

COVENANT AND CONSCIENCE

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And when the king heard the words of the book of the law, he rent his clothes. And the king commanded Hilkiyah, the priest . . . Go, enquire of the Lord for me, and for the people, and for all Judah, concerning the words of this book that has been found; for great is the wrath of the Lord that is kindled against us, because our fathers have not obeyed the words of this book, to do according to all that is written concerning us.¹

KING JOSIAH OF JUDAH has had read to him a book which has been found in the temple at Jerusalem during some work of restoration. Immediately he rends his garments and sends to consult Huldah, the prophetess, for an oracle on the matter. He wishes to know the will of Yahweh. His reaction of remorse or sorrow because the past conduct of himself and his people has been judged to have been other than it should have been, and the symbolism of the traditional penitential rending of his garments; all this together sufficiently characterizes what would be accepted as a popular notion of what we mean by 'conscience'. Such a popular notion can serve as a starting point for this article, which seeks to examine Israel's expression of its relationship to its God, especially as this is conveyed by the use of the analogy of 'covenant' or treaty, and to extract from that what we can know of Israel's views vis-à-vis right and wrong, the morality of action, conscience. To start with a concise, preconceived definition of 'conscience' would be of little help.

For the moment, little need be said about the etymologies of the various words which we translate into english by 'conscience'. In the greek New Testament the word used is *suneidesis*, and its point of contact with the New Testament seems to be what was, in the greek environment of the new testament writers, the popular current conception about man's judgement on right and wrong and how he arrived at it: nothing more precise and philosophic

¹ 2 Kg 22, 11-13.

than that. There is in the Old Testament, where we begin our study of covenant, no single hebrew word for conscience. The greek Old Testament, the Septuagint, contains the word *suneidesis* only two or three times, and only in the book of Wisdom² do we have a clear moral use of the word. However, the reality of man face to face with his own action, and of necessity being led to judge its morality according to some accepted norm, is certainly found in the Old Testament. One need only refer to the pangs of conscience of Adam and Eve,³ or to the conduct of Josiah in the text cited above, as he is led to compare the conduct of the people and the ideal expressed in the book of the law. Perhaps the nearest word which conveys our idea of conscience is the hebrew word for 'heart', which signifies not so much the seat of emotions as the centre of intelligence and decision. Moral qualities are attributed to the heart as the seat of decision: it is described as 'pure',⁴ 'whole',⁵ 'upright'.⁶ Yahweh examines the heart of man, and in the prophets the regeneration of Israel has to do with a change of heart, which is a transformation of man who must decide for or against a certain relation to Yahweh.

What is striking in all this decision and anguish of man with regard to the morality of his own actions is that it is always viewed in relationship to the word of God, the will of God conveyed in revelation.⁷ This is probably the reason why the Old Testament has not developed any more speculative concept of conscience along the lines indicated in later greek thought: man is always viewed in relationship to Yahweh, his God, and he and his actions are judged according to their conformity to the revealed will of that God.

This line of thought brings us back to the event with which we began, in the court of Josiah at Jerusalem: the 'book of the law' which has been found had somehow or other been put aside, lost, ignored; and Yahweh is angry. His will must be sought through an oracle. In the following chapter, this book, now called the 'book of the *covenant*', is read to the whole people; and there follows a ceremony of covenant renewal, in which we find the pledge to 'perform the words of this covenant that were written in this book'.⁸ The remainder of the chapter, quite different in style, is a list of

² Wis 17, 10.

³ Gen 3, 7-9.

⁴ Ps 24, 4.

⁵ Gen 20, 5.

⁶ Dt 9, 5.

⁷ Ps 119, 11: 'I have laid up your word in my heart, that I might not sin against you'.

⁸ 2 Kg 23, 1-3.

the reforms, mainly cultic, which were carried out by Josiah. Israel's conduct has been judged and found wanting in reference to the words, that is, the commands, of a book; and this book has to do with the institution of covenant through which Israel expressed its relationship to Yahweh.

There is little doubt that the book in question, at least in the view of the author of the great historical work which runs from the narration of the conquest of the land in the book of Joshua to the fall and exile of the southern kingdom as described in the second book of kings, is the law book of Deuteronomy, though probably in a less developed form than in our bible. In origin this book was some sort of covenant-document, used to remind the people of the obligations imposed upon and accepted by them when they entered into covenant with their God, Yahweh; and this document was taken up by the deuteronomic historian and inserted into his work. His aim was to explain the catastrophe which has befallen Israel in her defeat and exile. He sums up the early history of Israel in the first three chapters of Deuteronomy, which are mainly his own composition; then he uses the covenant document as his criterion of explanation. Israel has been unfaithful to the conditions of the covenant expressed in that document. This thesis is well illustrated in the narrative of the fall of Samaria and the subjugation of the northern kingdom by Assyria: 'And this was so because the people of Israel had sinned against the Lord their God . . .'⁹ The response of Israel to the past favours of Yahweh, here recalled, is infidelity, expressed in cultic sin: 'They despised his statutes and his covenant that he had made with their fathers . . .'¹⁰ In the same way, whatever the historical relation between the reforms of Josiah and the finding of the book of the covenant, the episode represents the response to the realization of the covenant once entered into with Yahweh. The judgement is that there has been infidelity; and renewal and reform are demanded.

We need, now, to examine more precisely what we mean when we talk of 'covenant'. It is better to begin by pointing out that a more meaningful translation of the hebrew word in question (*berit*) would be 'treaty'. The israelites were searching to express their relationship to the God who had brought them out of Egypt and revealed himself to them on Sinai. They found their model or comparison in the political world of their time, in the practice and

⁹ 2 Kg 17, 7.

¹⁰ 2 Kg 17, 15.

form of treaty-making between various peoples or political groupings. Just as two peoples, or two kings, must come to some kind of terms in order to coexist, each giving up something of his own freedom, Israel expressed its relationship to Yahweh in the same way. At Sinai a treaty had been entered into between Yahweh and Israel, the former freely choosing Israel to be his own people and the latter freely taking on the obligations which accompanied the acceptance of that state. Such analogies, of course, are far from adequate. Israel saw that, too, and did in fact criticize the analogy which it was using in order to avoid its weaknesses. However, an examination of the treaty-analogy does help us to see how Israel viewed its relationship to its God, and its own life and conduct from the moral point of view.

There has been much discussion as to the types of treaty which obtained in the world of the ancient near east, and of the possibility of their entering into the sphere of Israel's experience. Leaving aside the details of the discussion, we can say that there is fairly general agreement that a link can be shown with a particular type of treaty relationship, the so called 'vassal treaties' which formed part of the international law of the second half of the second millenium B.C. Through these treaties the rulers of the hittite empire, for example (most of our documents derive from the hittite sphere), entered into relationship with smaller rulers existing on the borders of their own territories, accepting them into the relationship of vassal to overlord and imposing obligations. As such treaties were always recorded, there was always a treaty-document; and provision was made for the preservation of this 'covenant-document' in the cult place, and for its regular reading. We know from archaeological discoveries that the treaties followed a more or less fixed form. This offered a model for Israel to express its relationship to Yahweh. Israel, too, had its covenant document, and there was provision for the regular reading of this in the cult. In fact, this ceremony of reading the covenant document and even of renewing the covenant after it had been infringed, must have formed a central element of the israelite cult. This is what we see Josiah doing.¹¹

The literary scheme of the document in question was made up of the following six elements, though variations are frequently found in one or other element:

¹¹ 2 Kg 23.

- i. A preamble or introduction which gave the name and title of the great king.
- ii. A historical prologue, summing up the previous relationships between the two kings, and putting these forward as a list of the benefits conferred on the vassal by the great king.
- iii. The laws or conditions imposed on the vassal: these can be divided into the principal or fundamental commandment, and the particular stipulations.
- iv. Clauses concerning the preservation of the document and its public reading.
- v. The calling upon the Gods as witnesses.
- vi. Blessings and conditional curses.

The great king, then, goes over the past history of what he has done for his vassal and as a consequence imposes the fundamental obligation of loyalty. This fundamental obligation, defining in very general terms the mutual relationship, is normally introduced by the phrase 'And now. . .': that is, the obligation is rooted in and springs from what has been done in the past. This is then spelled out in detail in the particular conditions: for example, what the vassal must do if the great king is attacked, what he must do with political refugees from the territory of the great king etc. The blessings and curses represent the consequences of fidelity or infidelity. In all forms of the treaty, the three elements of historical prologue, commandments and blessings/curses are essential.

In the political world of the time this was to some extent a legal fiction: the vassal would hardly have regarded the past history of the relationships with his overlord as a history of benefits conferred by his overlord, nor the covenant in question as the culmination of these benefits. For Israel, however, this was the reality of the relationship with Yahweh. How often do we find in the biblical texts a recitation of the past history of the people treated as the saving acts of their God. Read for example the speech of Joshua, recounting the history of the people from the father, Abraham, right down to the giving of the land; and the conclusion is: 'Now therefore fear the Lord and serve him'.¹² Similarly in the account of the fall of Samaria, already referred to, the people have sinned not simply against the Lord their God, but 'Against the Lord, their God, who had brought them up out of the land of Egypt. . .'¹³ In Deuteronomy this historical qualification of the role of Yahweh

¹² Jos 24, 1-27.

¹³ 2 Kg 17, 7.

is part of the regular style of the book.

Yahweh then is the great king. He has founded and nurtured this people by a series of saving acts, typified in the Exodus; and finally, on Sinai, he has granted a covenant or treaty to this people, choosing them as his own. What is demanded of them is fidelity to the covenant: their lives, their conduct are judged in those terms. Conscience can be seen rather as response: the favour of Yahweh in his choice of a people implies a certain way of life, befitting a people which calls itself the special people of Yahweh. This way of life is the manifestation of their fidelity to the will of the God who has chosen them.

This can be illustrated from the book of Deuteronomy, the document of the covenant, which spells out the implications of the treaty entered into. First, there is a mass of legislation, dealing with every aspect of life.¹⁴ Proper understanding of this can be found only by seeing its place in the fixed scheme of the covenant document: the sequence of past history, the principal commandment, particular commandments. This mass of law consists in fact of the particular stipulations of the covenant. The early chapters, put into the form of a series of speeches by Moses and delivered before his death, are a *mélange* of the historical prologue, the previous history of what Yahweh has done for his people, and the exhortation to fidelity, the principal commandment.

This fixed sequence is important and brings out for us the response character of Israel's conduct. The initiative has lain with Yahweh, the great king, who has chosen Israel, 'and now' Israel must be faithful. The duty of fidelity, however expressed, is rooted in what Yahweh has already done for his people. It is not something arbitrary but merely continues the relationship of dependence which already exists, and the individual commandments show how this dependence is lived out in the circumstances of life. The mass of commandments in Deuteronomy, which are presented as the will of Yahweh, find their centre of unity in the principal response of fidelity to the covenant relationship.

In the political treaties of the ancient near east this response was expressed in various ways. In the decalogue the great commandment reads: 'You shall have no other Gods before my face'. This expresses Yahweh's exclusive claim to the worship of Israel, just as the vassal king was not allowed to set up association with another

¹⁴ Deut 12-26.

ruler. Israel, who in her early period recognized the existence of other Gods, realized that she was bound to one Lord alone.¹⁵ To follow the emperor and him alone was the duty of the vassal. Finally we have the commandment of love: 'You shall love Yahweh your God with all your heart, with all your soul and with all your might.'¹⁶ Strangely, this comes straight from the international law of the ancient near east, which thought not of abstract entities called 'states', but rather in terms of personal relationships. In diplomatic correspondence the expression 'to love the emperor' is found, and the additional 'with all your heart' expresses again the exclusive nature of the claim.

Israel, then, adapted these expressions from the political sphere, giving them a more profound meaning in the process. The detailed commandments of the Decalogue, and of the law codes, presented in the Old Testament as the mosaic law, are the detailed expression of that command or response. Included in it was the necessity of a continual process of reflection on life and conduct as the people of the covenant, fulfilled by the constant use of the covenant-document in a liturgical situation, where it had to be preached and adapted to the changing life situation. The work of priest and prophet in the community was important in this regard.

Thus a study of the law codes shows the process of adaptation and development that was going on as Israel faced new situations, new problems, new demands. In fact even the formulation of the principal commandment to fidelity can be shown to have undergone the same process of development and change.¹⁷

In fact, the great sin for Israel was to forget the treaty entered into, to forget what Yahweh had done for his people. Conscience for Israel is the consciousness of the relationship entered into with their God. The duty demanded is the response of fidelity, expressed in terms of 'love', 'fear', 'walking after' etc. The individual details of conduct are found in the community institutions designed for the preservation and teaching of the covenant; and time and again

¹⁵ Deut 6, 14 gives the command in another fashion: 'You shall not go after other Gods'.

¹⁶ Deut 6,5.

¹⁷ Deut 1-11 reflects in fact such a process of rethinking on the content and formulation of the great commandment. Deut 6, 12-15 is such a commentary on the commandment, and, following upon the awesome appearance of Yahweh on Sinai (Deut 5), the key expression is 'fear'. In Deut 9 the key problem is to warn against the danger of relying upon one's own self-righteousness, while in Deut 8 from the context of a situation of prosperity where the danger is that the people forget, this latter danger is singled out - after a description of the land, Israel is warned to take heed 'lest it forget', v 11.

priest and prophet must remind Israel of its role for them. Always the central point of unity is fidelity to the divine will.

True, Israel does from time to time forget; she must be reminded and the covenant renewed. We began with the description of such a renewal in the time of Josiah. Finally, in the later prophets, we find references to a new covenant, one which will be more interior, written on the hearts of men.¹⁸ The work of teaching by priest and prophet will be taken over by Yahweh. This is not developed; and one thinks of the later teaching of Paul, which seems to reflect a tension between law and the interior guidance of the Spirit. In either case the central point is the same: what is important is the duty of fidelity, fidelity in walking after the God of the Covenant.

In the New Testament there is still the principal commandment. When Jesus is asked what it is, he replies by using the formula of the commandment to love,¹⁹ and this is recognized and accepted by his questioner: 'You are right, you have truly spoken'. The change of perspective is the centring of all this on Christ. Where the demand on Israel was not to follow other Gods, but to walk after Yahweh, Jesus can say 'follow me', a phrase which reflects the same formulation of the principal commandment. So, at the heart of Paul's doctrine of the rejection of man's self-justification, there is the doctrine of faith which finds its focal point in the death and resurrection of Jesus. The new commandment of Jesus is to love him and the brethren because of him.

Thus, when we talk of following conscience in the context of the covenant, we are not dealing with something subjective as against something objective. The following of conscience for Israel was the carrying out of the principal commandment of fidelity to the relationship entered into with God. That basic will of God can be described in various ways, and we can see Israel reflecting and responding in various situations; but what is always important is the basic response in fidelity. Ultimately, what is important is my response to the will of God, and, in new testament terms, to Christ. It was he who took the formulations of the principal commandment from the Old Testament and applied them to himself, demanding that he be loved and followed: 'He who hears my commandments and keeps them, he it is indeed who loves me'.²⁰

¹⁸ Jer 31, 31ff.

¹⁹ Mk 12, 28-34.

²⁰ Jn 14, 21.