# "Voluntary Covenant"

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# VOLUNTARY COVENANT*

## REDEMPTION, HUMAN FREEDOM AND THE COVENANT

The central teaching of Judaism is redemption. *Yahadut* teaches that the world and the life which emerges within it are grounded in the infinite source of life and energy which we call God. As the continuum of life unfolds, the emerging life becomes more and more God-like—more and more valuable, more and more responsive to others, more and more free. Animals have soul qualities, but humans reach the level of being an image of God[1]—the highest level of holiness except for the Divine itself.

The intrinsic nature of God is beneficent, giving and pulsing with life. Therefore, the life which is growing in the ground of the Divine will continue to grow until all of its possibilities will be fully realized and perfected.[2]

However, the present condition of the world does not appropriately support the fullness of the image of God. There is poverty, sickness, oppression, and degradation. Death itself is the ultimate denial of life and its dignity. But reality is not neutral; it is rooted in a loving transcendent God who cares. Therefore, it cannot remain indefinitely oppressive and valueless. Some day all this will be corrected—the world will become the paradise it was meant to be. Even death will be overcome so that life/holiness will be fully upheld. In this messianic time, death will be defeated not only prospectively, but retrospectively through resurrection. Only then will the divine nature underlying reality be truly manifest.

Judaism makes an even more remarkable statement. God respects human freedom. Although God yearns for this messianic consummation and promises that it will be, God will not force humans to be perfect. By a process of voluntary self-limitation (covenant), God allows humans to participate in the process of creating a perfect world. Underlying this process is the concept, the reality, of covenant. God's first covenant is with humanity as a whole. Never again will God bring total destruction on the world even if it is evil. Total destruction is so intimidating that it is incompatible with human freedom and dignity. The divine acceptance of humanity's flawed quality allows humans the margin to go on even if evil wins out temporarily. Yet the Devine remains committed to, and yearning for, the attainment of the final perfection. Therefore, God does not surrender the capacity to punish or reward. God only yields the right to force and overwhelm the human.

From the divine perspective, the great danger in the grant of freedom is that humans may exercise their freedom by settling for a reality which is less than the final perfection. Given the limits of reality, the power of inertia, the force which all oppressors maintain, there is a real danger that some status quo, far short of the final perfection, will triumph. God is caught between the freedom given to humans and the ultimate dignity which God wishes to be the possession of all humans. Yet forcing the final freedom is not the way to have people become free.[3*]

This logic leads God to a second covenant with Abraham and the Jewish people. The Jewish covenant makes possible reconciliation of the conflict between the divine respect for human dignity and respect for human freedom. God first singles out Abraham; later the entire Jewish people accepts this covenant. They promise that they will testify, model a way and teach the world the goal of final perfection. The Jews will not settle for less; they will not fully join humanity until the redemption comes. Instead they will challenge; they will testify "not yet"; they will debunk all absolutes because there are none but God. The divine promise is that this is not a totally quixotic mission—redemption will come to be. The divine promise is that God will be Israel's God throughout the way; that as long as this people carries on this purpose and keeps its divine connection, it will remain alive to carry it out. Knowing that the Jews will permanently represent that party of final redemption, the Divine is willing to release all of humanity to exercise its freedom. Thus, the Jewish covenant is a blessing for all the families of the earth and is part of a covenant with all humanity: "...if you will obey Me faithfully and keep My covenant then you will be My treasured possession of all the nations. Indeed all the earth is Mine but you will be a kingdom of priests [i.e., ministering to all nations, connecting them to the Divine] and a holy nation to Me."[4]

Respect for human freedom means that Israel too must make concessions to reality. The Way of Judaism upholds the principles of the ultimate human condition—to the extent that it is possible now. Jews are commanded to treat others with as much justice and kindness as present parameters allow—and a bit more. Thus the *halakhah,* although it is the way to perfection, makes many compromises along the way—from eating meat at the ritual pole to slavery, war and the status of women at the ethical pole.[5] These concessions are part of the process of redemption. They will be overcome ultimately but, on the way, they are affirmed. Any covenant that respects freedom must allow for process.

*This text may be read without referring to the footnotes which are in the back. However, footnote numbers marked with an * indicate that there is some discussion in the footnote of the issues raised by the text.

Because redemption will not be achieved in one generation, the Torah is not only a covenant between God and Israel, but also a covenant between generations. It is offered to those "present here standing with us today before the Loving God, our Lord and also to the one who is not here with us today."[6] By taking up its task, each generation joins the past and carries on, until the day that the hopes of all will be fulfilled. If one generation rejects the covenant or fails to pass it on to the next generation, then the effort of all the preceding and future generations is lost as well. Each generation knows that it is not operating in a vacuum; what precedes it makes its work possible, just as its successors will make or break its own mission. Thus, the covenant is binding not just because it is juridical—that is, commanded—but because others continually accept its goal and become bound to its process.

However, there is a catch again—a divine Catch-22 as it were. If Israel's freedom is respected, then there is a danger that Jewry will sell out along the way. The Jews are only human; they were not chosen because of superior, innate goodness any more than they were because of any numerical greatness.[7] Therefore, who shall be witness to the witnesses? What guarantee is there that Israel will not yield to moral fatigue along this endless way?

Preventive mechanisms operate on both sides of the covenant. On the divine side, God is more 'active' with Israel, holding the people to the standard by a visible process of reward and punishment designed to teach the people to uphold the covenant. This is the theme not only of the Pentateuch (viz., rain and long life are rewards for obedience) but also of the historical books of the Bible.[8*] On the human side, since Israel may waver, some element of coercion or enforced loyalty is necessary to take up the moments of moral slackness. The covenant is sealed into Jewish physical existence, and thus is experienced in part as 'involuntary.'

The great symbol of the involuntary covenant is circumcision: once the covenant is carried in the flesh, it is hard for the Jew to assimilate, i.e., to 'pass' as an uncovenanted one. The Jews journeying to redemption may be compared to Ulysses about to pass the Sirens. Knowing that the Sirens' music is beautiful and indeed irresistible, wanting to hear it yet knowing that to draw near the sound is to inexorably smash the ship and scuttle the voyage, Ulysses has himself lashed to the mast. No matter how seductive the music, how overwhelming the urge to go to the Sirens and live (or die!) with them, he cannot do so because he is bound without escape. Circumcision is the physical mark that prevents Israel's escape into the mass of humanity. Even when the spirit is weak, the flesh forces some willing or unwilling testimony. Imposed at an age when the child cannot accept or reject, circumcision is a powerful symbolic statement that all Jews[9*] are bound by birth and stand for the covenant whether or not they are in the mood to witness, or are spiritually heroic enough to actually practice the higher level of behavior which faithfulness demands.

This is far from a perfect solution to the problem. Circumcision is not an absolute barrier, and with enough effort Israel may succeed in overcoming this obstacle to assimilation. In addition, if the covenant is only a burden then it will become hateful. And Jewish behavior may become so deviant from the covenant as to outweigh and contradict the verbal or symbolic testimony. Instead of bearing witness, Jews could disgrace and degrade the divine name and make the covenant testimony non-credible. Nevertheless, since the covenant is carried in the flesh, and the existence of the people is, in itself, a statement of divine presence and concern, then every Jew—even one who sins or whose behavior is not up to par—carries the message.

Other dynamic aspects of the covenant model are central to Jewish history and religion. From this concept also stems the Jewish vision of God as pedagogue—teaching Torah to Israel and the world. If goodness cannot be imposed by power, then humankind must be educated toward perfection. Teaching becomes the special role and concern of God. Indeed the special covenant with Abraham and the revelation at Sinai are part of the process of teaching humanity. For teaching purposes, God is the ultimate model. The imitation of God becomes the basis of ethics.[10]

The Jewish tradition also asserts that the covenant binds God. The Divine is not merely the source of the Torah but is also bound by the covenant's terms. From this principle stems the Jewish tradition of arguing, indeed going to trial, with God. The task of the religious person is not only to obey God, but to represent the human claims in the covenant. A teacher and/or a parent, however warm or responsive cannot truly enable the child/student to grow unless he/she is prepared to be available in some committed way as a reliable and consistent model. Thus divine acceptance of human freedom becomes irrevocable—unless the covenant itself is revoked. Since humans are limited, the final perfection will come slowly, and only through partnership of humans and God. Of course, once God is bound then God too becomes dependent on the partner, Israel, for the final achievement of the goal. As this implication emerged in history, it was initially resisted both by Prophets and Rabbis who feared that God's ultimate power would be undermined by such a view.

The Divine is saddled with an erratic covenantal partner. God must ask repeatedly—every time the Jews

fail—is the game worth the candle? Is this partner too frail a reed to lean on? Is Israel too weak or incorrigible to carry this burden through history? The logic of respect for freedom is to accept the Jews' limitations, but the urge to change partners is strong. The temptation to shift is expressed in Exodus 32:40 when God struggles with the idea of wiping out Israel and starting again with Moses. Before the initial covenant, the Divine exercised this tactic by wiping out humanity with the Flood and starting again with Noah. In the Biblical stage of the covenant, after every catastrophe, Jews asked themselves whether the Divine had lost patience. Was God upholding the covenant by punishing Israel or was God rejecting Israel as the covenantal partner?

The dynamics of these interacting aspects of the covenantal model account for the pattern of the unfolding of much of Jewish religious history and development. My contention is that the concept of covenant has been transformed as it has unfolded under crisis, that we are living in such a moment of crisis and transformation now, and that there are possible models of past response that we can apply to the present.[11]

## THE COVENANT IN HISTORY

### The First Destruction and Exile

Since Judaism affirms that the final perfection will take place *in history*, Jewish triumph and Jewish liberation tend to raise the credibility and persuasiveness of the redemptive hope and the covenant itself. Indeed the core event of the covenant and of Jewish religious history is the Exodus, the paradigm of God's redemptive action. Yet great tragedies or defeats shake the confidence in the coming of the final redemption. The pervasiveness of imperfection and evil overwhelm the frail evidence of redemption (the memory of Exodus). When the First Temple was destroyed, the very sanctuary of God had been violated, a seemingly impossible feat as long as the divine Presence was there. But because the prophets perceived that the Israel's sinfulness justified the Destruction, the catastrophe proved not that God abandoned them—or that other gods triumphed over God—but that God was punishing the Jews for their failure to live up to the covenant. The punishment was educational, a way of conditioning the Jews that obedience to the covenant benefits them. And, like circumcision, punishment 'forces' Israel to live up to the covenant.[12*]

However, a deeper crisis grew out of the intensity of the Destruction. Possession of the Land was the symbol and guarantor of the validity of the covenant—yet the Jews were forced from the Holy Land. Then the covenant itself might have been forfeit! If the evil of the Israelites had so angered God, might not God have totally rejected the Israelites? In a sense, the Destruction was a test of what the covenant idea itself implied. Was it a utilitarian or functional covenant in which the divine partner had now decided to cut losses or was it fundamental to God's being, a plan that could not be forfeit? The classic expression of this issue is found in Hosea and the story of Gomer, the unfaithful wife. In Hosea's experience, the divine instruction to claim back the heart-breaking, adulterous wife overrides the *halakhic* rule to divorce her. Similarly, after the rage, the hurt, the jealousy, the wrestling with rejection, comes God's anguished affirmation: "How shall I give you up, Ephraim? How can I surrender you, Israel?"[13*] The prophets come to see that the divine love was so total as to override laws and logic—and any notion of divine limited liability in the covenant.

Ezekiel (37:11) gives a similar report. Jews were saying: "Our bones are dried up, and our hope is lost; we are cut off." The implication that the Jews are dead grows out of the fear of forfeiting the covenantal promise of eternal existance for this people. The prophetic answer that God will not abandon the covenant no matter how many times the Jews break it was decisive on this score. "Yet for all that, when they are in the lands of their enemies, I do not reject them, nor do I abhor them to finish them off and thus to break my covenant with them, for I am the Loving God, their Lord." These consoling words at the conclusion of the curses (Leviticus 26:44) became so normative that the concept of a divine rejection of the covenant was ruled out in later Jewish writings. The punishment-for-sins theory became dominant in prophetic literature, the only trace of an alternative theory of destruction being Isaiah's theme of Israel as a suffering servant, i.e., suffering for the sins of others.

### The Second Destruction and the Unfolding of the Covenant

The crisis of the Destruction of the Second Temple was even greater. The wound was so deep that it could not be healed without a transformation of the relationship within the covenant.[14] Christian Jews concluded the covenant was broken. Jesus' life therefore ushered in a New Covenant and his followers left the Jewish community. The Sadducees and others insisted that the covenant was unchanged and the Temple had to be rebuilt so that the traditional covenantal channels of worship, grace and forgiveness could be reopened. They failed to accomplish this recovery and disappeared. The Rabbis, however, concluded that fundamentally the covenant was a pedagogical model. God, as master pedagogue, had raised Israel to a new point: in the Destruction was a call to Jews to a new level of covenantal relationship. God had 'constricted' or imposed self-limitations to allow the Jews.

to take on true partnership in the covenant.[15]* While the word *shutafut,* partnership, appears nowhere in the Bible, it is a motif word in Rabbinic literature.

Many other conclusions follow. The Second Destruction means the end of prophecy; direct revelation is inappropriate in a world where God is *not* manifest. Yet even as the Divine Presence becomes more hidden, it becomes more present; the widening of ritual contact with the Divine goes hand in hand with the increased hiding. The synagogues which are more 'secular' than the 'sacramental' Temple are located everywhere. They take over the central role in Jewish cult that was formerly invested in only one location, the Holy Temple in Jerusalem where there was a uniquely *manifest* Divine Presence. The Rabbinic emphasis on *Talmud Torah* and on Jewish learning bespeaks the internalization of religious awareness and understanding which is needed to perceive the hidden Divine Presence. This level of perception is appropriate and necessary for a more mature partner in the covenant. An enormous expansion of *halakhic* models in living follows, an expansion described by scholars as the application of Temple holiness standards to daily, more secular, settings. Blessings and ritual purifications articulate the presence of the hidden Divine everywhere and sensitize the practitioner to 'see' that presence. In the same way, the Rabbis stress that when one performs acts of kindness, the Shechinah is present. The Divine Presence is there when one visits the sick, or makes love, or when one is modest, or when one honors the aged.[16] Other actions: arrogance[17], sexual immorality,[18] or perversion of justice obscure or remove the Divine Presence.[19]

The interpretation of the Destruction as a call to greater responsibility in the covenant underscores the role of God as teacher, what Maimonides later described as the pedagogical model in the tradition. *Talmud Torah,* i.e., study, becomes the central religious act: *"Talmud Torah* equals all the others *(mitzvot)."*[20] The holiday of the giving of the Torah, observed in the Pentateuch, is articulated in the *Torah She B'al Peh* (oral law). The Rabbis' liturgy for Shavuot constitutes a symbolic renewal of the covenant at Sinai. Learning becomes equivalent to the Biblical ritual acts; for example, the study and recitation of sacrifices is equal (in efficacy) to the act of bringing the sacrifices.[21] God is portrayed repeatedly as learning and teaching Torah: "In the first three hours [of the day] the Holy One Blessed be He sits and studies Torah...what does God do in the fourth quarter of the day? Sits and teaches Torah in the house of the Rabbis."[22] Learning becomes a form of imitating God.[23]

Without using the formal term of Revelation, a term not really in their vocabulary, the Rabbis interpret the Destruction as revealing both the new role of God and the new responsibilities of Israel in the covenant. But the shift from manifest intervention to hidden Presence brings out further implications of the covenant model about which the Rabbis feel ambivalent. Punishment and reward are somewhat mechanical forms of pedagogy. In a sense, they also operate as external reinforcement, much as external Revelation operates. This was less problematic in an age when sparing the rod was considered pedagogy, but still, the best pedagogy would seem to be one that elicits internal response by the pupil—a system in which the teacher serves as model rather than enforcer.[24]* Explaining the Destruction as divine punishment for sins is not as adequate an explanation as before. This remains the dominant explanation, in part because it is also an important defense against the claim that the Destruction is a rejection of Israel as covenant partner. However, there is a significant expansion of an alternate interpretation. The Divine Presence does not so much punish Israel in the Destruction as it suffers alongside Israel.[25]* The Divine does not so much punish Israel with Exile as it goes into Exile with Israel: 'Where [Israel] went into exile, the Shechinah went with them...to Egypt...to Babylon..."[26]

Finally, if the Shechinah is hidden, then awareness of the Presence will be more dependent on Jewish actions. The Rabbis were both attracted and concerned by this implication: "You are my witnesses, says the Loving God, and I am Lord" (Isaiah 43:12). The Rabbis comment on this verse: "When you are my witnesses, I am Lord; when you are not my witnesses, I am not, as it were, Lord."[27] "When Israelites do God's will, they add strength to the Mighty on High...when the Israelites do not do God's will, they weaken, as it were, the great strength of the One who lifts them up..."[28]

**New Roles in the Covenant**

Out of the Rabbinic understanding of the Destruction of the Temple came a fundamental transformation of roles in the covenant. The promise and goal remained the same—redemption. The partners remained the same—God and Israel. The Divine Presence became at once more shielded and more present; the Jews' role became more active. God's will was no longer revealed through prophets, ongoing messengers carrying divine instructions, but rather through the judgements of the Rabbis. These judgements grew out of the past record of instruction (i.e., the Scriptures and salient precedents)[29] which Rabbinic wisdom then applied to the present situation.[30]* Since individual judgements differed, decisions were reached by majority rulings. Such decisions were considered authoritative, and equivalent to a word from God. Hence, formulation of the blessing concerning God, "Who sanctified us in His commandments and commanded us

to..." is recited even over Rabbinic injuctions. True, the Rabbis offered a Biblical justification for such an application of the blessing: God "commanded us" by instructing us to listen "to the judge [Rabbi] who will be in those days" (Deuteronomy 13:9-11).[31] While this can be understood mechanically, at a deeper level the Rabbis were asserting the authority of the covenantal way. The generations that follow must have the authority to apply and adapt the covenant in their days or we will not reach the final goal. If one accepts the goal, then every future judge's ruling has the authority of the One whose commandments initiated the way.

Still, the Rabbis were modest in their ideology. They saw themselves as inferior in authority, not empowered to judge the Torah or revise it according to their lights. Their authority is rather as the continuers of the way. Nonetheless, they did not shrink from the responsibility to bring the Torah and the Jewish people through the next stage on the way to Redemption. Thus, they interpreted the law of the rebellious son[32] as theoretical, not actual.[33] They restricted the process of capital punishment so narrowly that two Rabbis said that with one more twist they could prevent any capital punishment from ever being applied.[34] They permitted a woman to testify to her own husband's death lest she otherwise be "anchored," unable to ever marry again. They improved the terms of divorce and the financial protection for women in marriage beyond those in the Torah.[35] In truth, they even suspended the laws of the Torah, although they did not believe that they had the authority to repeal them. After the Second Destruction, the ordeal of the *sotah,* the wife suspected of unfaithfulness, was set aside by Rabbi Yohanan ben Zakkai on the grounds that there were so many cheaters that the ordeal was no longer effective. I suggest that this is a halakhic consequence of the loss of the *manifest* divine force. The sacramental efficacy of divine power evident in the Temple (i.e., the swelling of the faithless woman's belly) was no longer available.[36*]

The mixture of authority and modesty of the Rabbis is also consistent with the unfolding of the covenant model. For the Rabbis, Scriptural commandments had primacy of place because they set the ultimate goal; Scriptures are the foundation of authority for everything that follows. Furthermore, while God was perceived as self-limiting, God was still commanding and active; Scriptures, with their record of an earlier more intense role for God, retained primacy. Although the prophet Samuel was manifestly more noble, more learned, more 'miraculous' in power than earlier judges, the need to proceed through history gave "Jeftah in his generation [as much authority] as Samuel in his."[37] By extension, the Rabbis had all the authority they needed. Indeed, the decisions of the Rabbinic Court were studied and used in the Heavenly Court.[38] An erroneous setting of the calendar, or, according to some, even an erroneous interpretation of the Torah, is accepted on High.[39] Since the covenant is the way to final perfection, the Torah had to take into account the flaws and limits of human beings.[40] Thus there is room for addition, extension and perfection of the Torah. In our generation, Rabbi Joseph B. Soloveitchik expressed the ultimate logic of this position: the scholar is co-creator of Torah, just as by their actions, human beings become co-creators of the universe.[41]

The Rabbis had a powerful sense of both the continuity and discontinuity in their role. The classic expression of this dialectic is the Rabbinic tale of Moses in Rabbi Akiva's Yeshiva. When Moses came to visit, he could not understand the Torah that was being taught there. He grew faint, presumably from embarrassment and grief that his teaching had been left behind. Then, when a student asked from whence Akiva's teaching is known, and was told: It is tradition from Moses at Sinai, Moses is calmed and consoled. We cannot dismiss this text with Mordecai Kaplan's patronizing view that the Rabbis were so ignorant of method that they undertook radical revisions in an unselfconscious way. Nor need we accept the traditionalist view that everything to be said in the future was already said at Sinai. Rather, the Akiva story is parallel to the Talmudic passage that "whatever a tried and true student *(talmid vatik)* will some day innovate was already told to Moses at Sinai."[42] There is conscious recognition of *novum* in the aphorism, but the new is in fact fully continuous and identified with what Moses was given at Sinai. The *novum* too is part of the process of the covenant. As part of the way to perfection, a new ruling has all the authority of the covenant with which it is identified and whose goals it seeks to realize. Kaplan has reversed the truth and dismissed the Rabbis as intellectual 'yokels' who have no consciousness of method because of the modern tendency to underestimate the past.[43*] The Rabbis understand well that they are developers and conservers at the same time. Development is not the same as revision, reform, or rejection.

Another analogy may shed some light on this view. In the New Testament's Gospel of Matthew, which is written in a Hebrew Christian setting, contemporaneous with the emergence of the post-Destruction Rabbinic view, Jesus says in the Sermon on the Mount: "I am not come to destroy [the Law and the Prophets] *but to fulfill* [them] for verily I say unto you, 'til heaven and earth pass, one jot or one tittle shall in no wise pass from the law, *'til all be fulfilled.*"[44] Yet in the very same speech, he calls for going beyond previous standards. We know that the Hebrew Christians also operated out of a covenantal model. They

believed that the new covenant was the unfolding of the old. The Destruction convinced them that the new covenant succeeded the old. Although it led them out of the Jewish community, they were being very Jewish in their thinking in applying the model of the revelation message in the historical event.

The unfolding of the covenant involved a transformation of the partner people and their observance, but not a repudiation of the covenant as it had been up to then. One should not push the parallel between Rabbinic and Hebrew Christian views too far, because in one key, decisive way they parted company. Convinced by the Destruction of the Temple and the failure of subsequent attempted rebellions, especially the messianic Bar Kochba revolt, the Christians decided that a New Covenant had been born. The Rabbis, however, concluded that the covenant had been renewed; this was rebirth, not new birth.[45*]

**The Renewal of the Covenant**

The climax of the Rabbinic interpretation of the covenant is articulated in a classic Talmudic passage which, despite its notoriety, has been taken too lightly. In it, the Rabbis hint at a second acceptance of the Torah.

> "They stood at the bottom of the mountain" (Exodus 19:17). Said Rav Avdimi bar Chama bar Chasa: this teaches that [coming out of Egypt] the Holy One Blessed be He clapped the mountain over them like a tub and said: If you accept My Torah, good. If not, this will be your burial place. Said Rav Acha bar Yaacov: from this we can derive a legal "out" from the Torah [i.e., if we fail to observe it we can plead that this covenant was undertaken under coercion and is not legally binding—See Rashi, loc. cit.] Said Rava: nevertheless [it is binding] for they accepted it again in the days of Ahasuerus, as it is written "the Jews established and took upon themselves" (Esther 9:27), i.e., they (re)established what they had already taken upon themselves."[46]

Why is the Sinai Covenant acceptance labeled 'coerced' in this passage? Tosafot is disturbed by this view and points to other, seemingly voluntary acceptances of the Torah found in the Pentateuch such as the Israelite response "we will do and we will listen" *(na'aseh v'nishma)* and the covenant ceremony on Mounts Gerizim and Eyval.[47] Rabbeinu Tam suggests that at Sinai the Jews were pressured by the awesomeness of the Revelation—that "because it comes by Divine Speech (i.e., Revelation) therefore it is coerced, but in Ahasuerus' time they accepted it out of their own will *(mi-da'atam*—lit. of their own mind or judgement) out of love of the miracle.[48] But is not appreciation of a miracle also coercive? I would suggest that the Talmud understood that the Covenant of Sinai was not coercive *when it was given,* as witness the Israelite affirmation "we will do and we will listen", etc. However, living after the Destruction, after the Divine ceased manifest interventions, in retrospect, the overt Divine salvation which backs the Sinai offer of covenant is perceived as coercive, if for no other reason than the gratitude in the heart of the saved ones obligates them to accept. The miracle of Purim is not coercive because unlike the Exodus miracles, it is hidden. Purim occurs after the Destruction of the Temple. The name of God is nowhere mentioned in the Book of Esther. The Purim miracle of salvation from genocide can be explained away as natural, achieved by imperfect humans using morally arguable methods. The recognition of the hidden divine hand in all this is the insight which shows the Jews have come of age. They have reaccepted the covenant of Sinai on the 'new' terms, knowing that destruction can take place, that the sea will not be split for them, that the Divine has self-limited and they have additional responsibilities.

If we take the Talmudic story to its ultimate logic, it is even bolder. It says that were Jews living only from the covenantal acceptance at Sinai, the Torah would not be fully binding after the Destruction. Post-Destruction Jews are living under the command of the Torah by dint of the reacceptance of the Torah at Purim time. The covenant of Purim is also a covenant of redemption, but it is built around a core event that is brought about by a more hidden Divine Presence acting in partnership with human messengers. Yet the covenant of Purim does not replace Sinai; it renews it.

Later the Talmud completes the circle of interpretation in an extended comparison of Moses imposing the covenantal oath on Israel to the oath taken by a litigant in a legal case. The Talmud says:

> We know that the commandments are binding on those who stood at Sinai; from whency do we know that future generations and future converts [are bound]? Scripture tells us [not only with you do I establish this covenant...but] with those who are not here with us today (Deuteronomy 29:14).

Thus the Talmud holds that the covenant is open, is offered to all who choose to join in it in the future, and is binding on them by that acceptance. Then the Talmud asks:

> From whence do we derive that commandments which will be *innovated in the future* such as reading the *Megillah* [are binding]? Scripture tell us "[the Jews] established and took upon themselves"

(Esther 9:27). They (re)established what they had already taken upon themselves.[49]

In this passage, the authority of Rabbinic ordinance is based on the reaccepted covenant, the Purim renewal of the redemptive way. The authority of the Rabbis ultimately stems from their role in taking up the covenant and leading the way on this portion of the covenantal journey to redemption.

### The Authority of the Rabbis

If the authority of Rabbinic ordinance stems from its role in carrying the covenant further, then it is as binding as anything in written Scripture to anyone who accepts the covenant and its goals. Indeed, insofar as a Rabbinic law may move us closer to the covenantal goals, it may be more binding than Scripture. When Rabbinic law goes beyond the Torah law and brings us closer to the ultimate goal of the woman also being in the image of God, i.e., of infinite value/equal/unique, its authority becomes even more compelling than its predecessor sources.

This view is a change in my own thinking, and it is contrary to two classic modern theological responses. Under the impact of modern values, various nineteenth century thinkers, seeking to clean up the *halakhah* and to bring it closer to the contemporary state of moral, intellectual and ethical judgments, tried to distinguish between Scriptural and Rabbinic ordinances. Scripture contained the universalist, prophetic Judaism; Rabbinic tradition was the later set of accretions—a literature in which legalism, particularism, and ritualism had run riot. In this same spirit, many secularists, especially Zionists such as Ben Gurion, tried to recover the pristine Biblical Judaism and to reject the Rabbinic, Diaspora traditions. These views fail to take history seriously. Ironically, despite their surface humanism, they end up glorifying God and failing to grasp the extraordinary shift in the covenantal partnership which is represented in Rabbinic Judaism. Implicit in these views is a loss of hope that the covenantal mechanism can respond to the crisis of modernization. Thus many Reformers felt impelled to reject law and legal process in order to assert the freedom needed to clean up moral problems in the tradition, as well as to develop new models and values for the new conditions. Ironically enough, despite their present-mindedness, they missed the radical openness of the covenant to further events in history. After all, Jeremiah spoke of a new (renewed) covenant and of a day when people would swear not by the God who brought up Israel out of the land of Egypt but of the God active in a later redemption.[50] This same blind spot blocked Reformers from considering Zionism favorably, yet the later redemption Jeremiah spoke of was that of bringing Israel back to the land of its ancestors. Thus the Enlightenment thinkers failed to recognize the transfer from the divine to the human realm of religious function and of leadership in developing the law which was at the heart of the Rabbinic vision and achievement. Yet this increased role for human beings in the covenant constitutes an enpowerment and a bestowal of dignity to humanity which is the true goal of modern culture.

This is also contrary to the other classic position which evolved under modern influence. In defense against rapid change and reform, Orthodoxy developed an ideology denying that any development or change ever took place in the *halakhah*. In further defense against change, there has been a strong tendency to deny any overall goal or *telos* to the Torah or *halakhah* by rejecting any attempt at a rationale of *mitzvot* and by eliminating the study of Bible and philosophy. Instead, Orthodox ideology offered a juridical view of the covenant. The Law is commanding and binding because God ordered it. Human judgement itself must be sacrificed wherever it comes into conflict with the authority of the tradition. In the extreme version, the Rabbis are seen as "tape recorders," replaying words that were in truth said thousands of years ago. In the more moderate forms, the Rabbis are glossators, footnoters, judges who can expand or underscore existing patterns but whose authority must remain that of epigones. The range of the process is perceived as having been further restricted by later decisions such as the closing of the Talmud or the acceptance of the *Shulkhan Arukh* as the universal authority. While there is support for this view in the ahistorical tendencies of later Rabbinic Judaism, I submit that this is essentially a lockjaw view of the tradition caused by the traumatic infection of modernization. This view is particularly inappropriate because it denigrates the Rabbis' achievement, and occurs in an age where another unfolding of the covenant is taking place. The final irony is that the divisions between Orthodox, Conservative, Reform and Reconstructionist (or at least between Orthodox on the one hand and the latter three, on the other) appear to be at a peak at a moment when they are all being challenged, and even by-passed, by a new covenantal transformation.

## THE AGE OF THE VOLUNTARY COVENANT

### The Shattering of the Covenant

When the Nazis came to power, they began a devastating assault on the Jewish people. As other nations and peoples failed to resist, the attack broadened. An unprecedented decision was taken to kill every last Jew in

the world—for the crime of being. In 1941 the phase of mass murder began.

As the attack developed, the Nazis unleashed all-out violence against the covenant as well. The values and affirmations of the covenant were totally opposed, indeed reversed, even as the covenant people were killed. Jewish holy days were violated with roundups, *Aktionen,* selections and evil decrees. The Warsaw Ghetto was enclosed on Yom Kippur, 1940. Deportations from Warsaw to Treblinka death camp at the rate of 6,000, then 10,000 a day were begun on Tisha B'Av, 1942. The final destruction of the Ghetto was scheduled for Passover, 1943. Public prayer was prohibited in Warsaw in 1940. Keeping the Sabbath became impossible because forced labor was required on that day. Education was forbidden; newspapers were closed; libraries confiscated.

The assault on Jewish life and values became total. Einsatzgruppen (shooting squads) were deemed too slow, too costly, too problematic. The search for cheaper, swifter killing methods led to use of zyklon B gas, an insecticide, in the Auschwitz gas chambers. To bring the cost down, the amount of gas used was cut in half the summer of 1944. This doubled the time of agonizing death, a death marked by asphyxiation, with damage to the centers of respiration, accompanied by feelings of fear, dizziness, and vomiting. Jews were impressed into service to round up other Jews for transport. The alternative was death or being sent themselves. Parents were pitted against children and children against parents for survival. A food ration of 800 calories per day was established in the ghettoes, in a climate where working people need 3,000 calories per day. But the amount of food needed to supply even the official caloric standard was never delivered. Kosher slaughter was banned.

The degree of success of this attack constitutes a fundamental contradiction to the covenant of life and redemption. In Kovno, pregnancy was prohibited on pain of death. In Treblinka and Auschwitz, children were automatically selected for gassng upon arrival (except for some twins and others selected for medical experimentation). The Jewish covenant pledges that human life is of infinite value. As the killing frenzy intensified, thousands of Jewish children were thrown directly into the crematoria or burning pits in Auschwitz to economize on gas. Still another time, the gas chambers were full of adults, so several thousand children were gathered and burned alive. The sonderkommando prisoner testified about this as follows:

> When one of the SS sort of had pity on upon the children, he would take a child and beat the head against a stone before putting it on the pile of fire and wood, so that the child lost consciousness. However, the regular way they did it was by just throwing the children onto the pile. They would put a sheet of wood there, then sprinkle the whole thing with petrol, then wood again, and petrol and wood and petrol—and then they placed the children there. Then the whole thing was lighted.[51]

"Could there be a more total despair than that generated by the evil of children witnessing the murder of other children...being absolutely aware that they face the identical fate...there is now a Godforsakenness of Jewish children that is the final horror."[52] Does not despair triumph over hope in such a moment?

Since there can be no covenant without the covenant people, is not the covenant shattered in this event? In Elie Wiesel's words: "The Jewish people entered into a covenant with God. We were to protect His Torah, and He in turn assumes responsibility for Israel's presence in the world...Well, it seems, for the first time in history, this very covenant is broken."[53] Or as Jacob Glatstein put it: "We received the Torah at Sinai/and in Lublin we gave it back/Dead men don't praise God/The Torah was given to the Living."[54] In response to the Destruction of the Temple, the Talmudic Rabbis said: *"Mi Kamocha bă'ilmim HaShem?"* ("Who is like you among the silent, O God?") instead of *"Mi Kamocha ba'elim HaShem?"* ("Who is like You among the mighty, O God?")[55] Today would they not say what Glatstein said?

By every logical standard, Weisel and Glatstein are right. The crisis of the covenant runs deep; one must consider the possiblity that it is over. Had the Holocaust stood alone, would not affirmations of the covenant of redemption appear to be mockery or illusion?

A. Roy Eckardt was pointed to yet another dimension of the crisis. In retrospect, the divine assignment to the Jews was untenable. In the covenant, Jews were called as witness to the world for God and for a final perfection. In light of the Holocaust, it is obvious that this role opened the Jews to a murderous fury from which there was no escape. Yet the Divine could not or would not save them from this fate. Therefore, morally speaking, God must repent of the covenant, i.e., do *teshuvah* for having given his chosen people a task that was unbearably cruel and dangerous without having provided for their protection.[56] Morally speaking, then, God can have no claims on the Jews by dint of the covenant.

The fundamental shift in the nature of the covenant can be put yet another way. It can no longer be commanded. Covenantally speaking, one cannot *order* another to step forward to die. One can give an order like this to an enemy, but in a moral relationship, one cannot demand the giving

up of the other's life. One can *ask* such a sacrifice, but one cannot order it. To use another image of Elie Wiesel's: when God gave us a mission, that was all right. But God failed to tell us that it was a suicide mission.[57*] One cannot *order* another to go on a suicide mission. Out of shared values, one can only ask for volunteers. Similarly, God can no longer enforce or educate for the covenant by punishment. The most horrifying of the curses and punishments threatened in the Torah for failing to live up to the covenant pale by comparison with what was done in the Holocaust. All Jews now know that by being Jewish they expose not only themselves but their children and even grandchildren to ultimate danger and agony.[58*] No divine punishment can enforce the covenant, for there is no risked punishment so terrible that it can match the punishment risked by continuing faithfulness to the covenant. If the Jews keep the covenant after the Holocaust, then it can no longer be for the reason that it is commanded or because it is enforced by reward or punishment.

**The Assumption of the Covenant**

But do the Jews keep the covenant? There were a significant number of suicides among survivors who so despaired that they could not live on without their lost loves, lost families, lost faith. Still others converted or ran away from the Jews to assimilate and pass among the Gentiles and so tried to shake off the danger and pain of being a Jew. But the overwhelming majority of survivors, far from yielding to despair, rebuilt Jewish lives and took part in the assumption of power by the Jewish people. For many of them, refusal to go anywhere but Israel meant years of waiting in DP camps, or a miserable risky trip in crowded, leaky, and unseaworthy boats to Israel or internment in refugee camps in Cyprus and Mauritius. Was there ever faith like this faith?

The Jewish people overwhelmingly chose to recreate Jewish life, to go on with Jewish testimony after the Holocaust. What is the decision to have children but an incredible statement of hope, of unbroken will to redemption, of belief that the world will still be perfected—so that it is worth bringing a child into this world. When there was no hope, as in Kovno or Warsaw in 1943-44 the birth rate dropped precipitously to a ratio of less than 1 to 40 deaths. Logically, assimilated Jews should have gone even further with assimilation once they heard about the Holocaust for thus they could try to rid themselves of the dangers of being Jewish. Instead, hundreds of thousands of them opted to become more Jewish. Committed Jews have responded by the largest outpouring of charity and concern for other Jews in history. Observant, learned Jews have recreated *yeshivot* and Torah study so that today more people study *Torah/Talmud* full time than ever before in Jewish history, and that includes the Golden Age of Spain and the heyday of East European Jewry.

By every right, the Jews should have questioned or rejected the covenant. If the crisis of the First Destruction was whether God had rejected the covenant, then the crisis that opens the third stage of the covenant is whether the Jewish people would reject the covenant. In fact, the bulk of Jews, observant and non-observant alike, acted to recreate the greatest Biblical symbol validating the covenant, the State of Israel. "The reborn State of Israel is this fundamental act of life and meaning of the Jewish people after Auschwitz ... The most bitterly secular atheist involved in Israel's upbuilding is the front line of the messianic life force struggling to give renewed testimony to the Exodus as ultimate reality."[59]

What then happened to the covenant? I submit that its authority was broken[60*] but the Jewish people, released from its obligations, chose voluntarily to take it on again. We are living in the age of the renewal of the covenant. God was no longer in a position to command, but the Jewish people was so in love with the dream of redemption that it volunteered to carry on its mission.

When the Jewish people accepted the covenant, they had no way to measure what the cost might be. The *Midrash* repeatedly praises the Israelites' response to the offer of the covenant, "We will do and we will listen,"[61] as amazing. As the cost of faithfulness increased, the Jews might have withdrawn and cut their losses. In fact, in this era, their faithfulness proved unlimited. Their commitment transcended all advantages of utilitarian considerations. They had committed their very being.[62*]

In Soloveitchik's words, the covenant turned out to be a covenant of being, not doing.[63] The purpose of the Jewish covenant is to realize the total possibility of being. It is not like a utilitarian contract designed to achieve limited ends where, if the advantage is lost, the agreement is dropped. The Jewish covenant is a commitment, out of faith, to achieve a final perfection of being. Faith sees the risks but knows that without the risks the goal can never be realized. Covenanted living, like marriage or having children, is an open ended commitment, for the risks are great and one never knows what pain, suffering, danger or loneliness one is taking on. Faith in the final perfection involves seeing what is, but also what could be, precisely because life is rooted in the ground of the Divine and we do have a promise of redemption. Out of this faith comes the courage to commit.

The crisis of the Holocaust was that not in their wildest dreams did Jews imagine that this kind of pain and

destruction was the price of the covenant. Nor did they realize that the covenant might unfold to the point where God would ask them to take full responsibility and unlimited risks for it. Yet, in the ultimate test of the Jews' faithfulness to the covenant, the Jewish people, regardless of ritual observance level, responded with a reacceptance of the covenant, out of free will and love. For some, it was love of God; for others, love of the covenant and the goal; for others, love of the people or of the memories of the covenantal way. In truth, it hardly matters because the three are inseparable in walking the covenantal way.[64*]

If the covenant is not over, then what does the Holocaust reveal about the nature of the covenant? What is the message to us when the Divine Presence was in Auschwitz, suffering, burning, starving yet despite the most desperate pleas, failing to stop the Holocaust?

The Divine Presence need not speak through prophets or Rabbis. The Presence speaks for itself. If the message of the Destruction of the Temple was that the Jews were called to greater partnership and responsibility in the covenant, then the Holocaust is an even more drastic call for total Jewish responsibility for the covenant. If after the Temple's destruction, Israel moved from junior participant to true partner in the covenant, then after the Holocaust, the Jewish people is called upon to become the senior partner in action. In effect, God was saying to humans: you stop the Holocaust. You bring the redemption. You act to ensure that it will never again occur. I will be with you totally in whatever you do, wherever you go, whatever happens, but you must do it. And the Jewish people heard this call and responded by taking responsibility and creating the State of Israel. Thereby, the people took power into its hands to stop another Holocaust as best it could.

The decision to create a Jewish state is also a decision to create a society and social reality in which Jews and Jewish values direct the fundamental decisions. For two thousand years, the Jewish witness to the world could only operate on the verbal level, indirectly, influencing the forces which moved the world such as Christianity, Islam, Western culture. Now Jewish actions can directly affect the historical destiny of the world. Now Jews can construct a society that can affect others by example. Israel, as a Jewish-run reality, can exemplify the joint process of human liberation and redemption. For example, Israel represents an agricultural society that utilizes limited resources, transforming desert into fertile, productive land, thus offering the way for the world to overcome poverty and hunger. Israel serves as a model of an open, educational society taking a population from pre-modern poverty and passivity and creating from it a people that assumes responsibility and increases its dignity without losing its past and its values. This is what Israel has done in part with its Oriental Jewish immigration. Both these models are particularly significant for the Third World where the bulk of humanity struggles with the problems of poverty, fatalism and renewal of social institutions.

Of course, the politics of oil and world rivalries have isolated Israel and reduced its influence. Also, Israel itself is far from perfect and has only partially succeeded in these models. However, these limitations are congruent with the shift from powerlessness and ideal existence to exercise of power and the conquest of reality. Reality is recalcitrant and flawed, and all triumphs are partial and equivocal. It is also true that many Israelis accept the call to prevent another Holocaust, but do not accept the commitment to create a redemptive model society. In a situation of voluntary covenant, there cannot be one goal imposed from above. Rather those who accept the calling must persuade and influence the others to take part in the process.

The Jewish tradition itself has been less helpful than it could be because traditionalists have not fully taken up the challenge of the new covenantal role for Israel. Religious leaders have spent much energy trying to rebuild the pre-Destruction reality rather than sanctifying the new every day. Sometimes people say that they would respond if only they were to receive clear prophetic instruction.[65] But the revelation of our lifetime is so veiled and ambiguous that there is little certainty and few clear, unassailable responses. This very lack of clarity is consistent with the voluntary nature of the covenant and the new maturity of the people Israel. Anything clearer might be coercive. The redemption will become obvious only retrospectively when the Jewish people recognize it as such. Jews must take a more active role in discerning the covenant's presence and in realizing its goals. Then will the Jewish people truly have come of age in the covenant.

**Was the Holocaust Necessary?**

The recognition that consciousness of the voluntary covenant grows out of the experience of the Holocaust may lead to misunderstanding. This insight may be interpreted as an affirmation of the Holocaust.[66] Some have argued: without the catastrophe, there would have been no State of Israel. Therefore, the Holocaust is a necessary sacrifice or blood-letting that paves the way for redemption. Similarly, some may think that since the maturation of the covenant comes out of the Holocaust, the disaster was necessary. Some may also believe that this unfolding of the covenant is an explanation of why the Holocaust happened or even some rationale for it. I reject these possibilities.

There can be no rationale for the Holocaust. If anyone

offers such, you may be sure that the explanation has domesticated or denatured the Holocaust. The explanation is no explanation but rather some plausible tale about a sanitized and selected version of the Holocaust which has little to do with its reality.[67] There can be historical or sociological or military explanations of how the Holocaust actually operated and what factors enabled the Nazis to carry out the mass murder so successfully. Such explanations are necessary if for no other reason than the need to prevent a recurrence. But that is a far cry from explaining the 'why' or the essence of the event.

The same must be said about the development of the voluntary covenant. In retrospect, the voluntary stage is implicit in the covenantal model from the very beginning. Once God self-limits out of respect for human dignity, once human free will is accepted, the ultimate logic is a voluntary covenant. As Soloveitchik writes: "The very validity of the covenant rests upon the *Juridic-Halakhic* principle of *free negotiations*, mutual assumption of duties, and full recognition of the *equal rights of both parties* concerned with the covenant."[68] (Italics added). The full dignity of the human partner can only emerge when that partner takes full responsibility. Any state less than that is encouragement to dependence out of weakness. Residual punishment is coercive and erodes the moral insight of the human partner. In a voluntary covenant, there is a deeper dependence—that of relationship, love, self-expectations based on the model of the other—but it is a dependence out of strength. The ultimate logic of parenting is to raise children to meet life's challenges, but to sustain them with a continuing presence and model, not with continual interference or rescue from problems. Further analysis suggests that in every covenantal relationship, the partners must ultimately choose between equality and force. True love can only exist when the imbalance of power has been overcome by redistribution of power or, in God's case, by a binding renunciation of using the imbalance.[69*]

This redistribution of power was the underlying thrust behind modern culture's empowering of the human being. In retrospect, this is what Zionism sought to do to the Jewish covenant starting in the nineteenth century. Thus there were positive reasons and forces operating before the Holocaust to bring Jews and humanity a higher level of responsibility for redemption, just as there were 'secularizing' trends preceding the Destruction of the Temple. Nevertheless, most traditionalists and modernists failed to see this new dynamic of power as operating within the covenantal framework. Many concluded that the true purpose of modern culture was to reject the covenant or slay the covenantal partner for the sake of human liberation. In significant measure, this misconstruction is directly implicated in the emergence of pathological forms of total human power unleashed in the modern forces which reach a climax in the Holocaust itself. In a counterpart error which was the mirror image of that of modern total secularists, religious groups interpreted the covenant to demand human subservience or passivity and opposed the emergence of the new level of human responsibility. However, now that the Holocaust has occurred, it is no longer possible to delay the emergence of the new level.

There is no good in the Holocaust, only a tragedy which forces us to face up to an issue and a responsibility which was long coming. The Jewish response to the Holocaust, as to the Destruction of the Temple, is the act that crystallizes and energizes this transition. The Holocaust is not a necessary *quid pro quo* for anything. It is the shock that almost destroys the covenant. It continues to degrade God and educate humans to savagery and destruction. However, thanks to the power of human love and faith that will not yield the dream of redemption, the Holocaust can be fought, and perhaps its effects can be overcome in history. This is the struggle that is now going on.

## IMPLICATIONS OF THE VOLUNTARY COVENANT

### The Promise of Pluralism

The total assault on Judaism and on the Jewish people was an attempt to stamp out the covenant, the witness, and, ultimately, the presence of God who is the ground of life and the covenantal hope. Therefore, the very existence of the Jewish people is a fundamental statement that the covenant is ongoing. The survival of the Jewish people in a world full of enemies, where the model of the Holocaust is circulating, is in itself testimony to the existence of a hidden God whose awesome, if invisible, force is evidenced in the ongoing life of the Jewish people.[70] The renewal of Jewish living through having children, and restoring human dignity constitute the creation of images of God.[71] These images point to the God of whom they are the image; they are the best, most indelible testimony to God in a world where total evil has triumphed in recent times. Such witness could not be given without profound wells of faith and hope to draw upon by the individual Jews who live this way. Finally, the Jewish people, by recreating the State of Israel and rebuilding the land, has given the witness which shows the world that God lives and the covenantal hope is not in vain. All Jews who elect to live as Jews make these statements whatever their self-definition and official behavior.

It makes no essential difference if the Jews involved consciously articulate the covenantal hope or express a belief in the God who is the ground of the covenant. The

witness is given by their actions. Actions speak louder than words. People who profess God but gas men, women, and children or burn them alive are atheists whatever their words may be. People who profess to be atheists or to be without hope yet who actively uphold the covenant, even at the cost of their lives, betray their true position by their actions. If anything, their denials only add to the hiddenness of the Divine. Therefore, their theological language is the appropriate one for this time, more appropriate than those who go on speaking as if God were visible and fully performing under the previous terms of the covenant.

In the age of voluntary covenant, every person who steps forward to live as a Jew can be compared to a convert insofar as a convert, one who voluntarily opts to be a Jew, must make certain commitments and express certain beliefs. Then the classic conversion ceremony may guide us to contemporary Jews' proper affirmations. Through the conversion process, the convert testifies that although the Jews are driven, tormented, and persecuted to this very day, the convert still wants to be a Jew, that is, wants to offer the testimony of hope anyway. The convert learns the unity of God and the denial of idolatry; the analogue in our time is the affirmation of God's presence which is witnessed by Jewish existence itself.

The convert must affirm some of the weighty commandments/obligations of a Jew and some of the lighter ones. In this generation, all who opt to live as Jews automatically state their readiness for martyrdom, not only for themselves but for their children and grandchildren as well. There can be no 'weightier' commitment than this. A decision to live in Israel and to a lesser extent, a commitment to support it, constitutes acceptance of the mitzvah to witness, to build a redeeming social reality, even to bring the Messiah. The appropriate range of 'lighter' commandments/obligations to be undertaken can be explored or debated between the denominations. But morally speaking, the simple observance of all the classical *mitzvot* can hardly be the only option offered under the covenantal definition.[73]

While the covenant is now voluntary, birth into it remains an important statement. By being born a Jew, a person summons up all the associations and statements implicit in Jewish existence, including the Jewish testimony to a God who cares. One may opt out by refusing to live as a visible Jew, by trying to escape the fate of a Jew, by trying to deny. However, if one chooses to continue living as a Jew, one makes all the fundamental affirmations implicit in Jewish existence. This is true even if one does not use the officially articulated ways of making one's statements such as bearing witness to creation through Shabbat observance or expressing the messianic hope through prayers such as *Aleinu*.

As long as the covenant was involuntary, it could be imposed from above in a unitary way. This corresponds with the image and role of revelation in the Biblical period, which includes unequivocal command and visible reward and punishment for obedience and disobedience. With the shift in covenantal relationship which characterizes the Rabbinic era, the revelation becomes more hidden, more subject to pluralist interpretation. Focus on reward and punishment shifts from the worldly toward the other-worldly hidden realm.

In the new era, the voluntary covenant is the theological base of a genuine pluralism. Pluralism is not a matter of tolerance made necessary by living in a non-Jewish reality, nor is it pity for one who does not know any better. It is a recognition that all Jews have chosen to make the fundamental Jewish statement at great personal risk and cost. The present denominations are paths for the covenant-minded all leading toward the final goal. The controversy between them will not be whether God has commanded these ways. Conservative, Reform and secular Jews can freely concede the dimensions of past commandments, but insist nevertheless that these are no longer effective or optimal ways of achieving the goals. Orthodox Jews, even the ultra-right who uphold every past observance or *minhag* (custom), will recognize that their commitment to observe the entire tradition constitutes a voluntary acceptance, one which can be modeled but cannot be *demanded* of all. Thus, they can be faithful to the full authority of the *halakhah*, accepting the challenge of modeling it and making it credible and persuasive to *Klal Yisrael*, while respecting the *incredible* other types of commitment and contributions which other Jews are making. Such an admission would only confirm the phenomenology of Jewish life as it is now being lived. It would be morally and humanly liberating without yielding the hope of moving *Klal Yisrael* into the classic paths of *halakhah*. Of course, the psychology of Orthodoxy currently will not be receptive to this approach, but such an obstacle is not a problem of principle or integrity. Rather, it is a function of human limitations, community and political needs, all of which can be dealt with tactically.

It would be unreasonable and, considering the varieties of religious experience and sociological circumstance, unwise to expect total religious unity. There can still be ongoing controversies and policy differences between the denominations. But the members of all the groups have committed their total being to be witness to the covenant by living as Jews. The recognition of this overarching unity enables us to adjudge these controversies as being "for

the sake of heaven."[74] In the Talmud, the school of Shammai and the school of Hillel often gave diametrically opposite rulings. Yet they affirmed that both views are "the words of the living God,"[75] precisely because they recognized the underlying unit of their common assumptions about the nature of God and Revelation. The unity which was destroyed in the modern period is restored in the common recognition of the voluntary covenant.

Groups can go on judging and trying to persuade each other to change, but the criteria for resolution of the conflict will be the ability to reach the goals of the covenant, including contemporary effectiveness and transmissibility. Orthodoxy might concede that a particular practice is not effective today. However, they continue to accept it as binding out of respect for past generations and their role in the covenant. Out of the sense that this generation is only a way station on the long covenantal road, they can accept temporary ineffectiveness of a practice in one moment in order to have the resource available in another. The definition of being Orthodox might be: accepting the models of the past as binding out of recognition of the incredible, divine power in them, and being bound by the process of the covenant, a process seen as inseparable from its goals and content. Then the differences with non-Orthodox Jews are tactical, and others' faithfulness to God and to the covenant can be admitted without undermining Orthodox affirmations. Once the validity of the others is recognized, the shortcomings or faults in the *halakhic* system can be admitted, and, to the extent possible, corrected. As long as the legitimacy of the others is not recognized, many problems will be denied and possible solutions rejected on the grounds that to change would give aid and comfort to the "enemy."

By the same token, Reform, Conservative, and secular Jews would waive the modernist criteria that justify their positions. This means that every part of the tradition may present itself for serious consideration to be judged by the same criteria of consistency with the covenant, transmissibility and effectiveness. Any new approaches developed by these movements will also be reviewed by the same criteria. Some changes may be judged as concessions legitimated by the need to successfully negotiate the covenantal paths, and they are subject to repeal or redirection if the situation changes. New paths or models may be as sacred or more sacred than the inherited ones if they are deemed closer to the covenantal values or more effective in attaining them. It follows from this, however, that both reform and tradition are aligned along a continuum of attempts to live by the covenant. Reform behavior is not antinomian, but is distinguished from traditional Judaism by the giving of different weights to different covenantal values. The increased "heavier" role of women in Reform is an affirmation of the covenantal promise of redemption and ultimate dignity for women as well as men, rather than a rejection of the commandments or roles for males in tradition. Feminist corrections of the *halakhah* are an attempt to move more urgently toward the covenantal goal of humankind being in the image of God, which implies equality for women, rather than a rejection of the concept of obligation or of the traditional feminine positive roles.[76]

Once disagreements take place within the bounds of the common risk and dream of Jewish existence, the groups might take on or set aside a common practice for the sake of unity, beyond the merits of the practice itself. Each group would be committed to use all its resources and methods to reach out and enable the others to live in good conscience with the same model or at least not to disrupt or shatter the others' ways where they differ. At least all groups would recognize the element of risk and creativity in trying to be faithful to the covenant at a moment when new roles and new institutions are emerging. Since whatever models of service are offered tend to be projections of past experience, there is a tendency in transition times to offer the familiar even when something new or original may be needed. At moments of transformation there is the risk of a faithfulness that misdirects, even as there is a risk of excessive novelty and betrayal of the tried and true methods of the covenant. Each group should welcome the insights and criticisms of the others as necessary correctives, sources of perspective in a fluid and unformed situation in which all want to do the right thing but fear falling short.

### Human Co-creativity in the Covenant

Although obedience is the natural response in an involuntary covenant, nevertheless the principle of mutual obligation stimulated the Jews to engage in controversies with God throughout history. The greater the degree of human partnership, the more frequent and profound is the role of humans in challenging God to live up to the covenant. In an age of voluntary covenant, humans have all the more right and obligation to represent the covenantal goals and values to God. Humans must take responsibility, both for the goals and the consistency of the means with the goals. Since humans are being called to take full responsibility in action for the realization of the covenant, they cannot escape the responsibility to judge the means and methods available to pursue the goals. Those who are entrusted with a task, and who take full responsibility for its realization, must be allowed discretion to achieve the goal. This delegation of authority is all the more justified in light of the Jewish faithfulness to the covenant, exemplified by the voluntary reassumption of

the covenant in this generation despite the obvious risks involved.

The urgency of closing any gap between the covenantal methods and goals is greater in light of the overwhelming countertestimony of evil in this generation. The credibility of the covenant is so weakened and so precariously balanced that any internal element that disrupts or contravenes its affirmations must be eliminated. So savage was the attack on the image of God that the counter response of reaffirmation must be extraordinary. Any models or behavior patterns within the tradition that demean the image of God must be cleansed and corrected at once. The hope of breakthrough toward perfection is higher in a generation which feels the obligation to match the extraordinary outburst of evil with a countervailing upsurge of good. Therefore, there is motivation and sufficient authority even among the Orthodox to correct the tradition or move it toward its own goals of perfection. The authority to change grows out of loyalty to the tradition and to the covenantal goals.

Part of the response must be to identify covenantal values and make judgements on the relative weight to be assigned to each. In the past, it has been argued that any judgement in conflict with established tradition is improper. Since the word of God is self-validating, change, by definition, must be based on appeal to outside criteria and is therefore invalid. With increased human responsibility and greater hiddenness of God and of Revelation, the exercise of judgement not only by Rabbis but by a wider variety of people becomes urgent. One cannot pass the buck to tradition. The responsibility for getting to the final perfection is squarely on this generation. It must exercise the responsibility with humility and self-criticism, but faithfulness requires that judgements be made.

Since the State of Israel is the central vehicle of Jewish power, self-defense and redemption-building, its needs should be given greater religious weight, perhaps rated as a matter of life or death. Some will object that this runs the risk of idolatry vis-a-vis the state. Both traditionalist and liberal Jews might conclude that the danger of idolatry is the overriding concern. Other traditionalist and liberal Jews might pursue a policy stressing the State's needs while taking action to avoid idolatry. Either decision would be good, particularly as it grows out of a wrestling with the actual situation, rather than out of the routine party lines of conflicting forces in modernity and tradition. The treatment of women, of the handicapped and of Gentiles in the tradition are other examples where Jewish utopian values are in conflict with the present reality. These value concessions to reality must now be challenged even if we agree that they are divinely normative. Both the challenge, the defense and the final resolution should not follow present party lines, but should explore the best ways of advancing the covenantal goals. Indeed, side by side experiments may be the right prescription until we sort out the best ways. In an experimental situation, either a more traditional or a more innovative modus operandi becomes a creative and helpful foil for the other position, so that pluralism becomes a source of strength.

**Messianic Time**

Classically great destruction so challenges the affirmations of the covenant that it creates an urgent anticipation of a countervailing achievement of redemption. Nothing less can restore the credibility of the way. An event as massively devaluing as the Holocaust needs an event of messianic proportions to restore the balance. Voluntarily taking up the covenant, then, means taking up the challenge of messianic breakthroughs. The expectation of great redemption is further nurtured by the incredible nature of the creation of Israel, which is heralded in the tradition as the harbinger and necessary condition for the messianic fulfillment.

Why, then, has this generation hesitated to speak in messianic terms? Partly it is due to the need to speak modestly after such a triumph of evil; partly the hesitation is due to the triumph of modernity and its rational, limiting style which has a chilling effect on messianic expectations.[77] And why has the messianic principle, when applied, been such a poor guide to action? The invocation of messianic associations for David Ben Gurion was essentially a political trick to gain new immigrant votes for the very people who were proceeding to strip the Sephardim of their traditional values and give them the short end of the social stick. In the case of Gush Emunim, the messianic models have led to a devaluation of security and other realistic considerations and sometimes to a downgrading of the dignity of Arab concerns and needs on the West Bank.

I submit that these ills grow out of a failure to grasp the nature of the messianic in the era of voluntary covenant. A messiah who is triumphant and does it all for Israel would be utterly inappropriate in such an age. The arrival of such a messiah would be morally outrageous, for the Messiah would have come at the wrong time. As Elie Wiesel has written, if any messiah was going to redeem us by divine strength, then the time to have come was during the Holocaust. Any Messiah who could have come and redeemed us, and did not do so then but chooses to come now is a moral monster. Wiesel is right: it is too late for the Messiah to come.[78] *Therefore we will have to bring the Messiah.* Bringing the Messiah is the crowning response to the divine call for humans to take full responsibility in the covenant. A messiah who needs to be brought can only be

partial, flawed, hidden.[79] Such a model of the Messiah may dampen the dangerous tendency to excessive utopianism, not to mention anti-nomianism, implicit in the end-time. At the same time, the model assigns new urgency to achievements of justice and peace, to coming closer to vegetarianism[80] and the full dignity of other humans, to witnessing more openly and more universally even as we prepare to become one with the world.

**Responding**

In a situation of fundamental transformation, playing it safe is tempting, but dangerous. The familiarity of the response gives consolation and a false sense of security in a bewildering vortex of change. However, there is a real risk of acting like the Sadducees at the Destruction of the Temple. Upholding the familiar, insisting that it is the only authoritative way, may leave one totally invested in recreating the status quo. When the status quo does not return, exhaustion and death of the spirit follow.

The alternative is to incorporate the new events and the new situation, first into understanding and then into the covenantal way. This process may lead to mistaken judgements ranging from premature messianism to presentmindedness to loss of a coherent sense of the past. Taking action is risky; not taking action is risky. The appropriate response is to act, with anxiety, with conflict, with fear, but to act nonetheless. The first step is to incorporate the new event into the traditional way of life and into Jewish memory. *Yom HaShoah* and *Yom Ha-Atzmaut* must become central holy days of the Jewish calendar. Their 'secular' nature and grass roots origins are appropriate to the new era of holiness in which humans take responsibility for sanctification and redemption. The ambiguity of the days, and the fact that their sanctity is open to challenge, is an expression of the hiddenness of the Divine in the new era.

Many other commandments emerge from the new reality. The model/*mitzvah* of pilgrimage, both to the scenes of the Holocaust and to Israel, and the telling of the tale in secular settings including film, books and other media are the new secular liturgical acts. A range of acts of justice and restored dignity, which flow from these events (you were slaves, you were in ghettoes, you were in camps, therefore you . . . you were freed, you were outsiders and taken to the promised land, therefore you . . .), are the ethical counterparts of this liturgical development. Both types of acts are part of the expansion of the covenantal round of life to incorporate the new experiences. The accounts of these events and the lives and the models that grow out of them constitute a new Scripture and a new Talmud.[81]

The redemption event of this era, Israel, the Scriptures which are being written, the spiritual leadership of this new age will be even more secular, more 'naturalistic,' more flawed than in the Rabbinic Era, as is appropriate given the greater hiddenness of God. Every act of life becomes potentially holy, the locus of the hidden Divine Presence. Not only are special days such as Shabbat and prohibition of work ways of sanctification, but work itself properly done is a religious act. Work as the expression of the commandment *lashevet*—to settle the world, work as the creation of an infrastructure for human dignity, work as the exercise of the human capacity for power and control which are part of the image of God will become a *halakhically* holy enterprise.[82] Thus, every day and not just one out of seven can become a holy day.

The holiness of sexuality can be expressed not only in its prohibition or in *mikveh,* but in the acts of love themselves. Sexuality as communication, as the revelation of the image of God in me, as the discovery of the image of God in the other, as affirmation of the pleasure of life, as a joyous vehicle of creating life becomes the continual expression of holiness. The Torah commands the Jewish people: *"kedoshim tih'yu"* (Be holy!)[83] In a classic commentary, Nachmanides defines holiness above and beyond specific ethical and ritual commandments as fulfillment of the Talmudic dictum, *"kadesh atzmecha b'mutar* lach"[84] (Sanctify yourself in the areas which are permitted), go beyond the letter of the law and exercise restraint in those areas which are permitted.[85] The concept of a secular sanctification suggests that holiness in the permitted is achieved not only by extending prohibition, but by directing action and spirit toward the covenantal goal.

Much of the expression of holiness can be accomplished using the existing models of *b'rachah* (blessing), selection, and sharing. Some of this expansion may come from heightened consciousness and developing inner attitudes and perceptions of holiness. Thus the voluntary covenantal model reaches a climax. In such moments, it begins to approximate Jeremiah's promise of a new covenant written on the heart.[86] However, this renewed covenant does not reject law or form, nor does it repudiate or supersede the original covenant. The voluntary covenant is built on the involuntary covenant; it continues and moves toward the final goal.

Contemporary Jews will have to explore the liturgical sources and models that can nurture a holiness that is at once more subtle and more elusive. The great covenantal symbol, circumcision, reflects the involuntary nature of the covenant. It also 'excludes' women and makes their representative function relatively less central.[87*] In the

new era, the symbol of the voluntary covenant may well be the revival, side by side with circumcision, of the *brit bayn habetarim,* the covenant between the pieces.[88] This was the original covenant ceremony, the conversion ritual of Abraham, the first non-Jew to become a Jew. He entered this covenant voluntarily before he became circumcised and permanently marked. Women can enter into the covenant between the pieces equally with men. This ceremony symbolizes that in the era of the voluntary covenant, all are bound equally, i.e, all have voluntarily committed themselves to this incredible and dangerous task.[89]*

Modern history has shown that democracies can ask for and elicit more total sacrifices from their citizens than even the great tyrannies can dare demand of their people. This encourages us to hope that the age of voluntary covenant will be marked by more encompassing religious life, greater commitment to justice, and an overall higher level of spiritual achievement by the Jewish people. The age has already started with unprecedented spiritual heroism in the response to the Holocaust. One may pray that we be worthy—and that the best is yet to come.[90]

## FOOTNOTES

A different version of this paper was read at the conference, "God, Covenant and Community," co-sponsored by CLAL (then NJRC) and the University of Denver Center for Judaic Studies in June 1981 as part of our joint program, CHEVRA: Society for the Advancement of Jewish Thought, Dialogue and Community. I am grateful to my colleagues for their critique and to the Center for Judaic Studies for permission to use this essay in the *Perspectives* series.

1. Genesis, Chapter 1, especially verses 25, 26, 27, 28. An image of God has infinite value, equality and uniqueness, *Sanhedrin* 37a. On the soul quality of animals, see Proverbs 12:10; Nachmanides on Leviticus 22:28; J. Pederson, *Israel* (London, Oxford University Press, 1946) p. 100. Cf. Maimonides, *Guide to the Perplexed* (New York: Hebrew Publishing Company, n.d.), Part 1, Chapter 1, p. 32, that intellectual perception is the key breakthrough in the human.
2. Rav Abraham Isaac HaCohen Kook wrote: Only He who is actually infinite (En Sof) can actualize that which is potentially infinite. "The Doctrine of Evolution," A. I. Kook, *Orot HaKodesh* (Jerusalem: Mossad Harav Kook, 1964) Volume 2, Part 5, Section 19, p. 537.
3. If people are granted freedom they remain dependent. After being given their freedom, slaves remain psychologically enslaved until they take full responsibility for their own fate and daily life. Thus the Bible portrays the behavior of the Hebrews in the desert, after the Exodus, as classical slave behavior. The Israelites often turned regressive, were easily thwarted by obstacles, often sought to return to the womb of slavery. See Exodus, Chapters 16, 17, 32; Numbers, Chapters 11, 13, 14, 20, 21.
4. Exodus 19:5-6.
5. See I. Greenberg, "Jewish Tradition and Contemporary Problems," in *Relationships Between Jewish Tradition and Contemporary Issues* (New York: Yeshiva University, n.d.) pp. 11-13.
6. Deuteronomy 29:14.
7. Deuteronomy 7:7.
8. Reward and punishment are visited on other people, too, especially in the land of Israel, but the Jews are held on a tighter rein. Genesis 15:16; Leviticus 22:22-26; Amos Chapters 1, 2 and 3:1-2.
9. Though they do not carry the mark of the covenant in their flesh, Jewish women also experienced the inescapability of being Jewish as a determinant of their fate. Seen through twentieth century eyes, the fact that the central symbol of covenant is carried only by men creates some moral and cultural problematic, i.e, it is gender linked. On another level, however, the special mark on men is the biological analogue of the special status of men in Jewish tradition. For some comments on possible equalization and a new importance to voluntary symbols of covenant, see p. 42 above and footnote 88.
10. Cf. "To walk in all His ways" (Deuteronomy 11:22), "as He is merciful, so you be merciful" (*Sifre Deuteronomy* Section 49, p. 85a). See Ronald Green's extended development of this idea in his *Religious Reason* (New York: Oxford University Press, 1978).
11. See "The Third Great Cycle of Jewish History," pp. 1-26.
12. In Ezekiel's lacerating words (20:32ff.) the Destruction is God's "poured out fury" calling Israel to judgment, in other words, holding the people to the covenant—sifting out the rebellious Jews and recalling the others to covenantal relationship with God. (Ibid., Chapters 36-38.)
13. Hosea 11:8. Cf. Isaiah (50:1) where the prophet, manifestly replying to those Jews who argue that God has rejected Israel, quotes God as saying, "Show me a bill of divorce that I sent your mother (Israel)."
14. See I. Greenberg, "Judaism and History: Historical Events and Religious Change," in Jerry Diller, ed., *Ancient Roots and Modern Meanings* (New York: Bloch Publishing Co., 1978), pp. 146-156.
15. It is not just particular texts that can be offered as evidence for this change; the very method and role of the Rabbis was based on this assumption. Cf. footnote 14, above.
16. *Mekhilta de Rabbi Ishmael,* Section Bachodesh, Chapter 6, p. 298. *Sota* 17a; *Genesis Rabbah, Toledot,* Chapter 63, Section 6.
17. *Mekhilta* loc. cit.
18. *Sifra Bamidbar,* Section 161, p. 221.
19. *Sifra Kedoshim,* Section 2, Chapter 2, p. 86A.
20. *Mishnah Peah* 1:1.
21. *Menachot* 110a, views of Rabbi Samuel Bar Nachmani, Rav Yochanan, and especially Resh Lakish and Rabbi Yitzchak.
22. *Yalkut Shimoni Isaiah* Section 454 (New York: Pardes Publishing, n.d.). Volume 2, p. 795, Column B. "Amar Rabbi Yehudah amar Rav..."
23. Ibid.
24. Consider the Rabbinic interpretation of *hocheach tocheach,* "thou shalt surely correct" (Leviticus 19:17). The Rabbis qualify the mitzvah: do not correct the other unless he is prepared to listen; one who is open to the same criticism should not correct another; one who does not know how to speak gently and acceptable should not correct. [*Arachin* 14b.] The divine instruction and the divine correction cannot be purely mechanical or external either.
25. "Since the Temple was destroyed, there is no laughter before the Holy One Blessed be He." (*Yalkut Shimoni,* Section 454.) "I am with Him in trouble" (*Psalms* 91:13). When a human being is in pain, what does the Shechinah say? "My head is heavy (aches), my arms are heavy (ache)" (*Sanhedrin* 46a).
26. *Megillah* 29a.
27. *Yalkut Shimoni, Isaiah,* Section 455 (Pardes edition), p. 795.
28. *Lamentations Rabbah,* Portion 1, Section 33.
29. The Talmud refers to Masters of the precedents at Sinai (i.e., one who remembers the record of the past Revelation which began at Sinai).

30. This involved knowing the past commandments, deciding what is foreground and background in the tradition in relation to this case and deciding what is the salient similarity in the present situation. The Talmud calls this the capacity *L'damia Milta L'milta*—to establish the appropriate analogy or similarity in the two situations.
31. *Shabbat* 23a.
32. Deuteronomy 21:18 ff.
33. *Baba Batra* 121b.
34. *Makkot* 7a.
35. *Gittin* 3a, *Yevamot* 88a, *Ketubot* 10ff. See on these and other improvements in the legal condition of wives, "Jewish Attitudes Toward Divorce," in Blu Greenberg, *On Women and Judaism* (Philadelphia: Jewish Publication Society, 1982), pp. 125ff.
36. See Jacob Neusner, *Rabbi Yochanan ben Zakkai: Development of a Legend* (Leiden: E.J. Brill, 1970), p. 50. The discontinuance of the ordeal is comparable to the end of prophecy and to the passing of the scapegoat ceremony. Through the scapegoat, the sins of the Jewish people were "sacramentally" removed. See *Leviticus* Chapter 16 and Maimonides, *Mishneh Torah Hilchot Teshuvah* Chapter 1, Paragraph 2.
37. *Rosh Hashana* 25b.
38. *Baba Mezia* 86a; *Midrash Shohar Tov Tehillim* 4; *Deuteronomy Rabbah, Parshat V'Etchanan,* Parsha B, Section 14. On this, see Joseph B. Soloveitchik's essay, *"Ish HaHalacha"* in *Talpiot* (New York: 1944), Volume 1, pp. 700ff.
39. Deuteronomy 17:11; *Berachot* 19b.
40. Cf. Moses' argument to the angels to release the Torah to humanity which needs it: "Is there jealousy among you? Is there hatred among you?" *Berachot* 17a.
41. Joseph B. Soloveitchik, *"Ish HaHalacha,"* op. cit., p. 702.
42. Cf. *Ecclesiastes Rabbah,* Parsha 1, v. 10, Section B; *Peah* 9b, Chapter 2 h. 4; *Megillah* 19b. Everyone who innovates words of Torah by his own mouth is like one who is being informed from heaven and they are telling him: Thus said the Holy One Blessed be He. *Yalkut Shimoni Shoftim* Section 49, Pardes edition, Volume 2, p. 707, Column B.
43. Saul Lieberman's view is that the *middot,* rhetorical analytic devices used by the Rabbis to devise laws from Scriptures, are based on Hellenic rhetorical models. Cf. Lieberman, *Jews in Hellenistic Palestine* (New York: Jewish Theological Seminary, 1962). This view has been denounced by traditionalists. In the spirit of my interpretation, Lieberman's views would be compatible with the Rabbinic statement that their teachings are *halacha l'moshe mi Sinai.*
44. Italics supplied. *Matthew,* 5:18.
45. The Jewish and Christian hermeneutic of the Destruction of the Temple, the consequences of those views and the implications for Jewish-Christian relations today, are discussed at length in an essay of mine, presented at a conference entitled *Transformations: Judaism and Christianity After the Holocaust,* sponsored by CLAL and Indiana University. See also my "Judaism and History: Historical Events and Religious Change" in J. Diller, ed., *Ancient Roots and Modern Meanings* (New York: Bloch Publishing Co., 1978), pp. 139-155.
46. *Shabbat* 88a.
47. Exodus 24:7; Deuteronomy 27:10ff.
48. Tosafot, d.h. *Moda'a Rabbah, Shabbat* 88a.
49. *Shavuot* 39a.
50. Jeremiah 31:30; Jeremiah 16:14-15.
51. See my "Lessons to be Learned from the Holocaust," paper presented at the Hamburg Conference, 1975.
52. A. Roy Eckardt, "The Recantation of the Covenant," in Alvin Rosenfeld and Irving Greenberg, *Confronting the Holocaust: The Work of Elie Wiesel* (Indiana University Press, 1980), p. 163.
53. Elie Wiesel, "Jewish Values in the Post-Holocaust Future," in *Judaism,* Summer 1967, Volume 16, Number 3, p. 281.
54. Jacob Glatstein, "Dead Men Don't Praise God," in *Selected Poems of Jacob Glatstein* (tr. Ruth Whitman) (New York: October House, Incorporated, 1972), pp. 68-70.
55. *Gittin* 56b. This is a commentary/critique based on Exodux 15:11.
56. Cf. Eckardt, "Recantation," op. cit., pp. 164-165.
57. In a public lecture, Wiesel has used the image that, in light of the evil revealed in the Holocaust, the risk in the Jewish mission to the world can be compared to a collective suicide mission. Conversation with author, May 12, 1982.
58. Note that by Nazi decree grandchildren of people who were Jewish but had converted to Christianity or assimilated were also identified as Jews and killed. Cf. Emil Fackenheim, "Jewish Faith and the Holocaust," *Commentary* August 1967; E. Fackenheim, *God's Presence in History* (New York: New York University Press, 1970), pp. 70-71. Compare Irving Greenberg, "Confronting the Holocaust and Israel" (New York: United Jewish Appeal, n.d.), pp. 16-17, 20-22.
59. I. Greenberg, "Cloud of Smoke, Pillar of Fire: Judaism, Christianity, and Modernity After the Holocaust," in Eva Fleishner, ed., *Auschwitz: Beginning of a New Era* (New York: KTAV, 1977), p. 43.
60. The term "broken covenant" must be properly understood. A broken covenant may still exercise a powerful magnetism. While its brokenness reflects the wound inflicted on the covenantal people and the damage done to the credibility of hope and redemption, paradoxically enough the shattering also witnesses to the profound bond between the covenant and the Jewish people. The covenant shares Jewish fate; the Torah is not insulated from Jewish suffering. Thus its brokenness makes the covenant more adequate insofar as it relates more totally to the human condition. This helps account for the extraordinary pull it exerts on this generation of Jews. Elsewhere, I have cited Rabbi Nachman of Bratslav's famous dictum that "nothing is so whole as a broken heart" and I argued that, after the Holocaust, "no faith is so whole as a broken faith." By this logic, no covenant is so complete as a broken covenant.
61. Exodus 24:7. The Jews' response—*na'aseh v'nishmah*—implies commitment before hearing all the risks.
62. The Talmud tells a story which illuminates the faith underlying the response. An opponent once saw Raba so engrossed in learning that he ignored a wound in his hand. The Sadducee exclaimed: "You rash people [You Jews], you put your mouths ahead of your ears! And you still persist in your recklessness. [You continue to make incredible commitments!] First you should have heard out [the covenant terms in detail]. If it is within your powers, then accept. If not, you should not have accepted." Raba answered: "We walked [with God] with our whole being. [Rashi: We walked...as those who serve [God] in love. We relied on Him not to burden us with something we could not carry.] Of us it is written, 'The wholeness of the righteous shall guide them.' (Proverbs 11:3)." *Shabbat* 88a-b.
63. Joseph B. Soloveitchik, "The Lonely Man of Faith," in *Tradition,* Volume 7, Number 2, 1965, pp. 23, 24, 27, 28-30, 33ff.
64. Michael Berenbaum has powerfully and convincingly argued that, in his writings, Elie Wiesel has developed a doctrine of "an additional covenant forged at Auschwitz, a covenant that renews Israel's mission despite the void...[a covenant] between Israel and its memories of pain and death, God and meaning." Berenbaum finds three elements in Wiesel's additional covenant doctrine: solidarity, witness, and the sanctification of life. See Michael Berenbaum, "The Additional Covenant" in Rosenfeld and Greenberg, *Confronting,* pp. 169, 171ff. Berenbaum has placed these reflections in the context of his important and comprehensive analysis of Wiesel's and others' Holocaust theology in *The Vision of the Void: Theological Reflections on the Works of Elie Wiesel* (Middletown: Wesleyan University Press, 1979). While I differ

somewhat from Berenbaum's assessment as to how much Wiesel comes down on the side of theological void after the Holocaust and while my thesis of the voluntary reassumption of the covenant differs from the additional covenantal model, I am indebted to Michael Berenbaum for opening my eyes to the concept of an additional covenant in Wiesel's writings. Eckardt's concept of divine repentance at giving the covenant (see footnote 52) particularly, and Berenbaum's formulation of the additional covenant as well, were fruitful intellectual stimulants at the time that I was struggling to articulate this paradigm of the voluntary covenant.

65. See Michael Wyschogrod's review of Eva Fleischner, ed., *Auschwitz: Beginning of a New Era.* (New York: KTAV Publishing Co., 1977) in *Tradition*, Volume 17, Number 1, Fall 1977, pp. 63-78.
66. "Out of the fierce, came forth sweetness," Judges 14:14.
67. One may offer the analogy of talk about God. Any explanation or description of God may be useful or valid as long as it recognizes its metaphoric essence and its inability to portray the Divine exhaustively or even in its actual essence. Any portrait that 'captures' the Divine is an idol, not a representation of God.
68. Cf. Soloveitchik, "The Lonely Man of Faith," ibid., p. 29.
69. When the Rabbis said: "Do not be like servants who serve the Master for the sake of reward, but be like servants who serve the Master not for the sake of reward" (Ethics of the Fathers, 1:3), they were more prophetic than was realized at the time. Continual divine rewards (or punishments) are in tension with the goal of a relationship based on love.
70. Based on Rabbi Joshua ben Levi's views in *Yoma* 69b.
71. Cf. I. Greenberg, "Cloud of Smoke," *op. cit.*, p. 41ff.
72. That resettlement of the land is proof of the ongoing validity of the covenant is a central theme in Isaiah, Jeremiah and other prophetic books.
73. For the format of the classical ceremony of conversion, see *Yevamot* 47a-b.
74. Cf. "Every controversy for the sake of heaven will have a lasting result." *Ethics of the Fathers* 5:20.
75. *Eruvin* 13b.
76. See "The Theoretical Basis of Women's Equality in Judaism," in Blu Greenberg, *op. cit.*, pp. 39-55.
77. Cf. I. Greenberg, "Toward Jewish Religious Unity," in *Judaism*, Volume 15, Number 2, Spring 1966, p. 135.
78. Cf. Elie Wiesel, *Gates of the Forest* (New York: Avon Books) pp. 41ff, p. 215; cf. 42-43 and p. 223.
79. Elsewhere I have suggested that this is a messiah who limps even as Jacob did after his struggle with the Angel of the Night left him wounded—but unbowed. See Shlomo Shamir, *"HaShutafim"* (The Partners) in *Haaretz Weekly Magazine*, p. 29.
80. I. Greenberg, "Jewish Tradition and Contemporary Problems" in *Relationship Between Jewish Tradition and Contemporary Issues* (New York: Yeshiva University, n.d.), p. 11 and Samuel Dresner and Seymour Siegel, *The Jewish Dietary Laws* (New York: Burning Bush Press, 1959), pp. 21-30.
81. See above pages 9-13.
82. See *Guide to the Shabbat* (New York: CLAL, 1981), pp. 8-12.
83. Leviticus 19:2.
84. The Talmudic phrase is found in *Yevamot* 20a.
85. See Nachmanides' analysis in his commentary on Leviticus 19:2 d.h. *kedoshim tih'yu.*
86. Jeremiah 31:30.
87. The Rabbinic analogue to this concept is the ruling that one who is commanded and performs the act is at a higher level than one who is not commanded but does the act. Cf. *Kiddushin* 31a. This distinction comes to serve as an obstacle to the admission of women into liturgical roles. Cf. Blu Greenberg, *op. cit.*, pp. 82-85.
88. Genesis 15:5-18.
89. The Third Era analogue to this concept may be that "greater is the one who is not commanded but voluntarily comes forward than the one who acts only out of command."
90. The author wishes to thank Jonathan Javitch who is much more than the editor of this publication. He assayed, clarified, redirected and shaped this essay. My thanks also to Deborah Greenberg who served as research assistant for this paper.