

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

UNDERSTANDING THE COVENANT

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

Chapter I. *Natural and Positive Right*

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

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

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

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

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

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

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

metaphysical and theological grounds.⁵

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

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

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

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

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

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

He a part of, or even conditioned by, the immutable and eternal order of the cosmos that in the pagan mind preexisted in the primitive substance or primeval chaos. Judaism rejects the notion of primitive matter, of a primeval chaos, of a preexistence order. God is above and before everything. With this categoric and absolute free will, God created all things: the substance of all things and their properties, the laws that regulate and determine their activities. The chaos was created by God; the order, the life, the forces that move and give definiteness to the universe are the gift of God. The laws that govern matter are extrinsic to it, but they are the fiat of God's will, not the effect of a necessary order of the cosmic scheme. They are the laws that He freely implanted in the universe, and that He freely can change. The miracle bears witness that God, author of these laws, may change them at His will.

In the created world there is a special being whose fundamental peculiarity consists in having been created in the image of God, i.e., having a perfect freedom of choice. Although man is limited in his corporeal life, he is free in his rational life. He is free in a double sense: in the sense that his rational activities are not determined by a fate external to him, and in the sense that these activities are not the necessary effect of his own internal mechanism.⁷ Man's freedom is perfect; he is free even before God. Man, for instance, has the power to lie to God.⁸ Neither wisdom, nor piety, nor sanctity, can alter man's perfect freedom. King Solomon was very wise, but nonetheless he was a sinner.⁹ King David, the traditional Biblical symbol of piety, was responsible for the sin of murder and adultery.¹⁰ Moses himself, known in the Bible as "the man of God," who "spoked face to face" with the Lord, sinned, implying, thereby, that he was free.¹¹

Although there is a casual relation between God and man, in the sense that God created man, this only pertains to the origin of man. In reality, however, man and God are two irreducible and independent categories. Thus the distance between them is abysmal. The effect of this conception of God and of man excludes any notion of *religatio*, of a religion based upon an ontological element common in them, or of a religion based

upon a criterion common in God and man, that serves as the ground for their relationship. That is the reason why the notion of natural right is totally foreign to Jewish thought.¹² It is pertinent to add that the term and the notion of "nature" are absent in the entire Biblical and rabbinical literature, and they were introduced into Jewish thought and vocabulary in the Arabic period. Furthermore, those Biblical interdictions and injunctions that may be identified with the usual tenets of natural morality and religion, are not, for Judaism, universally binding.¹³ On the other hand, not all the seven commandments that for Judaism are universally binding, correspond to what is usually understood by natural morality and natural religion.¹⁴

But, we cannot classify Judaism as a positive divine religion without some qualification. Although essentially Judaism means obedience to God's law, God's law is not identical to the revealed will of God. Revelation, though proceeding from God and recorded in the Bible, is not as such authoritative. Pre-Sinaitic revelation, such as the revelations to the Patriarchs contained in the Book of Genesis, is not the basis of religion and has no legal authority.¹⁵ The role of the post-Sinaitic revelation contained in the Prophets and Hagiographa is admonitory, i.e. it calls upon the people to observe the Sinaitic law.¹⁶ Thus, the basis of Judaism is not conformity to the revealed will of God, but conformity to the Sinaitic law. Since Judaism conceives of man and God as two irreducible and independent categories, there is no ground for a relation established unilaterally by God. Since the distance between God and man is abysmal with no natural common ground between them, and since both parties are also absolutely free, a relationship between them involves mutual consent and assent. Moses did not feel compelled to obey God's plea to save the Jewish people. The prophet Jonah was a God fearing man, and yet he refused to obey God's commandments to preach to the Ninevites. And it is logical that if God cannot impose his will upon man when he refuses to accept, then man cannot impose his will upon God. Accordingly, all the rites, cults, dogmas and doctrines of man are in themselves incapable of establishing a relationship between man and God: a relationship between two independent parties rests upon mutual

agreement. The effect of this conception of religion is the establishment of a bilateral pact, a *berit*, between God and man where both parties freely agree to maintain a relationship between themselves. Thus conceived, religion for Judaism is a relationship between God and man, the sole ground of which is the free and mutual election of God and man: God chooses man, man chooses God, and the parties establish a pact, a *berit*.

The pact was in fact established: It is the pact of Sinai completed in the fields of Moab. In this pact, God freely chose Israel and Israel freely chose God.

For Judaism only the people of Israel did in fact establish such a pact with God: the people who were at Sinai and in the fields of Moab, and the people of Israel who by physical descent will last till the end of time. The nation of Israel of the future participates in the pact by their solidarity with the Israel of Sinai-Moab.¹⁷

Chapter III. *The Berit of Sinai-Moab*

The *berit* or pact between God and Israel was established at Mount Sinai after the exodus from Egypt. The events were as follows:

(a) Proposal of the pact. At the request of God, Moses proposes to Israel the establishment of a pact with the Lord. The terms of the pact were: Israel, on her part, would observe God's Law; God on His part, would accept Israel as a kingdom of priests and a holy nation. The Jewish people accepted the proposal. Moses then transmitted the people's decision to the Lord (Ex. 19, 3-6).

(b) The theophany of Sinai. Three days after the acceptance of the proposal, the Lord appeared in the midst of thunders, lightnings, and cataclysms "before the eyes of all Israel," and spoke to them "face to face" the Ten Commandments. The people saw (*sic*) the voices (Ex. 19, 16-20, 15).

(c) Moses' ascension to the thick darkness. After the theophany with Israel, Moses ascended to the '*arafel*, thick darkness, where the Lord is, and received from Him part of God's Law, a series of commandments of religious, moral, and judicial character. Moses descended from the thick darkness and transmitted

to the people these commandments. The people replied: "All the words which the Lord hath spoken we will do." During that night Moses put into writing these words. This document is known as "the book of the *berit*" (Ex. 20, 21-24).

(d) Ratification of the pact. On the following day, early in the morning, the ratification of the pact took place. Moses ordered the erection of twelve pillars and an altar. The twelve pillars represented the tribes of Israel. Following this, Moses sent the young men of Israel to offer sacrifices. Half of the blood of these sacrifices, Moses poured into basins, and the rest he sprinkled on the altar. He then proceeded to read to the people "the book of the *berit*." The morning is quiet and serene. There are no cataclysms, no lightnings. The echo of the thunderings and of the terrible sound of the horn are far gone. Moses had finished reading the "book of the *berit*." God is conspicuously absent. There is nothing that may coerce, frighten, or suggest to the people. Freely and at once, the people burst the quietness of the morning with these words: "All that the Lord hath spoken we will do and we will hearken." "Hearken", as usually in the Bible, means "to obey". "Moses takes the rest of the blood and sprinkles it upon the people saying: "Behold the blood of the *berit* which the Lord hath made with you, upon all this words" (Ex. 24, 4-18).

Thus took place an event with no parallels in history: a pact between God and an entire nation. Revelations and pacts between God and individuals are recorded in the Bible. But only at Sinai does God speak and establish a pact with a whole nation.

The rest of the commandments of the Law, God transmitted to Moses during the forty years of wandering in the desert. At the fields of Moab, before crossing the Jordan into the Promised Land, Moses and the people ratify with another pact the commandments received previously.¹⁸ The pact of Sinai-Moab is thus definitely sealed: neither God nor the people of Israel may add, subtract, or introduce any modifications.¹⁹

The credibility of the pact of Sinai-Moab does not rest upon the testimony of a man or a group of individuals as trustworthy and holy as they may be, nor upon the marvels that Moses performed "before the eyes of all Israel." It rests, rather, upon the

experience of the whole people. It may be argued, however, that the people of Israel only experienced the theophany of Sinai. The rest of the Law was not transmitted directly from God to them, but through Moses. Moses' credibility as the messenger of the Law rests both upon his being confirmed as such by God in the presence of all Israel (Ex. 19, 9), and by his being appointed by the people as the prophet of the pact (Ex. 20, 19).²⁰

The *berit* of Sinai-Moab is not a unilateral pact imposed by a despot on his subjects. The authority of the Mosaic Law does not rest on the fiat of God's will, but upon the fact that it was accepted as such by the entire people of Israel. As thus conceived, divine authority is not the effect of an Absolute Power who dictates His will to his inferiors, but of negotiation between two parties who are equally free to assent and dissent.

Chapter IV. *Morality, Exclusiveness and Universality*

If we understand "morality" as duties that bind man to God, then for Judaism the sole constitutive of morality is the Law of Sinai-Moab. This Law is fundamentally conventional: it owes its validity to an agreement between God and Israel, not to its intrinsic truth. It is authoratative on the basis of an extrinsic factor, a specific historical pact, not on the basis of a universal principle. Thus, Jewish morality is essentially nomistic or legalistic: the Law of Sinai-Moab, and only that Law, determines good and evil. Moral good is observance of the commandments of the Law, moral evil is transgression of these commandments. Accordingly, the perfect man is *zaddik*, just, i.e., he who acts in conformity to the Law; and a good act is *kiyyum mitzvah*, the fulfillment of a commandment of the pact. From this point of view it would be correct to speak of interdictions and injunctions, things prohibited and commanded by the Law, rather than of "good" and "evil".

The effect of such a conception of morality is twofold; only the commandments of the pact bind man to God, and only the people of Israel are bound by the pact. The pact is the object of morality, the people of Israel its subject: outside the pact there are no duties to God. The spiritual relationship that the com-

mandments of the pact establish between God and Israel is not the effect of their intrinsic merit or superior morality. The morality of other people may be intrinsically superior to the morality of Israel. The fundamental difference between the morality of the other people and the morality of the Law of Sinai-Moab lies in the fact that the morality of the other people is not the result of an historical covenant between God and Man.

Thus conceived, Judaism is to be considered an exclusive religion: only the people of Israel are bound to the pact. This, however, does not necessarily imply that Judaism is not universal. If we understand by "universal" a religion that views itself as universally binding, with the power to judge, and the duty to impose its religion and morality on mankind, then Judaism cannot be considered "universal". The morality of the pact is not to be used as a yardstick to measure the behavior of other people, people who have not participated in the pact of Sinai-Moab. In the Bible God does not punish mankind for not having observed the Law. Judaism does not view itself as a universal authority empowered to judge and to impose its morality and religion on mankind. Even in the Messianic Age, Judaism will be universally respected but not universally accepted.²¹ This follows from the premise that morality, even when proceeding from God, is not authoritative unless it is freely accepted.

Judaism, although not "universal" in the aforementioned sense, is universal in another sense that becomes fully evident once we examine what is understood by "the people of Israel." In Jewish thought, "people of Israel" are, first of all, the tribes of Israel, with whom the Lord established the pact at Sinai and Moab, and their biological descendents. Whoever is a biological descendent of the tribes, even if he is an apostate, forms part of the people of Israel. There also belong to the people of Israel the "great multitude of people" that accompanied them in the exodus from Egypt: with them also did the Lord establish the pact. Finally, the people of Israel includes all non-Jews who accept the part of Sinai-Moab: proselytism, in effect, is nothing more than the acceptance of the *berit*. Accordingly, Jewish exclusiveness is neither ethnic nor territorial. In the final analysis, Jewish exclusiveness means that it is not a universal imperative,

that morality and religion cannot be imposed. Although the validity of Judaism is relative to the pact, it is universal in its scope since it admits all mankind to participate in the pact of Sinai-Moab. Finally, it is well to remember that for Judaism, salvation is not an exclusive patrimony, and it is also possible outside the Jewish faith. As the rabbis teach: "The pious Gentiles participate in the world-to-come," i.e., they are saved.²²

It is pertinent to add that intolerance for other religions is incompatible with Jewish exclusiveness. Although, undoubtedly, Jews were proud of their own religion, and felt that theirs was the only religion that had merit in the eyes of the Lord, there is no shred of historical evidence to support the view, uncritically acknowledged by many scholars, that Jews were intolerant of other religions, and least of all that Christian intolerance for other religions was inherited from Judaism. Christian intolerance for other religions is, rather, a necessary effect of its concept of "universality." Both Buddhism and Christianity, although in theory they professed to extend the brotherhood of man to all mankind, in practice they fell short of their objective because, as a logical result of their notion of universality, they always felt that those who did not adopt their views were children of Satan rather than of God.

According to the morality here described, moral "good" and "evil" are not ontological entities, they don't possess a specific "good" and "evil" nature, rather, they are norms of conduct. For Judaism all things are ontologically good, indeed they are "very good" (Gen. 1, 31). It is well known that Judaism rejects the notion of the "fall," i.e., the corruption of human nature as the result of an original sin.

The material good and evil are not ontologically related to a moral or spiritual powers possessing "good" and "evil" natures. And yet, the disconnection between material welfare and morality is not total. The Law, had a twofold purpose. Primarily, it was to establish a relation between God and Israel. This was its sole ground of validity. In addition, the Law was designed to promote individual happiness and welfare, and to establish an harmonious society. The Lord, who is the author of all things, had designed a perfect and complete Law, unique as an instru-

ment to promote welfare and peace in society and in the family of nations. The relation between the Law, and the individual and public welfare of man, is especially emphasized in the sapiential books of the Bible, and later developed by Jewish thinkers from Philo to Albo. In the words of Maimonides, although the Law is not natural in its origin — since it was designed and promulgated by God; it is natural in its scope, as an instrument in achieving the natural *desiderandum* for a perfect and harmonious society.²³

Chapter V. *Monolatry and Idolatry*

Peculiar to Jewish monotheism is its insistence on monolatry:²⁴ the one God may be worshiped only as prescribed by the Law. Insistence on strict monolatry is grounded on the basis that God's omnipotence is perfect and absolute. Thus no cult or rite can condition, influence, or predispose God's relation to man. Accordingly, whereas in pagan thought the cultus and rites owe their validity to their intrinsic power to alter the relation of the deities to man, for Judaism the religious ceremonies of the Law owe their validity to an extrinsic factor, to an agreement between God and Israel. As the morality described above, the religious ceremonies of the Law are fundamentally arbitrary. They do not possess a specific nature of their own, nor are they related to any spiritual or metaphysical entities. They are, rather, norms of conduct, mutually agreed upon by God and Israel. What distinguishes Jewish ceremonials from pagan rites and cults is simply the fact that the latter are not the result of an agreement between God and man.

The salutary relationship between God and Israel that the ceremonials of the Law help to establish is not a mechanical and necessary result of their intrinsic power. The ceremonies of sacrifice, although commanded by the Law, were attacked by the prophets, who taught that even these ceremonies lack the intrinsic power attributed to them by some people. The sacrifices, or any other religious ceremonies of the Law, have no intrinsic merit of their own, no independent power to bring about a salutary relationship with God. The verse "Behold, to obey is better

than sacrifice, and to hearken than the fat of rams" (I Sam. 15, 12), underlines the fact that the value in such ceremonies lies in their being commanded by the Law. To maintain, as some of the people did, that these ceremonies could bring about a proper relationship with the Deity regardless of their alliance to the pace, is an abandonment of the very essence of Jewish monotheism and monolatry.²⁵

The effect of such a theology is not merely to negate any positive result to the cultus and rites outside the pact. In Jewish thought the cultus and rites not prescribed by the Law are idolatry: to worship the only God with acts not prescribed by the Law is to commit idolatry. The Israelites who at the foot of Mount Sinai and in the cities of Bet El and Dan worshiped the one God with an image of a golden calf, committed the grave sin of idolatry — not because they worshipped another god, but rather because they worshiped God in a different way from that prescribed by the Law. It is well to remember that images *per se* are not totally excluded from the Jewish service: The worship of God with the Cherubim, at the Tabernacle of Moses and at the Temple of Solomon is ordered by the Law. What distinguishes between the golden calf and Cherubim is that the former was not prescribed by the Law and the latter was prescribed by the Law.²⁶ The rabbinic treatise dealing with idolatry is called *Avodah Zarah*, "foreign cultus": this is the Hebrew term for idolatry.

Since the sole factor contributing to the salutary effect of the ceremonies is that they are prescribed by the Law, Paul's claim that with the coming of Jesus the ceremonies of the Law have lost their intrinsic salutary power is totally unintelligible to the Jewish mind.

Chapter VI. *Election, Love, and Redemption*

In considering the various aspects of the relationship established between God and Israel, we have refrained, thus far, from examining the grounds and qualities of this relationship. Let us examine these matters. As we remarked before, the relationship between Israel and God is grounded on their mutual "election."

"Election," as understood here, is the antithesis of the corresponding pagan concept of "necessity." In pagan thought, religion is intimately connected with the concept of a preexistent and necessary order. Religion is the "necessary" effect of such an order: the relationship between man and the deities is grounded in, motivated and determined by, and aims at, the necessary order of the cosmos. Both the deities and man are circumscribed by the same order, which serves thereby as the ground of their relationship. Moreover, the motivation that moves man and the deities to establish a relationship is the necessary effect of this order. The terms and *modus operandi* of their relationship do not result from an agreement between the parties, or even from the desire of one of the parties, but, ultimately, from the preexistent and necessary order. Finally, in this order man and the deities find the ultimate goal of their existence.

"Election," on the other hand, is an absolutely free and undetermined act: it is an act of *ahavah*, love. Although love may be motivated and thereby conditioned to its motivation, God and man are capable of a genuine and totally unmotivated love. Consider, for instance, the following verse, where Isaac's love for Esau is contrasted with the love of Rebecca for Jacob: "And Isaac loved Esau, *because* he did eat of his venison. But Rebecca loved Jacob" (Gen. 26, 28). The Bible contrasts these two types of love by pointing to the cause of the first and refraining from doing the same with the second. Isaac's love for Esau was motivated and thus subject to limitations, whereas Rebecca's love for Jacob was unmotivated, and thus lasting and unconditioned.

God's election of Israel and Israel's election of God were not the effect nor were they conditioned by, an external factor or an internal motivation. Both the relationship itself and the *modus operandi* of the relationship resulted from the free and undetermined will of both parties. Since God's election of Israel is an act of *ahavah*,²⁷ his discrimination between Israel and the rest of mankind neither was the result, nor was predicated upon, the intrinsic qualities of the former.²⁸ Israel is "the smallest of all nations" (Deut. 7, 7), i.e., a nation devoid of any specific

merit or intrinsic quality, Israel's holiness is the result, not the ground, of her election. "For thou art a holy people unto the Lord thy God, for the Lord thy God had chosen thee to be His own treasure, out of all the people that are upon the face of the earth" (Deut. 7, 6). The descendents of Esau, Jacob's twin brother, had the same blood and were in the same conditions than the children of Jacob, and yet God "loved" Jacob and his children, and "hated" — in the Biblical sense of not loving — Esau and his children. "I have loved you, said the Lord. Yet ye say: 'How hast Thou loved us?' Is not Esau Jacob's brother? Said the Lord; yet I loved Jacob; but Esau I hated" (Malachi 1, 2-3). God loved the Patriarchs and then transferred this love to their children, electing them as His chosen people. "And because He loved thy fathers, (He) chose their seed after them" (Deut. 10, 15). His love is totally unmotivated: the ground of that love is love itself. "The Lord did not set His love upon you, nor choose you because you were in more number than any other people, because you were the smallest of all people, but because the Lord loved you" (Deut. 7, 7-8).²⁸

The Scriptures use two metaphors to represent God's love for Israel: the love of a father for his son and of a husband for his wife. God is the Father of the nation of Israel;²⁹ the nation of Israel is the first born of the Lord,³⁰ and every individual Israelite is His son.³¹ Israel is also the "wife of youth" of God, and God is the "Husband" of Israel.³²

These two metaphors complement each other and serve to convey two distinct qualities of God's love for Israel. The metaphor God-Father Israel-son conveys the propinquity and indissolubility of God's relation to Israel. Though Israel-son may be "unfaithful" and "corrupt," this cannot affect its propinquity to the Lord, just as the unfaithfulness and corruption of children do not alter the degree of kinship with their father.³³ The metaphor Israel-wife conveys the intimacy and the pathos of the relationship God-Israel; it is the passionate love sung in the epithalamia of the Song of Songs. One metaphor is not complete without the other. The propinquity of father to son, although indissoluble, is devoid of passion and intimacy; the metaphor Israel-wife conveys this pathos of the relationship. On the other

hand, a husband-wife relationship, although passionate, may be dissolved; the metaphor of God-Father conveys the indissolubility of the relationship.

The love of God for Israel is not only pure affection; it is essentially operative. It results in the exquisite care and minute providence that God administers for His people. Whereas the welfare of the rest of mankind is determined by the mechanism of the social, economic, and political laws, Israel's welfare is under the exclusive providence of the Lord. Nothing may happen to her without the particular providence of the Lord. Her economic, social, and political welfare is directly administered by God. As a loving husband, God provides Israel with all her material needs.³⁴ The wars of Israel are the wars of the Lord. Her enemies are His enemies. The inverse of this special love is the severity with which the Lord punishes Israel's sins. When Israel-wife sins, she is an "adulteress",³⁵ and God is "jealous".³⁶ As a frustrated husband, the Lord withdraws all the favors that He had bestowed upon His unfaithful wife.³⁷ God abandons Israel to the fate of the deterministic laws that govern the rest of mankind. He "covers His face" so as not to intervene in behalf of Israel, and she thus falls prey to her enemies: when God is not her midst, Israel is defeated.³⁸ When God abandons Israel, she feels "as a widow".³⁹ "As a widow", but not "a widow",⁴⁰ for she knows that Her lover will return to her, that the Lord will not forsake "the wife of His youth".⁴¹

Although God punishes any transgression of the pact, and administers the affairs of Israel on a *quid pro quo* basis, this does not affect the pact itself. As a matter of fact, the notion of "punishment" implies the indissolubility of the pact. God punishes Israel's transgressions of the pact *because* the pact is valid. "You only have I known of all the families of the earth; therefore I will visit upon you all your iniquities".⁴² "Known", as frequently in the Bible, implies intimacy. As we have remarked, God's relationship with Israel is indissoluble. According to the prophet's metaphor, God may have sent away His wife as a punishment, but no bill of divorce was issued to terminate the relationship itself.⁴³ The indissolubility of the pact is grounded on the concept of election as a pure and unmotivated

love. Since the election was not based upon the qualities of Israel, Israel's "sins" cannot result in the annulment of the pact. The election of Israel was unconditional and eternal. During the Babylonia exile, some Jews interpreted the expulsion from the Holy Land as a evidence that the *berit* was terminated by God, and therefore no longer binding on Israel: "If a husband divorces his wife, or a master sells his slave is there any remaining obligations between them?" they asked.⁴⁴ "Thus saith the Lord", answered the prophet, "Where is the bill of your mother's divorce-ment, wherewith I have put her away? Or which of My creditors is it to whom have I sold you? Behold, for your iniquities were ye sold, and for your transgressions was your mother put away".⁴⁵ God punishes Israel's transgressions of the pact, but He does not annul the pact. Ezekiel's vision of the resurrection of the "dry bones of Israel"⁴⁶ indicates that the *berit* cannot be terminated, that punishment for transgressions is not equal to the annulment of the pact, that at the end the Lord will restore life to the dry bones of Israel and again place the Jewish people in the Holy Land. It is pertinent to point out that in the Jewish mind these "dry bones" represent the worst elements of the nation. Jews who had never fulfilled any of the commandments of the pact, who had defiled the Temple, and who had rejected the very notion of resurrection:⁴⁷ the redemption of Israel is unconditional, the *berit* is eternal.⁴⁸

The eternity of the pact and the eventual redemption of the Jewish people is grounded on the concept of a God-father, Israel-son relationship. The effect of such a concept will be evident when we consider that God is the *Go'el* of the Jewish people. *Go'el*, in Biblical literature, is a technical term used solely to designate the closest relative upon whom falls the duty to assist his kin when in distress. This duty is not conditioned by the merits of the relative in distress, but it rests exclusively on the fact that the person in distress is a relative. The assistance thus rendered is designated by the technical term *ge'ulah*, redemption. God, as the Father of Israel, is Israel's closest kin and thereby the "*Go'el* of Israel." The redemption of Israel is thus designated by the technical term *ge'ulah*, i.e., the duty that befalls the closest relative to assist his kin in distress.

The Bible's concept of the Messiah, in its eschatological sense, is a corollary of the concept of the eternity of the pact and God's role as the *Go'el* of Israel. Because God's propinquity with Israel is indissoluble, He will always be her *Go'el* and thus send the Messiah to discharge this duty. There is, accordingly, a special absurdity in the Christian doctrine of a Messiah as an agent to establish a new *berit*. On the one hand, "Messiah" as a "Savior" (i.e. agent of God-*Go'el*) tacitly assumes that the original *berit* is eternal and unconditional. On the other hand, to establish a "new" *berit* (in the Christian sense) it presupposes that the original *berit* is not eternal, in which case God will no longer be the *Go'el* of Israel nor the Messiah, God's agent.

This inner contradiction would have been averted if Christianity had claimed, as Islam does, that the old religion was annulled, and God was establishing a new religion, not through a *Messiah*, but through a special apostle who happened to be superior to all his predecessors. It is the radical contradiction of the concept "Messiah—New *berit*" that makes the Messianic doctrine of Christianity totally unintelligible to the Jewish mind.

NOTES

1. Cf. Dennis Y. McCarthy, *S. Y., Treaty and Covenant*, Rome, 1963.
2. Cf. Jeremiah 10; 7-8; *T. B. Ta'anit* 5, a; *Menachot* 110, a; *M. T. Avoda Zarah* 1. 1 (in fine); *Ma'ase Ha-Karbanot* 3, 2-3.
3. This covenant was the ground for the commandments. However for Maimonides the Noahide commandments are imperative, because of the Sinaitic covenant, see *M. T. Melakim* 8. 11 and my article, "La Doctrina de La Ley Natural en el Pensamiento Judío del Medievo," *Sefarad*, XXVII (1967), p. 258 ff.
4. I am using this term in its etymological sense (from the Latin *radicalis*, "root", "foundation"—Hebrew "*Ikhar*").
5. Cf. "La Doctrina de la Ley Natural", p. 265-8.
6. Leo Strauss, *Natural Right and History*, Chicago, 1952. Ch. I.
7. Cf. H. A. Wolfson, *Philo*, Cambridge (Mass.), 1948, v. I, p. 425-38.
8. Genesis 4:9.
9. I Kings 11:1-10; cf. I Kings 3, 13; 5, 9-14.
10. Samuel 12:1-10. The Rabbinic authorities do not contest this fact, see Ha-Rab Yosef Hazan, *Ma'ase Leb*, v. II, Saloniha 5582, fol. 223 a and ff.
11. Numbers 20:12. Cf. *T. B. Brakhin* 17a; *Nedarim* 32a.
12. Cf. *supra*, note 5.

TRADITION: *A Journal of Orthodox Thought*

13. E.g. incest. The Noahide law only prohibits incest with the mother, the father's wife, and the uterine sister, see *T. B. Sanhedrin* 58 a-b, *M. T. Melakhim* 9:5. However the Noahide law does not prohibit incest between father and daughter (Genesis 19:33-36), and between brother and non-uterine sister (Genesis 20:12).

14. E.g. *Ever min ha-chai*.

15. Vide *P. T. Mo'ed Katan* 111, 5 fol. 82c; *Tosafot Mo'ed Katan* 20 a, s.v. *machag*. For a full discussion of the subject Ha-Rab Aharon Ha-Levi, *Matte 'Aharon*, v. 1, Salonika 5579, fol. 26, a-30c and Maimonides Commentary to *Mishnah Chulin* 7:6.

16. Vide *M. T. Yesode Ha-Torah* 9. 2. cf. *Kesef Mishneh*, *ad loc.*

17. See Deuteronomy 29:13-14.

18. Deuteronomy 28:69.

19. Cf. Deuteronomy 13:1; 29, 28; *T. B. Megilla* 2b; *M. T. Yesode Ha-Torah* 9, 1-2; 8, 2-3; Maimonides Commentary on the *Mishna Sanhedrin*, Ch. 10, *Yesodi* 9, and in his Introduction; Ha-Rab Yosef Albo, *Sefer Ha-Iggarim*, I, 18; Ha-Rab David Nieto, *Matte Dan*, IV, 300.

20. *M. T. Yesode Ha-Tora* 8, 1.

21. *T. B. Abodah Zarah* 3b; *YeVarnot* 29b; *M. T. Issure Bi'a* 13:5.

22. *Tosefta Sanhedrin* XIII, 2; *T. B. Sanhedrin* 105a.

23. *Guide for the Perplexed*, II, 40; cf. *Philo*, II, p. 372.

24. I am not employing this term in its usual sense; the worship of one out of many gods, but rather in the sense of only worshiping according to the prescribed cult.

25. Cf. Amos 5, 21-26; Jeremiah 7, 22 ff.; Psalms 40, 7-8; 50.

26. Cf. *Kuzari* 1, 97.

27. The relationship between *ahavah* and election is made explicit in the second benediction of the *Shema* of the Moving. Throughout the entire Hebrew literature God professes love for Israel alone, the only exception seems to be in the Wisdom of Solomon 11, 23. Cf. Georges Vajda, *L'Amour de Dieu dans la Theologie Juive du Moyen Age*, Paris, 1957, pp. 19-67.

28. Cf. Ezekiel 16; cf. Amos 9:7.

29. Isaiah 63:16; 64, 7; Jeremiah 31:9; 1 Chronicles 29:10.

30. Deuteronomy 9:7; cf. 1:31; 8:5.

31. Exodus 4:22.

32. Vide Isaiah 50:1; 54:6; Jeremiah 2:2; Ezekiel 16.

33. *T. B. Kiddushin* 36a.

34. Hosea 2:10 ff.; Ezekiel 16:13.

35. Hosea 2:4 ff.; Jeremiah 3:1-3; Ezekiel 16:25 ff.

37. Hosea 2:11-15.

38. Numbers 14; 42; cf. Judges 5:23.

39. The 1:1; cf. Isaiah 54:3.

40. Cf. *Rashi on Threni* 1:1.

41. Isaiah 54:6-7.

42. Amos 3:2.

43. Isaiah 50:1.

Understanding the Covenant

44. *T. B. Sanhedrin* 105a.
45. Isaiah 50:1.
46. Ezekiel 37:4.
47. *T. B. Sanhedrin* 92b.
48. *Vide Ha-Rab Yehuda Rotanes, Parashat Derakhim* (Warsaw edition), fol. 102b.