

Open-Source Covenant

RABBI JONATHAN CRANE, PHD

IT IS NOT EASY TO THINK about a relationship with God. Some people skirt this issue by denying God's existence altogether. For them, it is a closed topic: there cannot be any such relationship because the other party is not there. Humankind exists only alongside the other sentient and living entities on earth; there is nothing beyond. Our relations, the deniers claim, are here with the living and not with the supposedly living.

It is plausible to be Jewish and retain a denier's position: no God, no relationship. This position is not the norm, however, in either Jewish history or the Judaic textual tradition. Rather, ever since the earliest days of Jewish existence, Jews have struggled with the idea of a relationship with God, and Jewish texts overflow with testaments to this ongoing struggle. The Hebrew term for this relationship is *b'rit*. Translating *b'rit* as a contract as do some scholars only confuses things, for the relationship between God and humankind—if there is one—cannot be a contract as we understand contracts today. It cannot be a relationship between relatively equal parties, with starting and ending dates, punishments for breaches, rewards for compliance, and causes for termination. Moreover, a contract becomes a contract precisely at that moment when both parties voluntarily agree to its details. A *b'rit* is something

Rabbi Jonathan Crane, PhD, a former Wexner Graduate Fellow at Hebrew Union College–Jewish Institute of Religion, is a visiting instructor at the University of Toronto. His scholarship focuses on contemporary Jewish thought, law, and ethics.

THE GODS OF THE TEXT

radically different than a contract if for no other reason than the parties thereto are not relatively equal to each other. Also, consent is not always a necessary condition for *brit*. For this reason, it is better to translate *b'rit* as covenant.

So what is covenant? Who declares a covenant into existence? How are the relationship's duties determined? What freedom does a covenant extend to its participants? Such inquiries into authority, reason, and autonomy have long fascinated Jews, and I am no exception. My own theology, maturing as it is, emerges from encountering the diverse and ongoing deliberations about what *b'rit* means. The following offers a brief survey of some of the more famous notions of covenant mentioned in the Jewish textual canon. I conclude with some thoughts about these sources.

Of the many covenants mentioned in the *Tanakh*, four stand out as particularly interesting. The first covenant is that between God and Noah (Genesis 6:18–20; 9:8–17) in which God promises not to destroy life again and for which the rainbow serves as a perennial reminder of this promise. Two things are noteworthy in this *b'rit*. First, God voluntarily relinquishes the right to act arbitrarily, a right God apparently exercised prior to declaring this relationship a covenant. And second, God's promise to remember to respect the living reflects an assumption that upholding promises itself is a necessary component for an intelligible and just universe.

The second, and most famous biblical covenant, is the one announced at Mount Sinai (Exodus 19–24). Here God, through Moses, makes an offer to the People Israel:

“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.” (Exodus 19:5–6)

While God makes this offer via Moses and not to the people directly, the people are just far enough away to witness that God speaks to Moses

Open-Source Covenant

but too distant to decipher what precisely God says. The people respond to God's offer individually but univocally, "All that God has spoken we will do" (Exodus 19:8). God later enumerates the content of the covenant, known as the *Aseret HaDibrot* (the Ten Words) (Exodus 20), which Moses declares as "all" that God speaks (Exodus 24:4).

What does this "all" mean? The notion of "all" or completeness is intelligible only in a conceptual universe in which lack and excess are possible. The idea that "all" has been communicated assumes that it is possible to communicate less than the full amount. Conversely, "all" also assumes that there is more that enables assessing whether everything has indeed been included in the "all." What, then, does Moses mean when he says God has spoken "all" the entailments of the *b'rit*? If it means that the totality of the covenant's stipulations is expressed here, it radically undermines the authority of later Judaic normative texts such as Halakhah. If, on the other hand, "all" here allows for later normative texts to have authoritative claim upon Jews, then Moses begs the question: what does "all" mean if it does not mean "all"? This tension is critical to the contemporary debate about whether moral guidance exists beyond Halakhah and if it should guide Jewish behavior. Either way, the ancient audience, made up of individuals acting in concert, accedes to God's offer, a gesture of acceptance not found in the Noahide covenant.

The third covenantal moment comprises two expressions when Moses recapitulates the covenant at Horeb and then at Moab. The Horeb covenant is famous for its insistence that God establishes a covenant "with us, the living, every one of us who is here today" (Deuteronomy 5:3), and its content is the slightly adjusted *Aseret HaDibrot*. The Moab covenant, by contrast, includes a lengthy enumeration of laws and rules (Deuteronomy 6–29). Only at their end does Moses gather together the people and declare that this is a covenant with God, though this one needs and complements the one articulated at Horeb. In this way the covenants expressed at Horeb and Moab displace God as the sole authority who declares covenants into existence, enumerates their content, and gathers the intended parties to it.

THE GODS OF THE TEXT

The prophet Jeremiah offers a dramatically different notion of covenant when he speaks of a new covenant (*b'rit chadashah*). For him, a new covenant would be forged in the seat of human intellection and would not require words or commands (Jeremiah 31:33–34). People endowed with such divine wisdom would then either intuit or know outright what the covenant demands of them. Put differently, when humans think, their thoughts would be Torah, the will of God.

The Rabbis of old take inspiration from these diverse biblical covenantal ideas and construct their own theories. Some talmudic sages, for example, imagine God holding Mount Sinai over the heads of the Israelites and saying to them: “If you accept the Torah, well and good. But if you do not, there will be your grave” (BT *Shabbat* 88a). Some scholars find this vision of divine coercion repugnant, for it belittles the theological audience. On the other hand, the talmudic sages go on to interpret this vision to mean that the Israelites have the existential freedom to reject the covenant; they have the legal right to annul it; and they have the historical wherewithal to grant or withhold from it retroactive authority. An early midrash, by contrast, depicts God as a king who asks the people to accept his rule and they retort, “What good have you given us?” In response, the king performs the needful for the people, after which they accede to his request to reign over them (*M'khilta D'rabbi Yishmael, Yitro* 5). Other midrashim portray God as a peddler offering Torah to the nations of the world. These texts claim that revelation itself was promulgated in all the languages of the world so that every community could receive it, if they would. Fortunately or not, all the nations rejected Torah except Israel (e.g., *Exodus Rabbah* 5:9; *Yalkut Shimoni*, Job 921; *Sifrei Deuteronomy* 343). These and other rabbinic covenantal theories further turn attention away from God and toward the covenantal audience. The people's relative ability, freedom, and will to accept the covenant's content apparently concern the Rabbis more than the absolute authority of God. For if people have no choice whatsoever to relate with God, what would be the theological foundation for the relationship?

Medieval, early modern, and modern Jewish scholars continue wrestling with such issues as authority, reason, and autonomy. Judah

Open-Source Covenant

Loew ben Bezalel (Maharal) interprets the image of the overhanging mountain to mean that “Torah was voluntary on the part of Israel but necessary on God’s part” (*Tiferet Yisrael* 32). The existential threat was necessary so that one cannot think that Israel’s acceptance of Torah was based solely on human will, for if it was accepted by human will alone, then Torah’s existence would be contingent. Baruch Spinoza, by contrast, describes the relationship between God and Israel as a contract (*pactio or contractum*) in which human reason abrogates to itself the authority to establish the human-divine relationship and catalog its duties. Not only is human reason the authority that declares the covenantal relationship into existence for Hermann Cohen, human reason also generates the moral ideals that serve as this relationship’s content. Cohen’s student, Franz Rosenzweig, however, understands the covenant to be nothing more than revelation revealing itself. Because God is no mere law giver, the covenant entails no laws, but if it has any commands, it would be the singular “Love me!” Rosenzweig argues that the covenant survives in and through human speech, for when we speak to each other we reveal the always present singular command. Martin Buber’s covenantal theory defines it as a kind of self-constriction in which the participants limit themselves vis-à-vis each other and adjust the relationship’s requirements to meet every historical moment’s demands. Emmanuel Levinas takes Buber’s relationalism further by saying that the sociality of humankind itself generates the covenantal relationship. For it is through bumping into each other that we experience the revelation that mutual yet asymmetric responsibility individuates and sanctifies us.

These theories do more than extricate God as the sole authority and primary focus of the covenantal relationship. They relocate religion, revelation, and covenant itself, not in sacrality but in sociality. They depict the moral content of this relationship as either ineluctably internalized or an unavoidable imperative. Whereas covenant in earlier theories was granted to the community, more recent theories see the individual as the rightful participant in the covenantal relationship.

This brief survey of covenantal theories demonstrates that consensus never existed in Jewish history about covenant. This fact suggests

THE GODS OF THE TEXT

that the idea of a covenantal relationship with God is not a closed topic or text. Put differently, covenant remains an open source in the Judaic textual tradition. This can be understood in different ways.

The textual tradition resists offering a monolithic conceptualization of covenant. The sources' myriad and divergent theories open dramatically different doorways for us to appreciate the idea of a special relationship between Jews, individually and/or collectively, and God. These different doorways nevertheless share the assumption that there is a special relationship. Beyond this, however, each entry opens onto a unique way of conceptualizing how authority, reason, and autonomy (should) play out in Jewish lives. The diversity of possibilities precludes any argument that there is only one (right) way to understand covenant and only one method to fulfill covenantal duties. Covenant, Jewishly understood, is broad and open enough to countenance a wide array of interpretations and practices.

That classic sources do not close the book on covenant and declare the topic decided once and for all suggests that the conversation remains open. Indeed, it is open-armed and open-ended. Especially as access to Jewish texts is increasingly democratized through diverse education programs and more sophisticated electronic transmission, it is as if the textual tradition extends open arms to us to engage with it and study its depth and breadth. This invitation is not to merely gaze upon the wisdom found within its vast library. Rather, this invitation is a request—no, a requirement—for us to contribute to the centuries-old and ongoing deliberation about all things concerning Jews and Judaism. This includes the debate over the notion of covenant. Similar to open-source software, theories of covenant will only be as vital and as relevant as contemporary Jews make them. It is incumbent upon us to critique, tweak, and improve the wonderful theories bequeathed to us. Our tradition all but commands us to add our covenantal thoughts to the fray. For without our contributions, such theories risk losing their compelling qualities and our practice of them.

Though I consider covenant to be an open source, I do not conceive it to be relegated to debate in just any public domain. Covenant remains

Open-Source Covenant

a central component of Judaism, and it is Jews who long have developed, and should continue to shape, its conceptual and practical dimensions. Even though Jews should take the lead in this conversation, no need exists to hide this debate altogether from the broader world. As history attests, secrecy about Jews' special relationship with God can lead to bloody misunderstandings. So as to prevent such misunderstandings, current covenantal theorists may find it beneficial to take the broader world into consideration when they formulate and communicate their ideas. Indeed, that many traditional theories of covenant speak explicitly of gentiles may offer inspiration toward this effort. Here again, covenantal theorizing appears like open-source software insofar as it endeavors not to discriminate against persons or groups.

Comparing covenantal deliberation and open-source (software) development is not meant to insult either *b'rit* or the contributors. Rather, this comparison suggests that the democratization of access to Judaic texts and practices can only benefit our collective and individual theological reflections and convictions. The more who engage the textual tradition and the more who contribute to its open-armed and open-ended debates only promise to enhance the nuance and relevance of contemporary Jewish theology. This invitation extends even to those who may doubt God's existence and the meaningfulness of a human-divine relationship. It may well be that through engaging sincerely with the inviting and diverse textual tradition, deniers may come to realize that the tradition is more complex than they thought and that there is plenty of room within its corridors even and especially for those who, like me, are still figuring out which of the many open doorways to take.