, pp. 97-98)

Obviously D transformed the material of the Covenant Code for its own purposes. Later, as we shall see, the Priests follow suit. However, they ingest the spirit but not the specific laws because the cult of the Covenant Code was still substantially the cult of the family, with the head of the clan officiating as Priest (Unger, 1966, p. 881).

"A religion may be understood on the basis of its teachings, the behavior of its adherents and the symbols used in its worship" (Flanders, 1973, p. 160). The Decalogue expresses the fundamental ethics of Israel's faith. The Covenant Code applies those ethics to daily behavior, and the Levitical Law (so called because the Levites were the designated priests) defines the ritual practice of the community at worship.

Levitical law, like the Covenant Code, emerged over a period of several centuries. However, tradition has looked to Moses as the founder of the cult as well as of the worship ritual which "inevitably draws upon a cultic heritage and utilizes meaningful elements from the past" (Ibid.).

Space limitations preclude a thorough investigation of ancient ritual and cultic activity. Suffice to say that the response to the covenant can be seen in the ordering of sacred days and seasons--including Shabbat, three annual feasts, and the New Year (Lev. 23). Prayers, psalms, but most especially sacrifice, were the most obvious ways of worshipping YHWH.

All this was metabolized by generations of descendants of those who were present at Sinai. The metabolism of specific rituals, holidays, and modes of worship will be discussed below when appropriate.

Only Shabbat need be mentioned here, for it is the single ritual observance mentioned in the Decalogue. The Creation story in Genesis closes with the statement that God "blessed the seventh day and declared it holy, because on it God ceased from all the work of creation which He had done" (Gen. 2.1-3). There is no mention here of a fixed, weekly observance. Nevertheless, the Decalogue clearly connects the weekly Sabbath day with creation:

Remember the sabbath day and keep it holy: you shall not do any work. For in six days the Lord made heaven and earth and sea, and all that is in them, and He rested on the seventh day; therefore the Lord blessed the sabbath day and hallowed it. (Ex. 20.8-11)

"Imitatio Dei" may very well have been the catalyst for the metabolism of an idea in Genesis, which turned it into a weekly observance in Exodus.

The process continues: Shabbat, like the rainbow and circumcision, becomes a sign of the covenant:

. . . you must keep My sabbaths, for this is a sign between Me and you throughout the ages, that you may know that I the Lord have consecrated you. He who profanes it shall be put to death: whoever does work on it, that person shall be cut off from among his kin. (Ex. 31.13-14)

These biblical passages understand the seventh day to be "an integral part of the divinely ordained cosmic order:

It is infused with blessing and sanctity, not by any action on the part of man but by God Himself. Its cosmic reality is entirely independent of human effort, and it is beyond the power of human beings to abrogate or change it. (Sarna, 1986, p. 146)

Yet, unlike the rainbow, but similar to circumcision, the Shabbat is the responsibility of the people. It is they who must continuously renew the covenant by making its sign to YHWH. (For the history of the seventh day, see Sarna, pp. 145-48.)

The presence of Shabbat is found in each era that follows. By anabolism and synthesis, the stipulations for its observance are altered by time and need. With the Talmudic Rabbis, it reaches a complexity that would probably astound Moses himself! (See below, p. 99.)

The promises made to Abraham are reiterated and expanded at Sinai, but before they are made, YHWH reminds the multitude ^{of} what He has done for

them and, quid pro quo, conveys in broad terms what he expects from them:

You have seen what I did to the Egyptians, how I bore you on eagles' wings and brought you to Me. Now then, if you will obey Me faithfully and keep My covenant, you shall be My treasured possession among all the peoples. Indeed, all the earth is Mine, but you shall be to Me a kingdom of priests and a holy nation. These are the words that you shall speak to the children of Israel. (Ex. 19.1-6)

Once again, election is a major covenantal theme, but now it is more specific. The people Israel have been chosen, not just to "be a blessing" (Gen. 12.2) but "to be to Me a kingdom of priests and a holy nation."

The promise of land, protection, and posterity are not specifically mentioned in the covenant writings but is implied by subsequent laws:

I am sending an angel before you to guard you on the way and to bring you to the place which I have made ready. . . . if you obey him and do all that I say, I will be an enemy to your enemies and a foe to your foes. (Ex. 23.20-22)

When My angel goes before you and brings you to the Amorites, the Hittites, the Perizzites, the Canaanites, the Hivites, and the Jebusites, and I annihilate them, you shall not bow down to their gods in worship or follow their practices. You shall serve the Lord your God, and He will bless your bread and your water. And I will remove sickness from your midst. No woman in your land shall miscarry or be barren. I will let you enjoy the full count of your days. (Ibid., 23-26)

From the broad generalizations of the Abrahamic covenant, we now find specific promises followed by detailed laws. Why the metabolism? Possibly because in order for a "mixed multitude" to function as a cohesive group and develop into a unified, productive, and religious nation, it must have a common set of rules by which its

people act, in concert with each other, toward the outside world and toward its Deity. Sinai provided all this and more: It offered the force of a great man and the power of the overwhelming experience of the whole people's theophany--all of which worked to forge a new nation and then remained in its collective memory to be metabolized and used by future generations according to their needs.

Notes to Chapter 6

1. A qualifying word is again needed before further discussion: Scholars agree that those who wrote the account of what happened and what was said at Sinai were not eyewitnesses to the event. The Exodus material treated here is assigned to "J" and "E", who wrote no later than about the eighth century B.C.E. "In their present form, our documents are centuries later than the events and words they purport to relate (Hillers, p. 47).

Aside from "J" and "E", there is an account by "P" and a retrospective depiction by the Deuteronomist "D". All that can be confidently said is that the moment at Sinai was engraved into Israel's consciousness, and our concern is with establishing what was believed to have happened and how the tradition has dealt with it.

2. A distinctive ^{feature} of the Israelite code is to be found in the particular form given to its basic laws. In the Torah two general types of law are found: conditional (or case) law, and absolute or apodictic law. Conditional law had a characteristic formula: "If - - - happens, then - - - will be the legal consequence." This type of law was found everywhere in the ancient world and was typical of all the ancient codes. Absolute law, on the other hand, was more characteristically Israelite and expressed unconditional covenant demands. There were no "ifs" about it. It was absolute and was stated in categorical language. The best examples of absolute law in the Tanach are, of course, the individual commandments of the Decalogue. Further examples are found in Deuteronomy 27 where curses are pronounced upon twelve types of violators of the covenant. (Ibid., p. 64)

3. The prologue of the Decalogue, "I am YHVH, your God" is much briefer than the introduction of a Hittite king in a suzerainty treaty. This is understandable if we consider that, even today, the longest introductions are usually given to the least known speakers. The more important the celebrity, the less need to recite his credentials.

A case in point: "Ladies and Gentleman, The President of the United States."

(From a lecture by Rabbi Albert S. Goldstein)

4. Reines' definitions:

In the state of autarchy, the human person's stance is that he possesses ultimate authority over himself, and the consequent freedom to believe and act as he wishes, according to truths and values he himself determines. In the heterarchic state, the person's stance is that some other entity (or entities) possesses ultimate authority over him, with the consequent right to determine the person's beliefs and actions for him. (1976, p. 62)

Reines equates obedience to divine commands with surrender of personal freedom. In its most literal sense, the equation is valid; when commands are followed in a most orthodox way, the simile is acceptable; and for the purposes of this paper, the theory is worth pondering. However, this writer is compelled to comment that freedom is not freedom if it is merely "freedom from"--that is anarchy. "Freedom for" demands at least a few rules if one is to use the freedom constructively.

(From a sermon by Rabbi Albert S. Goldstein)

CHAPTER 7

AT SHECHEM

The Covenants with Joshua and the Tribes

The Book of Joshua, which is also the beginning of Deuteronomic history, opens with an account of the conquest of Canaan. The book, however, cannot be separated from Torah as a self-contained version of Israel's struggle to possess the land, because that struggle began with the patriarchal migrations to Canaan. The book claims that it was Joshua's victories which assured the fulfillment of the promise to Abraham.¹ YHVH had been true to His promise as the people had been faithful to Him.

So closes a chapter begun with Abraham. A second Moses brought fulfillment to the nation's enduring hopes and dreams. . . . Israel's faith had brought her far and Yahweh had taken a no-people and made her a "nation" with a land she could call her own. (Flanders, 1973, p. 200)

It was YHVH's holy war, led by "a second Moses"--Joshua--which acquired the land YHVH fought for in battle; YHVH won, driving out enemies; YHVH gifted Israel with the land as evidence of His mercy, grace, and sovereignty.

However, concurrent with this idea was the widespread tradition emphasizing that Canaan still belonged to YHVH (Lv. 25.23; Josh. 22.19; Jer. 2.7; 16.18). The tension between these two ideas pervaded the life and worship of Israel: Since Canaan continued to be YHVH's land, Israel interpreted its role to be proving itself worthy of dwelling there.

If she were to enjoy a long and happy life there, she had to obey YHVH's law (Lv. 26.3-12).

Canaan's virtual paradise, tended by Yahweh, would be Israel's only so long as she was faithful to her covenant obligations. If Israel failed to live by his law, Yahweh would absent himself from the land and the paradise would turn to chaos. (Flanders, 1973, p. 201)

Once again, the promise, blessing, and curse are reminiscent of Eden.

From the beginning of its life in Canaan, and for a period of about 200 years, Israel existed as a loosely connected aggregation of (traditionally twelve) tribes with no central controlling government. Yet it was able to survive as a people set apart from its neighbors. As we have concluded in Chapter 2 (p. 11), the cohesive factor of the tribal association was the common belief in Israel's covenant with YHVH.² "Peace between the tribes was maintained and concerted action secured, only through the sanctions of the covenant" (Bright, 1981, p. 166).

The league had its focal point at the shrine which housed the Ark of the Covenant: "There the tribesmen would gather on stated occasions to seek the presence of Yahweh and renew their allegiance to him, and also to adjust matters of controversy and mutual interest among the tribes" (Ex. 22.28) (Ibid.)

It would appear from a reading of the Song of Deborah (Jg. 5) that the tribal league, as depicted in the Book of Joshua, was in full operation in the twelfth century. Scholars presume it was established soon after the end of the initial struggle for the land and that the ceremony sealing the formation of the league took place as described in the account of the great covenant at Shechem (Josh. 24).

Although it may be said that at Shechem "Israel's tribal system assumed normative form" (Bright, 1981, p. 167), this writer and many others maintain that the existence of the covenant society dates back to Sinai (and perhaps even to Abraham): The traditions of Joshua's league remembers the covenant at Sinai (Jg. 5.4f; Dt. 33.2).

Indeed, had not the nucleus of Israel, already in covenant with Yahweh, appeared in Palestine and, banding with disaffected elements there with whom it made common cause, won notable victories, it is difficult to see why groups of such mixed origin, and geographically so scattered, would have come together in confederation under Yahweh's rule at all. Yet that this was done shortly after the conquest seems all but certain. (Bright, 1981, p. 168)

The name Shechem is not nearly as well known as Sinai, but the site is an impressive and historic one, and the covenant concluded there seems almost as important as Sinai's in Israel's history.

The city itself, "which crouches in the pass between two imposing peaks, Ebal and Gerizim, and confronts a fair plain" (Hillers, 1969, p. 58) had been considered sacred since the times of the Patriarchs (Gen. 33.18; 37, 14). It had been associated with the making of Pacts long before Joshua arrived (Hillers, p. 59). So decisive was the Israelite covenant made at this site that Shechem became the sacred center of the league and the site of periodic renewal of the covenant (Wright, 1965, pp. 123-38).

Three groups were present at Shechem: a) Families or tribes which had not been in Egypt and were not worshippers of the covenant God, YHVH, but who related to the tribes which had been led into Canaan by Joshua (Josh. 24.2, 15); b) those for whom Canaanite culture and religion had been their previous identification (Ibid., 24.15); c) tribes which had

entered Canaan with Joshua and were descended from those who had been at Sinai (Ibid., 24.5-9).

Those in the first group were summoned to acknowledge YHWH as their God and "to receive the story of His dealings with the tribes which had left Egypt as their own story of faith" (Flanders, 1973, p. 204).

The second group was challenged to abandon Canaanite religion in favor of the covenant faith. Since they had joined Israel, it was imperative that they understood the obligations and responsibilities that were the essence of the union. Also, "worship of the deities of a land implied submission to the people of that land" (Ibid.). Therefore, they must relinquish all allegiance to Canaanite gods in favor of YHWH to Whom the land belonged.

The third group reaffirmed their loyalty to the God who had delivered them from Egypt, protected them in the wilderness, and given them this land. They also were to recognize that "all the tribes presenting themselves before YHWH at Shechem were the recipients of the patriarchal promise" (Ibid., p. 206).

After the people were assembled at Shechem, a resume of YHWH's redemptive acts in the form of an ancient confession of faith was presented to them:

Then Joshua said to all the people: "Thus says Yahweh, the God of Israel: 'Your fathers dwelt in the land beyond the Euphrates in olden times, Terah, the father of Abraham and Nahor, and they served other gods. Then I took your father Abraham from beyond the River and made him go through the whole land of Canaan. And I gave him increase of offspring, and gave him Isaac. Then I gave to Isaac Jacob and Esau. I gave Esau the mountain land of Seir for his own, but Jacob and his sons went down to Egypt. Then I sent Moses and Aaron

and smote Egypt, with what I did in their midst, and afterward I brought you out. Then I brought your fathers out of Egypt and you came to the sea. The Egyptians were chasing after your fathers with chariots and horsemen, to the Sea of Reeds, so they cried to Yahweh and he put darkness between you and the Egyptians. Then he brought the sea over them and covered them up. Your own eyes saw what I did to Egypt. You dwelt in the wilderness many days. Then I brought you into the land of the Amorites, who dwelt on the other side of the Jordan, and they fought with you, and I delivered them into your hands, and you took over their land and I wiped them out before you. Then there arose Balak son of Zippor, king of Moab, and he fought with Israel. He sent and called Balaam son of Beor to curse you. But I was not willing to listen to Balaam, and he blessed you instead. Thus I delivered you from him. Then you crossed the Jordan and came to Jericho, and the lords of Jericho fought with you--the Amorites and Perizzites, and the Canaanites, and Hittites, and the Girgashites, the Hivites, and the Jebusites, but I delivered them into your hands. And I sent before you the hornet [traditional translation; meaning uncertain] and it drove them out from before you, that is, the two kings of the Amorites, without your sword and bow. (Josh. 24.2-12)

Next came the challenge to their decision and their response:

I gave you a land for which you did not toil, you live in cities which you did not build, you eat of vineyards and olive groves which you did not plant.' Now then fear Yahweh and serve him in integrity and good faith. Put away the gods your fathers served in the land beyond the Euphrates, and in Egypt, and serve Yahweh. But if you dislike the idea of serving Yahweh, why, choose today whom you do want to serve, whether the gods your fathers served in the land beyond the Euphrates, or the gods of the Amorites in whose land you live now. But as for me and my family, we will serve Yahweh."

Then the people replied, "Far be it from us to forsake Yahweh and serve other gods! For Yahweh is our god. He is the one who brought us and our fathers up from the land of Egypt, from the house of bondage, who did before our eyes these great wonders and guarded us on the whole way by which we came, among all the peoples through whose midst we passed. Yahweh drove out all the nations from before us, and the Amorites who dwelt in the land. We too want to serve Yahweh for he is our God." Then Joshua said, "You cannot serve Yahweh, for he is a holy God, he is a jealous God, he will not tolerate your rebellion and transgressions. When you forsake Yahweh and serve strange gods, he will turn around and do you evil and consume you

as he once did you good." But the people said to Joshua, "No! For Yahweh is the one whom we will serve." Then Joshua said to the people: "You are witnesses against yourselves, that you have chosen Yahweh for yourselves, as the one to serve?" They said, "We are." "Then put away the strange gods which are among you and turn your hearts to Yahweh, the God of Israel." The people said to Joshua, "Yahweh our God will we serve, and to his voice will we hearken." (Ibid., 13-24)

Finally, the actual ceremony of covenant making:

So Joshua made a covenant for the people on that day, and established an ordinance and customary observance at Shechem. Joshua wrote down these words to be a book of instruction from God, and took a great stone and set it up there beneath the oak which is in the sanctuary of Yahweh. Then Joshua said to all the people: "This stone shall be a witness among us, for it has heard all the words of Yahweh, which he spoke to us, and it shall be a witness against you, lest you play false with God." Then Joshua dismissed the people, sending each one to his own inheritance. (Ibid., 25-28)

It is important to recognize that here we are dealing with a description of how the covenant was made and not with the actual text. Yet we can detect similar patterns of thought analogized from Exodus 20 and extrabiblical vassal treaties.

Joshua begins by identifying his words as those of YHWH. He then launches into a lengthy historical introduction,³ presented as a direct speech of God, in the first person. The content of the speech is similar to the Sinai covenant in that it presents contemporary events which the hearer has experienced (cf. Ex. 20.15-19 and Josh. 24.5-13). It differs in that the narrative begins with the Patriarch Abraham and concludes with the current event.⁴ But the emphasis is similar: the related record puts the people under an obligation and challenges them to choose. The proper choice is clearly suggested for, after all YHWH has done for them, how could they not but serve Him?

We have no record of detailed stipulations at Shechem. Mendenhall is convinced that they have been lost (p. 42). The major stress is placed on the people's obligation to serve YHVH--to the exclusion of all other gods. In other words, only the first commandment has been explicitly ingested from the Decalogue. "The main concern was to preserve intact Israel's relationship to YHVH and to prevent disturbance of this relationship by unlawful acts" (*Ibid.*, p. 103).

Exactly what it means to "serve YHVH" other than "to put away the strange gods . . . and turn your hearts to YHVH" (Josh. 24.24) is not specified. Like the commandments in the Decalogue, the stipulation is broad, calling for further detail.

In somewhat the same manner, there is an implicit, if not explicit, blessing and curse in the Shechem covenant.

Before he permits the people to involve themselves lightly in this most serious of relations, Joshua warns them of the possible evil consequences: God is "a jealous God," and to judge from their previous record, they are apt to fall into idolatry and incur his wrath. (Mendenhall, pp. 62-63)

"As for me and my family [house] we will serve YHVH," establishes that entrance into the covenant was the decision of the head of each family. Like the Sinai pact, the covenant was not made with the Israelite leader. It was the individual--or the individual family--which had to make its own conscious decision. This was different from Hittite treaties which involved heads of state. "You speak to us" (Ex. 15 & 16), the people at Sinai pleaded with Moses. However, it was they who ultimately answered. "All that the Lord has spoken, we will do" (Ex. 19.8).

This emphasis on the individual's acceptance of the covenant--a psychological imperative if each is to believe that he has personally

covenanted obligations and responsibilities--is, so far, a constant element in all the Israelite alliances with YHVH. It has undergone little or no metabolic change.

Not since Noah, who was not an Israelite, has a covenant been made without individual acceptance. Abraham has his covenantal theophany in private and for himself, since those who would be involved would be future generations. He is, however, circumcised as a sign of acceptance. Moses personally receives the words of YHVH's covenant in public, but it is clearly understood that each observer at the foot of the mountain is obliged, individually and voluntarily, to enter into the relationship (Ex. 19.9, 20.17). Joshua, although he is depicted as actually speaking YHVH's words, would not, even as their leader, commit his people. Instead, he challenged and offered them the covenant, allowing them the choice of acceptance or rejection. The leader, Moses or Joshua, had a vital function up to the conclusion of the b'rit, but, this concluded, he did not continue to stand between the people and YHVH as a mediator.

The idea of witnesses at Shechem is dealt with in an inventive but clumsy way. At one point, the people are said to be witnesses against themselves (Josh. 24.22). Then, when the covenant is actually made, it is a stone which "has heard all these words" and which was witness against them (Ibid. 25.27).

This is about as close as one could tread, within Israelite monotheism, to the notion of a divine witness, for a standing stone like this bore the name Beth-el, "House of God," among the Israelites and their neighbors. Even though within Israel there is no question of stones being regarded as deities separate from Yahweh, yet this great stone was in their view more numinous, more charged with supernatural power than it would be to us. A sacred stone--sacred to Yahweh, to be sure --is a reasonable approximation to a divine witness. Yet

when all is said and done, a covenant with the one God as a partner practically precludes any real functioning of this part of the covenant form. (Hillers, pp. 63-64) (Cf. in Gen. 31.45-51.)

Could it be that the people Israel ingested--perhaps mistakenly--a touch of pagan thought from their neighbors or from the former customs of those who now belong to their league? Ingested, not enough to be digested and assimilated, but just enough to leave the tell-tale signs of its momentary presence?

Certainly, at least one other environmental influence can be sensed in the Shechem Covenant. "Right up front and basic to every suzerainty treaty is "the prohibition of foreign relations--other gods" (Mendenhall, p. 42). Loyalty to the King/Deity, and to no other, is a prerequisite for alliance--not only in extrabiblical treaties but in the covenant at Sinai: in the Decalogue, directly after the historical preamble: "You shall have no other god(s) before Me" (Ex. 20.3).

At Shechem, however, this stipulation is not only the first, it is the only one mentioned. If idolatry was not a prevalent practice--not only among Israel's neighbors but amongst themselves--there would be no repeated denunciation of it, no emphasis on its prohibition, no laws against it. (In our day, there are statutes prohibiting and punishing treason--but not idolatry!) That it is the only stipulation, and that it is so clearly, carefully, and boldly asserted, indicates the strength of the enticement and the threat that idolatry presented to the tribal league.

The elements of the Shechem Covenant (in this case, the stipulation element, which sets the tone for both the covenant itself and its consequences) were altered and the catalyst for the metabolic change

was the threatening, undesirable practices of the surrounding cultures.

Early Israel's life was based on the covenant of consecration and renewal at Shechem and the law which interpreted the covenant and applied it to daily life. (Scholars believe this law continued to be found in the Covenant Code) (Bright, 1981, p. 165) and the cult, which was the form of worship and response indicated by the law. The cult did not center in a sacrificial system but in three great annual feasts listed in the Book of the Covenant (Ex. 23.14-17; 34.18-24). At the feasts of Unleavened Bread, of Weeks, and of the Ingathering, the worshipper was expected to present himself before YHWH. (See Ch. 7, note 3.)

There is also evidence of a great annual feast at Shiloh--presumably connected with the feast of Ingathering--when there was a regular ceremony of covenant renewal, whether annually or every seven years (Dt. 31.9-13; Jg. 21.19; I Sam. 1.3, 21). "The tribesmen would come with their tribute to the God-King, to hear his gracious deeds recited and his commandments read, and then with blessings and curses to take anew their oath of allegiance to him (Bright, 1981, p. 171).

This cultic worship, as ordained by the covenantal law of the day, was the original ingredient in the Priestly cult, but once in the hands of the Priests, it was subjected to a metabolic process which rendered it almost unrecognizable. This we shall investigate below (see p. 119).

The point to be made here is that "the covenant (form) itself furnished the nucleus about which the historical traditions crystallized in early Israel" (Mendenhall, p. 44) and from which those traditions

were metabolized in future generations.

What we now call "history" and "law" were bound up into an organic unit from the very beginnings of Israel itself. Since the cultus was at least connected with the covenant proclamation or renewal, we can see that in early Israel, history, cultus, and "law" were inseparable, and that the history of Israelite religion is not the history of the gradual emergence of new theological concepts, but of the separation and re-combination of these three elements so characteristic of Israelite religion. (Ibid.)

When dealing with the description of the events and covenant-making at Shechem, Mendenhall explains the literary process which accompanies the many changes:

It is very difficult to escape the conclusion that this narrative rests upon traditions which go back to the period when the treaty form was still living, but that the later writer used the materials of the tradition which were of importance and value to him, and adapted them to his own contemporary situation. (Ibid., p. 41)

The covenant at Shechem established the entity "Israel" and separated it from the mass of "kindred Habiru" (Flanders, 1973, p. 206) who had for centuries been entering into and living within Canaan. The covenant joined together the people of YHVH by a common religious bond, just as the Sinai pact had done. But now the people were settling in their promised land and now they were identified by their covenantal relationship with YHVH, who was their King--a King who, by the account of the conquest of Canaan and the covenant at Shechem, had been faithful to His patriarchal and covenant promises.

By presenting and reiterating this theme, Tanach, and especially the Book of Joshua, anticipate the judgment upon Israel for failure to be YHVH's loyal people in the land He had given them (Ibid., p. 188).

Notes to Chapter 7

1. There is grave doubt among scholars that the Book of Joshua is, in any way, reliable history. Once again, this paper deals with the total Jewish tradition in which the events here play a significant part.

2. a. The Nature of the Tribal System. This is a subject that has occasioned much debate. Some fifty years ago, Martin Noth advanced the hypothesis that early Israel is to be understood as an amphictyony, a sacral confederation of twelve tribes united about the worship of Yahweh, analogous to similar organizations that existed in Greece, Asia Minor, and Italy some centuries later. So ably and so persuasively were Noth's views presented that they gained widespread acceptance and became for a time wellnigh the consensus. But recently they have been subjected to sweeping criticisms, from various scholars and from various points of view, which make it evident that the analogy has been pressed too far. To avoid confusion, it would be best not to use the word "amphictyony" in connection with early Israel; the parallels, while illuminating, are not exact and are, moreover, drawn from another culture at a later period. Yet even though Noth's thesis requires modification, we should do well not too hastily to discard it altogether. Early Israel seems in fact to have existed as a sacral league of tribes founded in covenant with Yahweh. Although this is contested, and doubtless will continue to be, one feels strongly that no satisfying alternative explanation of early Israel has yet been advanced.

On this fundamental feature in Israel's theology, see G. E. Wright, God Who Acts (London: SCM Press, 1952).

M. Noah, Das System der zwölf Stämme Israels (BWANT, IV: 1 [1930]; reprinted, Darmstadt: Wissenschaftliche Buchgesellschaft, 1966).

Among those who have expressed criticism are: H. M. Orlinsky, "The Tribal System of Israel and Related Groups in the Period of the Judges" (Oriens Antiquus, I [1962], pp. 11-20); G. Fohrer, "Altes Testament--'Amphiktyonie' und 'Bund'?" (ThLZ, 91 [1966]. (Bright, 1981, p. 162)

3. Why the necessity for repeated summary-history introductions at renewal of covenants? Because new individuals and groups of "converts" were constantly invited to (and did) join the covenant people and when they did were declared retroactively to be "charter members" by their acceptance of the stipulations in the covenant. E.g., "You stand now before The Eternal your God--including [you who are] strangers--that you may enter into the covenant . . . so that He may establish you . . . as His people and be your God . . . as He promised you and swore to your (!) [obviously, belatedly adopted] fathers, Abraham, Isaac, and Jacob [gone to their reward over half a millennium before Moses and more than a millennium before the Deuteronomist (Josiah? Hilkiah? Jeremiah?) (Dt. 29.9ff [*italics added*])].

4. Any explanation of the fact that Exodus 20 does not include reference to the patriarchs is inevitably speculative, but the following is at least possible. There is evidence for the view that traditions about Abraham, Isaac, and Jacob were preserved and handed down at various local shrines within Palestine. These traditions were known and cherished by various groups, including some who did not take part in the sojourn in Egypt, the exodus, or Sinai, and were not originally joined together into a unified account of Israel's origins. On this view, the brief history in Exodus 20, beginning only with the exodus, would preserve a very ancient tradition, and Joshua 24 would show the later state of affairs, when the patriarchal stories had been welded into a whole and introduced into the sacred covenant history. (Mendenhall, p. 32)

CHAPTER 8

THE MONARCHY: KINGS, PRIESTS, PROPHETS

The Covenants with David and Josiah

Milton poetically describes Saul as "He who seeking asses, found a kingdom." But what the poet neglects to say is that, "having found the kingdom, he went home to his father's asses" (Hillers, 1969, p. 98). (For a discussion of the various biblical accounts of this incident, see Bright, 1981, pp. 166-68). What else was there for Israel's first king to do? There was no monarchical tradition, no previous rules in Israel for what a king should be and do, and so, before Saul could play the king, he had to write the script.

When he did begin to play the role, it is not surprising that he could not summon the power needed by a successful king. After all, never before in Israel had so much responsibility been centered in one human individual.

Early Israel was a theocracy of which YHWH was King. His rule was determined by the nature of His covenant with Israel. The covenant was central--physically central--to the organization of the nation: "The point at which the heavenly sphere touched the earthly was the ark of the covenant" (Hillers, p. 74), which was housed in a shrine and was the focus of Israel's religious life. Here, not only was the presence of YHWH found and prayers directed to Him, but through oracles His will was made known and through ceremonial renewals the memory of the covenant

was kept alive.

In a time when "there was no king in Israel" and "every man did what was right in his own eyes" (Jg. 17.6, 21.25), YHWH exercised a "loose but effective rule (Bright, 1981, p. 134) through the central shrine, through inspired leaders (see Book of Judges), through a recognized form for the conduct of war (see Dt. 20.1-9; Hillers, pp. 84-86), and through the use of covenant terms to shape Israel's laws (Ibid., pp. 91-94). At the same time, tribes, clans, families, and individuals were fairly free to do as they chose, within this loose scheme (Bright, 1981, p. 135).

This governing system in which the covenant was not simply an idea, but a political and social reality, lasted for about 200 years. "As forms of government go, [it] cannot be considered an abject failure" (Ibid., p. 95). Yet the Israelites themselves eventually concluded that the theocracy had failed.

One reason for the failure was military: Too often, well-trained armies could easily defeat them (Jg. 10.7-9). The tribal league flourished only when its enemies were weak (Jg. 3.29, 30) and, even then, there was always the tough Philistine aggressors with whom to contend (Jg. 13.1). If there was no king in Israel, "There was no smith in Israel" either (I Sam. 13.19).

During this period of transition from use of bronze for weapons and tools to use of iron, the Israelites were dependent on the Philistines for any blacksmith work and were thus at a military disadvantage. When the Israelites brought the ark of the covenant into battle against their uncircumcised foes, the disaster was compounded: the ark was captured. Even though it was eventually returned, the Israelites quite naturally wanted a king who would "go out before us and fight our battles" (I Samuel 8:20). (Hillers, p. 96)

Justice disintegrated too, as evidenced by the story of the Levite and his concubine (see Addendum E). This senseless crime was brutal enough, but the worst aspect, for Israel as a whole, was its consequences. Benjamin refused to surrender those who were responsible, and the result was a conflict that almost destroyed that tribe. "And they said, 'Why, O Yahweh, God of Israel, did this happen in Israel, that today there should be lacking one tribe from Israel?'" (Jg. 21.3)

The answer was obvious: The peace, safety and justice of the league depended on the tribe's submission to the covenant. "Where this was lacking, where a tribe was willing to harbor rapists and murderers, the only recourse was to a blood feud which . . . threatened to destroy all Israel" (Hillers, p. 97).

The fall of Shiloh to the Philistines foreshadowed the end of an era.¹ The people clamored for reorganization and a wave of popular sentiment called, "Give us a king to rule over us" (I Sam. 8.5, 6, 20). Saul was chosen.² He did indeed have some military victories, but he failed to find some way of including himself in the religious scheme. He had been anointed by Samuel (I Sam. 16.13) and he did gather the remnants of the clergy who had served at Shiloh and bring them to Nob (Ibid., 22.1). But, in the end, the half-crazed monarch alienated religious elements by ordering the slaughter of those priests (Ibid., 22.19).

In contrast, David took all the necessary steps to organize Israel into a kingdom, beginning with his marriage to Michal.³ His political, administrative, and military affairs all proved successful. However, to establish a unity, ". . . the political demands and needs of the new

state had to take precedence over the felt religious obligations of the individual, clan and village. This in turn meant that the state had to have powerful religious backing" (Mendenhall, 1955, p. 44). To this end, he took measures to associate himself and his dynasty with Israel's religion: He chose Abiathar, a survivor of the old priesthood, for his chaplain and eventual high priest (II Sam. 20.25). He tied to himself the prestige of the prophets--a group that, even under the tribal league, had enjoyed the excellent reputation of being YHWH's spokesman (see Deborah, Jg. Chs. 4 & 5, as one example). Indeed, the covenant was actually transmitted, not by David but by Nathan.

He publicly danced before the ark as his men brought it back from its wanderings (II Sam. 6.14) and installed it in a semipermanent shrine in Jerusalem (Ibid., 6.17). (He wanted to build the Temple, but this was to be the task of his son Solomon (Ibid., 6.17). Now the City of David would be the pilgrimage center for all Israel.

All these were practical and, perhaps, shrewd steps toward his goal of kingship and a united kingdom. Yet there was still one more necessary move: Some theory or positive account had to be given as to how the status of kingship fit into the old scheme which had included only YHWH and Israel.⁴

"An important direction the theorizing took was the development of a different view of the covenant with God" (Hillers, p. 100)--a view not yet invented. Simply stated, the new idea declared that the king was made king by covenant! "Though we do not have details enough to analyze its form, there can be no reasonable doubt that Israel was bound by oath to acknowledge and obey the king, with Yahweh acting as

witness" (Mendenhall, p. 45).

This, however, was insufficient because "Yahweh as witness could hardly be expected to punish Israel for a breach of covenant if the king demanded something which was in flagrant violation of all religious tradition" (Ibid.). Therefore, the tradition of the covenant with Abraham became the pattern of a covenant between YHWH and David. As YHWH bound himself in the Abrahamic and Noahide covenants, so He promised to maintain the Davidic line in the Monarchy. Consequently, Israel could not escape responsibility to the king. "The covenant with Abraham was the prophecy and that with David, the fulfillment" (Ibid., p. 46).

The theology of the Davidic covenant⁵ is most clearly expressed in the oracle of Nathan and in several of the Royal Psalms (see Ps. 2, 72, 89, 132).

"This was a very time-conditioned theology, but it was officially affirmed in the Jerusalem temple and was the theology that gave the Davidic dynasty its legitimacy" (Bright, 1967, p. 222). Its gist is that YHWH had chosen Zion to be His eternal dwelling place and had promised to David a never-ending dynasty. The king could, by his personal sins, bring punishment upon himself and his people, but never would God take His gracious favor from David. Unconditionally, the dynasty would endure. "More than that, God has promised it victory over its foes and a far-flung domain, with the kings of the nations fawning at its feet" (Ibid.).

This theology, reaffirmed in the cult, was the ideological basis of the existing order in Judah and forced the Mosaic covenant into the background until the late 7th century B.C.E. Although there is ample documentation to indicate that the Sinai covenant was known in the days

of the monarchy (Flanders, 1973, p. 312), historic and prophetic traditions originating in the South (but not in the North where the Davidic covenant was not easily accepted) all but ignore or seemingly forget its existence.

The Sinai historic prologue, "I am YHVH your God, Who brought you out of the Land of Egypt . . ." (Ex. 20.1), is replaced with a statement of support for the monarchy: "I took you from the fold, from following the flock, to be a commander (nagid) over my people Israel, and I was with you wherever you went. . . ." (II Sam. 7.8, 9).

The direct religious obligations to YHVH were redefined in purely cultic terms--a cult administered by the official state Priests. No longer did each tribe have the right to self-determination:

You shall not act at all as we now act here, every man as he pleases, because you have not yet come to the allotted haven that the Lord your God is giving you. (Dt. 12.8)

. . . you must bring everything that I command you to the site where the Lord your God will choose to establish His name: your burnt offerings and other sacrifices, your tithes and contributions, and all the choice votive offerings that you vow to the Lord. (Dt. 11)

You may not partake in your settlements of the tithes of your new grain or wine or oil, or of the firstlings of your herds and flocks, or of any of the votive offerings that you vow, or of your freewill offerings, or of your contributions. These you must consume before the Lord your God in the place that the Lord your God will choose. (Dt. 17, 18)

Neither the Yahwistic history nor the Judean prophets, Isaiah and Micah, spoke much of the Sinai event. Isaiah, in particular, was deeply committed to the Davidic covenant. His emphasis on the continuity of the monarchy and his hopes for an uninterrupted relationship between YHVH and Israel was based not upon a return to the principles

of the Sinai agreement, but upon the conviction that YHWH would be faithful to His covenant with David and, through his line, establish peace and prosperity for the nation (Dt. 9.6; 11.1). For him, YHWH was Judah's Sovereign and the destiny of His people was "directly correlated to reliance upon His promises" (Flanders, p. 358). Yahweh would always redeem and protect because He had promised Israel's greatest king that He would do so.

Even though "the David idea lived with tenacious power" (Bright, 1981, p. 91) in Jerusalem, we do not have convincing evidence of how this covenant was publicized. Joshua gathered the people at Shechem and Moses did similarly at Sinai. Both were, by nature, public transactions, as were the future repetitions and renewals of this covenant. Scholars suppose that not only Nathan, but also other court prophets delivered public oracles announcing God's choice of David and his descendants. The fact that several psalms (see above, p. 84) refer to this covenant demonstrates that "the official cultus at the Jerusalem temple included prayer for the anointed of the Lord" (Hillers, p. 110).

The coronations of the kings must have been impressive public ceremonies which probably helped to inculcate and publicize the covenant theory. But these, scholars admit, are merely educated guesses. The significant point is that, before the monarchy, YHWH's covenant with the people was something in which every family had participated, if only in liturgical repetition. But YHWH's covenant with the King was something people heard about, not something in which they were personally involved.

There is a stronger hint of human manipulation of this covenant

than with any of the others. In the statement: "I took you from the fold, from following the flock, to be a commander (nagid) over my people Israel," it is evident that we are dealing with "a carefully couched political document, a charter for royalty which makes all the proper bows to democratic sentiment" (Hillers, p. 110).

With the words לקחתיו מן-הצֹהֵן "I took you from the fold," we seem to have a socially acceptable way in which an inspired, charismatic leader appears to the people. When Amos describes his call to be a prophet, he uses almost identical language: "I was no prophet; . . . I was a herdsman, and a tender of sycamore figs. But Yahweh took me from following the flock. . . ." (Amos 7:15).

Because, for the tribal league, the very idea of a human king was riddled with questions and insecurities (I Sam. 8.4-18), Nathan, in his transmission of the covenant, refers to David as nagid, "commander." There is still no question that YHVH has remained in charge--in control. However, just as His choosing elevates David above all other humans, so David, as the choice, adds status to YHVH.

The ideal in early Israel was what might be called the Abe Lincoln ideal, from log cabin to White House, only with a deeper theoretical basis. Since only Yahweh was king, human leaders were not constituted permanent possessors of authority but were those whom Yahweh chose when and as it pleased him, and Yahweh's glory was shown most when he raised up the obscure and gave victory through them. "He hath put down the mighty from their seats, and exalted them of low degree." (Mendenhall, p. 49)

A most significant way in which the contents of this covenant is expressed lies in the words, אֲנִי אֶהְיֶה-לוֹ לְאֵב וְהוּא יִהְיֶה "I will be his

לִי לְבָן

Father and he will be My son" (II Sam. 7.14). This makes the King YHVH's son.⁶ "Sonship" elevates the monarch above common humanity.

We have come a long way:

. . . From Noah, who was not only a nonfactor in the destiny initiated by the covenant, but whose actions, after he was privy to the covenant, were at a level considered lower than human;

. . . From the Patriarchs, who, although they had personal relationships with YHVH and were chosen to father an entire people, went to their rest, and eventually "there arose a new king over Egypt who knew not Joseph"--their descendant (Ex. 1.8);

. . . From Moses, who, although he was YHVH's right-hand man, fulfilling almost all divine commands with competence and success, was not allowed to complete his mission, leaving only Joshua--with YHVH's help--to usher the Israelites into Israel; and

. . . From Joshua, who, although he too was successful in his assigned military mission, did not become the organizer and sole leader of a settled people.

Only David and his line are placed by this covenant above all other humans.

The covenant is such, however, that even the king's wrongdoings cannot break it. The nation may suffer if the king is evil, for YHVH will chastise them as he would an erring son (II Sam. 7.14-16). But YHVH's promise will abide, even so!

Here we have the biggest break with the Sinai covenant where the emphasis is on the nation's responsibility to keep the pact. The Davidic statement, "shaped no doubt by Israel's experience of what David

did to Uriah, of Solomon's apostasies, and so on" (Hillers, p. 112) asserts--as did the Noahide pact--that YHWH is bound to His promise, no matter what.

At the same time that we see this sharp contrast, we can also see what has been anabolized from the Sinai contract. The older covenant speaks of blessings for obedience and curses for disobedience on the part of all Israel. So, too, does the royal covenant speak of similar consequences that will befall the entire nation--only, it says, these will be determined by the character of the king.

Another most interesting evidence of an attempt to synthesize the older b'rit with this one lies in David's prayer of thanks (II Sam. 7.18-29), in which he tells some of the covenantal history and concludes with the standard summary that Israel is YHWH's people and YHWH is their God. Now, he says, "establish Your covenant with me" (Ibid., 7.24-25).

This, says Hillers, is not a real synthesis of the two covenants. "It simply tacks the new onto the old and does nothing at all to resolve the inherent tension between the two ideas" (p. 113). Yet it is probably a more effective way of solving the difficulty: the tension is simply ignored by telling the story as if there was no discrepancy--"as though the present transaction with David follows naturally on what happened at Sinai" (Ibid.).

The so-called final words of David, although probably written at a later time (Sandmel, 1963, p. 454), clearly indicate that the oracle to David is indeed a covenant:

The utterance of David son of Jesse,
 The utterance of the man set on high,
 The anointed of the God of Jacob,
 The favorite of the songs of Israel:
 The spirit of the LORD has spoken through me,
 His message is on my tongue;
 The God of Israel has spoken,
 The Rock of Israel said concerning me:
 "He who rules men justly,
 He who rules in awe of God
 Is like the light of morning at sunrise,
 A morning without clouds--
 Through sunshine and rain
 [Bringing] vegetation out of the earth."
 Is not my House established before God?
 For He has granted me an eternal pact,
 Drawn up in full and secured. ("Sam 23.1-5)

The rationale of the Sinai covenant comes from the realm of human history, and YHWH's bond to His people is based on the way He has favored them in the past (Ex. 19.4; Dt. 33; Josh. 9.10; Jg. 11.21). The thought is different in David's covenant. Here, the God of creation binds Himself to Israel through the monarchy, "which is a part of God's order of creation, linking heaven and earth" (Hillers, p. 117). Therefore, it follows that the bond made at Sinai is precarious--as fragile or secure as the people's faith. The bond with David is "as firm as the sun and moon" and as reliable as YHWH Himself (Ibid.).

From David's time on, the dominant idea in Judah (but not necessarily in the North [see Hillers, pp. 118-19 and Sasson, p. 147]) was that God had promised the land to Abraham by covenant and, in a parallel way, had promised dominion over the people to the line of David. The idea of a covenant with David became the source of Israel's later dreams of restoration from the Babylonian Exile and furnished a vehicle for the messianic hope of the prophets.

The Prophets

A traditional approach for investigating the prophetic idea of covenant has been to find every passage where the word is used and then to make some conclusions on that basis. Since the earlier prophets seldom use the word "covenant," it could be concluded that the idea had very little importance to them.

If one thought of the covenant idea as preceding the days of the eighth-century prophets, then one could hold that they had largely abandoned the old idea; if one held that the covenant idea developed later, then one could cite the prophetic silence as proving that they did not know of a covenant between God and his people. (Hillers, p. 120).

Recent studies have revealed that through an examination of a) the verb **יָדָע** --to know, b) a literary pattern known as the lawsuit of God, and c) some ancient curses, we can construct a fairly reliable picture of the prophets' concept of covenant.

The dictionary meaning of **יָדָע** is either "to understand" or "to have sexual intercourse." What does it mean, then, when YHVH is said to know-- **יָדָע** --Israel?

"Hear this word which Yahweh has spoken against you, O Israelites, Against the whole family which I brought up from the land of Egypt: You only have I known of all the families on earth. Therefore I will punish you for all your iniquities." (Amos 3.1-2)

Why the "therefore"? What is the connection between YHVH "knowing Israel" and her punishment?

In 1965, Herbert B. Huffman discovered that the usage of was borrowed from international relations--from Near Eastern kings who used the word (in Hittite and Akkadian texts) in two legal senses:

1) "to recognize as legitimate suzerain or vassal," and 2) "to recognize

treaty stipulations as binding."

Thus "the Sun," the great king of the Hittites, writes in a treaty with Huqqanas: "And you, Huqqanas, 'know' only the Sun regarding lordship. Moreover, do not 'know' another lord! 'Know' the Sun alone!" (Herbert B. Huffman, "The Treaty Background of Hebrew Yada," Bulletin of the American Schools of Oriental Research, 181 [February, 1966]: 31-37.

Here, as in many other similar examples, ידע means "recognize" or almost "be subject, loyal to." In this light, Amos's words (above) are easily understood: "YHWH had recognized only Israel as his legitimate servants; only to them had He granted the covenant" (Ibid., p. 122). "Therefore," since this sort of covenant involves obligations and since they have not been fulfilled, "I will punish you for all your iniquities" (Amos, 13:4-5).

From this, we can understand that when the prophet uses ידע he is not referring to an intellectual or mystical knowledge of God. For him, the word implies obligation--a life of performance of YHWH's will, a will that is common knowledge and easily understood because it is a basic component of His covenant with Israel.

Also, we can see a connection between prophetic language and thought and the terminology associated with treaty relationships.

Even if the word "covenant" is not prominently on display in their writings, the complex of ideas associated with covenant is present as an invisible framework, in this case forming the foundation for one of their principal concerns, the knowledge of God. (Hillers, pp. 123-24)

Not only a word, but also an oft-used literary notion, namely, the covenant lawsuit, is grist for our mill of understanding the prophetic covenant concept. In all such "lawsuit" passages YHWH is depicted as taking His people to court, The covenant

lawsuit is usually composed of four elements: 1) A call to heaven and earth or to mountains and hills to serve as witnesses. Here is a direct parallel to the element, not in any biblical treaty but in the Hittite treaty. 2) A summons to the defendant, similar to the extra-biblical call for attention or assembly (see Addendum AA). 3) YHWH states his case, akin to the historic prologue. 4) YHWH pronounces their guilt or their sentence--the blessing or the curse. (See Addendum F 1 & 2)

In sum, the lawsuit form in prophetic writing deserves the name "covenant."

The basic idea, the relation between Yahweh and Israel as a bond between partners, and details of formulation all suggest that the prophets were thoroughly familiar with concepts and terms having to do with the covenant. (Hillers, p. 131)

That the prophets thought in categories and used words derived from covenantal forms is important for our study. Though we do have biblical as well as extrabiblical evidence that some prophets indulged in a kind of ecstasy and, in this state, delivered their speeches, "such prophetic rapture appears to have been an incidental and extraneous feature of the profession and not especially characteristic of the literary prophets" (Flanders, p. 296).

Instead, they appear to be sensitive and sober figures who "drew on a conventional stock of ideas and phrases, with roots deep in Israel's history" (Black & Rowley, 1982, p. 477). More than mystics, more than innovators, they were religious reformers. Drawing on their heritage, they augmented the idea of YHWH and His covenant to solve many of their contemporary problems.

By the middle of the 8th century, a new kind of prophet--the literary prophet--was publicly proclaiming a new idea of what YHVH really wanted when He made his covenant with Israel. Amos was the first. Micah, Isaiah, and Jeremiah followed, all exclaiming that YHVH was One and Omnipotent, demanding not only loyalty from His people but--equally or even more important --justice and righteousness from them (Is. 56.1, 58.2; Jer. 22.15, 23.5). "Even if YHVH was worshipped exclusively and polytheism swept away, YHVH would not be satisfied. . . . It was blasphemous to proclaim Him as the only God, offer Him generous sacrifices and build Him a beautiful temple yet neglect justice and righteousness" (Rivkin, 1971, p. 8).

But the people did not listen to the new prophetic concept of covenant, and so, when in 722 B.C.E. the North was destroyed, Isaiah explained that Assyria was the tool for the One and only God's anger. YHVH, he said, remained faithful to His covenant by punishing His people who had neglected justice and righteousness--an important part of their covenantal responsibility (Is. 37.8-13).

It was YHVH's power that rewarded or punished. When His people kept the covenant, they were rewarded with land. When they violated it, they lost the land. "The destruction of the North demonstrated, not how weak YHVH was, but how powerful He was. YHVH was the source of prosperity and well-being" (Rivkin, 1971, p. 9). When the same evil fate befell the Southern Kingdom in 597, Jeremiah declared YHVH as the God of History (Jer. 2.1-3, 20-22).

A new covenant, destined to endure, replaced the old. "Israel, even in exile, could continue to worship Yahveh, for the primary

connection was between the Deity and His people wherever they were scattered, and not between the Deity and the land" (Sandmel, 1963, p. 194).

To this, Ezekiel added a clear concept of individualism. Since YHWH dealt with each person according to his actions, "guilt could not be collectively cumulative" (Ibid.) and the covenant, in its new form, could not be broken (Ibid.). Furthermore, said Ezekiel, YHWH forgave Israel to guard His reputation (Ezk. 32.11-14).

Second Isaiah goes even further: YHWH forgave Israel, not for Ezekiel's reason, but as an act of pure grace because Israel is His covenanted people (Is. 40.1-3, 41.8-10, 42.6-8). YHWH not only controls history, He controls all events and announces them in advance:

Cyrus is an agent of Yahweh, who is unifying the world through conquest. Israel went into exile in order to serve as the vehicle through which the world, united by Cyrus, would come to recognize the rule of the one and sole God of the universe. (Sandmel, p. 194)

Again the covenant is expanded by the prophets--this time concerning Israel's obligation:

Israel's task was to teach the way of Yahve to the world, and the exile was not so much a disaster as a step necessary in Yahve's plan for mankind. Israel was not destined to stay in Babylonia, but would return to its own. Jerusalem's "sin" had been atoned for. The one true God was going to manifest His sole sovereignty to all the nations by the restoration to Palestine of the exiles from Babylonia and the other lands. The great act of gathering the scattered Jews would impress the nations with Yahve's power as the only God. (Ibid.)

The Prophets' deep attachment to covenant tradition leaves little doubt that they played any part in Israel's cult. The covenant itself has nothing to do with sacrifice, and the literary prophets, in general, saw no religious worth in them. Says Hillers, "They

would have been very disturbing fellows to have present at the shrine" (p. 141)!

These new prophets were frightening to the class of Priests. "They flayed the Priests of YHVH as mercilessly as they did the priests of Baal" (Rivkin, 1971, p. 10). The Priests performed prescribed rituals, which they believed fulfilled their covenantal obligation to YHVH. They were in control of Israel's religious life, a power they enjoyed and were unwilling to relinquish. The spontaneity and individuality of the new prophets were a serious threat to the cult, for the prophets were bound only to YHVH--there was no way to control them (Ibid.).

Yet we do find the prophets in the king's court, interfering in all aspects of political life in their own land (Amos 7:12-17; Is. 7; 16:6-12; Jer. 34:2). "In most periods they enjoy great freedom to do so, and they castigate kings both for their personal lives and for their public policies" (Hillers, p. 141). To understand this kind of action, we must turn to a tradition older than the monarchy: the tradition of the day when YHVH was King and prophets made His will known to the people (Is. 20:1, 2; Hos. 1; Ez. 1-3; Jer. 1:4-8).

There is a tradition that Moses was a prophet (Dt. 34:10). "When the tradition may have arisen is hard to say, and it seems unlikely that Moses described himself in this fashion" (Hillers, p. 141). But, even if the tradition is late, it is evident that Israelites recognized a similarity between the role of Moses, who was "the mediator of the covenant" (Rivkin, 1971, p. 11), and the later prophets. This role was so firmly embedded within the religious consciousness of

Israel that the king had to give some attention to the "prophet like unto Moses" (Ibid., p. 156).

Israel was now a monarchy whose king was chosen by YHVH and whose temple doubled for the royal chapel. In reality, the covenant was no longer Israel's constitution, but rather a biblical idea which the prophets used mostly to announce the inevitable approach of judgment (Jer. 34.18; Ezk. 17.19; Is. 24.5-6).

The End of the Monarchy

As we begin to consider the last of the biblical covenants, we encounter three significant and telling motifs. The first is an emphatic, almost desperate appeal for return to the old beliefs and the old ways, comprising what we know as the Book of Deuteronomy. We also find "the most careful discrimination and intellectual synthesis of various covenant ideas in the calmly retrospective work known as the Priestly document of the Pentateuch" (Hillers, p. 143). And finally, we hear the prophet Jeremiah's hope and prediction of a new, ideal covenant to come in an indistinct future--a sure sign that the ideas and the society shaped by the old covenant were dying.

In the eighteenth year of King Josiah, a "Book of the Covenant" was discovered in the Temple in Jerusalem (Kings 22.3). The impact of this find was phenomenal.

"When the king heard the words of the book of the law, he tore his garments. And the king commanded . . . 'Go inquire of Yahweh for me and for the people and for all Judah concerning the words of this book that has been found, for great is the wrath of Yahweh which has been kindled against us.'" (Kings 22.11-13)

Thus began "the most stringent reform ever attempted in Judah's history" (Mendenhall, p. 47). For us, these reforms are a measure of the continuing vitality of the covenant idea, of the metabolic changes in its conception, and of the "heroic efforts necessary to put the covenant back in force as a social reality" (Ibid., p. 48).

The effort began with the covenant-making ceremony led by Josiah, "a sincerely pious young king" (Sasson, p. 159), who was under the influence of the Yahwistic priests and the people's pressure for religious revival. Suddenly, he was confronted with a book "which denounced in detail and with the most appalling curses" (Ibid.) the religion currently practiced in Judah:

Then the king sent word around, and all the elders of Judah and Jerusalem gathered to him. And the king went up to the house of Yahweh, accompanied by all the men of Judah and all the inhabitants of Jerusalem, with the priests and the prophets and all the people from least to greatest, and he read in their hearing all the words of the book of the covenant which had been found in the house of Yahweh. The king stood by a pillar and made a covenant before Yahweh, to walk after Yahweh and to keep his commandments and ordinances and statutes, with all his heart and all his soul, to establish all the words of this covenant that were written in this book. And all the people entered into the covenant. (II Kings 23.1-3)

The reforms which followed this ceremony convinced scholars that the Book of the Covenant (Law) was incorporated in what we now

know as Deuteronomy: The Temple was cleansed of all paraphernalia for worship of Canaanite and Assyrian gods. Cult prostitution, child sacrifice, wizardry, and mediums were all abolished. High places and altars outside of Jerusalem were destroyed in an effort to concentrate all worship in Jerusalem and thus fulfill the obligations of this new covenant as perceived by Josiah and the Yahvist Priests.

But could the laws of Deuteronomy, by themselves, have had such a profound effect? Mendenhall (p. 47) suggests that what was rediscovered was not old legislation but the basic nature of the old amphictyonic covenant.

It brought home to Josiah and the religious leadership that they had been living in a fool's paradise in their assumption that Yahweh had irrevocably committed Himself to preserve the nation in the Davidic-Abrahamic covenant. Moses was rediscovered after having been dormant for nearly three and a half centuries.

Once again, at a time of crisis in Israel's history, a new covenant appears.

Coming after a time when Manasseh's abominations had dominated, there was a need for new regulations to bring Israel's life into conformity with her ancient faith. It seemed especially good to centralize sacrificial worship at one place, the better to keep it pure of paganism. (Hillers, p. 146).

Since the king never had the power to make laws (other than levy taxes), the only recognizable way of presenting a new standard for communal acceptance was through some sort of covenant (Mendenhall, "Covenant," The Interpreter's Dictionary of the Bible, Vol. 1, New York, 1962, p. 186).

Once again, this covenant is, in some respects, like the one made in earlier days at Sinai: a) There is a written text of the covenant. b) It involves obedience to stipulations established by YHWH.

- c) The words used to describe the king's action are "he cut a covenant."
- d) One man acts for the people as did Moses and Joshua.

Yet the action in general is different in both intention and form. In the Sinai pact, YHVH is the initiator and the major partner. He addresses Israel directly. Here, the covenant is entirely the idea of the king and the people; it is before YHVH--not by Him. Although there is the implication that YHVH will hold them to their promise, this is a reverse unilateral agreement. It does not specify any role for YHVH beyond that of the recipient of the promise.

Another difference: At Sinai, Israel and YHVH were bound to each other for the first time and "in subsequent covenants, new groups entered into relation with this new God and, at the same time, into new relation with one another" (Hillers, p. 146). In Josiah's covenant, there is no need to form any of these relationships; that had all been settled long ago. "The aim is rather that of pledging allegiance to a body of laws and of defining obedience to Yahweh as obedience to this corpus" (Ibid.).

That history plays no role in the Josiah agreement is yet another contrast. At Sinai--and in other covenants--the historical stress is on YHVH's gracious acts, leading up to and motivating obedience to the pact.

In this context the focus is very much on earth, on the acts good or bad of the kings of Judah, and the covenant entered into is more a matter of human resolution than an offer of God as the last of a series of saving acts. (Ibid., p. 147)

Josiah, like David but unlike the judges, had at his command the force of his centralized kingdom with which to implement the

covenantal (Deuteronomic) regulations. In earlier days, each tribal group had freedom under the covenant to regulate its own affairs. The covenant did not make one ruler or group more powerful than another. But Josiah's covenant "lends the backing of religion to the secular arm" (Mendenhall, 1962, p. 187). Now the list of stipulations is not simply Ten Commandments, but the detailed regulations of a highly developed body of laws, many of them dealing with daily secular living.

This foreshadowed the form which religious covenants took after the Babylonian exile under Ezra and Nehemiah, where the covenant becomes a simple "affirmation of loyalty to a code of conduct--a pledge of allegiance serving the cause of religious reform" (Hillers, p. 149). (For details of similarities and contrasts in form and content, see Addendum G.)

This kind of "promissory covenant" is a "revival" (Ibid.) of older covenant ideas, but, like any revival, it is not a duplicate of the original.

An outline of the Book of Deuteronomy will easily show us its covenantal form.

- Moses' first discourse--the history of God's dealing with Israel, 1:1-4:43
- Moses' second discourse, 4:44-28:69
 - Introduction, 4:44-49
 - Covenant and Commandments
 - The Ten Commandments, 5:1-33
 - Exhortation to keep them for the sake of God's grace in history, and of future blessings and curses, 6:1-11:32
 - The Laws, 12:1-26:19
 - A covenant ceremony at Shechem, 27:1-26
 - Blessings and curses, 28:1-69 (Hillers, p. 150)

The elements found here reproduce much of those found in the Suzerainty treaty of the Hittites and the Sinai covenant: history first, then

stipulations, and then blessings and curses.

Thus the structure as a whole makes Deuteronomy "the biblical document of the covenant par excellence," as W. L. Moran has styled it.

3. Moran's views, on which this discussion relies, are presented in his "The Ancient Near Eastern Background of the Love of God in Deuteronomy," Catholic Biblical Quarterly, 25 (1963):77-87. (Ibid.)

Moran opines that the last book of Torah is saturated with treaty language (Ibid.). For example, treaties repeatedly stipulate that the vassal must fight for his lord "with all his heart."⁸ In Deuteronomy we read: "You shall love YHVH, your God, with all your heart and all your soul and with all your might" (6.5). There is a covenantal obligation here to live in a relationship of worship and service to Him. "You shall love YHVH, your God, and keep His observances, His statutes, His laws and His commandments for all time" (11.1).

וְאָהַבְתָּ אֶת יְהוָה אֱלֹהֶיךָ וְשָׁמַרְתָּ מִשְׁמַרְתּוֹ וְהִקְלָתָּ וּמִשְׁפָּטָיו וּמִצְוֹתָיו כְּלִי-לֵבָב:

יָדַעְתָּ כִּי-יְהוָה אֱלֹהֶיךָ הוּא הָאֱלֹהִים הָאֵל הַנֶּאֱמָן שֶׁמֶר הַבְרִית וְהַחֲסֵד לְאֲהָבָיו וּלְשִׁמְרַת מִצְוֹתָיו לְאֵלֶיךָ דָּוָד:

"Know that Yahweh your God is the one God, the faithful God, who keeps covenant and faith with those who love him and keep his commandments for a thousand generations" (7:9).

To love God is to serve Him. In this covenant, as in the Hittite--duty and love are practically synonymous. Thus the treaty relationship is the principal source for the biblical concept of the love man owes to God, a love consisting of fidelity and obedience, a love stipulated as part of the human covenantal obligation.

Deuteronomy synthesizes many of the old covenant ideas with the new, anabolizing some in their exact form, but changing and combining others. Notice the book's attitude toward the covenant with

the Patriarchs and with the king. The oath God swore to Abraham was the unchanging guarantee that He is committed to them.

Here, this is syncretized with the Sinai theme as part of history:

"It was not because you outnumbered any other people that Yahweh desired you and chose you, for you were the least of all peoples, but because Yahweh loved you, and kept the oath which he swore to your fathers that he brought you out with a strong hand and redeemed you . . . from the power of Pharaoh, king of Egypt." (7:7-8)

And since God's oath to Abraham is also one of His gracious acts toward Israel, "it is one thing that should motivate their humble obedience" (Hillers, p. 155). The covenant of obedience binding Israel and the one of promise binding YHVH are combined in the last book of Torah.

The Deuteronomist uses a similar synthesizing technique to deal with the monarchy. Since David's sons had accepted the throne for more than 300 years, it would have been extremely difficult to picture Israel without a king. So the author has Moses foresee a time when the people might want a king and he provides some definite guidelines for the ruler:

When you come to the land which Yahweh your God will give you, and take it over and inhabit it, should you say, "I want to set over me a king like all other nations around me," then be sure to set over you that king whom Yahweh your God shall choose. You must set over you one of your brethren; you cannot set over you a foreigner, . . . And when he takes the throne to rule, he shall get for himself a written copy of this law from the Levitical priests, and keep it by him that he may do all the words of this law, and the statutes, so that he may not think himself better than others, or turn aside from the commandment, that his reign in Israel, and that of his sons, may endure long. (Dt. 17:14-20)

The writer finds more than a touch of political genius in this plan. In it there is a grudging acceptance of a divinely elected dynasty: "that king ^{whom} ~~when~~ YHVH, your God, shall choose." Yet the king

occupies a fairly humble position. He is reminded that kingship is quite common--many nations have it. Furthermore, even if YHVH chooses him, "he is subject to the Deuteronomic restatement of the Mosaic covenant, not the blessed recipient of a splendid guarantee of peace, prosperity and the eternal continuance of his line" (Hillers, p. 156).

As the Deuteronomist paints a covenantal picture to suit his need for a centralized place for worship of the One and Only God, so too the Priestly Writings are drawn to specific order. Often "P" stipulates a cultic ritual which has no logical connection with the existing covenant with YHVH:

Given Israel's concept of Yahweh as a just and merciful God, it follows that those in league with him must not murder, or steal, and so on, but there is no natural link between the character of Yahweh and the precept that the offering for the ordination of priests includes "the fat of the ram, the fat tail, the fat that covers the intestines, the protuberance on the liver, the kidneys and the fat over them and the right thigh" (Ex. 29.22) (Hillers, p. 165).

P Justifies these ritual details by making them the "will of YHVH" (Ex. 29.46; 30.10, 22, et alii). His portrait of God depicts Him as a remote, irresistible, ritually-minded sovereign Who issues His orders through an emissary. At Sinai, He speaks His commands to Moses atop the mountain and hands him two stone tablets written with His finger (Ex. 13.18). This is then enforced, without ever asking for the people's assent. No questions, no choices, no partners. YHVH of the covenant, like the Priests who administer His commanded cult, remains far from the people, issuing orders of ritual observance and expecting them to be followed to the letter of His law.

P uses another device to link the cult to the covenant: He emphasizes the fact that the covenant, in its sacred box, is also the

central object in the cult around which the whole tabernacle--and ultimately all Israel--was arranged (Nu. 2.1; 10.33-35). Through this stress on the physical proximity of the two elements, "he presumably meant to suggest an affinity between them at a spiritual level" (Hillers, p. 164).⁹

As we have seen, history--however or by whom it was recounted--occupies a most important place in Israel's religion. All its sacred institutions found their justification in some past action and some deliberately made covenant of YHVH's: the people's very existence was founded on the covenant with Abraham and then the Exodus and Sinai; God-promised-and-given victories accounted for her possession of the land; Israel's king was YHVH's choice--as was its Holy City.

But this reliance on history also meant that, with the passage of time and changes of history, all that was thought stable and secure could be reversed.

It was especially easy to question the continuing significance of the Exodus when, quite unexpectedly, the people of Israel found themselves in exile--a different house of bondage.

It was hard to maintain a lively faith in the election of David's house when the reigning king was an apostate tyrant, or when the monarch was himself a prisoner in Babylon; and hard to be a fundamentalist about the inviolability of Zion when the city was in ruins. (Ibid., p. 166)

As the foundations of Israel's life eroded and crumbled, the metabolic process of reinterpretation continued at a more rapid rate. With the decline of the monarchy, prophets began to search for a new and different "anoointed one." With Zion in ruins, they dreamed of a new Temple and a new Jerusalem. And so Jeremiah prophesies a new

covenant¹⁰:

Behold the days are coming when I will make a new covenant with the house of Israel, not like the covenant I made with their fathers when I led them out of Egypt. They broke that covenant with me. Instead this is the covenant which I shall make with the house of Israel in time to come: I will put my law within them, and write it upon their hearts. I will be their God and they will be my people. No longer will each man have to teach his neighbor or brother, saying, "Know Yahweh!" for all of them will know me, from the least of them to the greatest, for I will forgive their iniquity, and I will remember their sin no longer. (Jer. 31:31-34)

Jeremiah does not call for a return to the old covenant. For him, it is a thing of the past which failed to achieve its objective. However, the future new covenant is much like the old: a) It will be initiated by YHVH; b) It will not be a king's program of reform; c) It can be summed up in the old formula, "I will be their God and they will be My people."

The newness of this covenant lies in the idea that its demands "will be written on their hearts." Each man will intimately know YHVH and will do more than merely pay Him lip service (perform rituals only). All this will happen because YHVH will forgive their iniquities and forget their sins.

The covenant tradition, for the most part, is based on YHVH's gracious actions. Here, in Jeremiah's new covenant, this fundamental theme is supplied by God's forgiveness. In the days of the monarchy, the covenant had become a political reality. For Jeremiah, it is a symbol and a hope:

Thus said the Lord, the God of Israel: As with these good figs, so will I single out for good the Judean exiles whom I have driven out from this place. I will look upon them favorably, and I will bring them back to this land; I will build them and not overthrow them; I will plant

them and not uproot them. And I will give them the understanding to acknowledge Me, for I am the Lord. And they shall be My people and I will be their God, when they turn back to Me with all their heart. (Jer. 24.5-7)

How to write "the demands of the covenant" on each human heart; how best to acknowledge God; how to turn back to Him with all their understanding and all their hearts, was pondered by the Pharisees, who eventually proposed a way--according to them, the ONLY way--halachah.

Notes to Chapter 8

1. Jeremiah later uses this incident to announce the imminent end of another era:

Just go to My place at Shiloh, where I had established My name formerly, and see what I did to it because of the wickedness of My people Israel. And now, because you do all these things--declares the Lord--and though I spoke to you persistently, you would not listen; and though I called to you, you would not respond--therefore I will do to the House which bears My name, on which you rely, and to the place which I gave you and your fathers just what I did to Shiloh. And I will cast you out of My presence as I cast out your brothers, the whole brood of Ephraim. (Jer. 7.12-15)

2. Apropos--with tongue in cheek--is this rhyme:

The Jews well know their pow'r:
e'er Saul they chose
God was their King, and God they
durst depose.

--John Dryden, Absalom and
Achitophel

3. Not relevant here are David's many immoral decisions and shenanigans, yet they weigh heavily with this writer whenever the king is considered.

4. All this may sound like a deliberate attempt to manipulate religious feeling in favor of the crown. This is not my intention since motives--or at least ulterior motives--are neither explained nor implied in the text. Hillers opines:

It is quite possible, even probable, that David and those of his opinion were perfectly sincere and that they had quite genuine visions and auditions concerning the divine election of David and his line, influenced by the conviction that a strong king and an orderly succession to the throne was

necessary for the survival and prosperity of God's people. At any rate, we have widespread attestation of the belief in a covenant with David. (p. 107)

5. Once again, there is a problem with dating the material concerning David. There is no assurance that any of it was actually written in his lifetime. Most likely the covenant texts cited here "give us the Davidic covenant in later and somewhat modified versions." We can, with good reason, suppose that the covenant idea was part of his regime and that the text gives us an undistorted view of it, primarily because certain material (such as a poem considered to be David's last words and written in his time) discusses the Davidic covenant as we see it today. The closing lines:

For my house is truly legitimate before God
For he made an eternal covenant with me,
Arranged in all points and observed (II Samuel 23:1-5).

6. "I will be his Father and He will be my son"--a vague designation, especially when considered in the light of other nations:

In Egypt, the king was the son of a god and himself divine. He was the human manifestation of the divine power that ruled all things. In Mesopotamia and in the Canaanite city-states kings were less often deified, and still less often were they regarded as gods during their lifetime. (Bright, 1981, p. 104)

If Israel, then, made herself a king "like all the nations" (I Sam. 8.5), there was a variety of models for an understanding of "He shall be my son."

Whatever became of this phrase after the beginning of the Common Era is, at best, a major misunderstanding of the term, according to Hebrew scholars who are convinced that "it is never carried to a point that would contradict the uniqueness of YHVH's godhead:

When the psalm quotes the "decree" of God in favor of the king: "You are my son, today I have begotten you" (2.7), it is pushing royal claims to the limit. There is an obvious reserve, within Israel, at spelling out the implications of such a formula. (Ibid.)

7. On Love:

It is W. L. Moran who has identified the language of treaties and covenants as the profane source for this conception of the love of God. Though there may be earlier examples, the first common use of "love" in the language of diplomacy is found in the archives of El Amarna. The relation that exists between "brothers," that is, equal partners in a treaty, is "love": "May my brother preserve love toward me ten times more than did his father, and we will go on loving my brother fervently" (29:166). This love is not only the proper feeling between equal partners, however, but is the way that Pharaoh regards his vassals. "If the king my lord loves his faithful servant let him send back the three men!" (123:23). And above all, it is the way vassals are to consider their lord. To love is equal to being a servant. "My lord, just as I love the king my lord, so (do) the king of Nuhasse, the king of Ni'i . . .--all these kings are servants of my lord" (53:40-44). Rib-Addi of Byblos uses "love" to describe the divided loyalties of his rebellious city: "Behold the city! Half of it loves the sons of Abdiashirta and half of it loves my lord." This kind of language survives into the first millennium, where we find it in the vassal-treaties of king Esarhaddon of Assyria. Note that love is here commanded as a duty toward the suzerain. "You will love Ashurbanipal as yourselves." And also in the Bible, "love" is used in nonreligious contexts for the attitude of treaty partners. When David died, "Hiram king of Tyre sent his servants to Solomon because he had heard that he had been anointed king in place of his father, for Hiram loved David always" (I Kings 5:15). Hiram follows perfectly correct procedure, since treaties needed to be renewed on the death of one partner, and the exchange of embassies brings about a covenant with Solomon. Thus "Hiram always loved David" might be restated "Hiram had always been a true ally of David's." Love here is in part the language of emotion, in part the language of international law. (Hillers, 1969, pp. 153-54)

8. While the Priestly Code is basically committed to rituals of interest to the priests, it was, at the same time, in some way, influenced by the prophets who scorned

the rituals and struggled to identify religion with uprightness in human relationships. The Priestly Code would then signify a compromise. A brilliant Jewish teacher once said that the followers of the prophets should not have lent themselves to that compromise. The followers of the prophets should have dissociated themselves completely from those rituals. This compromise, according to that teacher, "damned Judaism from its inception." The contrary view holds that the rituals were the integuments which preserved those gems of righteousness from oblivion. (Cronbach, 1963, p. 37)

9. On Jeremiah's authorship of "New Covenant":

Two aspects of hope appear in the book of Jeremiah, but they do not lay equal claim to authenticity. The one better known is probably not original with the prophet Jeremiah; it is only, with a measure of plausibility, attributed to him. It is what we call "the new covenant." Although the conception so designated is a notable contribution to prophetic religion, the chances are great that a prophet other than Jeremiah, a person familiar with Jeremiah's manner but not wholly imbued with his spirit, and probably living quite a bit later than he, was the real author of the "new covenant" paragraph. (Blank, 1961, pp. 108-109)

CHAPTER 9

BEFORE AND AFTER YAVNEH

The Covenant as Taught by the Authors and Guardians of the Oral Law

We come now to the most profound and awesome crisis in Jewish history and, therefor in the evolution of Judaism. A basic feature of the covenant, from Abraham's time on, was the promise of a permanent homeland for his people. Now they are about to lose that homeland. If the prophets were wrong and the priests were right--that God could only be worshipped in a central sanctuary in His anointed king's holy city--what would happen to their covenant with the King of Kings when His house was destroyed and His people scattered?

For this, the Pharisees had an answer. Through the most active metabolic process ever, the Pharisees produced the oral law--a new way (halachah)¹ of fulfilling the covenant. To understand this metabolism we must recall what preceded it.

In the post-exilic period, there was no king. By the middle of the 4th Century B.C.E., the critical voice of the prophets had been

silenced, the yoke of Davidic supremacy had been broken, and the priests had become the ultimate authority and absolute leaders of the Israelite people. As the Hellenists conquered the Middle East and the motifs of their lifestyle (which included a striving for intellectual excellence and personal independence) slowly and subtly infiltrated the minds and lives of the Israelite community, the priest remained unthreatened and in control.

Such conditions were fertile soil for the growth of a new class of Israelites known as Soferim--"scribes" or "intellectuals." These Soferim were completely loyal to the priests, to Torah, from which the priests derived their authority (Ex. 28.1ff) and to the pursuit of "Wisdom."

They loved to spin maxims, weave proverbs. . . . They scanned experience and drew helpful generalizations. Sighing over man's follies, they sought to lead him by Wisdom's light onto the paths of righteousness. . . . their slogan, "The beginning of Wisdom is the fear of the Lord." (Rivkin, 1971, p. 44)

Ben Sira, who lived sometime between the third and second centuries B.C.E., is a parade example of those who belonged to this class. His book, Ecclesiasticus, testifies to Soferic thinking, which lauded the divinely revealed and covenanted institution of the priestly cult while exploring in depth the individual's one-to-one relationship with God. (See specifically Ecclus 35.1-9 and 7.31-34.) "For them, loyalty to the Pentateuch and fulfillment of its prescribed sacrifices elevated the individual to that plane where direct communion with God became possible" (Rivkin, p. 47).

The psalmists also concentrated on the individual, stressing a powerful and compassionate God on whom he could lean. But there was

one major obstacle in the way of the scribes and the psalmists' project to prove the individual precious to God: "There was no convincing proof that the righteous were fully rewarded in this world, as the Pentateuch claimed. Indeed, there was persistent evidence to the contrary" (Ibid.). "Immortality" would have been a good solution, but the priests, who relied on Torah, in which there is no such doctrine, would not allow it to surface (Ibid.).

The Pentateuch proved to have yet another flaw: It had been written for an agricultural society and had little to say to city folk who had wandered far from the security of their agricultural community to find themselves "alone and alienated in an urban setting" (Rivkin, n.d., p. 6).

The contemporary insufficiencies of the Pentateuch were nowhere near so whelming a problem to priestly hegemony as were the Seleucids who conquered Judah in 197 B.C.E. and insisted on hellenizing every aspect of Judean life--most especially its religion (Seltzer, 1980, pp. 155-56). The high priesthood was usurped by Jewish hellenistic sympathizers and quickly the Judeans found themselves leaderless. Who would transmit God's will to them now? The prophets had disappeared, the monarchy had dissolved, the Torah proved insufficient for their current needs, and their priests were deposed. To make matters worse, soon they would be without a land of their own.

If ever there was an instance of God providing the רְפוּאָה before letting the מַכָּה strike, here is the parade example. Many years ^{before} ago, the famous and indispensable Ezra, who was both a kohen and a sofer, had laid the foundation for the bridge on which there occurred

the long, surprisingly smooth takeover of leadership from the priests to Ben Sira, a member of the Soferim, who established the religious value of the pursuit of wisdom and the spiritual/intellectual authority of a scholarly class out of which finally emerged the Pharisees--the most potent contributors to the cure for the raging, potentially terminal disease: dissolution.

Who were the Pharisees? Josephus, the Tannaim, and the writers of the Christian Bible supply ample material which sheds various lights on this question. (See Addendum H). Ellis Rivkin devoted more than half of his book, A Hidden Revolution, to the search for an answer. He concludes with this composite definition:

The Pharisees in all the sources are a scholar class championing the twofold Law and enjoying great power and prestige. Josephus and the Tannaitic Literature may have applauded this leadership while the New Testament resented it, but all the sources agree that it was there, active, and centered on the twofold Law. (p. 183)

What was the cure? The solution? Summarily, it was a new covenant--the pharisaic covenant. There is no authorized, specific text such as those from Sinai, Shechem, or Jerusalem from which we can launch ourselves into the study of the pharisaic covenant. Typically Rabbinic--among scholars there are, conservatively, at least two opinions concerning each one of its suggested features. In one passage in Mekhilta (Ha-Modesh 5) the conception of the covenant is similar to that of the suzerainty treaty, where God's authority to legislate for the Israelites is rooted in history; i.e., He redeemed them from Egypt and provided for them in the wilderness. He proved Himself to them. Now they are bound to Him--their obligation stipulated

by Him--to obey the mitzvot:

God's protecting love and His ability to defeat the enemies of the Israelites establish His right to demand the allegiance of this community. The right has to be earned, and it is earned when the would-be king can demonstrate his power to benefit his prospective subjects. On this model, the Exodus from Egypt was an essential precondition without which God would not have had the right to lay down the commandments specified in the Sinai covenant. (Hartman, 1985, p. 4)

In another rabbinic midrash (also in Ha Hodesh 5) there is suggested a different motive and a slightly different covenantal relationship. This midrash says that the Torah, meaning Talmud and Pentateuch, was offered to all the nations, but only Israel accepted the invitation. The community accepted the mitzvot, not because this was the price exacted by God at Sinai for services rendered, not as quid pro quo, but because Israel "loves God and appreciates the significance of the way of life charted out by the mitzvot" (Hartman, p. 5). It is the mitzvot which give meaning to Israel's relationship to God and to its existence in the world. The nation's covenantal commitment is independent of the events of the Exodus and of any promises of future reward or threats of punishment. God's love has made the mitzvot a gift, not an obligation.

This writer suggests that the reasons for the tannaic covenantal stipulation for the observance of the mitzvot is far more practical than poetic: This leaderless people needed a direction in which to go and someone to direct them; the Pharisees wanted to unify the community and control its way of life so that, even as a diaspora people, it would be held together by one set of rules--pharisaic law --and one leadership group--themselves.

In order to do justice to the way these scholars understood their own covenantal relationship with God, it is essential to go to the Talmud, the oral Torah, which the Pharisees and their rabbinic heirs viewed as no less ancient or valid than the written Torah. To the contrary, in Gittin 60b, Rabbi Johanan even maintains that "God made a covenant with Israel, only for the sake of that which was transmitted orally, as it says 'For by the mouth of these words, I have made a covenant with thee and with Israel'" (Ex. 34.27).

This writer submits that, just as the Decalogue is considered by many to be the text of the Sinaitic covenant, the Talmud is the text of the pharisaic agreement. More specifically, halachah, the rules laid down by rabbinic decisors are the divine stipulations of man's covenantal responsibility.

What one finds in studying a page of Talmud are arguments between different teachers over the way Jewish law and God should be understood.

No rabbinic teacher begins his statement with "Thus says the Lord." One does not hear the religious pathos of Jeremiah's "The word of God burns in me, how can I be silent?" Unlike the Bible, the Talmud makes the rarest mention of direct intervention by God in contemporary events. God in the Bible is at the center of the stage on which the drama of the Jewish people takes place. (Hartman, pp. 6-7)

In Talmud, it is the people, through its teachers, who ostensibly appear at center stage. Yet, constantly penetrating the surface is the implicit notion that all that is said has divine sanction. Just as the priests based their hegemony on the dictum, "the Lord will make known who is His and who is holy, and will grant him access to Himself; . . . Then the man whom the Lord chooses, he shall be the holy one" (Nu. 16. 5 & 7), the Pharisees, too, assume the same source for their authority.

The word "covenant," whether in English or in any one of its Hebrew forms, appears in Torah more than sixty times and in Tanach in more than 230 passages. In contrast, the word itself is seldom used and even more rarely analyzed or even discussed in Talmud.

It is to the benefit of our discussion, then, to scrutinize some passages which do mention the word, in an effort to understand the pharisaic conception--if indeed one can be found. In Niddah 24h, there is little question that "covenant" refers specifically to circumcision:

A Tanna recited before Rab: As it might have been assumed that if an abortion was a creature with a shapeless body or with a shapeless head its mother is unclean by reason of its birth, it was explicitly stated in Scripture, "If a woman be delivered, and bear a man-child" etc. [she shall be unclean] (Lev. 12.2). "And in the eighth day the flesh of his foreskin shall be circumcised" etc. (Ibid. 12.3), thus implying [by the juxtaposition of the text] that only a child that is fit for the covenant of the eight days (i.e., the covenant of circumcision) [causes uncleanness to his mother] but these [those not viable] are excluded, since they are not fit for the covenant of the eight days.

In Avot, Mishnah 11, the word is used with ambiguity:

R. Eleazar of Modin said: One who profanes things sacred, and one who slights the festivals, and one who causes his fellow-man's face to blanch in public, and one who nullifies the covenant of our father Abraham . . . has no share in the life of the world to come. (Sifre to Nu. 15.31: "He deserves to be pushed out of the world.")

First, we should recognize that, mentioned here without explanation, is the notion of "life in the world to come"--an idea so familiar and valid to the sages and in their concept of the covenant, that it needs no explanation.

Next, it must be said that the ל"ח differ on the meaning of "the covenant of our father Abraham." In Sifre to Nu. 15.22, the

reference is to the complete law of Torah (which to them, of course, includes oral law, etc.). In Sanh. II 27a, which was written much later than Sifre, the phrase is explained "one stretching the foreskin to disguise circumcision." It seems that originally meant to nullify the covenant in general, and later R. Eleazar of Modin applied it specifically to the covenant of circumcision.

This discrepancy indicates a wide range of rabbinic expectations and hopes concerning the fulfillment of the covenant. Minimally, circumcision was expected to be performed. Maximally, it was hoped that all halachah would be observed. The breadth of this range can be seen in two other p'sukim:

In Mo'ed Katan 18a, there is the expectation that, at the very least, lip service will be given to the covenant idea:

'Do you not hold that a covenant has been made with the lips?' For R. Johanan said: Whence is derived the notion that the lips are subject to a covenant? From what is said: "And Abraham said unto his young men: 'Abide ye here with the ass, and I and the lad will go yonder; and we will worship and [we will] come back to you,'" and the words came true so that they both came back.'

It is interesting to note that here the word is given an added dimension, the implication being that within a covenant there is a prognostication for the future which comes to fruition. There is an implied sacredness--almost a fatefulness to the idea. Even though the pharisaic emphasis is on man's adherence to the Law, there is also a conscious inherent holiness, just as there explicitly is in all the other covenants.

In Sotah 37a-b, there is the hope that every mitzvah will be followed and reasons are given why this should be so:

THEY TURNED THEIR FACES TOWARDS MOUNT GERIZIM AND OPENED WITH THE BLESSING etc. Our Rabbis taught: There was a benediction in general and a benediction in particular, likewise a curse in general and a curse in particular. [Scripture states]: to learn, to teach, to observe and to do; consequently there are [37b] four [duties associated with each commandment]. Twice four are eight and twice eight are sixteen. It was similar at Sinai and the plains of Moab; as it is said, These are the words of the covenant which the Lord commanded Moses etc., and it is written, Keep therefore the words of this covenant etc. Hence there were forty-eight covenants in connection with each commandment.² (Soncino Talmud)

"Covenant" here clearly implies man's responsibility to do the deed.³ Inherent in each mitzvah--and in the rabbinic conception of covenant--is the obligation "to learn, to teach, to observe, and to do." (Thoughts, feelings, emotions weigh lightly in this scheme. Learning halachah for the purpose of practicing it and teaching it so others can do likewise is the ultimate goal.)

The text in Sotah continues and is presented here, not in an effort to introduce the reader to the complexity of the rabbinic way of thinking, but merely to indicate that, once again, the sages have a variety of differing opinions on the extent and even the origin of covenant:

R. Simeon excludes [the occasion of] Mount Gerizim and Mount Ebal and includes that of the Tent of Meeting in the wilderness. The difference of opinion here is the same as that of the teachers in the following: R. Ishmael says: General laws were proclaimed at Sinai and particular laws in the Tent of Meeting. R. Akiba says: Both general and particular laws were proclaimed at Sinai, repeated in the Tent of Meeting, and for the third time in the plains of Moab. Consequently there is not a single precept written in the Torah in connection with which forty-eight covenants were not made. R. Simeon b. Judah of Kefar Acco' said in the name of R. Simeon: There is not a single precept written in the Torah in connection with which forty-eight times 603,550 covenants were not made. Rabbi said: According to the reasoning

of R. Simeon that there is not a single precept written in the Torah in connection with which forty-eight times 603,550 covenants were not made, it follows that for each Israelite there are 603,550 commandments. What is the issue between them?--R. Mesharsheya said: The point between them is that of personal responsibility and responsibility for others.

Finally, in Pesahim 38b, we are privy to the dialogue between two sages disputing the execution of a halachic practice:

When I went and discussed the matter before R. Eleazar, he said to me, By the covenant! These are the very words which were stated to Moses at Sinai. Others state: By the covenant! Are these the very words which were stated to Moses at Sinai?

When two sages, disputing a halachic practice can swear by the covenant, that the covenant itself justifies their interpretation of the practice, it seems evident that חז"ל have no uniformly accepted understanding of the precise content of covenant.

It is not surprising that scholars, given to such detailed rules, seldom use the word ברית . Perhaps it is because they could not agree as to its exact contents. Yet, with all the given dichotomies and discrepancies, there is a consensus which proclaimed that God, at Sinai, had revealed to Moses not one Law but two. He gave him not only the Torah, but the "Oral Law" as well--a law which promised eternal life and resurrection for all who adhere to its details and stipulations (Rivkin, 1971, p. 56).

So precious is the concept of covenant to the Rabbis that, although its details may be clouded by differing opinions, the word itself is used in oath as though it were the equivalent of or a synonym for God and life itself.

Scholars have given different labels to the process which promulgated the pharisaic covenant idea--the pivot of all of pharisaic

Judaism. Louis Finkelstein considers it "the cornerstone of Western civilization" (p. ix). For him, the covenant was not a promise but a fulfillment. It did not offer redemption--it brought it (Finkelstein, 1938, p. xiii).

Abraham Cronbach defines this covenant as the result of a great reformation. Like every other covenant which defines each new phase in Judaism, the pharisaic agreement, says Cronbach, grew out of a rebellion which received widespread acceptance, "developed vested 'priestly' interests, failed their people, and were forced to retreat before the onslaught of new rebellions, new philosophies, new challenges" (1963, p. 13). Drastic alterations were made in the [previous] covenant "in order to rectify certain unsatisfactory conditions" (Ibid., p. 15).

Ellis Rivkin is convinced that the pharisaic changes constituted a revolution. Revolution occurs when, in a crisis-laden situation, "audacious leadership" seize the opportunity to "vault into power with a stirring proclamation of a constructive . . . solution" (1971, p. 50).

This writer submits that the pharisaic covenantal idea is not the fulfillment of centuries of planning, nor the end result of a reformation or a revolution. Rather, it is the metabolic process at high speed: the ingestion of large amounts of nutritional material, syncretized with the produce grown in the very fertile minds of the Pharisees.

This writer will not deny that, more than any of the other originators of covenantal ideas, the Pharisees and their heirs (Tannaim,

Amoraim, Seboraim, Poskim, etc.) used whole cloth from which to cut their concepts. To understand their innovative and daring transformation, we need only:

1) compare the words they use for "law" (halachah), the way, הלכה, to go; גזירות gezerot, decrees; and תקנות takkanot, ordinances, to those in the Bible: חקים hukim, משפטים mishpatim, תורות torot;

2) scan the names of the many of the talmudic m'seichtot (tractates) which have no roots in Tanach, such as Eruvin, Rosh Hashanah, Ketubot, Gittin, Sanhedrin, or B'rachot;

3) compare biblical formulas to those of the Mishnah, noticing that:

a) Torah begins with the creation of the world, while Mishnah begins with laws concerning the reading of the Shema;

b) the first Torah laws commanded to Israel concern Passover, while the first mishnaic tractate deals with prayers;

c) the use of proof texts, so prevalent in Mishnah, can be found nowhere in Torah.

There is no question that the pharisaic covenant eliminates many essential underpinnings of the covenants found in Tanach, especially those of David and Moses. Torah gives hegemony to a specially privileged, blood-related priestly caste, while the Pharisees--"a scholar class . . . never even mentioned in the Pentateuch, much less clothed with ultimate authority" (Rivkin, n.d., p. 9)--ordained hegemony for themselves.

Abraham, Moses, Joshua, David, and Josiah knew nothing of a twofold law. It was the Pharisees who proclaimed that God had given both a written and an oral law to Moses at Sinai. They further seem

to believe that the priests had no legal authority since, according to them, they had never been the recipients of the Torah:

מֹשֶׁה קִבֵּל תּוֹרָה מִסִּינַי וּמִסִּרָּה לִיהוֹשֻׁעַ, וִיהוֹשֻׁעַ
לְזִקְנִים, וְזִקְנִים לְנָבִיאִים. וְנָבִיאִים מִסִּרָּה לְאַנְשֵׁי
כְּנֶסֶת הַגְּדוּלָּה.

Moses received Torah at Sinai and handed it on to Joshua, Joshua to elders, and elders to prophets. And prophets handed it on to the men of the great assembly. (Avot 1.1)

From this significant omission, the Pharisees infer that the priests had never received a direct revelation from YHWH, who had indeed spoken to prophets and even to the ^{elders} judges, but not to them. Therefore, their role was merely that of administrators of the cult, with no covenantal responsibilities or authentic leadership (even though Deuteronomy 33.10 has Moses assigning the Levitical priests to teaching God's law to Israel).

To investigate the elevation of the Shema by the Pharisees is to understand the method, at least in one instance, used by the Pharisees to diminish the authority and the centrality of the priests and their cult.

Like all their predecessors, the Pharisees believed that their covenant was made with God, Who was One, omnipotent, and omniscient. This belief they filtered through the prism of the oral law--a metabolic process which resulted in a new use and meaning for the Shema (Ber. 2a-2bff).

The Pharisees decreed that the Shema should be recited by every Jew, every morning and evening (Ibid., 2bff). Nowhere in Torah is there any suggestion of the necessity for such repetition, yet the Pharisees

proclaimed it to be so. Thus they elevated this one Torah text above all others, making its teachings the summary of the essence of God's covenant: God was One, committing Israel to proclaim His unity and demanding love and obedience to Him and His Halachah. "The choice of the Shema for frequent repetition by Jews was thus sheer genius; it was general enough to give the Pharisees a completely free hand" (Rivkin, 1971, p. 66).

Nowhere in the Shema is there mention of the cult, yet the priests, ministering in the Temple shortly before its destruction, were required to include it twice daily in their worship. "The Shema for the Pharisees was a daily assertion of their authority and a rejection of priestly hegemony" (Ibid.). The people who recited it were following the pharisaic rule, not that of the cult.

To further strengthen themselves, the hazal ordained that portions of Torah be read every Monday, Thursday, and Shabbat. Not just the priestly writings, but all of Torah was to be read under pharisaic auspices.

If the reduction and eventual obliteration of priestly control constituted a revolution, the motive for it and the use to which it was put were not in the least novel. Did we not see David (for the sake of unifying his fragmented people into a political nation) proclaim that his dynasty had been divinely authorized to rule the Israelite people? He did not even have a clear blood-line for credentials. But he saw to it that his descendants did! The Books of Samuel and Kings, written and edited by his archivists, gave him his constitutional warrant and a grandiose public ceremony was his coronation.

With variations on the same theme, do we not see the Pharisees (for the sake of unifying a nation in exile into a religiously observant diaspora people) proclaim that their halachah was true Torah, divinely ordained as the ultimate religious authority for the Jewish people?

Their claim to complete knowledge of Torah, sh'b'al peh, was their credentials--and would continue to be for those who were taught by them and their disciples. In the Pentateuch they found (if they needed it) their constitutional warrant:

If a case is too baffling for you to decide, . . . you shall promptly repair to the place which the LORD your God will have chosen, and appear before the priests, or the magistrate in charge at the time, and present your problem. When they have announced to you the verdict in the case, you shall carry out the verdict; . . . you must not deviate from the verdict either to the right or to the left. (Dt. 17.8-11)

The oral Torah which they and their heirs produced became the new official constitution.

Without ceremony they took for themselves the scepter of rulership over their people's destiny. Their method of attaining and maintaining hegemony was hardly revolutionary. It was anabolized in bulk from their ancestors.

The essence of the pharisaic covenant was the Oral Law. It differed from the Priestly Code and the Decalogue in that it was "not so much a body of laws as a principle of ongoing authority which could solve problems in God's name" (Rivkin, 1971, p. 51).

The God Concept presupposed by the pharisaic covenant differs significantly from that of David's alliance. The latter concept assumes a God who established a fixed, sacrificial cult; who delights in the smell and sight of smoldering animal fat and burning incense; a God

who rewards and punishes in proportion to the quality and quantity of the suppliant's offering on an external altar; who, through His priests--and only through them--conditionally offers continual expiation and security.

Not so is the idea of God presupposed by the pharisaic covenant. To them, God has given the laws and then removed Himself from their implementation.⁴ He is an "open-ended" deity Who continuously makes His will known to His scholars and, through the dissemination of their decisions and interpretations (halachot and midrashim), to His people. Whereas the God of the monarchial covenant has bespoken all there is to bespeak (Rivkin, Lecture, June 1986), the God of the Pharisees would continue to speak eternally, solving problems, being what He was needed to be to His people.

To the Pharisees, God was primarily a Father--of creation, of the Israelite people--and the "Eternal Father of the individual [Who was] always there, always available, always just, merciful and understanding, promising eternal life to each one who lived according to His mitzvot. He could penetrate into one's inner self and measure the loyalty to His Law. There was no escaping His eye, for as a Father, He was personally concerned with every one of His children and with their salvation" (Rivkin, 1971, p. 57).

Imagine how this idea of God and His covenant affected the dispersed Israelite in exile! How it raised his self-esteem, his sense of dignity and worth to think that he was as important to the Creator of the World as any prophet or priest; that he could receive divine protection, which included eternal life, simply by internalizing,

through study, God's halachah and living according to its dicta!

Suddenly, the world around them was not the only reality:

It is a temporary, transient, and unpredictable realm; callous, cruel, indifferent. How different the reality within! Here one was insulated against the bludgeonings of Fate and the crushing blows to one's self esteem. Here one had communion with the Eternal Father. Here one nourished the expectations of an eternal life aroused by the Eternal Father's promises; here one healed the ego's wounds with the sure knowledge of a resurrection that would blot out temporal pain and suffering. (Ibid.)

We think of the phrase from Milton:

"The mind is its own place, and in itself . . .
Can make a heaven of hell. . . ."

--John Milton, Paradise Lost,
Book I, line 253

To reinforce their concept of God and to integrate it into the daily life of the scattered people, the Pharisees restricted the appellations, "Yahweh" and "Elohim" (which had been freely used for a millennium) to formal prayer and scriptural quotes. In their place, they coined such words as שְׁכִינָה Shechinah/"Divine Presence" which was to be found inside each one's consciousness rather than in the Holy of Holies; הַקְדוֹשׁ בָּרוּךְ הוּא ha-Kadosh baruch Hu/"The-Holy-One-Blessed-Be-He", which was a non-awesome term, comfortably useable by the individual; and הַמָּקוֹם /ha-Makom/"The One Who is Everywhere," which, unlike the Dweller in the fixed site of the Temple, indicated that God was ubiquitous and easily accessible (Ibid.).

By emphasizing the central importance of the individual, the Pharisees reduced the significance of the cultic system. This was the first step in the eventual elimination of the cult from the Israelite covenant concept. There are, of course, many references to the priests

and cultic practices in the Talmud, but they are little more than reminiscent acknowledgments of antiquated rituals performed "long ago and far away."

A few such nostalgic nods are still with us today. For example, in contemporary traditional synagogues, the first aliyah for Torah reading and the practice of duchanen is given to a Kohen; the second to a Levite--indicating a ceremonial respect for these once-upon-a-time functionaries, without assigning them any present authority or special leadership role.

No longer did the individual need the priest or pentateuchal prescriptions for appeasing God and ensuring his personal salvation. The Pharisees proclaimed that God promised these boons, plus eternal life in a world to come and eventual bodily resurrection as His covenanted rewards for personal obedience to the twofold law. Thus Judaism was transformed into a religion where salvation was no longer a national, but rather an individual goal. Israel became a nation of salvation seekers; for, belonging gave one access to and opportunity for personal salvation--no matter what might befall the nation as a whole (Rivkin, 1971, p. 53).

For this reason man was created a singular individual: to teach you that anyone who destroys a single soul of humankind, Scripture reckons him as having destroyed the entire world. [Contrariwise] whoever preserves alive a single soul of humankind, Scripture reckons him as having preserved alive the entire world.

[These verses are also meant] to tell us of the greatness of the Holy One praised be He. For when a human mints many coins with a single seal, all of them are identical with each other. But when the King of kings, the Holy One, blessed be He, stamps every individual with the seal of the first man, no one individual is identical with another. Therefore, every individual is required to say, "Because of me the world was created." (Sanh. 5:1)

With a God Who so loved the individual and Who was so committed to His uniqueness, the Pharisees were able to encourage loyal adherence to the newly metabolized Judaism from the displaced and insecure Israelite exiles.

It followed naturally that, if God's covenant was with the individual, it was necessary that the individual bring himself into direct communication with God. To that end, prayer became mandatory: readings of the Shema, the Amidah, benedictions before and after meals and on other occasions, and, eventually, readings from Torah and the Prophets on Shabbat were all prescribed, and synagogues sprang up everywhere to accommodate the people's need for study and prayer.

Differences of individual opinion were held in high regard: "The Pharisees ~~even~~ went so far as to allow discussion, debate, and even alternative renderings of the Law" (Rivkin, 1971, p. 60). This was in obvious contrast to Torah's conception that God was the only Legislator and His legislation was immutable (Ibid.). (See Dt. 4.2; 13.1; see also p. 139, below.)

The Pharisees did not focus on Torah or Tanach as a complete, divine corpus. Their interest was in specific sentences which could "clarify a situation, illumine a teaching, underwrite a law, or inspire an act" (Rivkin, p. 63). Tanach became the source for proof texts for the higher authority of the Oral Law. The emphasis was shifted. Laws were no longer dependent on a book (Pentateuch), but rather on the authority of the scholar class. Although proof-texts were used for exegesis, they were not absolute requisites.

History, too, as we have seen it used in all other covenants, played no significant part in the pharisaic pact, for in it there is

no real concern with what happened before or after.

The real world was not this transient world of pain, suffering, anguish, uncertainty, insecurity, history, but the world to come where life was eternal and free of pain. The terrestrial world was where eternal life was won; but eternal life was the reward for those who were steadfast in their loyalty to the twofold Law, despite the pressures of the terrestrial world! (Ibid., p. 61)

Whence came the Pharisees' new ideas? Like their motives and methods, their ideas were culled and synthesized from previous cultures. Without question, much of their energy was drawn from the Prophets. Finkelstein asserts: "Pharisaism was Prophecy in action; the difference is merely one between denunciation and renunciation" (1938, p. xvi). The connection between the two groups, he says, is more than ideological; for the very nature and essence of the groups were similar since "the Pharisees were drawn from the same social class as the earlier prophetic following itself."

The converts to prophecy among other classes might render it lip-service and even a certain measure of devotion; to the Pharisees the words of the ancient seers were like flames of fire out of their own hearts. (Ibid.)

The prophetic principle that God was constantly making His will known in order to solve problems and show man the right path was anabolized by the Pharisees, who synthesized the idea with their own, concluding that it is through the Oral Law and the scholar class that His will is transmitted.

The pharisaic adherence to the doctrine of human equality also came from the prophets. The prophet Amos, for one, rails against social and economic inequities--against men who "sell the righteous for silver, and the needy for a pair of shoes. They pant after the dust of the earth on the head of the poor and turn aside the way of

the humble" (Amos 2.6-7). "Are you not equal in my sight to the Ethiopians, Philistines, Syrians" ^{Do'el} (16.9.7).

So, too, the Pharisees emphasized the equality of each individual, despite social or economic standing. The Prophets defined doing God's will as man's adherence to an ethical and moral code of behavior, while the Pharisees defined it as the detailed following of halachah. Yet both assert that only through the doing of the divine will does the individual earn a special place for himself in the eyes of God

The talmudic sages say that only false prophets, who have ulterior, personal motives, speak in full unison (Sanh. 89a). The true prophets, while in agreement on general principles, differed in their detailed interpretation of them. (See Finkelstein, pp. 192-96)--an excellent rationale for the talmudically recorded debates of the hazal in Talmud.

The Pharisees also ingested various modes from their Hellenistic surroundings: The Bet Din ha-Gadol (The Great Legislature) they invented; the "lawmaking, law-transmitting, and law-confirming body of the scholar class" (Rivkin, 1971, p. 67) has no biblical prototype, yet it does bear sharp resemblance to the Greek city's legislative body, "boule." In fact, the Greek translation of "Beth Din" was "boule."

Rivkin is convinced that the Pharisees were impressed with the statesmen, philosophers, and scholars who were the Hellenistic law-makers; impressed with the student-teacher relationship--"alien to Israel but commonplace in the Greek world and especially stressed by the Stoics" (Ibid., p. 68); impressed with the high value placed on

the individual, with the concept of authority in unwritten laws, and with "the Stoic teaching of an inner standard, a reality impervious to the buffetings of the external world" (Ibid.).

The Pharisees, according to Rivkin, anabolized these ideas, synthesizing them with their needs and purging them of the Hellenistic elements so that now "they can be reconstituted only through highly developed analytical methods" (Ibid.).

The consequences of the Pharisaic interpretation of Israel's covenant with God are immeasurable. It sustained its people through many political storms.

It shifted the arena of life from the external world to the internal world; from the nation to the individual's striving for salvation; from an empirical to a spiritual reality. The external world might collapse but it could not cut off the road to eternal life. Indeed, such a collapse only makes this road more alluring. Because the standard of the Father God was always secure and reassuring, Pharisaism was tailored to serve the individual in a troubled world. (Ibid., p. 69)

The sages' assurances to them of personal immortality consoled the exiled Israelite in his precarious situation. Their emphasis on the individual made him--rather than the people, the land, or the cult--God's ultimate concern. Above all, the sages engraved "an eternal city on the soul" of the Jew. "Citizenship was available to all who internalized the halachah system" (Ibid., p. 82).

The synagogue, created by the Pharisees, welcomed each individual anywhere and provided a gathering place where he could listen to the words of the Law and the Prophets, pray directly to his personal God, and "renew his allegiance to the internalized halachah" (Ibid., p. 83) and therefore to the covenant.

The Pharisees reinterpreted and reinforced the covenantal relationship between the single Jew and the One God. Through the metabolic process, it developed a form of Judaism which fulfilled the needs of the people of its day; proved able to survive in a volatile and often hostile world; set the foundations for Christianity and Islam; and tenaciously remained normative Judaism, with little challenge, for almost two thousand years.

Rabbinic Judaism exemplifies the metabolic process in yet another way. Throughout its long history, which included inquisitions, ghettos, pogroms, and the Holocaust, its loyal followers, needing to cling to hope and self-identity, reinterpreted and added to its halachah. New customs became laws for the Jews in Eastern Europe; others became mandatory in Western Europe. Occasionally, all these new laws were brought together and labeled halachah along with the original talmudic legislation (see Shulchan Aruch).

Few laws were excreted, while many were ingested. The result: "normative" Judaism became so corpulent, so cumbersome, that once the ghetto walls were finally destroyed, it could no longer remain compatible with the religious needs of most of upwardly mobile diaspora Jewry.

Notes to Chapter 9

1. On Halachah as word and concept:

Indubitably, the most significant concept and word in the vocabulary of the Pharisees and their Rabbinite successors is הלכה. They invented it--as they did the concept of Oral Torah. It designates their idea of divine law. To them and those Jews who live by halachah, it supercedes the hukim, mishpatim, and torot of the written Torah.

The term הלכה, in any sense at all, is nowhere to be found in Humash or Tanach. The word itself comes from the root "to go" and may be the only Torah-oriented aspect of the word; for we read in Exodus 18.20 "and shall show them the way wherein they are to go and the work that they must do."

2. (1) Ex. XL, 3. The veil was not 'upon' the ark but 'near to', i.e., in front of it. (2) The general blessing or curse was in connection with Deut. XXVII, 26, and the particular blessing or curse for the actions specified in that chapter. (3) Cf. *ibid.* v. I and XI, 19. (4) In connection with every command there is a covenant for each of the four duties. So there were four blessings and four curses pronounced with each precept. (5) Eight blessings and curses with the general commandment and with with the particular commandments. (6) Viz., there were sixteen blessings and curses implied with the covenants entered into in each of the two places named. (7) Deut. XXVIII, 69, apart from the section at Mt. Gerizim. (8) *Ibid.* XXIX, 8. (9) Sixteen in each of the three places. (Soncino Talmud)

3. For most of this thesis, the author has used "man" and "human" interchangeably. However, when referring to talmudic passages and their meanings, the word "man" indicates a human male--excluding any reference to a human female. This was the premeditated intention

of the talmudic writers. Women were included in the broad scope of covenant with God, but the responsibilities for keeping the covenant --and most of the rewards--belonged to the men. "For conclusive proof, see, if you choose, one year of notes and tapes from the course, "Women in Law," Rabbi Yizhak Mann, 1986-87).

4. See dispute between R. Elizer and R. Joshua, concluding with the latter's scolding of the Bat Kol: The halachah is "not in heaven" (Dt. 30.12). It is by a majority of rabbis' votes that the halachah is to be determined (B.M. 596) (Montefiore, Rabbinic Anthology, item 890, pp. 340ff).

CHAPTER 10

THE ERA OF THE LATEST RABBINITES

The Covenant as Understood by the Modern Reformers

"When humankind desires to create something big, it must reach down deep into the reservoir of its past. . . . For the past is our cradle, not our prison, and there is danger as well as appeal in its glamor. The past is for inspiration, not imitation; for continuation, not repetition" (Zangwill, in Greenberg, 1963, p. 268).

The heirs of the Pharisees/Tannaim--from the Amoraim to the Seboraim, Maimonideans, anti-Maimonideans, Sabbatarians, Frankists, S'phardim, Ashkenazim, Hassidim, and Mitnagdim--all found in Mishnah and, later, Talmud, a wide variety of opinions on which they could base the development of additional oral laws which would be responsive to the needs of their individual communities.

Because the necessity to function and survive in diaspora society "took precedence over the wish to replicate the [precise] teachings" (Rivkin, 1971, p. 105) of the Talmudic sages, the medieval Jews and their descendants took the license to comment on commentaries of commentaries; build fences around previously fenced-in halachah; shape new forms and customs on top of the massive heap of already existing traditions--all in their effort to solve their contemporary problems.

Never during those 2,000 years was it acknowledged that even one obsolete law had been abandoned or excreted. Never was it admitted that, although all were cognizant of the deuteronomic dictum:

"You shall not add anything to what I command you, nor subtract anything from it, but keep the commandments of the Eternal your God which I command you", none heeded its command (Dt. 4.2).

So the halachic corpus continued to grow to gargantuan and unwieldy proportions, stretching the Pharisaic covenant component of adherence to halachah to its uttermost limits.

With the dawn of Emancipation and the abolition of the European ghetto in the late nineteenth century, came three consequent Jewish reactions to the overstuffed religious Jewish life:

a) A rush to baptismal fonts by Jews who considered Judaism "not a religion, but a misfortune" (Heine, in Alcalay, 1970);

b) The reaction to that reaction: "This is the consequence of 'emancipation': for us, the restraining fences (i.e., every known law and custom of halachah) still stand": the birth of Orthodoxy;

c) A realistic, existentialist program for making Judaism work in an open society--the metabolic process in action: the birth of Reform.

It is on this third reaction that we now focus our attention.

Reform came to put that colossal, halachic hulk on a slimming diet; to reduce it to humanly livable, acceptably esthetic proportions. Although there is no tangible, official covenant text to which we can point or from which we can derive a secure definition of Israel's

new concept of its relationship to God, there is, in the officially accepted Columbus Platform of 1937, a clear description of the Reform covenantal concept:

We recognize in the Mosaic legislation a system of training the Jewish people for its mission during its national life in Palestine, and today we accept as binding only its moral laws. . . .

. . . We recognize, in the modern era of universal culture of heart and intellect, the approaching of the realization of Israel's great messianic hope for the establishment of the kingdom of truth, justice, and peace among all men. . . .

. . . We reassert the doctrine of Judaism that the soul is immortal, founding this belief on the divine nature of the human spirit, which forever finds bliss in righteousness and misery in wickedness. . . .

The Torah, both written and oral, enshrines Israel's ever-growing consciousness of God and of the moral law. It preserves the historical precedents, sanctions and norms of Jewish life, and seeks to mold it in patterns of goodness and holiness. It defined Judaism as "the soul of which Israel is the body," and recognized "in the group-loyalty of the Jews who have become estranged from our religious tradition a bond which still unites them with us," and affirmed "the obligation of all Jewry to aid in [Palestine's] upbuilding as a Jewish homeland by endeavoring to make it not only a haven of refuge for the oppressed but also a center of Jewish culture and spiritual life." It stressed that "Judaism as a way of life requires, in addition to its moral and spiritual demands, the preservation of the Sabbath, festivals, and Holy Days, the retention and development of such customs, symbols, and ceremonies as possess inspirational value, the cultivation of distinctive forms of religious art and music and the use of Hebrew, together with the vernacular, in our worship and instruction. . . . (Columbus Platform)

With this as a comprehensive and acceptable substitute for an official covenant, we can now look to the motives and methods which stimulated this new direction.

As it was with the Pharisees, there is a variety of scholarly opinion as to which were the most compelling motives: Cohon (1964)

states it clearly and simply. The new covenant was born when, in the ^{nine} eighteenth century, a group of faithful sons of the synagogue . . . dedicated themselves to rethinking and reformulating the religion of their fathers in the hope of making it the faith of their children (p. 29).

Rivkin is convinced that the single dynamic behind the metabolism was capitalism--"a unique economic system . . . rewarding innovators more handsomely than replicators. Its vital driving principle is the pursuit of profit, a pursuit encouraging inventiveness, ingenuity and originality" (n.d., p. 10).

Capitalism, Rivkin suggests, was the impetus for a number of great modern revolutions, including those of the Netherlands, England, France, and America. In each instance, the existing society, which was sustained by traditional modes, was overthrown by a new society which lauded the entrepreneurial risk-taker. It encouraged the individual's freedom "to bend reality to his aspirations, rather than have his aspirations bent by a reality imposed upon him by traditional notions" (Ibid.).

Not only was the capitalist notion of individual freedom from traditional constraints at the core of the Reform Movement, but wherever capitalism emerged, says Rivkin, the plight of the Jews was "radically transformed."

Where Jews had been forbidden to live for centuries, as in Holland, England, and France, they were permitted to re-settle; where Jews had been subject to discrimination or treated like pariahs, as in Germany, they were liberated and emancipated; where Jews participated in the creation of a capitalist society, as in the American colonies, they enjoyed a high degree of equality from the outset. (Rivkin, 1971, p. 159)

In such a climate "the realm of ideas was thrown open for free exploration by those who seek truth and knowledge rather than profit" (Ibid.). One such "explorer" was John Locke, who "looked back to a time preceding the Sinaitic Covenant"--a time when the individual was not yet subject to a [specific, earthly] authority; when each had sovereignty over his own life, liberty, and property; in other words, a time when the individual enjoyed all his "natural rights" (Rivkin, 1971, p. 162).

Thus out of the struggle with the old order emerging capitalism not only made room for its own expansion but opened up a limitless realm for the mind and spirit far beyond the realm of economics. Men were freed from the necessity of buttressing their thoughts with biblical proof texts; minds were released for free mental and spiritual exercise. (Ibid.)

Meyers opines that the philosophical and religious conflict of values between "traditional ghetto Judaism and the intellectual and aesthetic environment of the eighteenth-century Enlightenment" (Cohen & Mendes-Flohr, 1987, p. 767) was the impetus for the modern metabolic change in the covenant concept. The Jewish heritage, he says, which had dictated current religious practices, now appeared "inappropriate in the new context" (Ibid.).

The early Reformers sought first to create a Jewish theology that could withstand hostile currents of contemporary Christian and philosophical thought and then to reshape the institutions of Judaism in such a way as to appeal to the transformed religious and aesthetic sensibilities of an acculturating Jewry. (Ibid., p. 168).

Cronbach says that the need "to appeal to the transformed religious and aesthetic sensibilities of an acculturating Jewry" (see Meyers) was the primary catalyst and simply another phase in the metabolic process (Cronbach, 1963, p. 122). When Jews began to

"mingle with non-Jews" (Ibid., p. 109) and to become conversant with modern ideas, "they became impatient with the old Jewish ways. As they grew conversant with German, they grew less conversant with Hebrew and the service in the synagogue became unintelligible":

The sing-song chanting bored. There existed the practice of pausing, in the midst of the service, to sell at auction the privilege of drawing aside the curtain of the ark or of lifting up the scroll or of reciting a benediction or of performing any of the other synagogal acts. On certain occasions the priestly benediction--"The Lord bless thee and keep thee" etc.--would be chanted amateurishly and cacophonously by groups of men who were supposed to be descendants of the ancient Temple priests. For the modern-minded, such performances repelled. (Ibid.)

Most offensive of all was the indecorum:

Unattentive to the service, people converse with one another. There is more or less coming and going while the service is in progress. We are not surprised to learn that "emotions were left untouched by the prayers that were rattled off amidst noise and confusion," and that the disorder prevalent "did not tend to further the spirit of devotion. (Ibid., p. 110)

To remove these unesthetic and/or indecorous elements, to introduce into the worship service western standards of aesthetics and decorum, and to bring the worshipper in touch, once again, with his religious emotions was, according to Cronbach, the essential goals of Early Reform. To this end, the liturgy was abbreviated; the sermon, choral music, and organ accompaniment were incorporated; prayers in the vernacular were initiated; and the prayer book was revised, excluding any petitions for the coming of the Messiah, the resurrection of the dead, the restoration of Israel as the Jewish homeland, the rebuilding of the Temple in Jerusalem, and the revival of the sacrificial cult--all unacceptable ideas, "repugnant to a people imbued with western culture" (Ibid.).

Behind or supporting, if you will, all these changes lies the conviction that the individual worshipper is free to accept and use what will help him to feel the divine Presence, to communicate with God, and to sense his Jewish identity, as well as the freedom "without apology or shame to discard what he feels himself incapable of utilizing for those supreme goals" (Ibid.).

Eisen (in Cohen & Mendes-Flohr) agrees that the Reform revision of the covenant was the attempt of liberal Jews "who sought to cope with the jolts of modernity" (p. 110). However, he contends that "the direct stimulus" for this metabolism was the philosophy of Immanuel Kant, "who insisted that moral action could emerge only from the 'autonomous' undertaking of an individual to obey the law dictated to his or her reason" (Ibid., p. 116).

Kant argued that an event such as Sinai, as depicted by the Talmud (Ibid.) could "secure only heteronomous compliance--the mountain suspended over Israel like a barrel--but not a freely given 'we will do and obey.'" (Eisen, p. 110). He considered the demands of the Sinai covenant to be not only unauthentic, but ethically illegitimate because of their restrictions on human freedom (Ibid.). Such thinking sparked the imagination and stimulated the metabolic process for the modern Jew, whose personal dignity and human freedom were inextricably bound together.

Hermann Cohen (in Noveck, 1966), seeking to circumvent Kant's objections to the Sinaitic b'rit, detaches "God's covenant with us" from any specific event or code-filled content. Leo Baeck solidly places the initiative for the covenant with Israel, rather than with

God, saying that Israel was elect because "it elects itself." Martin Buber significantly omits the covenant concept from his writings on Jewish spirituality, employing it elsewhere "only to stress that Israel, more than any other people, had always linked its faith and its nationhood" (in Noveck, 1966).

Emil Fackenheim uses the covenant idea to "express the paradox of a 'Divine Commanding Presence'" (Eisen, in Cohen & Mendes-Flohr, p. 110). The b'rit, he says, binds individual Jews to the fate of the Jewish people, whether or not they obey its stipulations (Ibid.).

The concept of covenant, for Borowitz (1983), is most central. He says that its terms are established by Israel and therefore autonomous. But, he continues, the terms "emerge out of the covenantal relation with God"--and so they are heteronomous. Each generation must make the appropriate revisions for its particular situation, but those revisions must be "true to the nature of the pact" (p. 47).

So many opinions and theories! Does this multiplicity indicate the lack of one basic Reform covenantal idea? Does it expose uncertainties and inadequacies in modern thinkers as opposed to the talmudic sages who repeatedly exclaimed that all their conclusions came directly from Sinai--^{spoken}written by the ^{mouth}finger of God?

On the contrary, the very process of debate was anabolized by the Reformers from the Tannaim, who not only disagreed and debated, but also considered their very arguments to be the will of God and their conclusions, His Word:

It has been taught: On that day R. Eliezer brought forward every imaginable argument, but they did not accept them. Said he to them: 'If the halachah agrees with me, let this

carob-tree prove it!' Thereupon the carob-tree was torn a hundred cubits out of its place. 'No proof can be brought from a carob-tree,' they retorted. Again he said to them: 'If the halachah agrees with me, let the stream of water prove it!' Whereupon the stream of water flowed backwards. 'No proof can be brought from a stream of water,' they rejoined. Again he urged: 'If the halachah agrees with me, let the walls of the schoolhouse prove it,' whereupon the walls inclined to fall. But R. Joshua rebuked them, saying: 'When scholars are engaged in a halachic dispute, what have ye to interfere?' Hence they did not fall, in honour of R. Joshua, nor did they resume the upright, in honour of R. Eliezer; and they are still standing thus inclined. Again he said to them: 'If the halachah agrees with me, let it be proved from Heaven!' Whereupon a Heavenly Voice cried out: 'Why do ye dispute with R. Eliezer, seeing that in all matters the halachah agrees with him!' But R. Joshua arose and exclaimed: 'It is not in heaven.' What did he mean by this?--Said R. Jeremiah: That the Torah had already been given at Mount Sinai; we pay no attention to a Heavenly Voice, because Thou hast long since written in the Torah at Mount Sinai, After the majority must one incline.

R. Nathan met Elijah and asked him: What did the Holy One, Blessed be He, do in that hour?--He laughed [with joy], he replied, saying, 'My sons have defeated Me, My sons have defeated Me.' (B.M. 59).

Though the story is told in midrashic form, it is a remarkable assertion of the divinely given human right to independent thinking. Rivkin may say that the Reformers gleaned this right--or technique--from capitalistic modes. Others may be convinced that it grew out of the proximity to western cultures or the rebellion against the plethora of restricting and confining antiquated laws which burdened most of 18th century European Judaism.

This writer, however, while accepting the possible validity of the above theories, concludes that the confidence accorded the workings of the human mind was ingested not from pharisaic dicta but from the actual practice and example set by the Pharisees themselves.

Here we have the first component of the Reform covenant: the validity of and reliance upon the ability of the human intellect,

which, according to the essence of the covenant, is a divinely ordained tool for seeking out truth; for harmonizing Judaism with the contemporary world; for understanding, defining, and, when necessary, reevaluating and revising Israel's covenant with God.

Critical thinking, intuitive insight, and human reasoning are valid when they have survived the tests of acute mental analysis and historic scrutiny. Along with the freedom to use them, they are given by divine covenant to the individual as a right and a responsibility with which to continue God's work on earth and thus to do His will.

The mental process of which the Reform covenant approved may have been anabolized from the Pharisees, but the content of the new covenant was most assuredly ingested from the prophets. The Reformers dug deep into the prophetic word, ingesting and synthesizing the best of their spiritual utterances. They learned:

- from Amos: "Let justice well up like water,
righteousness like an unfailing stream" (5.24).
- from Hosea: "I desire goodness, not sacrifice;
obedience to God, rather than burnt offerings" (6.6).
- from Isaiah: "Learn to do good.
Devote yourselves to justice,
aid the wronged,
uphold the rights of the orphan;
defend the cause of the widow (1.17).
- from Deutero-Isaiah: This is the fast I desire:
to unlock the fetters of wickedness . . .
to let the oppressed go free,
to break off every yoke.
It is to share your bread with the hungry;
to take the wretched poor into your home;
when you see the naked, to clothe him,
and not to ignore your own kin (58.6, 7).
- from Jeremiah: Build houses and live in them;
plant gardens and eat their fruits . . .

multiply there and do not decrease . . .
 seek the welfare of the city to which
 I have exiled you and pray to the Lord
 in its behalf; for in its prosperity you
 shall prosper (29.5, 6b, 7).

From Zechariah: These are the things you are to do:
 execute the judgments of truth and peace
 with each other . . . do not contrive
 evil against one another and do not love
 perjury . . . for all those are things
 I hate--declares the Lord (8.16).

The prophets were visionaries and orators. They were not administrators, nor were they implementers of their social vision and moral pronouncements. Like Moses, they never entered into the Promised Land, where their ideas and aspirations became reality. But the modern reformers, such as Isaac Meyer Wise and others, were organizers. They went beyond the prophets to enact all they had spoken. Ethics and morality became the leitmotif of their new covenant. Social action committees were formed to alleviate burdens, elevate social consciousness, and, in general, work toward "tikun olam"--the improvement of the world. The Religious Action Center in Washington, D.C. is but one outcome of their successful efforts.

The notion of a single revelation was excreted from the Reform covenant--replaced by the concept of immanent revelation: "God reveals Himself progressively, through the gifted teachers of Israel, as the One and Only God of the Universe and of humankind" (Rivkin, n.d., p. 11). Rather than one supernatural revelation at Sinai, Judaism is the "slow development of religious thought and practice which may be understood in terms of the shifting generations which produce it" (Cohon, 1964, p. 29). Revelation will continue--progressively and eternally:

God is speaking still, His will must be read, not only in the canonized scriptures, but in every area of the universe and the life upon our planet. Every age is a Bible through which God speaks to man. Mankind is in a living, growing world. His will is revealed in the process of this life. Judaism is not a sealed dispensation, fixed and final, but an ever-expanding spiritual force. (Ibid., p. 31)

The Talmud, however, was "fixed and final" (see above) and, although it was the essence and the text of previous covenants, it found no place in the new one. The twofold law was no longer considered God's will, nor was it deemed "the salvation of the individual Jew" (Rivkin, n.d., p. 11) or of the people of Israel. The Talmud may have been "temporally necessary, but it was not essential" (Ibid.), for with the new covenant, religious decisions ultimately rest with the individual.

Of the Talmud, Einhorn wrote: "Israel believes thee, but not in thee; thou art a medium through which The Divine may be reached, but thou art not divine" (Philipson, 1967, p. 23).

The point is not the knowledge of Talmud, says Rabbi Leopold Stein of Frankfort, but rather its authority: "The Talmud should receive acknowledgment for all that is of value in it. We have denied only its authority, not its historical significance" (Ibid., p. 163).

Jewish thought and practice, say the Reformers, did not achieve closure with the completion of the editing of the Talmud, as has been often suggested. It merely preserved the traditions of another mode of Jewish life and afforded future generations much valuable information to consider carefully in an effort to "preserve the fire of the past, but not the ashes" (William James, in Greenberg, 1963).

With the other "ashes of the past," the Reformers discarded

the idea of ritual for its own sake and the actual practice of a great many rituals ordained in the Talmud. "Traditionally, the spiritual disposition of the person who performed ritual commandments was either secondary or of no account" (Meyers, in Cohen & Mendes-Flohr, p. 768). "In many Orthodox religions it is more common by far for prayers and observances to be added to established rituals than to be deleted. As time goes by, the liturgy becomes longer, more dense and less understood by the laity; it takes more of its meaning from the fact that it has existed than from the significance it was once intended to convey." (Gopen, 1988). However, the Reform Covenant rejected the process of heaping ritual upon ritual and the idea of a God Who requires worship through symbolic deeds, and established new criteria for ritual performance: "Religion became subjectivized, and Jews too began to ask whether their prayers in the synagogue or their performance of ritual acts outside of it left them with a sense of religious edification or deepened moral commitment" (Meyers). These criteria were constantly applied to traditional practices, with the frequent result that the traditions were either radically revised or completely eliminated.

Ascher was among the first to argue that Jewish observances were not an end in themselves, but rather a means to enhance religious devotion. Only with such motivation were they to be practiced at all, and only those rituals which stimulated a mood of spirituality and were likely to lead to ethical action were retained. Of Shabbat, for example, Torah simply states:

"Observe the Sabbath and keep it holy . . .
 you shall not do any work--
 you, your son or daughter,
 your male or female slave,
 your work animals or the stranger
 in your community, so that they
 may rest as you do. Remember
 you were a slave in Egypt [toiling
 365 days a year] whence The Eternal
 your God freed you. . . . Therefore
 He commands you to observe the Sabbath"
 (Dt. 5.12-15).

From this, the Rabbis compiled the largest of all talmudic tractates, with thirty-nine categories of prohibited work and restrictions and a myriad of subcategories relating to each. The traditional Jew strives on Shabbat to adhere to all the restrictions and prohibitions, considering himself "a good Jew" for the attempt.

Rabbi Hirsch sees the Orthodox observance of Shabbat as a "beautiful, ideal lesson--a day of complete rest and absolute cessation of all work--a day devoted to spiritual life as prescribed by Rabbinic law," proclaiming man a witness that one God exists and that man is created for His service. (Hirsch, 1942, p. 182)

The Reform Covenant also ordains the observance of Shabbat, but it does so without so much as a glance at talmudic legislation, which it found cumbersome, self-restrictive, antiquated, and invalid. Rather, it returns to the original statement in Torah accentuating the essence of the day:

A very simple idea lies at the foundation of the Sabbath; the image of God shall not toil unconsciously like the animal, unremittingly like the slave; he should work from higher motives, viz., religion; he should rest in order that he should learn to know himself and his dear ones, that he may concern himself with spiritual matters in order to further the well being of life and the spirit. How this simple idea has been spun out by later generations of man! How the institution of the Sabbath has degenerated! What a thousand and one fences have been erected about the Sabbath! (Philipson, 1967, p. 202)

It was these fences, rather than the essence of Torah, which were excreted from the Halachah by the new Covenant. Only routine, daily work and all matters relating to the making and using of money were rejected by Reform as invalid Sabbath activity. Thus the Reformers concluded:

No task should be forbidden which conduces towards recreation and spiritual elevation and which serves to lift us out of our circumscribed environment and to arouse in us thought of a higher nature. (Ibid., p. 197)¹

In the case of the Sabbath, the covenant concept differs greatly from standard modern practice.

There is a tendency today for those who consider themselves included in the Reform covenant to reach for rituals and rules long ago discarded. Perhaps they sense a security in the physical activity involved in ritual.

It might be said that because of the lack of restrictions and the abundance of freedom in Reform, it is a most difficult religion in which to live faithfully. Reform Judaism is not prolific in instructions and commands, leaving its very existence to man's personal inner resources. The Reform Jew does not have the security of a dogmatic right-or-wrong evaluation of his every move. Therefore, he must make the effort to exercise his conscience, his integrity, and his self-control in order to fulfill the precepts of Reform which require him to be both a constructive citizen and an adherent Jew.

The Reform Covenant is not always the vehicle for ritual excretions. Its theology can also be the impetus for additional observances: Shavuot, for example, was originally a biblical harvest festival (Ex. 23.16; 34.22; Nu. 28.26). After the fall of the Temple, the Pharisees,

perhaps in need of a single positive memory on which their people could focus in unity, established it as the date for memorializing the reception of the revelation at Sinai: Z'man matan toratenu. This association of Shavuot with Sinai is not discernible in the Pentateuch, but, as ever, the metabolic process is evident in each generation, providing a natural procedure for change.

It is curious that, once the Rabbis gave this new and spiritual meaning to the festival, they did little to enhance its celebration: the Talmud devotes an entire mesechta ^{tractate} (book) of 157 folio pages to Shabbat; to Yom Kippur (Yoma), 87 pages; to Rosh Hashanah, 37 pages; to Pesach, 120 pages; Sukot, 56 pages. But there is no book at all in the Seder Moed for Shavuot. It is dealt with, only as an agricultural concern, in some sections of the tractate, Bikkurim; and also in a tiny section of barely three pages at the end of Seder Z'raim. It is only through several midrashim that the connection to the Sinai event is established. Only the date, the 6th of Sivan, and the reading of the Book of Ruth is ordained.

Until 190 years ago, Shavuot remained a theologically somewhat significant but not well-celebrated festival. It was then that the Reformers took the talmudic essence of the holiday and initiated an elaborate celebration of it: Confirmation.

The Reformers ordained that on Shavuot, 15- and 16-year-old boys and girls who have continued their Jewish studies to this day, will reconfirm their commitment to the Covenant (a commitment originally made at age 13). At confirmation, these young adults publicly accept, once again--just as their ancestors did for the first time at Sinai

more than three millennia ago--the blessings and the obligation of Torah, and they say:

"All that the Lord has spoken, we will obediently do" (Ex. 24.7).

For the Reformer, the Jewish significance of this celebration and ceremony is not in its execution according to specific halachic rules (e.g. omer counting). Rather, it can be found a) in advancing adolescent religious education beyond bar mitzvah, b) giving young adults this opportunity to reaffirm their joy in being Jewish in concert with their peers, c) giving the festival of Shavuot contemporary relevance, enhancing the lives of young and old; teaching new truths while linking a future generation of leaders and their families with the valid, eternal truths of their ancient ancestors.

What Reform has made of Shavuot is not only an important contribution to Judaism, but also an indication of the Reform covenant at work--of liberal concepts translated by action into effective religious reality.

Unfortunately, in the opinion of this writer, the Reformers may have made one mistake, which has much less to do with their covenantal obligations than with their perception of Jewish sensibilities. They were perhaps negligent in not designating a Hebrew name for Confirmation. Other, more recently established holidays have been assigned Hebrew titles: e.g., Yom ha-Atzmaut, Independence Day; Yom ha-Shoah, Holocaust Remembrance Day.

Although this writer has no historical evidence that a Hebrew name has proved more effective than a vernacular one, it is her contention that such a title might enhance the Jewish identity and significance

of the occasion and therefore of those who participate in the celebration. To that end, this writer now recommends the name:

"Yom ha-Ishur," the day of Confirmation (authentication, endorsement, acknowledgment, approval).

Torah, too, was subjected to the metabolic process which resulted in the Reform covenant. Since the Reformers felt that critical analysis is essential for the discovery of truth, and since all claims must hold up under scrutiny, it follows that not everything in Torah is necessarily valid. Says Geiger, "What was considered divinely true might be invalidated by the advances of the mind. New ages catch new visions and teach new duties" (Schwartzman, 1955, p. 85).

Therefore, Reform is constantly culling that which is transient and retaining only that which is both just and eternal.²

Anything taken from Torah and included in the covenant must underwrite the freedom and rights of the individual and be firmly rooted in ethical morality. Therefore, the first chapter of Genesis and the lessons of hospitality, generosity, filial piety, bravery, and a characteristically Jewish passion for justice, as exemplified in the life of Abraham, are considered valid, eternal, and worth emphasis and repetition.

Torah describes human beings as the only creatures formed in God's image and therefore capable of serving as God's partners. The Reformers took this partnership seriously. Torah continuously asserts that "God's sovereign rule of the universe is utterly unimpeachable" yet "people under the covenant need not surrender their selfhood to God" (Borowitz, 1983, p. 267).

It follows, for the Reformer, that to participate fully in the

covenant, the individual must "affirm his freedom, for he is called to acceptance and resolve, not servility" (Ibid., p. 268). Commandments are given to us in Torah and we are capable of refusing to do them.

Having such negative power, they achieve great merit when they will to observe God's law. And on special occasions, they have the right to stand up to God and question God's failure to carry out the Divine responsibilities under the covenant. (Ibid.)

Such an occasion was Abraham's debate with God concerning the destruction of Sodom (Gen. 18.23ff) and Moses' argument against the annihilation of the Israelites after the incident of the golden calf (Ex. 32.10-14). It is from such aggadic teachings of Torah that the Reform Covenant ordains that the individual learn and responsibly use the knowledge in his contemporary society (i.e., license for public dissent when appropriate) (Borowitz, p. 268).³

The new covenant "transferred the emphasis in Jewish religious expression from law to belief" (Meyers, in Cohen & Mendes-Flohr, p. 768). The laws were "but the husks preserving the kernel from the destructive blasts of a rejective world" (Rivkin, n.d., p. 11). No longer could laws claim eternally binding force. They belonged to history. No longer was Judaism a legal corpus. Rather, it was the outcome of a quintessential life process--the metabolic process:

The history of Judaism revealed that the laws had never been absolutely sacrosanct. The Pharisees and the rabbis following them had never held back from discarding the outmoded for the efficacious. And now that a modern Jewish world could be true to the spiritual teaching of ethical monotheism without the protection of the Law, there were adequate historical grounds for abrogating its binding authority. Indeed, it was maintained, the essence of Judaism might even be endangered by the outmoded Law. (Rivkin, 1971, p. 182)

Although the Reform covenant had detached itself from the law, it retained its historical ties to it. Thus the Jew could trace his Jewishness all the way back to the Patriarchs and find for himself a new and relevant identity.

This use of history to augment and cement a covenant was ingested from all the other covenant-makers, except the Pharisees, and syncretized by the Reformers to be used for its maximum productivity. In the other covenants, history served as a reminder of past glorious divine deeds and as a rationale for both Israel and YHWH to remain faithful to their promises. Here, it not only allows the individual to identify his Jewishness by recalling one or another historical event, mood, or covenant, it also bound together these varied and fragmented identities. Every new identity "was a public avowal of a link to Abraham, Moses and/or the Pharisees. . . . Each insisted on labeling itself 'Jewish,' claiming not the forging of a new identity but a re-discovery of a discarded, though essential one" (Ibid., p. 199).

Mendelsohn was convinced that Moses had been "a spokesman for the Age of Reason" (Ibid.) and that Torah revealed both specific laws and eternal truths.

Geiger, Krochmal, Holdheim, and Samson Raphael Hirsh were positive that Jews had always been ordained to be a people without a land, with no desire for their own homeland. Rather, they were destined to live as loyal citizens in many countries and be a light unto the nations (Ibid.).

Herzl, Pinsker, and Dubnow truly believed that Jews were born a nation and must preserve their nationhood, even in the Diaspora,

with the eventual hope of return to the land of Israel.

Each identity insisted on reconstructing and reshaping the total Jewish past to legitimize its radical alterations. The Bible, the Talmud, medieval literature--all were ransacked for proof that what the Jews now considered themselves to be was what they had, in essence, always been. (Ibid.)

The new covenant allowed and encouraged this process of self-searching and accepted all the varieties of Jewish identities within its fold. Yet constant in this covenant--as in every other covenant--is the affirmation that God is One and He is and has always been the driving Force within all of Jewish history.

What particularly characterizes the metabolic process in modern times and the resultant Reform Covenant is its moderation, by comparison with:

Josiah's reforms which centralized a heretofore widely dispersed religion and obliterated the common practice of polytheism;

David's reforms which usurped for himself the title of king, a title which, until his coronation, had belonged exclusively to YHWH;

The Priestly reforms which made a select, hereditary caste the guardians and distributors of a religion which had always been administered by lay people--and established a cultic system of prescribed rituals to which the people were compelled to adhere if they hoped to find expiation and salvation;

The Pharisaic reforms which claimed legitimate hegemony for a scholarly class, when Torah had clearly ordained it for a hereditary priestly caste, a class whose existence they refused to acknowledge; and introduced as binding a second, oral law, placing its authority above Torah and decreeing themselves to be the official recipients of

the true law--an all-encompassing law which was to be followed by every Jew who hoped to have a place in the world--as they perceived it--to come.

The Reformers never presumed to say כִּה אָמַר יְיָ "thus says the Eternal," as did all the others, indicating that everything they said or innovated came originally and directly from God. Nor did they refuse to recognize the existence of previous covenants.

They did, however, earnestly endeavor

to so interpret the heritage of the past for an enlightened generation as to make the people realize that, although they can no longer accept or observe the views and practices of their fathers who for centuries lived in seclusion from the world, they still hold fast to the same ancestral faith in a rejuvenated form. (Kaufman, in Noveck, 1966, p. 323)

Judaism, they stress, "possesses its own dynamism. . . . It not only keeps pace with the advance of the human spirit, but makes possible its progress" (Meyers, in Cohen & Mendes-Flohr, p. 769).

The new covenant sees a moral God who seeks a moral world and has created humankind free to choose and able to produce both intellectually and physically that which is necessary for its survival as individuals and as Jews.

Modern Reform came "as a saving force, at a time when religion was at a decline and apostasy had become almost epidemic" (Kohler, in Noveck, p. 323). It roused Orthodoxy itself "from its medieval slumber, warning it that in adhering to its Ghetto form and spirit, it would lapse into utter stagnation and decay" (Ibid.).

The Reform Covenant incorporates, among other elements, the principles of liberalism, progress, steadfast continuity with the eternally tested truths of the past, progressive revelation of a just

and righteous God, divinely given rights of the individual and powers of the human intellect--much of this gleaned from the past, much of it revised for the present--all of it filtered through and produced by the ongoing and life-sustaining metabolic process.

Notes to Chapter 10

1. The Reform theory of Sabbath observance is one of definite religious principles. If it was universally followed by all Reform Jews, as the Orthodox follow their Sabbath concept, it would prove to be the basis for meaningful observance. Unfortunately, the majority of Reform Jews have used the lenient interpretation of the fourth commandment as a license to completely ignore the meaning of the day. Excuses and rationalizations are used by some, and many don't even bother to discuss it.

2. Rejected, for example, are such obsolete and cruel laws as the death penalty for:

blasphemy (Lev. 24.15f; Dt. 24.14)

adultery (Dt. 22.20; Lev. 20.10)

homosexuality (Lev. 20.13)

gluttony, alcoholism, abusively unfilial conduct (Dt. 21.18-21; Lev. 20.9)

sorcery (Lev. 20.27)

sabbath breaking (Ex. 31.15)

With characteristic casuistry, the Pharisees and their rabbinite heirs attempted to alleviate the severity of this penalty for some of these offenses (e.g., gluttony, drunkenness, etc) so that it would be almost humanly impossible to commit them. Reform, rather more honestly, certainly more courageously, rejected them outright.

3. Cf. Shabb. 55a, where the Attribute of Justice argues God out of sending the Angel Gabriel to put a mark of innocence on the foreheads of those who did no evil--but stood mute, while evil was perpetrated.

CONCLUSION

As with all that lives, change is a changeless reality in a living Judaism. Its theological doctrines and ritual practices have necessarily undergone constant metabolic change throughout its four millennia of life.

In a significant sense, our religion has always been Reform. The word "re-form" denotes reshaping; making new (always for the better). It indicates change, evolution, development, and growth--all synonymous with and incorporated in the metabolic process which has been responsible for Judaism's survival from Abraham until this day.

Had Abraham been Orthodox or Conservative, he would have stayed in his father's business and never heeded the divine command. If the "old-time religion" had been good enough for the Hebrew children and for Abraham, he would have remained in Ur of Chaldees, never venturing forth, as he did, to become the father of a new faith, which has continued to remain new for 4,000 years because of its ability to restructure, when necessary, its concept of its covenantal relationship with its ever-living, ever-present God.

A bold acceleration in this metabolic process was initiated and institutionalized at mid-course in its history by the Pharisees, who, 2,000 years ago, had the genius, not only to invent the Oral Law, but to convince their generation to accept it as God's Truth or Halachah. Their Rabbinite successors established this most profoundly radical religious reorganization ever, as normative Judaism.

The Talmud itself (Men. 29b) tells a significant and memorable story of Moses' return to earth 1500 years after his translation up to heaven. He wanted to see the teachers of his people and what was being taught.

Moses entered Rabbi Akiba's classroom and took a seat in the back of the room where he listened to the ongoing halachic discussion. As he listened, he grew progressively ill at ease because he did not understand what was being taught. He could not follow their arguments. It was only when they came to a certain subject which prompted a disciple to ask his master, "From where do you know this?" and the teacher responded, "It is a law given to Moses at Sinai" that Moses realized the subject of the discussion which he neither understood nor recognized was "his" original Sinaitic law.

What is most remarkable is that the Rabbis who composed the Talmud and alleged that this was the Oral Law, knew in their heart of hearts that Moses would never recognize the words they attributed to him. But they did what they thought was needed for their time to ensure our survival. It worked.

By comparison, the modifications in the covenant concept offered by the Reformers in the last two centuries have been relatively modest and mild--perhaps too timid altogether.

It is possible that posterity may fault the Reform movement for failure of nerve, lack of daring, or deficiency in imagination or ingenuity. But its goals--keeping Judaism alive and contemporary, intellectually acceptable, and soul-satisfying, sustaining, and productive--were worthy; the direction was right and the effort commendable.

Of that, this writer is quite thoroughly persuaded.

ADDENDUM AA

THE HITTITE TREATY

1) Preamble: "These are the words of the Sun² Mursilis, the great king, the king of the Hatti land, the valiant, the favorite of the Storm-god, the son of Suppiluliumas, the great king, the king of the Hatti land, the valiant."

2) Historical Prologue (abridged):

Aziras was the grandfather of you, Duppi-Tessub. He rebelled against my father, but submitted again to my father. When the kings of Nuhassi land [a region in Syria] and the kings of Kinza rebelled against my father, Aziras did not rebel. As he was bound by treaty, he remained bound by treaty. As my father fought against his enemies, in the same manner fought Aziras. Aziras remained loyal toward my father and did not incite my father's anger. My father was loyal to Aziras and his country; he did not undertake any unjust action against him or incite his or his country's anger in any way. . . . When my father became god [Hittite idiom for "died"], and I seated myself on the throne of my father, Aziras behaved toward me just as he had behaved toward my father. It happened that the Nuhassi kings and the king of Kinza rebelled a second time against me. But Aziras, your grandfather, and *du*-Tessub [correct pronunciation of the first part of this name is unknown], your father, (did not take their side); they remained loyal to me as their lord. (When he grew too old) and could no longer go to war and fight, *du*-Tessub fought against the enemy with the foot soldiers and the charioteers of the Amurru land [Amurru, Duppi-Tessub's state, was also in North Syria] just as he had fought with foot soldiers and charioteers against the enemy. And the Sun destroyed them.

[Gap in the text]

When your father died, in accordance with your father's word I did not drop you. Since your father had mentioned to me your name, I sought after you. To be sure, you were sick and ailing, but although you were ailing, I, the Sun, put

you in the place of your father and took your brothers (and) sisters and the Amurru land in oath for you.

1. The translations from Hittite and Akkadian treaty-texts used in this chapter are those of A. Goetze in *Ancient Near Eastern Texts Relating to the Old Testament*, 2d ed. (Princeton, 1955), pp. 203-6,

3) Stipulations (abridged):

When I, the Sun, sought after you in accordance with your father's word, and put you in your father's place, I took you in oath for the king of the Hatti land, the Hatti land, and for my sons and grandsons. So honor the oath to the king and the king's kin! And I, the king, will be loyal toward you, Duppi-Tessub. When you take a wife, and when you beget an heir, he shall be king in the Amurru land likewise. And just as I shall be loyal toward you, even so shall I be loyal toward your son. But you, Duppi-Tessub, remain loyal toward the king of the Hatti land, the Hatti land, my sons (and) my grandsons forever! The tribute which was imposed upon your grandfather and your father—they presented 300 shekels of good, refined first-class gold weighed with standard weights—you shall present them likewise. Do not turn your eyes to anyone else! Your fathers presented tribute to Egypt; you (shall not do that!)

[Gap in the text; those portions of the following enclosed in brackets are restored from other treaties.]

[With my friend you shall be friend, and with my enemy you shall be enemy. If the king of the Hatti land is either in the Hurri land, or in the land of Egypt, or in the country of Astata, or in the country of Alse—any country contiguous to the territory of your country that is friendly with the king of the Hatti land—(some others are listed) but turns around and becomes inimical toward the king of the Hatti land while the king of the Hatti land is on a marauding campaign—if then you, Duppi-Tessub, do not remain loyal together with your foot soldiers and your charioteers and if you do not fight

wholeheartedly; or if I should send out a prince (or) a high officer with foot soldiers and charioteers to reinforce you, Duppi-Tessub (for the purpose of) going out to maraud in another country—if then you, Duppi-Tessub, do not fight wholeheartedly (that) enemy with [your army and your charioteers] and speak as follows: "I am under an oath of loyalty, but [how am I to know] whether they will beat the enemy, or the enemy will beat them?" or if you even send a man to that enemy and inform him as follows: "An army and charioteers of the Hatti land are on their way; be on your guard!"—(if you do such things) you act in disregard of your oath. . . .

[After further clauses concerning military aid] If anyone of the deportees from the Nuhassi land or of the deportees from the country of Kinza whom my father removed and myself removed escapes and comes to you, (if) you do not seize him and turn him back to the king of the Hatti land, and even tell him as follows: "Go! Where you are going to, I do not want to know," you act in disregard of your oath.

If anyone utters words unfriendly toward the king of the Hatti land before you, Duppi-Tessub, you shall not withhold his name from the king. . . . Or if the king of the Hatti land is getting the better of a country and puts them to flight, and they come to your country, if then you desire to take anything from them, ask the king of the Hatti land for it! You shall not take it on your own! If you lay hand on it by yourself or conceal it, (you act in disregard of the oath).

4) Provisions for Deposit of the Text and for Public Reading. Since this common feature is by chance missing from the treaty quoted here, a specimen will be cited from a different pact, that between Mursilis' grandfather, Suppiluliumas, and Mattiwaza of Mitanni, a kingdom on the North Euphrates: "A duplicate of this tablet has been deposited before the Sun-goddess of Arinna, because the Sun-goddess of Arinna regulates kingship and queenship. In the Mitanni land (a duplicate) has been deposited before Tessub, the lord of the kurinnu [a kind of shrine] of Kahat. At regular intervals shall they read it in the presence of the king of the Mitanni land and in the presence of the sons of the Hurri country."

5) Divine Witnesses to the Treaty. Since the Mursilis-Duppi-Tessub treaty is badly broken at this point, the following discussion is again based on the Suppiluliumas-Mattiwaza pact:

At the conclusion of this treaty we have called the gods to be assembled and the gods of the contracting parties to be present, to listen and to serve as witnesses: The Sun-goddess of Arinna who regulates kingship and queenship in the Hatti land, the Sun-god, the lord of heaven, the Storm-god, the lord of the Hatti land, Seris and Hurris, the mountains Nanni and Hazzi . . . [over fifty names of other gods follow], all the gods and goddesses of the Hatti land, the gods and goddesses of the country of Kizzuwatna, the former gods, Nara, Namsara, Minku, Amminku, Tussi, Ammizadu, Alalu, Anu, Antu, Ellil, Ninlil, Bēlat-Ekalli, the mountains, the rivers, the Tigris (and) the Euphrates, heaven and earth, the winds (and) the clouds;

Tessub, the lord of heaven and earth, Kusuḫ and Simigi, the Harranian Moon-god of heaven and earth, Tessub, lord of the kurinnu of Kahat, etc. [about twenty-five more deities].

6) Blessings and Curses [cited from the Mursilis-Duppi-Tessub treaty]:

The words of the treaty and the oath that are inscribed on this tablet—should Duppi-Tessub not honor these words of the treaty and the oath, may these gods of the oath destroy Duppi-Tessub together with his person, his wife, his son, his grandson, his house, his land and together with everything that he owns.

But if Duppi-Tessub honors these words of the treaty and the oath that are inscribed on this tablet, may these gods of the oath protect him together with his person, his wife, his son, his grandson, his house (and) his country.

(Hillers, p. 29ff)

ADDENDUM A1

CIRCUMCISION: THE SIGN OF THE COVENANT

From 'Child-Sacrifice' to Circumcision

--Albert S. Goldstein,
unpublished MS

It is hardly surprising that Abraham submitted no plea for the life of Isaac when the Patriarch was ordered to kill his son as "an offering" to God (Gen. 22.2). Not surprising, even though he had protested vigorously enough against God's proposal to "sweep away the innocent along with the guilty" denizens of Sodom (Gen. 18.22-32).

Child sacrifice was well known and commonly practiced in that age--and indeed for centuries afterward. As Scripture says, it was simply a "test"--of the Patriarch's faith. Tanach itself testifies to the prevalence of the practice. Among pagans: in a military emergency Mesha, king of Moab, sacrificed his son (11 K. 3.4) and "The Shepharvites burned their children as offerings to their gods" (Ibid., 17.31b).

It was also popular in Israel: "Ahaz consigned his own son to the fire in the abhorrent fashion of the pre-Israelite inhabitants of Canaan (Ibid., 16.3). "Manasseh consigned his son to the fire" (Ibid., 21.6). "The Judahites built shrines of Tophet in Ben Hinnom Valley to burn their sons and daughters in fire" (Jer. 7.31; also 19.6, 13; 32.5). "You took your sons and daughters whom you bore to Me and sacrificed them to those images" (Ezk. 16.20; also v.36 and ch. 20.31). In the reign of Ahab, "Hiel of Beth El, in fortifying Jericho, sacrificed his firstborn, Abiram, for its foundation and his youngest, Segub, for its gates" (1 K. 16.34).

This, aside from and in addition to the account in Judges 11.30-39 of Jephthah's sacrifice of his daughter under rather special circumstances.* The text says there was a four-day memorial service in ancient Israel observed by virgins (Ibid., v. 40).

The prophet, Micah, apparently assumes that, in his day (8th century B.C.E.), parents regard offering their firstborn as the supreme sacrifice--and the costliest--beyond the price of "thousands of rams and myriads of streams of oil" (Mi. 6.7).

That children were, perhaps, also sacrificed to careers as 'sacred' prostitutes (perhaps only slightly less appealing than death by incineration) is suggested in Lev. 18.21, which prohibits "sacrificing offspring to Molech." This, in the midst of proscriptions dealing exclusively with sexual matters. Significantly, in

*Tradition has it that this incident caused the ordinance forbidding the practice.

texts older than the Massoretic, instead of "offer," the LXX has "serve"--Sam. had "caused to serve" and Syriac has "make them lie down for coitus."

In any case, Lev. 18.21 forbids the practice of child sacrifice and it was officially banned by Josiah (II K. 23.10) in 621 B.C.E.

If child sacrifice were not a prevalent practice, there would be no repeated denunciations of it, nor laws against it. In our day, there are statutes prohibiting infanticide--not child sacrifice. It has been suggested, particularly by archeologists who found the cemetery for infants near ancient Carthage, that sacrifice of children in Bible times was nothing other than infanticide; that this "offering" the baby (Graetz) back to the deity was pious parental pretense--when all the parents really wanted was to rid themselves of unwanted offspring--in an age lacking abortion clinics. The Greeks and Romans rejected the pretense. They simply "exposed" unwanted progeny and were contemptuous of Judaism, which regarded this as murder.

In any age, among pastoral and farm folk, children are valued as an economic asset. Even when very small, they are assigned and accomplish tasks in the field and with the flocks. Urban life makes children an economic liability.

In their pre-Canaanite existence, Israelites were not tempted to child sacrifice. It was when individual families lost their flocks, herds and/or land and flocked into crowded cities, that the temptation was present and sometimes resorted to--sufficiently often to evoke prophetic denunciation and legislated prohibition.

The steps in the process are: 1) temptation to do the evil, 2) succumbing to it, 3) education and agitation against it, 4) legislation proscribing it (usually followed by violation of the proscription, repeated prophetic denunciation, renewed and reinforced legislation).

The writer has dwelt on child sacrifice at length because he believes it is the probable precursor of two life cycle events which persisted throughout Jewish history: pidyon ha ben and circumcision.

All firstborn of flocks, field, and family belong to God (Ex. 13.11-16; Nu. 2.40-45; 3.1-13; 18.15-18).

As we have seen above, pagans and some paganized Israelites returned even their human firstborn to Him--in the form of ashes--as the dust from which they came.

Most Israelites, however, sought suitable, humane substitutes for the cruel or callous practice. Thus, we have the Levites, initially substituting for all the firstborn children of Israel (Nu. 3.11; 41.44).

Perhaps, later, this was considered insufficient. "Every firstborn is Mine. I consecrate every firstborn in Israel to Myself, to be Mine: YHVH's (Nu. 3.13). "You must set apart for YHVH (i.e., as a sacrifice) every first issue of the womb--and you must redeem every firstborn male among your children" (Ex. 13.12f).

Thus, the Levites were offered as one substitute sacrifice; later, redemption of the male Israelite firstborn, by a gift of shekels to the sanctuary, was another different substitute.

The writer submits that circumcision for all males was probably still another substitute for child sacrifice--a (dispensable) anatomical part for the whole. It had four relatively attractive features: 1) It was democratic, universal; it included all, not merely firstborn, males. 2) It neatly fitted the fundamental part-for-the-whole pattern of sacrifice.* 3) The part involved was as expendable as the vermiform appendix. 4) Most especially, it did double duty as the Sign of the Covenant/B'rit Mila. This last feature lifted it from its lowly function as substitute for the sacrifice of the whole anatomy up to timeless spiritual significance.

In each case, a relatively small gift to God in the hope or expectation of a big return favor from Him.**

Child sacrifice ceased long ago. Circumcision of all males on the 8th day of their lives continued as a constant in Jewish practice from Abraham's day until our own.***

Organically speaking, we eliminated child sacrifice; we anabolized the concept of the part-for-the-whole and syncretized it with the covenant concept.

*On part-for the whole principle in sacrifice: Mesha sacrifices his son to save his city and nation. Hiel sacrifices his sons to ensure the strength of the protected walls and gates of his city, Jericho. Ahaz and Manasseh sacrifice their sons for the sake of national victory and prosperity. The shepherd brings the firstlings of the flock (and the farmer brings the first fruits of his fields); each, part-for-the whole.

Most animal sacrifices were not wholly burnt offerings, incineration of the total creature, but only of the inedible parts--fat, blood, entrails, dung.

**The basis for sacrifice: "The Earth is Yahweh's; He created it; It is not for man to use it, without at least some token acknowledgment to The Giver of all that is therein."

***With some occasional lapses: Moses neglects to circumcise his own son (Ex. 4.25) and apparently the whole wilderness generation followed his example, as evidenced by Joshua's circumcision of the whole male population (Josh. 5.2-7).

An Analogy

As havdala is to kiddush, the evolution of kria (at the end of life) is to mila (at the beginning). From Bible times to our own, as insignia of mourning, our people have gone all the way from self-mutilation (Lev. 19.28; Dt. 14.1; Jer. 16.6; 41.5; 47.5) to cutting a small strip of black ribbon pinned to one's lapel (as a reduction of the earlier custom of tearing the mourner's garment irreparably--as proof and appeasement to the ghost of the decedent, as if to say, with him/her gone, who cares at all about clothes? who wants to go anywhere?).

One thing connects the practices associated with

- a. establishing a covenant
- b. performing circumcision
- c. gashing one's body in sign of mourning:

cutting flesh:

- a. of animals into halves (Gen. 15.10)
- b. prepuce of infants (Ibid., 17.10)
- c. self-mutilation (Lev. 19.28 et alii, see ¶ above).

ADDENDUM B

THE COVENANTS OF THE PATRIARCHS

לך לך

12 The LORD said to Abram, "Go forth from your native land and from your father's house to the land that I will show you.

²I will make of you a great nation,
And I will bless you;
I will make your name great,
And you shall be a blessing."

³I will bless those who bless you
And curse him that curses you;
And all the families of the earth
Shall bless themselves by you."
(Gn. 12. 1-3)

⁷The LORD appeared to Abram and said, "I will give this land to your offspring." And he built an altar there to the LORD who had appeared to him. (Gn. 12. 7)

¹²As the sun was about to set, a deep sleep fell upon Abram, and a great dark dread descended upon him. ¹³And He said to Abram, "Know well that your offspring shall be strangers in a land not theirs, and they shall be enslaved and oppressed four hundred years; ¹⁴but I will execute judgment on the nation they shall serve, and in the end they shall go free with great wealth. ¹⁵As for you,

You shall go to your fathers in peace;
You shall be buried at a ripe old age.

¹⁶And they shall return here in the fourth generation, for the iniquity of the Amorites is not yet complete."

¹⁷When the sun set and it was very dark, there appeared a smoking oven, and a flaming torch which passed between those pieces. ¹⁸On that day the LORD made a covenant with Abram, saying, "To your offspring I give this land, from the river of Egypt to the great river, the river Euphrates: ¹⁹the Kenites, the Kenizzites, the Kadmonites, ²⁰the Hittites, the Perizzites, the Rephaim, ²¹the Amorites, the Canaanites, the Girgashites, and the Jebusites."
(Gn. 15. 12-21)

17 When Abram was ninety-nine years old, the LORD appeared to Abram and said to him, "I am El Shaddai.^a Walk in My ways and be blameless. ²I will establish My covenant between Me and you, and I will make you exceedingly numerous."

³Abram threw himself on his face; and God spoke to him further, ⁴"As for Me, this is My covenant with you: You shall be the father of a multitude of nations. ⁵And you shall no longer be called Abram, but your name shall be Abraham,^b for I make you the father of a multitude of nations. ⁶I will make you exceedingly fertile, and make nations of you; and kings shall come forth from you. ⁷I will maintain My covenant between Me and you, and your offspring to come, as an everlasting covenant throughout the ages, to be God to you and to your offspring to come. ⁸I give the land you sojourn in to you and your offspring to come, all the land of Canaan, as an everlasting possession. I will be their God."

⁹God further said to Abraham, "As for you, you and your offspring to come throughout the ages shall keep My covenant. ¹⁰Such shall be the covenant between Me and you and your offspring to follow which you shall keep: every male among you shall be circumcised. ¹¹You shall circumcise the flesh of your foreskin, and that shall be the sign of the covenant between Me and you. ¹²And throughout the generations, every male among you shall be circumcised at the age of eight days. As for the homeborn slave and the one bought from an outsider who is not of your offspring, ¹³they must be circumcised, homeborn and purchased alike. Thus shall My covenant be marked in your flesh as an everlasting pact. ¹⁴And if any male who is uncircumcised fails to circumcise the flesh of his foreskin, that person shall be cut off from his kin; he has broken My covenant."

¹⁵And God said to Abraham, "As for your wife Sarai, you shall not call her Sarai, but her name shall be Sarah.^c ¹⁶I will bless her; indeed, I will give you a son by her. I will bless her so that she shall give rise to nations; rulers of peoples shall issue from her." ¹⁷Abraham threw himself on his face and laughed, as he said to himself, "Can a child be born to a man a hundred years old, or can Sarah bear a child at ninety?" ¹⁸And Abraham said to God, "Oh that Ishmael might live by Your favor!" ¹⁹God said, "Nevertheless, Sarah your wife shall bear you a son, and you shall name him Isaac^d; and I will maintain My covenant with him as an everlasting covenant for his offspring to come. ²⁰As for Ishmael, I have heeded you.^e I hereby bless him. I will make him fertile and exceedingly numerous. He shall be the father of twelve chieftains, and I will make of him a great nation. ²¹But My covenant I will maintain with Isaac, whom Sarah shall bear to you at this season next year." ²²And when He was done speaking with him, God was gone from Abraham. (Gn. 17.1-22)

תולדת

26 There was a famine in the land—aside from the previous famine that had occurred in the days of Abraham—and Isaac went to Abimelech, king of the Philistines, in Gerar. ²The LORD had appeared to him and said, “Do not go down to Egypt; stay in the land which I point out to you. ³Reside in this land, and I will be with you and bless you; I will give all these lands to you and to your offspring, fulfilling the oath that I swore to your father Abraham. ⁴I will make your descendants as numerous as the stars of heaven, and give to your descendants all these lands, so that all the nations of the earth shall bless themselves by your offspring—⁵inasmuch as Abraham obeyed Me and kept My charge: My commandments, My laws, and My teachings.” (Gn. 26.1-5_

ויצא

¹⁰Jacob left Beer-sheba, and set out for Haran. ¹¹He came upon a certain place and stopped there for the night, for the sun had set. Taking one of the stones of that place, he put it under his head and lay down in that place. ¹²He had a dream; a stairway^b was set on the ground and its top reached to the sky, and angels of God were going up and down on it. ¹³And the LORD was standing beside him and He said, “I am the LORD, the God of your father Abraham and the God of Isaac: the ground on which you are lying I will give to you and to your offspring. ¹⁴Your descendants shall be as the dust of the earth; you shall spread out to the west and to the east, to the north and to the south. All the families of the earth shall bless themselves by you and your descendants. ¹⁵Remember, I am with you: I will protect you wherever you go and will bring you back to this land. I will not leave you until I have done what I have promised you.”

¹⁶Jacob awoke from his sleep and said, “Surely the LORD is present in this place, and I did not know it!” ¹⁷Shaken, he said, “How awesome is this place! This is none other than the abode of God, and that is the gateway to heaven.” (Gen. 26.10-17)

ADDENDUM C

A HISTORY OF THE EXODUS

In the time of Rameses II (ca. 1301-1235 B.C.E.), famed for his extensive building operations, a group of Hebrew tribes which had migrated to Egypt were impressed into forced labor. They were compelled to build, or participate in the building of, the cities Pithom and Rameses. These tribes were a distinct group, knit together by kinship and a common tradition; they called themselves Bne Yisrael, "Sons of Israel," Israelites. They had come to Egypt not as slaves or laborers but as herdsmen and farmers, free men. To be impressed into service was an insult and a crime, for it violated the customary protection that sojourners had a right to expect in a foreign land. Feeling ran high and apparently led to a movement of rebellion. As a result the tribes were treated with even greater severity, which in turn intensified the ferment of rebellion. Were they destined to be reduced to permanent slavery? Reminiscences of their ancestors' wanderings in Canaan welled up in their hearts: their ancestors had aspired to settle some day in that land and take possession of it. Now the longing to be free and possess the land aroused and unified them. Individuals could escape into the desert, but for the masses, with their wives and children, there was no possibility of flight. Groaning under their burdens, they could only plan and hope for an opportunity to escape.

During those dark days there arose among them a man of genius and leader of men, mighty in will and spirit, whose splendor is not dulled by the thirty centuries that separate us from him:

He entered the scene, apparently toward the end of Rameses' reign, and carried through the emancipation during the first years of Rameses' successor, Merneptah (1235-27)

The first years of Merneptah's reign were filled with crises. Canaan rebelled and had to be subdued; soon afterward war with the Lybians broke out. It is also likely that after Rameses' death the spate of building operations fell off, so that the slave levies were not so closely supervised as before. The time seemed ripe for the liberation of the tribes. We may assume that there is a historical kernel to the stories of the ten plagues. Natural calamities probably struck Egypt and the tribes saw in them the finger of God. Inspired by Moses, their faith was strengthened and they took courage. In the month of Abib (Spring-Fruit) in about 1230 B.C.E., Moses gave the signal and the tribes went forth "with an high hand," suddenly and "in haste." Their immediate goal was to escape into the wilderness.

The tribes had lived in "the land of Rameses" (Goshen), in the district of the city Rameses (Zoan, Tanis), in northern Egypt. On the night of the Exodus they journeyed from Rameses to Succoth. It appears that the events that immediately followed took place in the northern rather than the southern part of the wilderness of Sinai. The tribes had first of all to get out of the reach of Egyptian forces. They must therefore have gone eastward, into the desert of the Sinai isthmus between Egypt and Edom-Midian. Here are found wells and pasturage, and even some patches of arable land. This would seem to be the site of the forty-year wandering. According to Exodus 14:2, the fleeing tribes were compelled to change their course and turn northward, toward the Mediterranean Sea.

They encamped facing Baal Zephon, on the shore of the Mediterranean. Here too wells are still found, and nearby is a body of water called Lake Sirbonis, divided from the sea by a narrow strip of land. The lake is quite deep, and occasionally its waters are covered by a deceptive layer of sand that cannot support the weight of a man. The narrow land passage is at times submerged under water. At this treacherous spot whole armies have perished. It would seem that this is the Red Sea (*Yam Suf*) of the Exodus story. The Egyptians apparently sent out a force to compel the fugitives to return, and the two companies met in the area of Lake Sirbonis. The fugitives managed to escape under cover of night. As for the pursuers, some were overwhelmed by a sudden rise in the tide, while others may have stumbled upon the quicksand covering the lake and sunk to the bottom. Such would appear to be the core of the story about the crossing of the Red Sea. The Israelites saw the hand of God in their escape. A triumphal inscription of Merneptah mentions the encounter as a victory of his army against Israelite nomads in Canaan (the area of Lake Sirbonis was considered within the boundaries of Canaan), but it must be kept in mind that such inscriptions were in the nature of military communiqués and are as veracious.

At any rate, the liberation was a success. The fugitives escaped to the desert while the pursuing Egyptians were miraculously struck down. A wave of enthusiasm swept the tribes in their first encampment as free men. For the first time they celebrated their independence under the desert sky. They baked *matzoth*—bread of haste—and glorified the hidden God, their Redeemer. For the first time the wilderness rang with a song to YHWH: "Sing ye unto YHWH for He is highly exalted: the horse and his rider hath He thrown into the sea"; "YHWH is a man of war, YHWH is His name . . . fearful in praises, doing wonders." This was the first festival of the new religion, the first embodiment of a new popular cult. It was not a mythological festival, celebrating an event in the life of a god, but a historical one, celebrating the deed of God who redeems man. It was based on the work of a prophet-messenger, and it was characteristic of the new faith. (Schwartz, pp. 20-21)

ADDENDUM D

THE COVENANT CODE

Whereas the Ten Commandments probably came from Moses himself, the covenant code most likely represents an accumulation of laws coming from later periods in Israel's history. Certainly parts of the covenant code suggest a later, more settled life of the people. Included in its instruction is legislation on altars, sacrifices, slaves, capital and non-capital crimes, property rights, social morals, the Sabbath, and feasts. The code closes with Yahweh's exhortation that Israel remain obedient. (Ex. 21-23.33)

CHAPTER XXI

1. Now these are the ordinances which thou shalt set before them. ¶ 2. If thou buy a Hebrew servant, six years he shall serve; and in the seventh he shall go out free for nothing. 3. If he come in by himself, he shall go out by himself; if he be married, then his wife shall go out with him. 4. If his master give him a wife, and she bear him sons or daughters; the wife and her children shall be her master's, and he shall go out by himself. 5. But if the servant shall plainly say: I love my master, my wife, and my children; I will not go out free: 6. then his master shall bring him unto ¹God, and shall bring him to the door, or unto the door-post; and his master shall bore his ear through with an awl; and he shall serve him for ever. ¶ 7. And if a man sell his daughter to be a maid-servant, she shall not go out as the men-servants do. 8. If she please not her master, who hath espoused her to himself, then shall he let her be redeemed; to sell her unto a foreign people he shall have no power, seeing he hath dealt deceitfully with her. 9. And if he espouse her unto his son, he shall deal with her after the manner of daughters. 10. If he take him another wife, her food, her raiment, and her conjugal rights, shall he not diminish. 11. And if he do not these three unto her, then shall she go out for nothing, without money. ¶ 12. He that smiteth a man, so that he dieth, shall surely be put to death. 13. And if a man lie not

in wait, but God cause it to come to hand; then I will appoint thee a place whither he may flee. ¶ 14. And if a man come presumptuously upon his neighbour, to slay him with guile: thou shalt take him from Mine altar, that he may die. ¶ 15. And he that smiteth his father, or his mother, shall be surely put to death. ¶ 16. And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death. ¶ 17. And he that curseth his father or his mother, shall surely be put to death. ¶ 18. And if men contend, and one smite the other with a stone, or with his fist, and he die not, but keep his bed; 19. if he rise again, and walk abroad upon his staff, then shall he that smote him be quit; only

2 ואלה המשפטים אשר תשים לפניך: כי תקנה עבד
3 עברי שש שנים יעבד ובשבעת יצא לחפשי חנם: אם
בגפו יבא בגפו יצא אם בעל אשה הוא והצאה אשתו
4 עמו: אם יאמרו יתן לו אשה וילדה לו בנים או בנות
האשה וילדיה תהיה לאדניו והוא יצא בגפו: ואם
אמר יאמר העבד אהבתי את-אדני את-אשתי ואת-בני
6 לא אצא חפשי: והגישו אדניו אל-האלהים והגישו אל-
7 העלם או אל-המזבח ורצע אדניו את-אזנו במרצע
8 ועבדו לעלם: ׀ וכי-ימכר איש את-בתו לאמה
9 לא תצא כצאת העבדים: אם רעה בעיני אדניה אשר
לא יעלה והפדה לעם וברו לא-ימכר למכרה בבגד
9 בה: ואם-לבנו ייעדנה במשפט הבנות יעשה-לה: אם
11 אחרת יקח-לו שארה כסותה וזנותה לא יגרע: ואם
שלש-אלה לא יעשה לה והצאה חנם אין כסף: ׀
12 מכה איש ומת מות יומת: ואשר לא צדה והאלהים
14 אנה לידו ושמתו לו מקום אשר ינום שמה: ׀ ובר
תד איש על-רעהו להרעו בערמה מעם מנבחי תקחנו
16 למות: ׀ ומכה אביו ואמו מות יומת: ׀ וגלב
17 איש ומכרו ונמצא בגדו מות יומת: ׀ ומקלל אביו
18 ואמו מות יומת: ׀ וכי-יריב אנשים והבה-איש
את-רעהו באבן או באגרה ולא ימות ונפל למשכב:
19 אם-יָקום והתהלך בתוך על-משענתו ונקמה המכה רק
ש' שבוה ימו ורפא ורפא: ׀ וכי-יפול איש אחי-טברו

his bondwoman, with a rod, and he die under his hand, he shall surely be punished. 21. Notwithstanding, if he continue a day or two, he shall not be punished; for he is his money. ¶ 22. And if men strive together, and hurt a woman with child, so that her fruit depart, and yet no harm follow, he shall be surely fined, according as the woman's husband shall lay upon him; and he shall pay as the judges determine. 23. But if any harm follow, then thou shalt give life for life, 24. eye for eye, tooth for tooth, hand for hand, foot for foot, 25. burning for burning, wound for wound, stripe for stripe. ¶ 26. And if a man smite the eye of his bondman, or the eye of his bondwoman, and destroy it, he shall let him go free for his eye's sake. 27. And if he smite out his bondman's tooth, or his bondwoman's tooth, he shall let him go free

for his tooth's sake. ¶ 28. And if an ox gore a man or a woman, that they die, the ox shall be surely stoned, and its flesh shall not be eaten; but the owner of the ox shall be quit. 29. But if the ox was wont to gore in time past, and warning hath been given to its owner, and he hath not kept it in, but it hath killed a man or a woman; the ox shall be stoned, and its owner also shall be put to death. 30. If there be laid on him a ransom, then he shall give for the redemption of his life whatsoever is laid upon him. 31. Whether it have gored a son, or have gored a daughter, according to this judgment shall it be done unto him. 32. If the ox gore a bondman or a bondwoman, he shall give unto their master thirty shekels of silver, and the ox shall be stoned. ¶ 33. And if a man shall open a pit, or if a man shall dig a pit and not cover it, and an ox or an ass fall therein, 34. the owner of the pit shall make it good; he shall give money unto the owner of them, and the dead beast shall be his. ¶ 35. And if one man's ox hurt another's, so that it dieth; then they shall sell the live ox, and divide the price of it; and the dead also they shall divide. 36. Or if it be known that the ox was wont to gore in time past, and its owner hath not kept it in; he shall surely pay ox for ox, and the dead beast shall be his own. ¶ 37. If a man steal an ox, or a sheep, and kill it, or sell it, he shall pay five oxen for an ox, and four sheep for a sheep.

CHAPTER XXII

1. If a thief be found breaking in, and be smitten so that he dieth, there shall be no bloodguiltiness for him. 2. If the sun be risen upon him, there shall be bloodguiltiness for him—he shall make restitution; if he have nothing, then he shall be sold for his theft. 3. If the theft be found in his hand alive, whether it be ox, or ass, or sheep, he shall pay double. ¶ 4. If a man cause a field or vineyard to be eaten, and shall let his beast loose, and it feed in another man's field; of the best of his own field, and of the best of his own vineyard, shall he make restitution. ¶ 5. If fire break out, and catch in thorns, so that the shocks of corn, or the standing corn, or the field are consumed; he that kindled the fire shall surely make restitution. ¶ 6. If a man deliver unto his neighbour money or stuff to keep, and it be stolen out of the man's house; if the thief be found, he shall pay double. 7. If the thief be not found, then the master of the house shall come near unto ¹God, to see whether he have not put his hand unto his neighbour's goods. 8. For every matter of trespass, whether it be for ox, for ass, for

22. יום או יומים יצמד לא יקם כי כסף הוא: ם וקר
ינצו אנשים ונגפו אשה הרה ונצאו ילדיה ולא ידעה אסון
ענוש יענוש באשר ישית עליו בעל האשה ונתן בפללים:
23 ואם אסון יהיה ונתתה נפש תחת נפש: עין תחת עין שן
24 תחת שן יד תחת יד רגל תחת רגל: כויה תחת כויה
26 פצע תחת פצע חבורה תחת חבורה: ם וקרינה איש
אדעין עבדו או אדעין אמתו ושחתה לחפשי ושלחנה
27 תחת עינו: ואם עין עבדו או עין אמתו יפיל לחפשי ושלחנה
תחת שני: ם

28 וקרינה שור את איש או את אשה ומת סקור וסקר
29 השור ולא יאכל את בשרו ובעל השור נקי: ואם שור
נגח הוא מתמל שלשם והועד בבועלו ולא ישמרנו
ותמות איש או אשה השור יסקל ונבועלו יומת:
ל אם בפר יושע עליו ונתן פדן נפשו בכל אשר יושע
31 עליו: ארבו נגח ארבת יגח במשפט הנה יעשה לו:
32 אם עבד נגח השור או אמה בסף: שלשים שקלים יתן
33 לאדניו והשור יסקל: ם וקריפתח איש בור או בר
יברה איש בר ולא יכסנו ונפל שמה שור או חמור:
34 בעל הבור ישלם בסף ישיב לבועלו ותמות ויהיה לו:
ל ם וקרינה שור איש את שור רעהו ומתו וקברו את
36 השור החי ונצו את כספו ונם את הדמת והצון: או נודע
כי שור נגח הוא מתמל שלשם ולא ישמרנו בעליו
37 שלם ישלם שור תחת השור ותמות ויהיה לו: ם כי
יגנב איש שור או אשה וטבח או מקרו חמשה בקר ישלם
תחת השור וארבע צאן תחת חשה:

א אם במהתרת ימצא הנגב והכה ומת אין לו דמים:
2 אם נהרגה השמש עליו דמים לו שלם ישלם אם אצ
3 לו ומקר בנגבתו: אם דמא תמצא בידו הנגבה
4 משור עד חמור עד שנה חיים שנים ישלם: ם כי
יבשר איש שנה או כרם ושלח את בעירה ובער בשדה
ה אתר מיטב שדהו ומיטב כרמו ישלם: ם ברתא
אש ומצאה קצים ונאכל גדיש או הקמה או השדה
6 שלם ישלם המבער את הדבעה: ם ברתא איש
אל רעהו בסף ארכלים לשמר ונגב מבית האיש אם
7 ימצא הנגב ישלם שנים: אם לא ימצא הנגב ונקרב
בעל הבית אלהא להים אם לא שלח הו בקלאבת
8 רעהו: על כל דבר פשע על שור על חמור על שנה

sheep, for raiment, or for any manner of lost thing, whereof one saith: 'This is it,' that cause of both parties shall come before God; he whom God shall condemn shall pay double unto his neighbour. ¶ 9. If a man deliver unto his neighbour an ass, or an ox, or a sheep, or any beast, to keep, and it die, or be hurt, or driven away, no man seeing it; 10. the oath of the Lord shall be between them both, to see whether he have not put his hand unto his neighbour's goods; and the owner thereof shall accept it, and he shall not make restitution. 11. But if it be stolen from him, he shall make restitution unto the owner thereof. 12. If it be torn in pieces, let him bring it for witness; he shall not make good that which was torn. ¶ 13. And if a man borrow aught of his neighbour, and it be hurt, or die, the owner thereof not being with it, he shall surely make restitution. 14. If the owner thereof be with it, he shall not make it good; if it be a hireling, he loseth his hire. ¶ 15. And if a man entice a virgin that is not betrothed, and lie with her, he shall surely pay a dowry for her to be his wife. 16. If her father utterly refuse to give her unto

him, he shall pay money according to the dowry of virgins. ¶ 17. Thou shalt not suffer a sorceress to live. ¶ 18. Whosoever lieth with a beast shall surely be put to death. ¶ 19. He that sacrificeth unto the gods, save unto the LORD only, shall be utterly destroyed. ¶ 20. And a stranger shalt thou not wrong, neither shalt thou oppress him; for ye were strangers in the land of Egypt.

21. Ye shall not afflict any widow, or fatherless child. 22. If thou afflict them in any wise—for if they cry at all unto Me, I will surely hear their cry—23. My wrath shall wax hot, and I will kill you with the sword; and your wives shall be widows, and your children fatherless. ¶ 24. If thou lend money to any of My people, even to the poor with thee, thou shalt not be to him as a creditor; neither shall ye lay upon him interest. 25. If thou at all take thy neighbour's garment to pledge, thou shalt restore it unto him by that the sun goeth

down; 26. for that is his only covering, it is his garment for his skin; wherein shall he sleep? and it shall come to pass, when he crieth unto Me, that I will hear; for I am gracious. *17. ¶ 27. Thou shalt not revile God, nor curse a ruler of thy people. 28. Thou shalt not delay to offer of the fulness of thy harvest, and of the outflow of thy presses. The first-born of thy sons shalt thou give unto Me. 29. Likewise shalt thou do with thine oxen, and with thy sheep; seven days it shall be with its dam; on the eighth day thou shalt give it Me. 30. And ye shall be holy men unto Me; therefore ye shall not eat any flesh that is torn of beasts in the field; ye shall cast it to the dogs.

על־שִׁלְמָהּ עַל־כָּל־אֲבִיחָהּ אֲשֶׁר יֹאמַר בִּידֵהוּ זֶה עַד
הָאֱלֹהִים יָבֹא דְבַר־שְׁנֵיהֶם אֲשֶׁר יִרְשִׁיעַן אֱלֹהִים יִשְׁלַם
9 שְׁנַיִם לְרֵעֵהוּ: ׀ כִּי־יִתֵּן אִישׁ אֶל־רֵעֵהוּ חֲמֹר אוֹ־שׁוֹר
אוֹ־שֶׂה וְכָל־בְּהֵמָה לְשֹׂמֵר וּמֵת אוֹ־נֹשֶׁבֶת אוֹ־נִשְׁבָּה אֵין
רָאָה: שְׂבַע־תִּוְדָה וְתִוְדָה בֵּין שְׁנֵיהֶם אִם־לֹא שָׁלַח יָדוֹ
11 בְּמִלְאֲכַת רֵעֵהוּ וּלְקַח בְּעָלָיו וְלֹא יִשְׁלַם: וְאִם־גָּנַב
12 יִגְבֹּה מֵעַמּוֹ יִשְׁלַם לְבָעָלָיו: אִם־טָרַף יִטָּרַף יִבְאֲדוּ עַד
הַטָּרַף לֹא יִשְׁלַם: ׀

13 וְכִי־יִשְׁאֵל אִישׁ מֵעַם רֵעֵהוּ וְנֹשֶׁבֶת אוֹ־מֵת בְּעָלָיו אֵין
14 עִמּוֹ שָׁלֵם יִשְׁלַם: אִם־בְּעָלָיו עִמּוֹ לֹא יִשְׁלַם אִם־שָׂכִיר
15 הוּא בָּא בְּשָׂכָרָו: ׀ וְכִי־יִפְתֶּה אִישׁ בְּתוּלָה אֲשֶׁר
16 לֹא־אֲרָשָׁה וְשָׁכַב עִמָּה מִדֶּרֶךְ יִמְדַּרְנָה לָּו לֹא־שָׂה: אִם־
בָּאָן וּבָאָן אִבְיָה לְתַתָּהּ לָּו כִּסְף יִשְׁלַל בְּמִדֶּרֶךְ הַבְּתוּלָה:
17 ׀ מִבְּשָׂמָה לֹא תִתֶּה: כָּל־שָׁכַב עִם־בְּהֵמָה מוֹת
18 יוּמָת: ׀ וְכִם לְאֱלֹהִים יִתְּרִם בְּלִתִּי לִידָהּ לְבָדוֹ:
כ וְהָרָאֲתֶנָּה וְלֹא תִלְחֲצֶנָּה בִּידְרֵים הָיִיתֶם בְּאֶרֶץ מִצְרַיִם:

21 כָּל־אֲלֻמָּנָה וְהָתֵם לֹא תַעֲנֶנּוּ: אִם־עָנָה תַעֲנֶנָּה אֲתָּו כִּי
22 אִם־עָנָה תַעֲנֶנּוּ אֵלַי שָׁמַע אֲשָׁמַע צָעֲקָתוֹ: וְהָרָא אִפִּי
וְהָרָאֲתִי אֶתְכֶם בְּחֶרֶב וְהָרָאֲתִי וְשִׁיכֶם אֲלֻמָּנוֹת וּבְנִיכֶם יָתֻמִּים: ׀
24 אִם־כִּסְף תִּלְוֶה אֶת־עַמִּי אֶת־הָעָנִי עִמָּךְ לֹא־תִתְּנֶה לָּו
כִּי כְּנִשָּׁה לֹא־תִשְׁיָמֶן עָלָיו נָשֹׁךְ: אִם־חָבֵל תִּחְבֹּל שְׁלֵמָת
26 רֵעֵךְ עֲדָבָה הַשֶּׁמֶשׁ תִּשְׁיָכֶנּוּ לָּו: כִּי הִוא כְּסוּתָהּ לְבִדָּה
הִוא שֹׁמְלֶתָ לַעֲרֹ בְּמָה יִשְׁכַּב וְהָרָא כִּי־צָעַק אֵלַי וְשָׁמַעְתִּי
יִבְיִי כִּי־תַעֲנֶנּוּ אֲנִי: ׀ אֱלֹהִים לֹא תִקְלָל וְנָשִׂיא בַעֲמֻךְ לֹא
28 תִאָּר: מִלְּאֲחָה וּדְמָעָה לֹא תֵאָתֵר בְּכֹר בְּנֶךְ תִּתְּנֶה לִי:
29 כְּרִמְעָשָׂה לְשֹׁרֶה לְצֹאנֶךָ שְׂבַע־תִּוְדָה יָמִים יִתֶּנָּה עִם־אֲמִי בָּיִם
הַשָּׁמַיִם תִּתְּנֶה לִי: וְאֲנִשְׁרִיקְךָ תִּתְּנֶנּוּ לִי וּבִשָּׂר בְּשִׁנֶּה
טָרַפָּה לֹא תֹאכְלוּ לְכָלֵב תִּשְׁלַכְנָן אֲתָּו: ׀

unrighteous witness. 2. Thou shalt not follow a multitude to do evil; neither shalt thou bear witness in a cause to turn aside after a multitude to pervert justice; 3. neither shalt thou favour a poor man in his cause. ¶ 4. If thou meet thine enemy's ox or his ass going astray, thou shalt surely bring it back to him again. ¶ 5. If thou see the ass of him that hateth thee lying under its burden, thou shalt forbear to pass by him: thou shalt surely release it with him.*v.¶ 6. Thou shalt not wrest the judgment of thy poor in his cause. 7. Keep thee far from a false matter; and the in-

nocent and righteous slay thou not; for I will not justify the wicked. 8. And thou shalt take no gift; for a gift blindeth them that have sight, and perverteth the words of the righteous. 9. And a stranger shalt thou not oppress; for ye know the heart of a stranger, seeing ye were strangers in the land of Egypt. ¶ 10. And six years thou shalt sow thy land, and gather in the increase thereof; 11. but the seventh year thou shalt let it rest and lie fallow, that the poor of thy people may eat; and what they leave the beast of the field shall eat. In like manner thou shalt deal with thy vineyard, and with thy oliveyard. 12. Six days thou shalt do thy work, but on the seventh day thou shalt rest; that thine ox and thine ass may have rest, and the son of thy handmaid, and the stranger, may be refreshed. 13. And in all things that I have said unto you take ye heed; and make no mention of the name

of other gods, neither let it be heard out of thy mouth. ¶ 14. Three times thou shalt keep a feast unto Me in the year. 15. The feast of unleavened bread shalt thou keep; seven days thou shalt eat unleavened bread, as I commanded thee, at the time appointed in the month of Abib—for in it thou camest out from Egypt; and none shall appear before Me empty; 16. and the feast of harvest, the first-fruits of thy labours, which thou sowest in the field; and the feast of ingathering, at the end of the year, when thou gatherest in thy labours out of the field. 17. Three times in the year all thy males shall appear before the Lord God. ¶ 18. Thou shalt not offer the blood of My sacrifice with leavened bread: neither shall the fat of My feast remain all night until the morning. 19. The choicest first-fruits of thy land thou shalt bring into the house of the Lord thy God. Thou shalt not seethe

2 חָמֶם: לֹא־תִתֶּנָּה אֲחֵרֵי־דָבָר לְרַעַת וְלֹא־תִפְעֶנָּה עַל־רֵב
3 לְנִמְטָה אֲחֵרֵי דָבָר לְהִטָּה: וְכָל לֹא תִהְיֶה בְרִיבוֹ: ׀
4 כִּי תִפְגַּע שׂוֹר אִיבֶךָ אֹךְ חֲמֹר תִּפְגַּע הַשֶּׁבַע תְּשִׁיבֵהוּ לּוֹ:
ה ׀ בְּרִיתְרָאָה חֲמֹר שְׂנֵאָדָּךְ רֶבֶל תַּחַת מַשְׂאוֹ וְחִדְלָתָּ
6 מִצִּנּוֹב לּוֹ עֵינָב תִּצְנֹב עִמּוֹ: ׀ לֹא תִטֶּה מִשְׁפַּט אִיבֶיךָ
7 בְּרִיבוֹ: מִדְּבַר־שֹׁקֶר תִּרְחֹק וּנְקִי וְצַדִּיק אַל־תִּרְחֹק

8 כִּי לֹא־אֲצַדִּיק רָשָׁע: וְשׂוֹחַד לֹא תִקַּח כִּי הַשְׂחָד יַעֲוֶה
9 פְּקוּדִים וְסִלַּף דְּבָרֵי צַדִּיקִים: וְגַר לֹא תִלְחֹץ וְאִתָּם
יִדְעָתֶם אֶת־נַפְשׁ הַגֵּר כִּי־גֵרִים הָיִיתֶם בְּאֶרֶץ מִצְרַיִם:
יֵשֶׁשׁ שָׁנִים תִּזְרַע אֶת־אֲדָמָתְךָ וְאָסַפְתָּ אֶת־תְּבוּאָתָהּ:
יִי וְהַשְׁבִּיעַתָּ תְּשַׁמְטֶנָּה וְנִמְשַׁתָּה וְאָכְלוּ אִיבֵי עַמְּךָ וְהִתְלִם
יֵי תֹאכַל חֵיט הַשָּׂדֶה בְּרִמְעָשָׁה לְכַרְמֶךָ לְוִיתֶךָ: שֵׁשֶׁת יָמִים
יִמְעַשֶׂה מַעֲשֶׂיךָ וּבַיּוֹם הַשְּׁבִיעִי תִשְׁבֹּת לַמֶּצֵּן יִנַּח שׂוֹרְךָ
יֵי תִחְמֹד וְנַפְשׁ בְּדָאֻמָּתָהּ וְהַגֵּר: וּבְכָל אֲשֶׁר־אָמַרְתִּי
יֵי אֲלֵיכֶם תִּשְׁמְרוּ וְשֵׁם אֱלֹהִים אֲחֵרִים לֹא תִזְכְּרוּ לֹא

יֵי יִשְׁמַע עַל־פִּיךָ: שְׁלֹשׁ רִגְלִים תִּתֵּן לִי בַשָּׁנָה: אֵת תִּג
יֵי תִמְצוֹת תִּשְׁמַר שְׁבַעַת יָמִים תֹּאכַל מִצֹּאת כֹּאֲשֶׁר צִוִּיתֶךָ
יֵי לְמוֹצַי תִּרְשׁ הָאֵיִב בְּרִבּוֹ יֵצֵאת מִמִּצְרַיִם וְלֹא־יֵרָא
יֵי פָנֶי רִיבָם: וְתִג תִּקְצִיר בְּבוֹרֵי מַעֲשֶׂיךָ אֲשֶׁר תִּזְרַע בַּשָּׂדֶה
יֵי וְתִג תִּאָּסֵף בְּצֵאת הַשָּׁנָה בְּאָסַפְךָ אֶת־מַעֲשֶׂיךָ מִן־הַשָּׂדֶה:
יֵי שְׁלֹשׁ פְּעָמִים בַּשָּׁנָה יֵרָאֵה בְּלִזְכּוֹרְךָ אֶל־פָּנֶי הָאֵלֹהִים
יֵי וְדָוָה: לֹא־תִזְבַּח עַל־הַמִּזְבֵּחַ דָּם־יָדָי וְלֹא־לֶחֶן תִּלְבִּיחֵנִי
יֵי עַד־בֹּקֶר: רֵאשִׁית בְּבוֹרֵי אֲדָמָתְךָ תָּבִיא בֵּית דָּוָה
יֵי אֶל־הָרֹדֶף לֹא־תִבְשֹׁל גֵּדִי בְּחֵלֶב אִמּוֹ: ׀

a kid in its mother's milk. *vi. ¶ 20. Behold, I send an angel before thee, to keep thee by the way, and to bring thee into the place which I have prepared. 21. Take heed of him, and hearken unto his voice; be not rebellious against him; for he will not pardon your transgression; for My name is in him. 22. But if thou shalt indeed hearken unto his voice, and do all that I speak; then I will be an enemy unto thine enemies, and an adversary unto thine adversaries. 23. For Mine angel shall go before thee, and bring thee in unto the Amorite, and the Hittite, and the Perizzite, and the Canaanite, the Hivite, and the Jebusite; and I will cut them off. 24. Thou shalt not bow down to their gods, nor serve them, nor do after their doings; but thou shalt utterly overthrow them, and break in pieces their pillars. 25. And ye shall serve the LORD your God, and He will bless thy bread, and thy water; and I will take sickness away from the midst of thee. * 111 26. None shall miscarry, nor be barren, in thy land; the number of thy days I will fulfil.

27. I will send My terror before thee, and will discomfit all the people to whom thou shalt come, and I will make all thine enemies turn their backs unto thee. 28. And I will send the hornet before thee, which shall drive out the Hivite, the Canaanite, and the Hittite, from before thee. 29. I will not drive them out from before thee in one year, lest the land become desolate, and the beasts of the field multiply against thee. 30. By little and little I will drive them out from before thee, until thou be increased, and inherit the land. 31. And I will set thy border from the Red Sea even unto the sea of the Philistines, and from the wilderness unto 'the River; for I will deliver the inhabitants of the land into your hand; and thou shalt drive them out before thee. 32. Thou shalt make no covenant with them, nor with their gods. 33. They shall not dwell in thy land—lest they make thee sin against Me, for thou wilt serve their gods—for they will be a snare unto thee.'

כ הנה אנכי שלח מלאך לפניך לשמרה בדרך ולזהביאך
21 אל־המקום אשר הבנתי: השמר מפניו ושמע בקלו
22 אל־תמר בו כי לא ישא לפשעכם כי שמי בקרבו: כי
אם־שמע תשמע בקלו ועשית כל אשר אדבר ואיבתי
23 את־איבך ואתי את־אֹרְבֵיךָ: כִּי־גִלְךָ מלֹאֲכִי לִפְנֵיךָ
הביאך אל־האמורי והחיתי והפריזי והכנעני החתי והיבסי
24 והחיתתי: לא־תשתחוו לאֱלֹהֵיהֶם ולא תעבדם ולא
תעשה כמעשיהם כי הרים תהרסם ושבר תשבר
כ מה מצבתיכם: ועבדתי את יהוה אֱלֹהֵיכם ובקד את־
26 לִחְמֶךָ ואת־מִימֶיךָ תהסרתי מִחֶלֶה מִקֶּרֶבְךָ: * ס לא
תהיה מִשְׁבֵּלָה וְעִקְרָה בְּאַרְצְךָ אֶת־מִסְפֵּר יָמֶיךָ אֲמַלֵּא:
27 את־אִיְמֹתִי אֲשַׁלַּח לִפְנֵיךָ וְהַמְתִּי אֶת־בְּלִדְהֶם אֲשֶׁר
28 תבא בהם וְהַמְתִּי אֶת־בְּלִי־אִיְבֶיךָ אֵלַיךְ עָרֹב: וְשַׁלַּחְתִּי
אֶת־הַצִּרְעָה לִפְנֶיךָ וְגִרְשָׁה אֶת־חַתִּי אֶת־הַכְּנַעֲנִי וְאֶת־
29 הַחִתִּי מִלִּפְנֶיךָ: לֹא אֲגִרְשֶׁנּוּ מִפְּנֶיךָ בְּשָׁנָה אֶחָת כֹּד
ל תהיה הָאָרֶץ שְׂמֵמָה וְרִבָּה עָלֶיךָ חַת הַשָּׂדֶה: מַעֲט
מַעֲט אֲגִרְשֶׁנּוּ מִפְּנֶיךָ עַד אֲשֶׁר תִּסְרָה וְנִחַלְתָּ אֶת־הָאָרֶץ:
31 וְשִׁתִּי אֶת־גְּבֻלְךָ מִיַּם־סוּף וְעַד־יָם פְּלִשְׁתִּים וּמִמִּדְבָּר
עַד־הַנָּהָר כִּי אֶתֵּן בְּיָדְכֶם אֶת יְשֵׁבֵי הָאָרֶץ וְגִרְשָׁתֶמָּה
32 מִפְּנֶיךָ: לֹא־תִכְרַת לָהֶם וְלֹא־לֵהֵימָן בְּרִית: לֹא יֵשְׁבוּ
33 בְּאַרְצְךָ כְּדֹחֲטֵי־אֵף אֲתָךְ לִי כִי תַעֲבֹד אֶת־אֱלֹהֵיהֶם כִּי
יְהִי לָךְ לְמִקְשָׁה:
פ

ADDENDUM E

SYNOPSIS OF JUDGES 19.1-30

A certain Levite, a man who lived in the territory of Ephraim, had taken a concubine of the town of Bethlehem. She ran away to her home, and he brought her back, the girl's father treating him with great cordiality. But he timed his trip north badly, so that nightfall overtook him near Gibeah, just north of Jerusalem, in the territory of Benjamin. A citizen of Gibeah received him kindly and took him and his woman in for the night. But as they were enjoying the evening meal, some riff-raff of the town surrounded the house, beat on the old man's door, and demanded, "Bring out the man who came into your house so that we may have intercourse with him." When the host refused, they clamored even more, until the Levite took his concubine and gave her to them. They abused her all night, until dawn, and left her dead. The Levite carried her body home, then cut it into twelve pieces and sent one to each tribe, calling on them to punish this abomination. The crime was senseless and brutal enough, but the worst aspect, for Israel as a whole, was what followed. Benjamin refused to give up those who were responsible, and the result was a conflict that almost destroyed Benjamin. "And they said, 'Why O Yahweh, God of Israel, did this happen in Israel, that today there should be lacking one tribe from Israel?'" The answer was evident. Peace, justice, and safety were dependent on the willing submission of the tribes to the covenant. Where this was lacking, where a tribe was willing to harbor rapists and murderers, the only recourse was to a blood-feud which hurt the innocent along with guilty and threatened to destroy all Israel. (Hillers, pp. 96-97)

ADDENDUM F

THE LAWSUIT COVENANT

These "lawsuit" addresses have been identified in Deuteronomy 32, the "Song of Moses," which is a very long example, and Isaiah 1:2-3, a very short one, and elsewhere, but for our purposes it may suffice to study two others, of moderate length, beginning with Micah 6:1-8.

Hear now what Yahweh is saying:
"Arise, plead before the mountains,
And let the hills hear your voice."
O mountains, hear the suit of Yahweh,
Ye eternal foundations of the earth,
For Yahweh has a suit against his people,
He would contest with Israel.
"O my people, what have I done to you,
How have I wearied you? Answer me!
For I brought you up from the land of Egypt,
And from the house of bondage I redeemed you.
I sent before you Moses,
Aaron and Miriam.
O my people, recall now the plot
Of Balak the king of Moab,

And the response he obtained
From Balaam the son of Beor . . .
[something has been dropped from the text]
From Shittim to Gilgal,
That you may acknowledge [know] the righteous deeds of
Yahweh!"
"With what can I come before Yahweh,
Bow to God on high?
Shall I come before him with burnt-offerings
With calves a year old?
Would Yahweh be pleased with thousands of rams
With ten thousands of rivers of oil?
Can I give my first born for my rebellion
The fruit of my loins for my sin?"
"He has shown you, man, what is good.
Yahweh seeks nothing from you
Except that you do justice, love faithfulness,
And walk humbly with your God."

Jeremiah's contribution in this form is as follows (2:4-13):

Hear the word of Yahweh, O house of Jacob,
And all the clans of the house of Israel.
Thus say Yahweh:
"What did your fathers find wrong with me,
That they went away from me
And followed nothings,
And themselves became nothing?
They did not say, 'Where is Yahweh,
Who brought us up from the land of Egypt,
Who led us in the wilderness
In the land of steppes and holes,
In the land of drought and darkness,
The land uncrossed by man
Where no human dwells.'
I brought you to a garden-land,
To eat its fruits and riches,
But you went in and defiled my land,
And made my heritage an abomination.
The priests did not say,
'Where is Yahweh?'
And those in charge of instruction did not acknowledge [know]
me,
And the shepherds rebelled against me.

The prophets prophesied by Baal
And followed futilities.
Therefore I will surely bring suit against you
(oracle of Yahweh),
With your children's children I will contend.
For pass over to the shores of Cyprus and see,
Send to Arabia and inquire carefully,
Has any nation ever changed its gods,
Even though they were no-gods?
But my people has changed its glory
For futility.
Be appalled at this, O heavens,
Be utterly aghast, O dry land (oracle of Yahweh),
For my people have done two evil things,
They have forsaken me,
The spring of fresh water,
To hew them out cisterns,
Broken cisterns that will not hold water!"

ADDENDUM G

ABOUT THE COVENANTS WITH EZRA AND NEHEMIAH

The first covenant under Ezra, described in Ezra 9 and 10, was a sworn agreement on the part of the returned exiles that all those who had married foreign women should divorce them, a decision that affected a great many. The scene is memorable; Ezra, utterly inflexible, with all the force of the law of Moses behind him, confronts the assembled men of Judah, "shivering because of this matter, and because of the heavy rain." This use of a sworn agreement is not new; it is covenant for the sake of revival, as under Josiah. The same holds for the more elaborate agreement described in Nehemiah 9 and 10. Critical problems abound here but do not substantially affect our assessment of the sort of covenant involved. Familiar themes reappear. Chapter 9 gives the history of God's dealings with Israel, beginning with Abram and continuing through the monarchy to their present misery. "Behold, we are slaves today, in the land which you gave our fathers, to eat of its fruit and its goodness, we are slaves." "Because of all this" they make a pact, described in the succeeding chapter (if these two originally belong together) as "a curse and an oath," the stipulations being that they would "walk in the law of God, given through Moses, the servant of God, to observe and do all the commandments of Yahweh our Lord, his laws and ordinances." As a closing feature, certain specific regulations are singled out for special mention, including the payment of a tax for support of the temple. In essentials, the pattern is familiar. (Hillers, pp. 147-48)

ADDENDUM H

WHO WERE THE PHARISEES?

According to collated data written by Josephus, who lived during the lives of the Pharisees: They were a "school of thought which was supported by the majority of the people. They were: expert in interpreting and expounding the Law; advocates of moderation and reason; dedicated to justice, virtue, and friendship; believers in reward and punishment after death; teachers of religious doctrine" (Rivkin, 1978, p. 74).

According to collated data found in the Christian Bible, the Pharisees were: the exponents of the twofold Law; highly respected men, wielding great power, with access to ruling authorities; opposed to Jesus and persecuted the early Christians, expelling them from the synagogues (Ibid., pp. 123-24).

According to collated data found in Tannaitic literature, the Pharisees were: a scholar class dedicated to the supremacy of the twofold Law; actively opposed to the Sadducees who recognized only the authority of Written Law; teachers who "sought dramatic means for proclaiming their overriding authority"; active leaders who carried out their laws with vigor and determination and made halachah operative in society (Ibid., pp. 176-78)

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