

# THEOLOGICAL TRENDS

## COVENANT AND COMMUNITY

THE ALMOST measureless flood of literature on covenantal theology which has appeared in recent years has almost all been concerned with the Old Testament and sometimes with rather specialized historical problems connected with it.<sup>1</sup> However, it has stirred a more general interest precisely because the problem of the nature of biblical covenant touches matters of larger interest. For example, it raises the question of the community as the centre of salvation, it offers an insight into the true nature of law in the context of the bible, and it at least offers the opportunity for a richer, more nuanced view of man's relation to God. Finally, a concern for the concept of covenant has helped to bring about a major change in the concept of biblical theology itself.

We may begin with this last point: Walther Eichrodt's effort to develop a comprehensive theology of the Old Testament built around the concept of covenant. It is a major achievement, even though one has reservations about much in it, as I do myself. For one thing, there are simply some aspects of Old Testament religion which are difficult to bring under the category of covenant: for example, some elements of worship and of prophecy, not to mention wisdom literature. These did not grow out of covenant thinking, nor is it true that, whatever their origins, the bible itself ultimately explains

---

<sup>1</sup> The materials covered in this article are: Eichrodt, Walther: *Theology of the Old Testament*, 2 vols. (London, 1961, 1967). The German original of vol 1 appeared in 1960, of vol 2 in 1964.

Noth, Martin: 'The Laws in the Pentateuch: Their Assumptions and Meaning', in *The Laws in the Pentateuch and Other Studies* (London and Edinburgh, 1966), pp 1-107. The German version of this book first appeared as *Gesammelte Studien* in 1957; the essay on law appeared originally as a separate pamphlet in 1940.

Mendenhall, George: *Law and Covenant in Israel and the Ancient Near East* (Pittsburgh, 1955). First published in *The Biblical Archeologist* 17 (1954), pp 26-46, 49-76.

Mendenhall, George: 'The Hebrew Conquest of Palestine', in *The Biblical Archeologist* 25 (1962), pp 66-87.

Moran, W. L.: 'The Ancient Near Eastern Background of the Love of God in Deuteronomy', in *The Catholic Biblical Quarterly* 25 (1963), pp 77-87.

Huffman, H. B.: 'The Covenant Lawsuit and the Prophets', in *Journal of Biblical Literature* 78 (1959), pp 286-295.

Hillers, Delbert: *Treaty-Curses and the Old Testament Prophets*; *Biblica et orientalia* 16 (Rome, 1964).

Zimmerli, Walther: *The Law and the Prophets* (Oxford, 1965). The German original appeared in 1963.

Hillers, Delbert: *Covenant: The History of a Biblical Idea* (Baltimore, 1969).

An extensive critical survey of the literature will be found in McCarthy, D.J., S.J.: 'Covenant in the Old Testament: The Present State of Inquiry', in *The Catholic Biblical Quarterly* 27 (1965), pp 217-240. A fuller version, brought up to date, *Old Testament Covenant*, will be published by Blackwell's later in 1970.

them in terms of covenant. Furthermore, the biblical concept of covenant is not a simple one. Sometimes it is a one-sided, absolute promise from God, sometimes a sort of contract between the people and God, sometimes something else again. Before all other data can be explained in terms of covenant, the covenant idea itself must be unified, and neither Eichrodt nor anyone else to my knowledge has discovered and explained this unity. The result is that subsuming many things under the rubric 'covenant' is to give them a common name without a common meaning.

Nevertheless, much that Eichrodt has to say is enlightening. Beyond this, the real importance of his work is in pointing toward new paths for biblical theology, for the New as well as the Old Testament, because it seeks to understand the data of revelation in their own terms and as something unique. Quite apart from the success of Eichrodt's effort in this or that detail, this is a major departure and in the right direction. It turns away from the common technique of recording the facts of biblical religion and treating them on a level with other religions. In other words, Eichrodt has supplied a model for a real biblical theology rather than an exercise in the history of religions or comparative religion.

One aspect of biblical religion correctly emphasized by Eichrodt is that of community. It is here that Martin Noth has made a major contribution by calling attention to the essential relation between covenant, community and the law in the bible. He recognized that it was the fact of being a community formed by its covenant with Yahweh which gave Israel its distinctive religious character. Indeed, Noth thought that Israel was actually first constituted by groups already in Canaan who freely joined together in a covenant through a ceremony of which traces remain in Joshua 24. Historically, this view may not do entire justice to the traditions of tribal connections, but it does point to the essence of yahwist religion: the choice (election) of a living community expressed in and defined by a covenant. That is, the community knew itself because it was the covenanted group, and it remained that group as long as it kept to the terms of the covenant.

Now, any community which exists through a period of time must adapt to varying conditions. Concretely, directives which were useful for keeping together and developing a semi-nomadic society would need to be changed when that society settled down as peasants, and so on. Examples could be multiplied without end. Thus the two poles of biblical law: the community chosen by God, and the need to keep that community alive in a changing world. The community is defined by its basic attitudes and usages. The problem is to preserve this definition in time. Only so does the community retain its identity. However, only by adaption does it remain alive, part of the ongoing life of man rather than a fossil set apart from the real world. In fact, paradoxically, it is only by change that continuity is kept. For example, the basic attitude is that one gives the best to God. For nomads, that meant an altar roughly put together for a sacrifice. Though rough, it would be more substantial than anything they could carry in a wandering life. And so there

was a law that the nomads should construct the best altar they could. But when settled, when an artisan class developed, the best they knew was permanent building in well-cut stone. And so a new law: the altar must be well-built. To have retained the old law would have been to keep the form of words but lose the basic attitude: only the best for God.

More generally, we may see the commandments, particularly the first, as the defining law of the community, the expression of its basic attitudes, or better, the definition of its covenanted relationship to God. Note that they do not create covenant, they flow from it: so that even the basic law is not primary. The relationship to God is. So much the more is this true of secondary laws which flowed from this basic expression of the relation of the covenant community to God. They must grow and change. Some are modified, some abandoned, some added, as the living community meets new historical situations. In sum, then, Noth sees covenant as the expression of the basic relationship with God, the relationship of a community which is guided in daily life by law. The communal relationship is what is sacred; the law is a mere instrumentality for living it out in various circumstances.

Noth's view of the law is surely correct, though I would hesitate to accept his total rejection of the later Jewish technique of interpreting law instead of making new law. Such interpretation, after all, is but another way of applying basic attitudes to new situations. More serious is his over-simplification of covenant itself. It seems to be the union of tribes sworn to exclusive fidelity to Yahweh, and this alone. In fact, the situation is much more complex. David and his family had a covenant with God, giving them a special role among God's people; and this was an essential element in the development of messianic ideas. Simply within the realm of law this cannot be ignored, for the New Testament shows the messiah not as a mere law-giver but as the new Israel, the new covenant. Covenant does not quite mean a new community with its new rules (a concept being developed in Christ's time at Qumran!); it is rather a unique personal relationship to the messiah and through him to the community. No doubt such a personal relationship depends implicitly on certain conditions, as do all relationships; but it is still something new, developed from a more personal point of view than that emphasized by Noth. Then, too, ritual played a central role in covenant. The place of priests and of sacrifice in the ratification of covenant is the background for the New Testament interpretation of the eucharist as constitutive of the new covenant. I do not think it necessary to change Noth's view of covenant so much as to expand it, to allow for these different possibilities.

George Mendenhall's contribution is related to that of Noth, in so far as he is concerned with history, with the attempt to date and describe more accurately the original community. Mendenhall believes that the covenant, especially as expressed in the commandments, but also as described in other passages, is modelled on the ancient form of treaty between sovereign and vassal. In such a treaty, the sovereign introduces himself with all his titles, tells of the historical incidents which led up to the treaty (historical prologue),

lays down his will for the vassal (stipulations), commands the preservation and reading of the text (document clause), invokes the gods as witnesses, and calls down blessings and curses conditioned on fidelity or infidelity. Compare this with the commandments: 'I am Yahweh (sovereign's introduction) who brought you out of Egypt (historical prologue). Thou shalt not have false gods before me etc. (stipulations)'. While there is no document clause, many other biblical passages urge the preservation of the book of the covenant or the law. Naturally, the bible allows no invocation of numerous gods as witnesses, but we find curses and blessings connected with covenant, again not in the commandments themselves but in passages like Joshua 24. Mendenhall argues that all this reflects an ancient tradition, in which the basic relation between God and his people took the form of the ancient treaty with God as sovereign and Israel as vassal.

This is the view of Old Testament covenant which has received by far the most attention. Partly this is due to historical interests, for the analogy with the treaty has been used to date the origins of Israel as the people of the covenant. The historical prologue was a feature of the treaty as used among the hittites of Asia Minor, and this people and their treaties disappeared before 1200 B.C. Since the commandments also have the historical prologue, if they reflect the treaty, it is reasonable to assume that they reflect the era before 1200, when the prologue flourished; so that the covenant and its basic definition go back to the era of Moses.

Mendenhall's reconstruction of the conquest of Palestine follows from this. Leaders equipped at this early stage with this concept of covenant rallied the depressed classes around Yahweh as his vassals. In a religion defined by covenant with God, all men are equal because all are equally vassals of God. And they can achieve this status by a free choice open to anyone; there is no question of privilege of birth or class. The revolutionary morality implied in such a view is evident, and it is based directly on the covenant conceived as a kind of treaty or contract. The mechanics of divine election, as it were, are changed. God still offers himself in sovereign freedom to whom he will, but man's response is no longer dependent on external circumstances. One joins the community by his own free act.

This view of covenant morality is attractive. It emphasizes that the object of God's saving choice is the community, not the individual. Yet grace is open to all, for anyone can break with his past and, regardless of it or of his present status, enter the community by freely accepting the divine offer of covenant. However, we should not shy away from other, less immediately attractive, implications of the treaty covenant. It is a relation between an absolute sovereign and an abjectly dependent vassal. This smacks of tyranny, and in any case it tends to offend modern ideas of human dignity. Such ideas, of course, are superficial. God is no tyrant; and though man should be free among his equals, he is not even on the same level of being as God, let alone his equal. Precisely because it is a current temptation to forget this, contemplation of the sovereign-vassal analogy is valuable!

The analogy has other uses. The heritage of courtly love in our tradition has confined this central christian word to a special, narrow range of emotions. Biblical love of God (or man) is something else again, and we will understand it not by introspection or by philosophizing but by a study which makes the biblical notion our own. Such a study will reveal that one aspect is connected with covenant in the treaty form, for it emphasizes the virtue of loyalty. In part, this is the loyalty of gratitude to a sovereign benefactor, but even more it is simply loyalty to one who deserves it not for what he has done but for what he is. This is devotion, or as we now say, commitment. The bible calls it love, and the great words of Deuteronomy: 'Thou shalt love the Lord thy God with all thy heart',<sup>2</sup> speak precisely of the attitude demanded of a vassal toward his covenanted lord.

One could say much more about the ramifications of the argument drawn from the analogy between the ancient treaty and the biblical covenant. For example, it has been used to show that the prophets based much of their preaching on covenant ideas, even though they practically never mention the word covenant. One argument is that they invoke heaven and earth and the like as witnesses, as do the treaties (but so do other documents, and created things are invoked in the bible in other contexts; one can argue that their permanence makes them witnesses through history to the acts of God and man). Another is based on the similarity between many of the threats of the prophets and the contents of the curses in the treaties (but the curses are not exclusive to the treaties; they are used to conclude law codes, protect property, in general whenever it seems useful to instil the fear of God in men). A third argument claims that the offences condemned by the prophets are violations of covenant stipulations (but the prophets never say this; they speak of violations of obligations presumed to be known, but it is hard to show that this is not law from a variety of sources, e.g. that which determined one's fitness to join in the worshipping community).

In fact, the analogy between treaty and biblical covenant has been used to construct an almost all-inclusive scheme of biblical history and religion. An excellent, informed example is the book of Delbert Hillers. The difficulty is that such efforts must take as established what is certainly subject to question. One problem is the presumption that prophecy was strongly based on covenant. However, the real difficulty depends upon accepting as demonstrated the scheme which takes the commandments as part of a treaty covenant dating back to the 13th century B.C. It is simply not true that this has been demonstrated. To say the least, it is highly doubtful that the picture of the basic covenant made at Sinai is that of a treaty form. For one thing, the curses and blessings which are part of every treaty we know are missing. So too is the historical prologue on which depends the parallel to the hittite treaties which is the basis for the argument for a 13th century date. Of course, there is the clause describing God as the one 'who brought you out of Egypt',

<sup>2</sup> Deut 6, 5.

but in strictly formal terms (and the argument is based on such terms), a relative clause belongs with the sovereign's titles, not the historical resumé. In any case, a formal similarity is a dubious basis for dating, and here even this basis is lacking. Without it, there is no basis for dating the commandments so early as *covenant* (which is not to say that they may not be early, but for other reasons), nor for showing that the covenant was conceived in treaty terms from the earliest times. In fact, in order to sustain the argument, it is common to appeal to a scattering of texts such as the commandments, Joshua 24, parts of Deuteronomy, etc. This is very doubtful methodology.

The argument would be strengthened from the point of view of history rather than from the biblical text if we accepted the idea that the Conquest was really a revolt in which the essential element was that the canaanite peasantry rallied to yahwism in a treaty covenant. However, scholars in general have not been converted to the view. Moreover, it is difficult to resist the insistence of the bible that the major part of Israel, though a very mixed lot indeed, were nomads who moved into Canaan, not canaanites.

Beyond all these problems of detail, it seems to me that this insistence on one concept of covenant impoverishes the whole idea. It reduces a bewildering rich variety of forms to one thing. Rather it is better to hold to the variety. It includes the absolute promise to the patriarchs, which is the guarantee that God will save because he is God and quite independent of man's obedience or anything else. It includes the covenant made with sacrifice on Sinai,<sup>3</sup> which acknowledged the absolute supremacy of God and yet tied the people to him as the family which shared his table around the altar. It includes the special covenant with David, which led to the theology of messianism and the final realization that the new covenant centred around a personal saviour. It includes the concept of covenant as treaty – Deuteronomy 5–28 is a speech carefully modelled on the treaty form – which emphasized loyal love. All these aspects contributed to a proper evaluation of biblical law; and this brief summary only touches on a few high points in the whole rich collection of ideas which is covenant in the bible.

It may well be that we can reconcile all these aspects only with difficulty. Or more likely, there is no neat theory which will fit them all together. That is the way of the bible. It is not philosophical theology building a coherent system. Rather it is a record of revelation, supreme religious experience, in which now one, now another aspect of man's relation to God is uncovered. Surely all these aspects cohere in God, but why should we expect to perceive the coherence? We are dealing with the ultimate mystery.

At the beginning we noted that the literature on covenant seldom touches on New Testament material. Surely one reason for this is the simple fact that covenant is a rare word and a rare idea in the New Testament. It hardly forces itself on one's attention. Then again the treaty analogy may have helped to draw attention away. It has stirred tremendous interest, and it is an exclu-

---

Exod 24, 3–8.

sively Old Testament issue. More, because the treaty concept of covenant has tended to focus attention on a relationship, on man's fidelity to his covenant partner and the effects of that fidelity or lack thereof, it may have made it more difficult to discern the mediator who as messiah became covenant in his person. Certainly it has turned attention away from the importance of sacrifice as the ratification of covenant union and the ritual sign of its continuance. But it is here precisely that covenant becomes explicit in the New Testament. As the eucharistic words show, the early Church saw the sacramental sign as the ratification of the new covenant and the centre around which the community of that covenant gathered and grew. It would be intriguing to construct a picture of the earliest communities gathered for the eucharist as the places where knowledge of God's new and final intervention in Christ was gathered and developed. If the Epistles to the Corinthians reflect anything like the ordinary community, such gatherings would be lively indeed. But this is what might be.

*Dennis J. McCarthy S.J.*