

The Renewal (**hiddush**) of the Covenant in Rabbinic Judaism*

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Foreword

The following survey was done in September 1988 at the request of the Roman Commission for Religious Relations with Judaism. It was received and discussed by a group of theologians who had been called together by that commission during the same year. It was again given to the same commission in view of an international symposium which was to be held at Nemi in August 1990.¹ Except for a little touching up, the survey now is identical to the first version.² I did not rewrite it because, on the one hand, the rabbinic data has not changed since 1988, and to my knowledge, there has been no renewal in the work done on it, neither on the Jewish side nor on the Christian side; and on the other hand, because it is not my intention in this survey, or in other studies which followed it, to enter into the polemics started off by Pope John Paul II's phrase: "the Old Covenant which has never been revoked". This phrase, which was repeated in the June 1985 Notes of the Commission for Religious Relations with Judaism, in fact seems to be so coherent with the new attitude of the Catholic Church towards the Jewish people and Judaism since the Second Vatican Council that it should not continue to cause difficulty for very long.

By rabbinic Judaism, I would understand the faith and practice (Torah and Mitsvot) of the Jews who recognized that they were responsible for a revelation which was received and passed on by Moses, by the pharisaic Masters (called Rabbis or Sages by their disciples) and by their successors until today.

This lived Torah or this life inspired by the Torah is conditioned by history. It evolves in a dynamic way, and it can do so thanks to the Pharisees' theology of the oral Torah, which they had already developed in opposition to the Sadducees before the destruction of the Second Temple, before the year 70 C.E. In particular, it is certain that, thanks to the **teacher-disciple relationship**, the Torah can and must develop in history by bringing forth something **new** based on the **old**. What is new appears on the background of continuity. It is innovation, renovation and renewal of the Torah which manifests that the Torah, given by God to Israel, is living. The **renewal** of the Torah is called **hiddush** in Hebrew. That word, from the root **hadash** which means **new**, signifies action when in the intensive mode of the pi'el. Renewal-

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¹ Because I was involved in a conference in Zaïre, I was not able to take part in the symposium, and in the end, the work of that symposium was not published. So my survey remained available. After sharing it often with interested friends, I now trust my colleagues in the editorial team of *Cahiers Ratisbonne*, who have invited me to publish it in this issue.

² However, I regret that the original texts which I had given in an annex to the first version cannot be included in the present publication.

hiddush is so important in Israel's Torah that it would merit entering into Christian theology with its Hebrew name. In any case, we will allow ourselves to call it thus right from the beginning of this survey without waiting to describe it further; according to the plan we have adopted, we will be doing that further on.

The turn taken at Yavne after the destruction of the Temple is essential for Judaism and for our subject. At Yavne, under the direction and control of Rabban Yohanan ben Zakkai, Rabbi Eliezer and Rabbi Yehoshua, it was necessary to make something new in fidelity to the old. Because of the importance of that Yavne hinge, as far as possible, we will give the exact date and status of the texts presented in this survey in relationship to it. When that is not possible, we will have to remain coherent and assume that the continuity guaranteed by the Yavne generation was maintained after Yavne. Because for methodological reasons, if we wanted to doubt that, we would have to prove that there are reasons for doing so.

To our knowledge, there is no rabbinic text which speaks explicitly or directly of a hiddush of the covenant. Certain texts mention the new covenant of Jeremiah 31:31, and one of them says that the covenant concluded by God with the Fathers, Abraham, Isaac and Jacob, was renewed by the covenant in Moab, a covenant which is itself presented as an intermediary stage between the covenant of Sinai and the new covenant of Jeremiah. But there are only a few such texts and at first sight, they are not very significant. Other texts have to be taken to shed light on them, and the context of these other texts is not immediately and explicitly linked with the covenant. This difficulty perhaps explains why some of these texts are not quoted at all and others are just barely mentioned in large reference books such as Billerbeck's commentary on the NT or Kittel's theological dictionary. This lack can also be seen in other Christian writings. On the Jewish side, the situation is analogous, but it is less surprising, considering the way the new covenant is presented in ancient traditions. But the goal of the present survey is not to criticize what is lacking or what exists on our subject in modern literature, whether it be Jewish or Christian. Nevertheless, I will point out as far as possible both the gaps which can deform and the positive information which can shed light on our topic.

The fundamental text in our survey is unique and short. We have to do with an old anonymous tradition which we will try to describe; it refers to Jer 31:31 in interpreting Lev 26:9. This tradition is given in the oldest midrashic collection that we have on the book of Leviticus, a collection which is called Sifra or Torat Kohanim (Torah of the Priests, a formula which in rabbinic literature also means the book of Leviticus). To shed light on this text in its context, we fortunately have a detailed debate on Jer 23:7-8 of which we have several interesting versions.

But before entering into the texts, it would seem useful to give a preliminary presentation of some basic realities of Judaism as they appear in their liturgical or talmudic context (in the large sense of this word, whereby talmud means the study-teaching of the Torah and also signifies the result of that activity; the rabbinic literature which is made up of midrashim, the Jerusalem and Babylonian talmuds, Rashi, etc...). This preliminary presentation neither wants to be nor can it be complete or systematic.

I shall try to respect Judaism as it defines itself, in particular through the voice of the authorized Jewish teachers. Here and there, I shall allow myself to indicate how

something resonates in Christianity in such a way that it could, in my opinion, throw light on the Jewish sources. For it seems clear that the New Testament is a collection of Jewish traditions which speak, consciously or not, the language of the oral Torah of the Pharisees. I shall also allow myself to suggest some possible extensions of the message given by Israel's Torah in Christian theology and life.

I shall only present the texts in English translation and in a shortened and often paraphrased way, except in cases where the literal exactness and the reference to the original key words are necessary.

I intend to divide the survey into two parts according to the following plan:

I. - Preliminary elementary information

- Covenant – Berit
- New – Hadash
- Renewal – Hiddush
- Fulfill – Kiyem
- Abolish – Bittel –

Uproot: 'Akar

Bypass: 'Akaph

Supplant: 'Akab

II. - New covenant, hiddush of the covenant

- Tradition on Jer 31:31
- Tradition on Jer 23:7-9

I. PRELIMINARY ELEMENTARY INFORMATION

- **Covenant – Berit**

Here, I do not need to repeat the history of the word “berit” – covenant, and of its synonyms, nor the evolution of the realities it signifies according to the results of contemporary biblical research. Such information is interesting, but it is of secondary importance for the topic I am dealing with. For from the rabbinic point of view, there is already in the 1st century C.E. a Scripture and an ancient Tradition which speak of several covenants in a certain order. According to the principle that “there is no before and after in the Torah,”³ we know that the order in which the Torah presents things is pedagogical and that it leaves space for all kinds of possible interpretations. Among these interpretations, the Sages of Israel received the tradition that places the covenant at Sinai at the center of them all as preferential. The covenant at Sinai is linked with Israel's election; it is concluded by means of the gift of the Torah to Israel

³ Sifre on Num 9:1, Ed. Horovitz, p. 61; T.B. Pesahim 6b.

and Israel's acceptance of that gift; the covenant is realized by means of the practice of the commandments prescribed by God for Israel's sanctification.⁴

The covenant mentioned in Ex 19:5 is clearly directed towards the practice of the commandments. For how can one "observe" the covenant if not through the observance of the commandments? This emphasis is clearly confirmed by the verse in Ex 19:8, according to which the people declares: *Everything that the Lord has spoken we will do*. What "doing" is it talking about if not the doing of the commandments? This is so clear that teachers like Rabbi Eliezer and Rabbi Akiba, based on the general indication given in Ex 19:5, could try to say which commandment best signifies the covenant. One suggested shabbat, the other circumcision. A third opinion suggests abstention from idolatry.⁵ Rashi (Rabbi Shelomoh ben Yits'hak, 1040-1105), in his commentary on Ex 19:5, prefers to speak of the "observance of the Torah", that is to say, the observance of all of the Torah, of all the commandments of the Torah. Let us note this significant shift: we move from the observance of the covenant to the observance of the commandments to the observance of the Torah as a rule of life. There is no reason to assume that this was a reaction to a Christian usage which preferred to speak of the covenant rather than of the commandments. Nothing authorizes speaking of a development in "late Judaism", either. Such a development certainly exists, but for its beginnings, we have to go back to the time before the pharisaic teachers appeared in history. I am referring here to a very beautiful article by Yehoshua Amir on Psalm 119.⁶ This psalm celebrates the commandments of the Torah like one celebrates God. The covenant is not mentioned in the psalm. For it is not the covenant which brings one into contact with God, but the Torah lived by means of the practice of the commandments.⁷ The covenant is only the framework for the relationship between Israel and God. The relationship between God and his people is lived by means of the Torah and its commandments which, far from being a shield or even an obstacle, are the divine way, life, truth.⁸ By returning to old understandings and placing them at the center of its teaching, did pharisaic Judaism innovate? Perhaps, but beginning when? In any case, if there is renewal, it is not necessarily recent, and it is certainly in legitimate continuity with the past.

This is not to say that the covenant is absent from rabbinic vocabulary.⁹ Tradition certainly mentions it where and when it is necessary. I am referring here to the fifth

⁴ Cf. Ex 19:5-7; 24:7-8 and the blessings said when fulfilling the commandments. These blessings begin with the formula: Blessed are you, Lord our God, King of the universe, who has (sic) sanctified us by his (your) commandments...

⁵ Mekhilta de-Rabbi Ishmael on Ex 19:5, Ed. Horovitz-Rabin, p. 208.

⁶ In Hebrew: Mekomo shel Mizmor 119 Be-Toledot Dat Israel. Te'uda II – Bible Studies, Tel Aviv University, 1982.

⁷ Cf. in particular the surprising verse 31: "I cling to your decrees, O Lord; let me not be disappointed." Clinging to the commandments is the path by which a person clings to God. See the article cited above, pp. 61 and 67.

⁸ From a Christian point of view, instead of opposing faith and law to one another, it is possible to increase the value of the commandments, not necessarily of all the Jewish commandments, but of all the commandments prescribed by the Christian community in the name of Jesus, as a means for imitating Jesus in his imitation of God (cf. Eph 5:1-2), for uniting oneself to his will in his response of love to the Father's love. Jesus, as the Word, as the incarnate Torah, fulfills the commandments, he does not do away with them.

⁹ Cf. W. Davies, *Torah in the Messianic Age and/or the Age to come*, Society of Biblical Literature, Philadelphia, 1952, pp. 89-90. On p. 89, Davies writes the following: "It has been pointed out by Bonsirven that despite the fact that the idea of Covenant dominates Jewish thought, surprisingly

blessing in the Mussaf Prayer on Rosh Ha-Shanah; it is called the blessing of “Memories” (Zikhronot), because in it God is praised who remembers and visits the persons for whom he desires good. This blessing celebrates God who remembers, and it illustrates this by having recourse to the rabbinic process of the “necklace” (harizah).¹⁰ The necklace made with words of Scripture begins here with the Torah, goes by way of the Psalms,¹¹ then to the Prophets and closes with a last verse from the Torah, Lev 26:46. The choice of verses is conditioned by the theme, which is remembering or “remembrance”. Thus, it begins with the remembrance of Noah (Gen 8:1), goes on to the remembrance of the covenant with the patriarchs (Ex 2:24; Lev 26:42), then to the remembrance of the covenant with the ancestors who came out of Egypt (Ps 106:45) etc... The covenant is not always named because the verse, which must speak of the remembrance, does not always mention the covenant. That is the case at the beginning with Noah in Gen 8:1. The necklace could have quoted Gen 9:16, which speaks of God’s eternal covenant with all living beings. But Noah is not mentioned in that verse, and the prayer wants precisely a remembrance that is linked to Noah, because Noah begins the series of righteous people whom God remembers so as to visit their descendants.

In spite of this absence of the covenant where Israel or Ephraim is concerned in Jer 2:2 and 31:19, the covenant is constantly present, mentioned explicitly in the verses chosen or implied in the context which these verses recall. The presence of the covenant in the verses chosen is not by chance, for the end certainly confirms that the remembrance that is being celebrated here is that of the covenant. The concluding formula: “Blessed are You, Lord, who remember the covenant”, speaks simply of the covenant without saying which one.¹² That is precisely because the point is to show that there is only one and the same covenant which begins with Noah and which, according to Ezek 16:60, will be fulfilled in the eternal covenant.¹³ This covenant has its center in the covenant at Sinai, which is not mentioned explicitly, but which is signified in the following request, the cornerstone of the entire blessing which precedes its conclusion:

enough the idea is relatively little exploited in the Rabbinical sources. Bonsirven gives a reason for this: he rightly suggests that the law had replaced it as the centre of Jewish life and thought.” It seems to me to be correct to note the value given to the Torah and to the commandments in rabbinic thinking. But such a development precedes the appearance of the pharisaic movement on the historical scene. It is already visible in certain biblical texts. We have to say that either the pharisaic movement is in continuity with preceding movements or authors, or else the pharisaic movement existed before we can make it out in history. On the other hand, if it is true that the Torah and the mitsvot hold a more important place than the covenant, the latter is far from absent, as we shall see. And finally, how can we be surprised over the small importance given to the covenant in the rabbinic discussions? It is not natural to speak more of the contents of the covenant, the Torah and the mitsvot, received and practiced with love, rather than of its formal framework?

¹⁰ This gathering together of verses taken in turn from the Torah, the Prophets and the Hagiographa is very frequent in Israel’s Tradition. It is well attested before the destruction of the 2nd Temple (cf. T.J. Hagigah 2, 1, 77b) and according to Lk 24:27-44, it is used by Jesus.

¹¹ Representing the Hagiographa, as in Lk 24:44.

¹² The covenant is the unique covenant which assumes and integrates all the successive and partial covenants concluded by God with Israel. These covenants mentioned explicitly in Scripture are multiple. Others are implied in Scripture and brought to light in the oral Torah; we shall see further on, in passing, the covenant concluded with the fathers of the 12 tribes that is suggested in Lev 26:45. Tradition also speaks of a covenant concluded on the basis of the 13 divine attributes revealed in Ex 34:6-7; because of that covenant, God forgives those who invoke these attributes in the penitential liturgy of Rosh Ha-Shanah and Yom Kippur (cf. T.B. Rosh Ha-Shanah 17b).

¹³ Further on, we shall come back to the “fulfillment” which the Hebrew “va-hakimoti” signifies.

“Fulfill for us, Eternal our God, your promise which you gave us in your Torah through Moses, your servant, on your glorious order, as it is said (Lev 26:45): *I will remember in their favor the covenant with their ancestors whom I brought out of the land of Egypt in the sight of the nations, to be their God, I, the Eternal.*”

We see how the blessing has recourse to praise for asking God to fulfill the promise he made to Israel to remember the covenant with the first ones, with those who came out of Egypt. Let us note the possible difficulty in interpreting this verse from Lev 26:45. Is it not necessary to see in this covenant with the first ones a covenant with the fathers of the 12 tribes, which would be before the covenant at Sinai?¹⁴ In any case, and this is what is important, according to Tradition, God promised “to us”, that is to say, to the Israel of today, that he would remember the covenant with those who came out of Egypt, that is with those who, since the exodus from Egypt, are one people, the people of Israel. Let us note that the accent is on God’s promise, a promise which preceded the observance of the commandments. This insistence is entirely in its right place in the prayer of Rosh Ha-Shanah, where it is not a matter of presenting oneself before God with the merit of the commandments. For a person comes precisely in order to call upon God’s mercy and to ask God’s forgiveness for not having observed the commandments. This emphasis is also to be found in the daily prayer, where, for example, in the Shemonei Esrei (the 18/19 benedictions of the community prayer), the God of the Fathers is called upon, that is, the God who remembers the Fathers’ love, who will send a redeemer to their descendants, who protects Abraham and his descendants. The obligatory and statutory Jewish prayer mentions the commandments in order to remind people that they have been prescribed, but it never claims any merit acquired through their observance.

So here, in the Rosh Ha-Shanah prayer, all the covenants, which make only one and which are centered on the covenant at Sinai, are remembered. The Sinai covenant is not named explicitly, but it was in that covenant that the Torah of Moses was given, which mentions and confirms all the preceding covenants and which points towards the eschatological covenant.¹⁵ This latter covenant is explicitly mentioned in the prayer by quoting Ezek 16:20. The covenant of Jer 31:31 is not mentioned because it is not literally linked to remembrance, which is the theme of the blessing. But we shall see that from the rabbinic point of view, precisely the new covenant of Jer 31:31

¹⁴ Cf. Sifra on Lev 26:45, Ed. Weiss, 112c; Sifre on Deut 1:8, Ed. Finkelstein, p. 16; Tosefta Maaser Sheni 5,29 on Deut 26:15; Ed. Lieberman, pp. 273-274; Exodus Rabbah on Ex 32:13, Par. 44, § 9.

¹⁵ Concerning the unity and multiplicity of the covenants, B. de Margerie in his article, “L’Ancienne Alliance n’a jamais été révoquée”, Revue Thomiste, April-June 1987, pp. 208-209, quotes at length and judiciously L. Cerfaux, “La Théologie de l’Eglise suivant Saint Paul”, Paris, 1942, pp. 18ff. I repeat that important quote (in translation): “... In a series of texts from the Bible, that in fact, are never added up, - so much so that regularly the testament is spoken of in the singular, - the testament of Abraham and the one of the exodus from Egypt are frequently placed side by side (Sinai, sometimes Moab). The later testament is a reminder, a ratification of the first. The divine will does not change. (...) Thus, we will consider the theory about one and the same testament which is constantly repeated, but with three principle times: in the person of Abraham, at the exodus from Egypt, and in the future. These three times are clearly marked in Jeremiah (11:3ff; 50:5; 31:33ff)... The testament of the future will not be anything other than a renewal of the unique testament, and it is thus that we must understand the “new” and “eternal” testament... It will deepen the Sinai testament by carving the law into the hearts and by repeating its own stipulations... The testament’s various stages are thus only successive manifestations of the same divine will.”

is inconceivable without remembrance. God fulfills his covenant, his unique covenant with Israel, through the new covenant of which Jeremiah speaks. God fulfills his covenant because he remembers his promise made to the descendants of those whom he brought out of Egypt. Is it conceivable that the new covenant could be made with the house of Israel and the house of Judah by forgetting and abolishing the covenant at the exodus from Egypt and at Sinai? We will come back to that question in the 2nd part of the survey.

Here, I would like to come back to the word and the reality of the covenant as they appear in Israel's Tradition. We already noted that the covenant is far from being absent from rabbinic vocabulary. As we have just seen, the covenant is present in prayer in a very significant way. It is equally present elsewhere in rabbinic literature, and we have noted the tendency to call a particularly important commandment covenant - one which is considered to be representative of the whole covenant or which is considered to be one of its essential conditions.¹⁶ Let us note that in this, Tradition resonates perfectly with Scripture. Circumcision, for example, is so inseparably linked to the promises of the covenant concluded with Abraham, that it is not only the sign of the covenant (Gen 17:2), but circumcision itself is called covenant: *My covenant shall be in your flesh as an everlasting covenant* (Gen 17:13 and 17:10ff.).¹⁷

In the same way, in Scripture, the observance of Shabbat is called an "eternal covenant" (Ex 31:16). It is understandable that the Tradition of Israel follows that example and speaks of a "covenant of the Shabbat" concerning Ex 19:5.¹⁸ Christian tradition on the Eucharist also speaks this family language. In passing on the words of Jesus, it says (Lk 22:20; 1 Cor 11:25): *This cup is the new covenant in my blood*. Such formulae which are very significant, exist alongside other more "exact" formulae, which none the less must not be given priority. Thus, for Noah we have the rainbow as the "sign of the covenant" (Gen 9:12,13,17). But the Shabbat is called "sign" (Ex 31:13,17) and "covenant" (Ex 31:16). Once again, this shows well that the covenant is not a purely formal framework, but a lived relationship, a reality that is made manifest in concrete signs. For Judaism, the two most fundamental signs are circumcision and shabbat, both of them a perpetual sign (Gen 17:13; Ex 31:17) and signs of a perpetual covenant (Gen 17:7; Ex 31:16). From the rabbinic point of view, is it conceivable that a new covenant could be concluded in this world, the consequence of which would be the abolishment of such signs? So when, according to Jer 31:31, they speak of a "new covenant", what newness is meant?

We shall return to that question in the 2nd part of this survey. However, we can already point out here that the newness can only be that of a renewal which confirms

¹⁶ Cf. Mekhilta de-Rabbi Ishmael on Ex 19:5, Ed. Horovitz-Rabin, p. 208, which was mentioned above; cf. footnote 5.

¹⁷ Cf. G. Foot Moore, *Judaism*, Harvard University Press, 1966, pp. 17-18. Elsewhere in tradition, it is emphasized that the covenant is mentioned 13 times in Gen 17 concerning circumcision, whereas it is only mentioned 3 times in Deut 28:66 and 29:2 or in Ex 34:10,27,28 concerning the Torah. This justifies the fact that the "covenant" is named before the Torah in the blessing on the Land, the 2nd blessing in the grace after meals. We should note that in that blessing, God is blessed because of the Land, for circumcision and for the Torah. Circumcision, which is called "covenant", is named before the Torah because it makes a person enter irreversibly and indelibly into the covenant. We again find the priority of doing, the preeminence of the commandments in the covenant.

¹⁸ R. Eliezer in the Mekhilta de-Rabbi Ishmael on Ex 19:5, p. 208, as already mentioned above; cf. footnotes 5 and 17.

and fulfills. Just as the successive covenants are in reality the ongoing fulfillment of the one and only covenant, a “new covenant” is conceivable as a “new” stage of the unique covenant, as compared to the “old” stages of that covenant. Just as each covenant is marked by a sign, the “new covenant” can be marked by one or several new signs: the cup (Lk 22:20; 1 Cor 11:25), baptism (Col 2:11-13), the Day of the Lord (Rev 1:10; Acts 20:7; 1 Cor 16:2), the sign of the cross. Let us conclude these comments with a beautiful example of renewal in a love relationship which is made manifest by a new sign.¹⁹

The tradition “opens” with Song 5:1: *I come to my garden, my sister, my bride*. The verse with which the reading on the feast of Hanukkah, the feast of the Dedication begins is Num 7:1: *On the day when Moses had finished setting up the Dwelling Place*. It is a matter of making this unheard of new thing understood: God, who had retired into the heavens after Adam’s sin, returns to the earth out of love, into the dwelling place. In order to renew his love relationship with humanity, God does a hiddush: Before, he received the sacrifices from on high; from now on, he will receive them down below. Everything happens as if humanity, represented by Israel, had rights with God. In fact, in the love relationship which is the covenant, the woman who has been chased away from the palace, humanity that has been chased away from paradise, asks for a new gesture which will confirm that the beloved won’t go away anymore. Can God do more than live in this world from now on, in the sanctuary in the midst of the Israelites (Ex 25:8), in the Dwelling Place (Num 7:1), in the Tent of Meeting (Lev 1:1), where he will let himself be encountered above the mercy seat and between the two cherubim (Ex 25:22)? Such an idea goes very far in highlighting the newness. This is only conceivable in a love relationship which totally assumes the past in view of the future. This reference to God in the context of love prepares us for discerning with the Tradition of Israel between good and bad newness.

- **New – Hadash**

In Scripture and in the Tradition of Israel, the word “new (hadash)” applies to a thing, a situation, a word, an action which exists now whereas they did not exist before or which no one had seen or heard or done before. In itself, the new is neither good nor bad. In order to know whether it is good or bad, one must ask two questions: where does it come from and where is it going?

The new which comes from nature in accord with the rhythm of the seasons is good. It is good because of its origin, as it comes from God the Creator. It is also good because of its goal, to be useful to human beings. However, the new is “forbidden” so long as it has not been “permitted” through a liberating rite, offering and/or blessing.

Here, we shall only give one example, that of the new harvest which is called precisely “new (hadash)”. The “new” was forbidden for consumption before it was liberated by means of the offering of the sheaf, an offering which, according to pharisaic practice, began in the Temple the day after the feast of Passover and which

¹⁹ This example is taken from Pesikta de-Rav Kahana Pisk 1 § 1, Ed. Mandelbaum, p. 1.

continued for 50 days until the feast of Pentecost.²⁰ The reason for this prohibition is given clearly by the author of Sefer Ha-Hinukh:²¹

“... The basis for human subsistence is the harvest of cereals. Thus, it is right and fitting that we bring an offering to the Lord who has given them, before his creatures can enjoy them. And this is along the lines of what the Sages, may their memory be blessed, said similarly (T.J. Berakhot 6, 1, 9d-10a): ‘Whoever enjoys this world without a blessing, commits sacrilege.’ The goal of all this is to make us fitting so that we will be worthy of receiving from his goodness... (Commandment no. 303, corresponding to Maimonides’ negative commandment no. 189).”

Thus, it is not enough that the “new” be materially good for consumption; it must be referred to its divine source so as to receive its true value from that source. For human beings, that value cannot be only material. If it is only that, it is not a value, and the “new” is forbidden.

We have seen the “new” in agriculture, that is to say, the new harvest of cereals and the rite which makes it allowed for consumption. The principle must be extended to include everything “new”: the Jew must say a blessing over every good he or she has received, over every gesture that is made to fulfill a commandment. In fact, Rashi says in his commentary on Deut 11:13: “*Surely, if you really obey my commandments which I am commanding you today*: may these commandments be for you new as if you were hearing them today!”²² The new which is referred to God receives from God the strength which renews the human person who receives the new. What is truly new is what comes from God who “in his goodness, every day, constantly renews the act of the beginning (the act of creation).”²³

It is understandable that this high idea of the new is not applied to everything that is new and that it can call forth an attitude of distrust towards modernity. It is known that the great ultra-conservative teacher of Jewish Orthodoxy, Rabbi Sofer Moses, also known as Hatam Sofer (1762-1839), based his thinking on the Mishnaic principle in Orlah 3,9: “Everything new is forbidden by the Torah,” when he forbade not only the first harvest of the 16th day of the month of Nisan (a prohibition which has been ineffective since the destruction of the Temple), but everything that is new, no matter what it might be.

For natural products, discernment is simple and liberation easy by means of the rite which refers the products of the earth to God.

Things are more complex when they concern words or gestures, matters which are open to multiple interpretations. Let us give some examples.

²⁰ Cf. Lev 23:14-16; Mishnah Hallah 1,1; Mishnah Orlah 3,9; Mishnah Kiddushin 1,9.

²¹ A Catalan teacher, perhaps Rabbi Aharon Ha-Levi, at the end of the 13th century. His book takes up the commandments according to the list in Maimonides’ book of commandments, but it classifies them in the order in which they appear in the Pentateuch.

²² Cf. Sifre on Deut 11:32, Ed. Finkelstein, p. 124.

²³ First blessing before the morning Shema Israel. On this subject, cf. Rabbi Hayyim de Volozhyn, Nefesh Ha-Hayyim 1,2, Translation into French by B. Gross: L’âme de la vie, Ed. Verdier, Paris-Lagrasse, 1986, pp. 8-9.

Let us take first the words of prayer as they are proposed by Scripture and by Tradition.

The Canticle at the Sea, Ex 15:1-19, is recited every morning at the end of the Pesukei de-Zimra, a prayer of praise which prepares for the statutory and obligatory prayer of the morning: the Shema Israel and the Shemonei Esrei. It is still quoted in a summarized way in the Blessing of Redemption which comes after the morning Shema Israel. The quotation from Ex 15:18, *The Lord will reign for ever and ever*, is preceded in that blessing by the formula: “The redeemed (from Egypt, Moses and the children of Israel) celebrated you (you, Lord) and sang a new song (shirah hadashah, in the feminine, according to Ex 15:1) in your name.” The qualifying word “new” does not appear in Scripture to describe this canticle. It is Tradition which calls it thus because, according to the commentators, it manifests a newness which the world did not yet know, that is, that God is king. For this is what the Canticle says in Ex 15:18: *The Lord will reign...* The reign of God begins when a people that can be located in the time and space of the world acknowledges God as king. This newness is proclaimed with love by Israel, which has just experienced the redemption from Egypt. This newness is so important that the canticle as a whole is called “new”.²⁴

The redemption from Egypt, the proclamation of God’s royalty are new realities which call forth new words.

The final redemption will also be a new reality which demands a new song, this time in the masculine, because the final redemption will not give birth to a situation which in turn demands another redemption. Such a song is prefigured in the song in Isa 42:10 or in that of Psalm 149:1 which are both a new song (shir hadash) in the masculine.²⁵

In the present version of the Blessing of Redemption that is said over the Hallel before the festive meal during the night of Passover, it is said: “... Make us reach other feasts... in a future of peace, when we shall rejoice over the reconstruction of your city and when we shall exult in fulfilling your worship. There, we shall eat the meat of sacrifices... We shall give you thanks with a new canticle for our redemption and for the ransom of our soul.”²⁶

The canticle of the final new redemption, in the masculine, will be new because it will celebrate the newness of the final redemption. Different from the new canticle of the first redemption from Egypt, a canticle in the feminine, of which the content is known, the content of the new canticle of the final redemption is not known. This must remain unknown if, when the time comes, it is to be really new. However, according to the statutory and obligatory prayer, it is known that the newness of that redemption will include the rebuilding of Jerusalem, that is to say, of the Temple, and the re-establishment of sacrifices. Thus, this newness will in no way abolish the old, which it will fulfill. The new that is heralded by Tradition relativizes the old. In doing so, the new does not diminish the old; rather, on the contrary, it endows it with greater light. Thus, the words of the prayer presented in Scripture or in Tradition can

²⁴ Cf. the notes of S. Baer in the Siddur “Abodat Israel”, p. 86, and the notes in the large collection, “Otzat Ha-Tefillot”, vol. I, p. 293.

²⁵ Mekhilta de-Rabbi Ishmael on Ex 15:1, Ed. Horovitz-Rabin, p. 118. The parallel to this passage, Song of Songs Rabbah on Song 1:5, Ed. Donski, p. 31, proposes Ps 96:1 as a new song in the masculine.

²⁶ Passover Haggadah, Ed. Bloch, Paris, 1970.

be called new because they manifest or will manifest the unprecedented newness of a situation in which God, out of goodness and love, places or will place Israel.

There is newness because there is the revelation of an unprecedented reality which was not known before. The newness is good, positive, because it is the manifestation of a divine light and goodness which had not yet been experienced to that degree. Here again, the criterion for the good newness is that the origin of the good or of the new situation is attributed to God. The newness is good because God is at its source.

Let us now look at the newness of human realities or situations. Here again, the new can be good or bad, according to its origin and its consequences.

The Torah gives us an excellent example of a bad newness. In Ex 1:8 it is said: “A new king arose over Egypt who did not know Joseph.” Rav and Shemuel argued about this newness; the one said: truly new, the other said: new because he changed his policy, pretending to no longer know Joseph.²⁷ The second interpretation presents in a plausible way a newness which is doubly bad: bad because of its origin, the king’s wickedness; bad because of its consequences for Israel. Let us also note that this bad newness is a newness that breaks with what preceded it.

But there are situations or realities which are new and good. The most obvious are those which God himself brings. Three examples will be given here with recourse to Scripture, Isa 51:4; Isa 43:18-19; Jer 31:31, because they are particularly pertinent for our subject, especially the last one.

The first example can be given based on Isa 51:4: *Listen to me, my people, and give heed to me, my nation. For a Torah will go out from me, and I will make of my law the light of the nations to bring them peace.* The verse does not speak of a new Torah, but it is dealing with something new: the Torah which will go out from the Lord will be a light and will bring peace to the nations. Rashi understands this as a prophetic word which has the importance of Torah; this word and the judgments it will pronounce will bring peace to the nations; God will give the peoples pure lips so that they might serve him (cf. Zeph 3:9). Radak (Rabbi David Kimhi) for his part connects this verse with Isa 2:3: *For out of Zion shall go forth the Torah*, and he says that “the King-Messiah will teach the nations to walk in the ways of the Lord, and that will be after the war of Gog and Magog.” So there will be a new Torah, a new teaching given to the nations, who will not have heard and understood it before. This newness is doubly good: because of its divine origin and because of its consequences for humanity. One would wish to find some older interpretations of these verses than those of Rashi and Radak. But even if they don’t exist or have disappeared, we have to trust these commentators. We have to do with interpretations which are coherent with the Tradition which they know and respect. We can regret that these verses and those who speak about them don’t use the word “new” and don’t speak of a “new Torah (Torah hadashah)”, as Jeremiah speaks of a “new covenant (berit hadashah)”. However, let us note that if Isa 51:4 does not use the word “new”, there is an old interpretation of this verse which does use the word new with a very particular idea, as we shall see.

The context is that of the possibility of bringing a modification to the way of ritually slaughtering an animal during messianic times. In order to allow for such a

²⁷ T.B. Sotah 11a, quoted by Rashi on Ex 1:8.

possibility, Rabbi Abin bar Kahana says: “The Holy One, blessed be He, said (Isa 51:4): a renewal of the Torah (hiddush Torah) will go out from me.”²⁸ The word “new (hadashah)” that is added to Isaiah according to Rabbi Abin bar Kahana’s interpretation, is applied to the Torah in a restricted sense which is very different from the one we saw above for this same verse. Here, the “new Torah” or the “renewal – hiddush – of the Torah” is meant as regards a limited norm which is taught exceptionally for a particular case and time. It is not possible to deduce anything from that newness as to the possibility of innovating in other cases and at other times. Even less is it possible to draw the conclusion from that particular norm that there will be a new Torah during the messianic era which will take the place of or fulfill the Torah of Moses. We will find this hiddush in the restricted sense again in a halakhic matter when we talk about hiddush in the next paragraph. To sum up what emerges from this first example, we can say that there is a question concerning a Torah, a teaching during the messianic era which will be a light and bring peace to the nations. This will be a new Torah, even though the word “new” does not appear. On the other hand, it is possible that certain limited and isolated renewals, certain modifications where halakhic matter is concerned will be introduced in an authorized way during the messianic era.

The second example is also based on Isaiah in a context in which the situations are presented as having been earlier, old or new. The text is Isa 43:18-19: *No longer remember the former events, no longer think of the things of old. I am about to do a new thing; already it springs forth, do you not perceive it?* There is reason to believe – and we shall come back to this in the second part of this survey – that Rabbi Eleazar ben Azariah, the head of the rabbinic college at Yavne after the temporary deposition of Rabban Gamaliel, highlighted the announced newness in the verse along the lines of forgetting. Two parables were used to illustrate how the new can, and in a certain sense must cause one to forget the old. From the homilist’s point of view, the line of forgetting is legitimate. The aim is to convince the people that what the Lord is preparing will come in an unprecedented way to overcome, to repair the earlier suffering. That has to be taught even to the point of saying, as the Lord himself says through the mouth of Isaiah, that people will forget, that people must forget the things of the past. Thus, the last tribulation will cause one to forget the first one.²⁹ We can also say that the joy of the final liberation from the last tribulation will cause one to forget the joy of the liberation from the first tribulation. Both interpretations are possible in the homiletic context in which Rabbi Eleazar ben Azariah explained the newness based on Isa 43:18-19. However, let us note to what extent the newness can be ambiguous. It is good to forget the things of old and to no longer suffer because of them. But is it good that the new joy causes one to forget the joys of old? Is it good and healthy to depart from history? We will come back to that debate in the second part of this survey. Let us note here that it is again the reference to God which allows one to decide whether the new is good or bad. Here, according to Isa 43:18-19, the newness is good because of its divine origin. It is also good because of its consequences that have been commanded by God. But how can one understand what God really wants: does he really want Israel to forget the benefits received in the

²⁸ Leviticus Rabbah Par. 13, § 3, Ed. Mirkin, Vol. 7, pp. 140-141. This passage was studied by W. D. Davies, *Torah in the Messianic Age*, Philadelphia, 1952, pp. 59-61.

²⁹ Tosefta Berakhot 1,11, Ed. Lieberman, pp. 4-5. Cf. also Lieberman’s commentary, which discusses the way this tradition is attributed according to the different parallel versions, pp. 13-14. We will come back to these texts in the second part of this survey.

past? Doesn't he rather want the final joy to be without a common measure with the previous joys or sufferings? Or again, doesn't he want the final joy to manifest its strength and its newness in relationship to the former things, which for that very reason must not be forgotten? We shall see that according to the majority of the sages, and in spite of the exuberance and exaggeration of the formulae, the good newness is that which does not forget the things of old, neither the previous tribulations nor the joy of previous liberations. Based on Isaiah 25:8, which is quoted in the Book of Revelation of St. John (7:17; 21:4), we could say that God *will wipe away the tears from all faces*. This cannot mean that the tears disappear from memory. For with the tears, the joy of their having been wiped away will disappear. Israel's experience of a God who is with them in suffering (Ps 91:15) does not permit such an interpretation of Isa 25:8 or of Isa 43:18-19 and of Rabbi Eleazar ben Azariah's homilies, which we shall look at again.

The third example is that of the newness of the covenant announced by Jer 31:31. This newness is certainly good, and the example we just saw prepares us for recognizing its contours, which we will do in detail in the second part of this survey, since that is the central point in our topic.

Thus, as we have insisted, it is the reference to God which qualifies the newness. In concluding this phase, let us note again the extent to which the reference to God relativizes the newness. From the human point of view, this newness might be very great, but from God's point of view, as we might say, the newness is nothing. The real newness is not so much in the content as in the quality of the relationship, where the newness is perceived as such. This is why the Tradition of Israel insists on the need to "renew" in prayer. Prayer must not be "fixed" (*keba'*, instituted in the sense of "frozen"), it must not be like the prayer of someone who "innovates nothing in it".³⁰ One mustn't pray like someone who is "reading in a letter"; one must "renew" something in prayer each day.³¹

What counts above all is the quality of the relationship with God as lived in prayer. The newness of the words is not excluded, and it is known that in ancient times people improvised on the "fixed" theme. However, the accent is on the newness of the relationship that is renewed every day. Unofficially, one might have a written prop for one's memory. But the prayer, which is the privileged expression of the oral Torah, must be oral, not read like one "reads in a letter". Oral character and good newness go together. We find there one of the fundamental aspects, maybe the most fundamental one, of pharisaic and rabbinic coherence: newness, good newness is sought in Israel because it is incumbent on the oral Torah to actualize each day the Torah given by the Lord to the children of Israel at Mount Sinai through the mediation of Moses (Lev 26:36).³²

³⁰ T.B. Berakhot 29b. Cf. also J. Heinemann, *Prayer in the Talmud*, Walter de Gruyter, Berlin - New York, 1977, pp. 17, 51-69.

³¹ T.J. Berakhot 4, 3, 8a. In a love relationship, each word is new every day, even if it was said already the day before and the day before that. In reference to God, each day is a new creation, according to what the prayer says about God, who "in his goodness, every day, constantly renews (*mehaddesh*) the act of the beginning (of creation)." Cf. also above footnote 23.

³² It is not enough simply to do the commandments each day as if they were new and prescribed "that day" at Sinai, as Rashi says in his commentary on Deut 11:13 quoted above (cf. footnote 22). It is also necessary to say the new words which teach how to improve the praxis, how to adapt it to the circumstances, how to modify it, even to suspend it, at least temporarily, if the situation demands this.

- Renewal – Hiddush

Hiddush, renewal, is the activity by which a Jew, whether a teacher or a disciple, manifests a new aspect of the oral or written Torah. The word also means the result of that activity, that is, a new aspect of the Torah.³³

Hiddush as a result is thus a new teaching.³⁴ In matters concerning halakhah, hiddush has the following restricted meaning, according to the Encyclopedia Talmudit:³⁵ “A juridical decision that the Torah makes in one place and which is in opposition to other decisions, the consequence of which is that this particular decision has no value in other cases, and other cases cannot shed light on it.” From its perspective, the Encyclopedia Talmudit deals only with this kind of hiddush which is not our main concern here, so there is no need to discuss it. In fact, we are seeking to know what a new covenant or a renewal of the covenant as a whole can mean from a rabbinic point of view, and we are not dealing with a teaching on a particular point in halakhah. The hiddush in matters of halakhah, of which the Encyclopedia Talmudit speaks, is a limited and isolated decision because it is in opposition to other decisions, because it is not coherent with the Torah as a whole. But in order to be fully accepted, in order to become common teaching, hiddush must be recognized as being coherent with all of the Torah, both diachronically in continuity with the past and synchronically in relationship with the contemporary community.

The accepted hiddush which, as we shall see, ensures the life of the Torah, is a new teaching; however, it cannot be absolutely new, as if it had been created out of nothing. In this connection and in spite of the anachronism, we should mention here the particular meaning of the word hiddush in medieval philosophical Hebrew, which is modelled on the Arabic. In the philosophical texts of that period, hiddush is synonymous with creation; it means the creation of something new starting with nothing.³⁶ Thus, here hiddush is the absolute renewal. This absolute renewal through creation is not renewal through the fulfillment of a reality which existed previously. Since certain minds and certain theologies cannot imagine that something new is really new unless it comes from nothing, or unless it denies the old or destroys it or substitutes itself for it, we must take this idea of “hiddush – creation” into account in order to see it in contrast to the idea of “hiddush – fulfillment”, which, from the perspective of this survey, we shall be mainly studying. Further on, we shall say clearly what fulfillment in matters concerning the Torah signifies. But let us first see

We shall see further on that in order to “act for the Lord”, one sometimes has to “violate the Torah” (Ps 119:126, as Rabbi Nathan interprets it according to Mishnah Berakhot 9,5).

³³ I talked about hiddush in some detail in an article entitled “Voies de la continuité juive” (Paths of Jewish Continuity) in “Aperçus sur le fait juif”, *Recherches de Science Religieuse*, oct-déc. 1978, pp. 489-519. I am returning to that article here and summarizing it, but also completing it in certain points.

³⁴ This is why there are numerous collections of Hiddushim, Novellae (new Teachings), which appear starting in the 12th century and which continue to be made until today in the area of Talmud. These collections are important sources for Jewish law. This Jewish law, or “Hebrew law”, as it is called now, is always studied, taught and practiced in variable and differentiated ways wherever there are Jews. Cf. the major work on this subject by M. Elon, *Ha-Mishpat Ha-Ivri*, Jerusalem 1973, and what he says about Hiddushim – Novellae, pp. 908 ff.

³⁵ In Hebrew, Jerusalem 1967, Vol. XII, article “Hiddush”.

³⁶ Saadya Gaon, *Emunot ve-Deot*, Ma’amar I and II; Yehudah Halevi, *Kuzari*, 5, 18, 2; Maimonides, *Moreh Nebukhim* II,16.

in what hiddush consists, the renewal of the Torah which is a fulfillment and which leads to a new teaching, a teaching which it is possible to accept as common teaching.

Let us say first of all that renewal – hiddush, like the new – hadash, can be good or bad. Everything depends on the intention with which it was made and the result to which it can lead.

Let us note that, depending on the case, the same teacher approves of the hiddush or receives it with reservation until further confirmation.

Rabbi Yehoshua, one of the pillars of the reconstruction of Judaism at Yavne after the destruction of the Temple, cannot imagine that there might be one day of activity in the house of study (beit ha-midrash = house of searching) without hiddush. He welcomes with joy the last hiddushim (plural of hiddush) which two of his disciples bring him back from the house of study from which he had been absent.³⁷ But the same Rabbi Yehoshua is puzzled by certain hiddushim made by “the scribes” in matters concerning the purity of certain utensils and containers.³⁸ Finally, he adopts with admiration certain hiddushim of his disciples who are gifted in exegesis.³⁹

The criterion of a good hiddush is that it can be referred to God or to Moses; that is the same thing because of the coherence of which the community, represented by the Sages, is the judge. For since Ezra, the people are used to *seeking the Lord, the God of Israel* or *the Torah of the Lord*, or *the Torah of Moses given by the Lord, the God of Israel* (Ezra 6:21; 7:10,6) in one and the same movement and by virtue of an age-old coherence which has been experienced and controlled.

It is thus in contact with Scripture that the hiddush is discussed and tried out. People are on the guard lest it “uproot the Torah”.⁴⁰ In certain cases, it is acknowledged with joy that a hiddush is in conformity with an age-old tradition, with a “norm of Moses from Sinai (halakhah le-Moshe mi-Sinai).”⁴¹ For discernment, one can count, on the one hand, on the Holy Spirit “who is on the people,” as Hillel said at the time of Herod the Great.⁴² On the other hand, under the impulse of Rabbi Yehoshua, it was decided at Yavne to consider that “the Torah is not in Heaven,” (Deut 30:12), that is to say that it is no longer in heaven. From now on, decisions have to be reached by a majority.⁴³ So there are the means to verify that the hiddush is good, that it “does not uncover aspects which are not in conformity with the halakhah.”⁴⁴

³⁷ T.B. Hagigah 3 ab; Mekhilta de-Rabbi Ishmael on Ex 13:2, Ed. Horovitz-Rabin, pp. 58-59.

³⁸ Mishnah Kelim 13,7.

³⁹ Rabbi Akiba and Rabbi Yehoshua ben Hyrkanos, Mishnah Sotah 5,2 and 5. In these passages, the word hiddush is not explicitly mentioned, but that is what it is about.

⁴⁰ This is the kind of control that Rabbi Eliezer exercises in Yavne with his disciple Rabbi Akiba. Cf. Mishnah Pesahim 6,2.

⁴¹ Mishnah Yadaim 4,3.

⁴² Tosefta Pesahim 4,14, Ed. Lieberman, p. 165.

⁴³ In fact, an audacious exegesis of Ex 23:2, which is based on a coherence that is broader than that of the immediate context, teaches that decisions have to be reached by the majority. Cf. T.B. Baba Metsia 59b.

⁴⁴ Mishnah Abot 3,11. Cf. E. Urbach, *The Sages, Their Concepts and Beliefs*, Jerusalem 1975, pp. 295-296.

As has been shown, in certain cases the hiddush calls forth admiration. For sometimes it is “what brings to light that which was concealed.”⁴⁵

On the other hand, the hiddush that is introduced with arrogance as an absolute creation is rejected. It is disqualified by comparing it to the good hiddush, which is brought to the community with humility, based on the teacher-disciple relationship. It is this good hiddush which is accepted as a legitimate expression of what already existed in the past, but which had remained concealed.⁴⁶

Several formulae express, each in its own way, the positive value of the hiddush as a legitimate development of revelation. The most clear and interesting one for our topic is the one passed on by Rabbi Hiyya bar Abba in the name of Rabbi Yohanan (around the year 250 C.E.): “What does that which is written (Deut 9:10) mean, *The Lord gave me the two stone tablets written with the finger of God, in conformity with **all the words** that he had spoken to you out of the midst of the fire on the mountain?* This teaches that the Holy One, blessed by he, showed to Moses all the detailed explanations of the Torah and all the detailed explanations of the Sages and all that the Scribes would be led to renew in the future.”⁴⁷

What is meant are all the hiddushim which the oral Torah brings, both for the interpretation of Scripture and for that of Tradition. You couldn’t be more bold in legitimizing hiddush. Obviously, it is talking about the good hiddush, that is to say, the one which does not abolish the old, but fulfills it.

- Fulfill – Kiyem

Kiyem is the pi’el form of the verb “kum (to stand up)”, a rabbinic form which corresponds to the hiph’il form of the same verb that is used in the Bible to express the establishment, the confirmation, the fulfillment of a reality.⁴⁸

For our topic, three passages from Scripture are particularly significant, because they promise the fulfillment of a covenant.

- Gen 17:7: *I will fulfill (va-hakimoti) my covenant between me and you, and your offspring after you throughout their generations for an everlasting covenant, to be*

⁴⁵ Job 28:2, which Rabbi Tarfon, Rabbi Akiba’s colleague and friend, applied to the latter when marvelling over his hiddushim, once he recognized their value (Cf. Abot de Rabbi Nathan A, Chap. 6, 15a). Rabbi Tarfon’s praises are all the stronger because in the beginning, he has the tendency to put a stop to his friend’s boldness. See for example Sifre on Num 10:8, Ed. Horovitz, p. 70.

⁴⁶ Cf. Rabbi Yehoshua ben Levi’s bold and ironic exegesis in T.J. Peah 2,6 17a: “What is the justification (for what has just been said, which is that the new is only the manifestation of what was already said to Moses)? It comes from the verse (Koh 1:10): *If there is a thing of which someone says: See, this is new!*, his companion will answer him and will tell him (quoting the end of the same verse, Koh 1:10): *It has already been in the ages before us.*

⁴⁷ T.B. Megillah 19b. Other analogous formulae are to be mentioned, each with its own particular point, in particular : Sifra on Lev 26:46 112c; T.J. Peah 2,6, 7a. Cf. E. Urbach, Halakah U-Nebu’ah, Tarbiz, 1947, p. 6.

⁴⁸ W. Bacher, Die exegetische Terminologie der jüdischen Traditionsliteratur, Leipzig, 1899-1905, Art. Qiyem, 1, p. 170.

*God to you and to your offspring after you.*⁴⁹ This verse is not quoted in the Blessing of “Remembrances” on Rosh ha-Shanah which we studied above, for that blessing only quotes the verses which explicitly mention God’s remembering.⁵⁰ The covenant promised to Abraham very obviously enters into all the covenants, which form one single covenant, the covenant which, according to the conclusion of the blessing of “Remembrances”, God remembers.⁵¹ We will find this text of Gen 17:7 again quoted in the Midrash Ha-Gadol on Deut 29:11-12, which we shall study in the second part of this survey. Then we shall see that the fulfillment of the covenant is presented as a renewal.

- Lev 26:9: *I will turn towards you, I will make you fruitful and multiply you; and I will fulfill (va-hakimoti) my covenant with you.* In the second part of this survey, we shall come back to this verse, which Tradition sees in relationship with Jer 31:31.

- Ezek 16:60: *I will remember my covenant with you in the days of your youth, and I will accomplish (va-hakimoti) for you an everlasting covenant.* As we saw, this verse is quoted in the blessing of “Remembrances” on Rosh Ha-Shanah.⁵²

These scriptural passages give evidence that the word “va-hakimoti” means to fulfill a reality which exists or which is at least known, and not to establish a totally new reality which was previously unknown. For Gen 17:7 speaks of the promise to fulfill a covenant which was already concluded with Abraham (cf. Gen 17:2), Lev 26:9 speaks of “my covenant (which is already known)”, and Ezek 16:60 of an “everlasting covenant” that is in relationship with the covenant “in the days of your youth.” This fulfillment, which the Bible expresses with the hiph’il of the verb kum, is also promised to the people as a consequence of the covenant that was concluded with it, according to the words of Deut 29:12, which we will see again below: *to fulfill you (le-hakim) today for him (for the Lord) as a people.*

To come back to the rabbinic term, that is, fulfillment expressed with the pi’el kiyyem, we encounter it in reference to Scripture in a significant way at three levels:⁵³

- “To fulfill” at the first level is “to fulfill Scripture” by discovering through exegesis to what Scripture commits one along the line of faith and action. For example, to fulfill Torah is to show by means of exegesis that the Torah in this or that word teaches the resurrection of the dead or the obligation to sanctify the Name even to the point of martyrdom.

- “To fulfill” at the second level is to “fulfill Scripture” by acting in conformity with Scripture as it was “fulfilled” at the first level.

- On the basis of these two fulfillments, that of exegesis and of action, the third fulfillment is to be understood: that of the promises in the Torah and the Prophets.

⁴⁹ Cf. also Gen 17:19 and again Gen 17:21: This covenant with Isaac prolongs the covenant with Abraham, in the same terms and with the same status, within the one covenant.

⁵⁰ Cf. footnotes 12 and 15 above.

⁵¹ Cf. footnotes 12 and 15 above.

⁵² Cf. footnote 13 above.

⁵³ Cf. my article in R.S.R. 1978 that was already quoted (cf. footnote 33 above), pp. 511-512.

The three levels are explicitly present in the Tradition of Israel and well attested in rabbinic literature. All three of them are not obvious in every context, but from the point of view of Tradition, the one without the other two has no meaning. Thus, the end of history, the coming of the Reign of God, is without doubt the fulfillment of all things, but it presupposes the fulfillment of the Torah that is studied-taught and acted upon by Israel. The three levels also exist in the New Testament. There, the third, that of the fulfillment of the promises, is the most obvious if for no other reason than that there are numerous expressions which speak of the fulfillment of the Scriptures as the fulfillment of promises. But Jesus and his disciples fulfill Scripture first of all by bringing out the meaning that it has for those who hear it, according to the time and the circumstances. And then, and this is the most important, Jesus fulfills Scripture by acting in conformity with what it teaches when it is correctly interpreted. At the height of it all, he acts by dying on the cross and by rising again. The fulfillment of the promises comes to fill up what is lacking in the first two fulfillments by transfiguring them.

We should say more clearly and illustrate more the “fulfillment” at its different levels according to the Tradition of Israel. However, because our space is limited, we must go on to have a quick look at the opposite of fulfillment.

- **Abolish – Bittel**

* The word “bittel”, abolish, to make vain, is the exact opposite of “kiyyem”, accomplish. This is well attested in the Mishnah.⁵⁴ Bittel is used to the same extent as kiyyem. It appears rarely in rabbinic literature. Could this be because Talmud Torah and Jewish life are far more interested in fulfilling the Torah and the commandments than in abolishing them?

* Studying the words “akar”, to uproot; “akaph”, to bypass; “akab”, to supplant is more interesting because they present a more complex reality than simple abolishment as expressed by bittel.

In a first sense, to uproot, to bypass, to supplant the Torah is forbidden if this means purely and simply abolishing.

We already saw Rabbi Eliezer controlling his disciple Rabbi Akiba. The latter, in the fire of “talmudic” dialectics, “was uprooting (‘akar) what is written in the Torah.”⁵⁵ In another context, Rabbi Nehemiah reproaches his colleague Rabbi Yehudah ben Ilai of “bypassing (‘akaph)” Scripture.⁵⁶ The third term, “to supplant (‘akab)” the Torah also has a negative connotation.

⁵⁴ Mishnah Abot 4,9. Cf. also Tosefta Bekorot 1,4, Ed. Zuckermann, p. 534. In spite of the Greek of Mt 5:17, we must assume that the rabbinic terms kiyyem and bittel are meant. Cf. Billerbeck on Mt 5:17, p. 241.

⁵⁵ Mishnah Pesahim 6,2. Cf. footnote 40 above.

⁵⁶ Leviticus Rabbah, Par. 32 § 1, Ed. Mirkin VIII p. 137. W. Bacher, *Die exegetische Terminologie...* Art. ‘aqaph, 1, p. 145, is of the opinion that ‘akaph, like ‘avvet, means “to deform”, “to make twisted”. However, it seems more plausible to maintain the meaning of “to bypass”, because this corresponds better to the image suggested by the root and to the use of the word in other contexts, for example in T.J. Kiddushim 1,2 59d, of which we will speak further on.

To supplant the Torah, to bypass it, to uproot it is inadmissible and forbidden. However, the three words are used to show that in certain cases, the halakhah, the practiced norm, supplants, bypasses or uproots Scripture and midrash.⁵⁷ Here, we encounter the inevitable conflict between a living Tradition, which is necessarily supple in its development, and Scripture, which is necessarily fixed in its written form. There are cases, surprisingly few in number, which renounce reconciling matters and where it is openly admitted that the authorized practice supplants, bypasses or uproots Scripture. The case cited, in which the halakhah bypasses the midrash, shows well that an effort at reconciliation was attempted by means of exegesis, but that it failed.⁵⁸ The halakhah then bypasses not only Scripture in its literal sense, but also the midrash, that is to say, Scripture interpreted.

This shows the strength of the oral Torah in contact with life and its demands in relationship to the literalness of Scripture. This strength can, of course, lead to abuses, but in itself it is the legitimate expression of a Torah “which is not in heaven.”⁵⁹ However, these conflicts between Tradition and Scripture remain the exception and in no way imply that Tradition is more divine than Scripture. When Tradition dares to say that the words of the oral Torah are “to be preferred,”⁶⁰ it does not claim to teach that these are above Scripture. Rather, it teaches that it is up to Tradition to overcome the difficulties which can come up in a Jewish life which wants to be faithful to Scripture. It is thanks to the oral Torah that the covenant can function and that God recognizes the children of Israel as his children. That is why the covenant is concluded above all based on the oral Torah.⁶¹ Once this preference and priority have been acknowledged, there is no question of attributing to Tradition the right to manipulate Scripture. The hiddush which does violence to Scripture must remain rare and exceptional.

Space must be given here to what Tradition says about the possibility of a Torah taught by the Messiah or by God during the messianic times. It is accepted that there might be a certain difference between such a Torah and the Torah of the present time. But nothing can be found in the literature which goes beyond accepting the possibility of a new teaching on one point or another which is contrary to the norm prescribed by the present Torah. One of the most daring texts which certainly speaks of a new Torah (Torah hadashah) and of a renewal of the Torah (hiddush Torah) based on Isa 51:4, shows God himself teaching that new Torah. But that new Torah, or that hiddush of the Torah, applies only to a very limited point of ritual in the context of the messianic world; incidentally, it is described in a fantastical way.⁶² If there is a radical difference between the present Torah and a Torah of the future, it seems that this is more between the present Torah and the Torah of the future world, of the world beyond death, which is no longer this world.⁶³ In this world here and now, so long as the messianic times are not obviously and objectively inaugurated, there are no grounds for envisaging any hiddushim other than those which can be recognized as

⁵⁷ T.B. Sotah 16a; T.J. Kiddushin 1, 2 59d. Cf. W. Bacher, *Die exegetische Terminologie*, Art. ‘aqab, 1, p. 144. ‘akab appears in T.B. Sotah 16a, and Rashi explains it by ‘akar (to uproot). ‘akaph is used in T.J. Kiddushin 1, 2 59d.

⁵⁸ T.J. Kiddushin 1, 2 59d.

⁵⁹ Deut 30:12, interpreted by Rabbi Yehoshua in T.B. Baba Metsia 59b. Cf. above footnote 43.

⁶⁰ T.J. Pea 2, 6 17a.

⁶¹ *ibid.*

⁶² *Leviticus Rabbah*, Par. 13, § 3. Cf. Urbach, *The Sages*, p. 311 and footnote 87.

⁶³ *Kohelet Rabbah* on Koh 2:1 and on Koh 11:8. Cf. Urbach, *The Sages*, pp. 310-311 and footnote 83.

being in conformity with the Torah as it is now, with its structures for functioning. As we saw, the oral Torah can and must innovate. It has the strength to supplant Scripture if necessary. For a time, it can even violate the Torah in order to save the Torah by virtue of the principle based on Ps 119:126: “It is time to act for the Lord, they have violated your Torah.” For if the intonation is changed, this verse can be understood as follows: “When it is time to act for the Lord, they violated your Torah.” Thus, one must act not only when the Torah is violated, but one must also violate the Torah when it is necessary to act for the Lord.⁶⁴

In this first part, we have seen that the Torah foresees and organizes its adaptation and its renewal within the framework of the covenant at Sinai. It is this covenant which includes all the covenants and which allows Israel to journey towards the fulfillment of that same covenant. The question we must deal with in the second part is that of knowing how the hiddush can be applied to the covenant itself and how, from a rabbinic point of view, the new covenant of Jer 31:31 can be understood.

II. A NEW COVENANT – HIDDUSH OF THE COVENANT

- Tradition on Jer 31:31

The “new covenant” of Jer 31:31 appears only twice in rabbinic literature: in the Midrash Ha-Gadol on Deut 29:11-12 and in Sifra on Lev 26:9.⁶⁵ The passage in Midrash Ha-Gadol cannot be referred back to a source older than itself, and if it has to be attributed to the redactor of that midrash, David ben Abraham of Aden, of the 13th century, it loses much of its representativity. Nonetheless, we shall not reject it, as it presents an interpretation of Jer 31:31 which is coherent with rabbinic positions that are known from elsewhere; we have already spoken of these and we shall look at them again now.

Thus, from the ancient period, there is only one tradition, that of Sifra. That could surprise us if we forget that rabbinic literature, as it is available in writing today, is only a partial reflection of a much more vast whole which was oral and which was not transmitted. We must also not think that the uniqueness of the passage means that the rabbis were not interested in the “new covenant” or that they wanted to hide such a covenant in reaction against Christian positions. For we could give numerous examples of teachings which appear only once, but of which it is not possible to say that they are unimportant or that they were being concealed.⁶⁶

⁶⁴ Mishnah Berakhot 9,5. Cf. footnote 32 above. Cf. also the admirable book by E. Berkovits, *Ha-Halakah Kohah U-Tafqidah*, Jerusalem 1981, or its shortened English version: *Not in Heaven – The Nature and Function of Halakah*, New York, 1983. The author studies the multiple resources of the oral Torah, which has the responsibility of organizing the life of the people in a world that is submitted to change.

⁶⁵ Rashi in his commentary on Lev 26:9 quotes Sifra explicitly and word for word. Thus, thanks to Rashi, this tradition is known to every Jew who received an elementary religious education.

⁶⁶ For example, the principle according to which all Israelites are responsible for one another, kol Israel ‘arebim zeh la-zeh, can only be found in Sifra on Lev 26:37 112b; T.B. Sanhedrin 27b; T.B. Shevuot 39a. And the teaching: “Moses merited to be made the envoy (Shaliah = Apostle) between Israel and their Father who is in Heaven (for the gift of the Torah),” can only be found in Sifra on Lev 26:46; Abot de Rabbi Nathan A, Chap. 1,1a; Sifra on Lev 27:34 115d.

As for the passage from Sifra on Lev 26:9, where Jer 31:31 appears, is its uniqueness the reason why it is not mentioned by Billerbeck in his monumental commentary?⁶⁷

But in spite of its rarity, this tradition does exist. It is anonymous, and its latest possible date makes it contemporaneous with the redaction of the New Testament. It is significant and important, all the more so as a fundamental debate on Jer 23:7-8, which we have already announced and which we shall study further on, can shed light on it.

Let us begin with the Midrash Ha-Gadol on Deut 29:11-12:

Deut 29:11: “(And you shall enter into the covenant of the Lord your God, sworn by an oath,) which he concluded with you this day. What does the Talmud teach when it says “this day”? He told them: If you observe this covenant, you will finish by meriting that day of which it is written (Jer 31:31): *And it shall come to be that on that day I shall make a new covenant with the house of Israel.*”

The verse from Jer 31:31 is badly quoted by the midrash. Instead of *And it shall come to be that on that day*, it says in Jeremiah: *Behold the days are coming...* But this is secondary. What is more important is the assertion that the new covenant is the conclusion of the covenant in Moab, which had been presented as a subsequent stage following the covenant at Sinai (Horeb in Deuteronomy, cf. Deut 29:69) and as a reward for the observance of the commandments.

Deut 29:12: “*To fulfill (le-hakim) you today for him as a people (and in order that he may become God for you, as he told you and as he swore to your fathers, Abraham, Isaac and Jacob).* He told them: Today, you will become a united group before the Place (God), and today the covenant was renewed (nithaddeshah), which was made with your fathers Abraham, Isaac and Jacob. For he had said to Abraham (Gen 17:7): *(I shall fulfill [va-hakimoti] my covenant between me and you and your descendants after you, from generation to generation, an everlasting covenant,) to be your God and the God of your descendants after you.*”

Thus, the “new covenant” in Jeremiah will be the conclusion of the covenant in Moab (Deut 29:11-12) which in turn is a reminder of the covenant at Sinai (Horeb) and a renewal of the covenant made with the Fathers.

This, of course, teaches us nothing about the contents of the covenant’s newness in Jeremiah. However, in negative terms, it is not possible to think that the reward for the fulfillment of the commandments of the Sinai covenant would be that these commandments are abolished. We shall return to this important question as regards the positive contents of the new covenant. Let us retain from this midrash that it clearly sees the relationship between Deuteronomy and Jeremiah. In fact, the expressions develop in a parallel way in the two books where the covenant, implemented by means of the commandments, is already inscribed in the heart.

Let us return to Sifra on Lev 26:9, a text which is well situated in its context, a text that is both representative and significant.

⁶⁷It is also not mentioned by W.D. Davies in his study: *Torah in the Messianic Age...*, nor by E. Urbach in his book, *The Sages of Israel*.

The midrash which is called “Sifra” (= the Book, in Babylonia) or “Torat Kohanim” (= Torah of the Priests, in Palestine)⁶⁸, gathers the exegetical traditions on the Book of Leviticus as they existed in Yavne after the destruction of the Temple, and as they were shaped and developed starting with the years of Yavne until about the year 250. This collection is one of the midrashim of the Tannaim (the teachers at the time of the Mishnah’s redaction), which are also called Midrashei Halakhah”, midrashim which are mainly interested in what, based on Scripture, can direct and support the praxis of Jewish life. These midrashim also contain many aggadic traditions which deal with important theological questions, as is the case here in the passage which interests us. The midrash Sifra is a composite; it came forth mainly from the school of Rabbi Akiba, but it also includes important units coming out of the school of Rabbi Ishmael. The passage which interests us here is from the school of Rabbi Akiba. That is not unimportant for our topic. For we have with Rabbi Akiba and his pupils⁶⁹ exegetes who do not hesitate to draw the most developed teachings imaginable from a biblical text and all its tiniest details.⁷⁰ That is the exegetical method used in the midrash on the beginning of the pericope Lev 26:3, which speaks of blessings, and on Lev 26:14 which begins the warnings concerning curses. It is a question of “fulfilling” Scripture in everything that it says explicitly and suggests implicitly in such a way that it teaches what must then be “fulfilled” through action. The terminology and the method in these passages leave no room for doubt: they are among the most beautiful manifestations of the age-old current that was brought to Yavne by Ish Gamzo and strengthened through the genius of Rabbi Akiba.

In contrast, in the passage around the mention of Jeremiah 31:31, the midrash, which is also of the school of R. Akiba, does not manifest any particular characteristic trait of that school. As often happens in the old midrashim, we have here a common aggadic tradition. Without forcing the matter, we can say that we have in the midrash on Lev 26:9, which quotes Jer 31:31-32 and gives an interpretation of it, a common, authorized, ancient, anonymous tradition which probably precedes the destruction of the Temple.

Let us now look at the passage which interests us. I will start with the beginning of the verse from Lev 26:9.

Sifra on Lev 26:9, Ed. Weiss 111a

(Lev 26:9): *And I will turn (u-paniti) towards you.* A parable was made (to show) what the matter resembles. (The matter resembles) a king who had hired numerous workers. There was among them one worker who had done work for him for many days. The workers came in (to the king) in order to take their salary, and that worker came in with them. The king said to that worker: “My son, I shall make myself free (eppaneh) for you.” (A play on words on “and I will turn – u-paniti” and “I will make myself free – eppaneh”). These here who are numerous did little work for me, and I will give them a salary that is not high. But in the future, I will make an important account for you.” Thus it is for Israel. In this world, they ask the Place (God) for their salary, and the nations of the world ask the Place for their salary. And the Place

⁶⁸ As we already indicated, “Torat Kohanim” is also the traditional name of the biblical book of Leviticus.

⁶⁹ For example, Rabbi Yehuda and Rabbi Shimeon, who appear in a passage next to ours.

⁷⁰ Rabbi Akiba, a disciple of Ish Gamzo, is known for having given importance to all the letters and all the strokes of Scripture, like Jesus in Mt 5:18; cf. T.B. Menahot 29b.

says to Israel: “My sons, I will make myself free for you. These nations of the world did little work for me, and I give them a salary that is not high. As for you, however, in the future I will make an important account for you.” That is why it is said: *And I will turn towards you.*

(Lev 26:9): *And I will turn towards you:* with good things.

And I will make you fruitful: by means of fertile propagation.

And I will multiply you: by means of a trimming that makes you stand upright.

And I will fulfill (va-hakimoti = I will make to stand upright, I will establish) *my covenant with you:* not like the first covenant which you violated, as it is said (Jer 31:32): *(Not like the covenant which I made with their fathers... my covenant) which they themselves broke etc...*, but a new covenant which from now on will no longer be violated, as it is said (Jer 31:31: *Behold days are coming, says the Lord, when I will make a new covenant with the house of Israel and with the house of Judah.*

In this world, in the time of the “first covenant”, first in reference to the last covenant which will be the new covenant of which Jeremiah speaks, Israel violates the covenant by not fulfilling the commandments, but on the other hand, according to the parable, Israel acquires merit through the practice of the commandments. In the days that are coming, days which are not necessarily the future world after death but could be the days of the Messiah, the first covenant will be maintained, fulfilled in a last covenant. That covenant will be new because it will no longer be violated by Israel.

Let us say first of all what the hiddush, the renewal presented here, is not:

- It is not a creation from nothing. Jeremiah’s covenant is the upholding-fulfillment (va-hakimoti, le-hakim, the biblical hiph’il = kiyem, le-kayem, the rabbinical pi’el) of the first covenant, of the preceding covenant, of “my covenant” (Lev 26:9).

- It is not the abolishment of the commandments. On the contrary, it is the fulfillment of the old covenant through the fact that from now on, Israel will no longer violate the covenant through the non-observance of the commandments.

It is more difficult to say clearly in a positive way what the hiddush is. It certainly consists essentially in the fact that the covenant will no longer be violated. That is said explicitly: “a new covenant which from now on will no longer be violated.” There is in that, of course, a qualitative change which allows one to speak of an unprecedented newness. Had it ever been seen and can one imagine that the entire people and each individual in the people will no longer violate the covenant? There is in that a change, a radical newness which can only come from God. How and when will such a renewal be done by God?

To know more about this, we must listen to the prophet who, resonating with Deut 30:14; Ezek 16:60; 36:26-27; Isa 51:7, announces a Torah written by God on Israel’s heart (Jer 31:33). Of course, our Sifra passage only quotes explicitly Jer 31:31-32, but it presupposes that Jer 31:33, which follows immediately, is known. Thus, we understand that the hiddush, the fact of no longer violating the covenant, is the

consequence of God's placing the Torah at the deepest point of Israel's being and of writing it on their heart.

Let us underline again the radical newness which our midrash announces on the background of continuity:

The continuity is assured, confirmed, fulfilled through the perfect, faithful, loving observance of the commandments of the covenant.

The radical newness is so radical that it seems it can only be brought by God and that only into a world which has been transformed by God. What world is this? This world, the messianic era, or the future world after death?

If the parable about the workers, which immediately precedes the passage on the covenant, allows us to describe the status which the promises in Lev 26 have according to the Sages, then we must go at least to the messianic era in order to see the fulfillment of the covenant in Lev 26:9 realized. However, we can go further and push the time when this will be realized on to the world to come after death. Both positions are attested in the midrash Kohelet Rabbah.

One, an anonymous one in Kohelet Rabbah on Koh 11:8 says: "The Torah which someone learns in this world (ba-'olam ha-zeh) is vanity compared to the Torah of the Messiah (torato shel mashiah)."

The other, which is transmitted by Rabbi Hizkiyah in the name of Rabbi Simon bar Zavdi in Kohelet Rabbah on Koh 2:1 says: "All of the Torah which you learn in this world is vanity compared to the Torah which is (which will be) in the world to come (ha-torah she-ba-'olam ha-ba), for in this world, someone learns the Torah and forgets, but about the world to come (le-'atid la-bo) what is written? (Jer 31:33): *I will place my Torah at the deepest point of their being.*

E. Urbach, who discusses these two statements, is inclined to attribute them to the same origin, Rabbi Simon bar Zavdi.⁷¹ This seems neither well founded nor easy to accept, for there is an important difference between situating the radical change announced by Jeremiah in messianic times or in the world to come. Whatever the case may be, at the conclusion of his very far-reaching study of the traditions concerning the changes that might happen between today's Torah and the Torah of the Messiah or the Torah of the world to come, E. Urbach invites the reader not to want to find clearly drawn distinctions between "the days of the Messiah", "the garden of Eden", and "the world to come".⁷² He also says rightly and with much common sense that so long as the messianic expectation does not claim to be in the process of realization, the various opinions regarding the changes in the Torah can coexist in peace.⁷³

E. Urbach's comments help us to ask the following question from a Christian point of view: If the messianic expectation is realized in Jesus Christ and if the time of the

⁷¹ E. Urbach, *The Sages*, pp. 310-311, follows W. Bacher, *Die Aggadah der palästinensischen Amoräer*, III, pp. 624-625. But Bacher, who is always exact, in this case is not, and Urbach brings no new element.

⁷² *The Sages*, p. 311 and footnote 88.

⁷³ *The Sages*, p. 314. E. Urbach suggests in chapter XII on "the written law (Torah) and the oral law (Torah)", that the conflict began when the Christians claimed that the messianic expectation was in the process of being realized and that this brought about radical changes in the observance of the Torah.

new covenant of Jer 31:31 is thus inaugurated, is there an understanding and a Christian realization of the new covenant which is compatible with the renewal of the covenant as rabbinic tradition thinks of it?

We have just seen that writing the Torah on the heart, whether this happens in the messianic era or in the world to come, is a hiddush which is not in opposition to the rabbinic hiddush so long as the observance of the commandments is neither annulled nor devalored.

Now Jeremiah, in Jer 31:31-34, does not formally teach a hiddush which would annul or devalue the commandments. How would the Tradition of Israel have reacted or how would it react if Jeremiah had explicitly announced such an annulment or devaluation? We have no rabbinic text which allows us to answer that question directly in the context of Jer 31:31-34. But we do have the detailed report of a debate on Jer 23:7-8 which enlightens us as to the relationship that the Tradition of Israel establishes between the first redemption from Egypt and the last messianic redemption. That debate on Jeremiah 23 will help us to understand Jeremiah 31. We will not try to determine the literal meaning of Jer 23:7-8. That is neither the goal of Tradition nor of this present survey. The question is what Tradition hears and wants to hear from Jeremiah in the perspective of a Torah which is Israel's rule of life in this world and in the messianic era in view of the world to come.

- **Tradition on Jer 23:7-8 (Parallel: Jer 16:14-15)**

The debate on Jer 23:7-8, which took place during the last years of Yavne (90-100 C.E.), presents us with Rabbi Eleazar ben Azariah and Ben Zoma debating with other teachers who are introduced anonymously as "the Sages", that is to say, a majority with authority. The state of the sources gives reason to believe that the debate has perhaps a double origin.

A first origin would be a series of homilies given in Yavne by Rabbi Eleazar ben Azariah during the absence of Rabbi Yehoshua, to whom they are reported. In these homilies, Rabbi Eleazar ben Azariah gives several new words (*davar hadash*) or renewals (*hiddushim*) which not only cause R. Yehoshua no difficulty but even make him rejoice.⁷⁴ One of the homilies by Rabbi Eleazar ben Azariah was on Jer 23:7-8 (or Jer 16:14-15) and was illustrated by a parable:

Mekhilta de-Rabbi Ishmael on Ex 13:2, p. 59

Jer 23:7-8 (Jer 16:14-15): *Therefore, the days are surely coming when it shall no longer be said, "As the Lord lives who brought the people of Israel up out of the land of Egypt," but "as the Lord lives who brought out and led the offspring of the house of Israel out of the land of the North. What does the matter resemble? It is like a man who wanted very much to have children. A daughter was born to him; he swore only by her (literally: by her life). Then, a son was born to him as well. He left the daughter (ceased to swear by the daughter) so as to swear only by his son."*

⁷⁴ Mekhilta de-Rabbi Ishmael on Ex 13:2-3, Ed. Horovitz-Rabin, pp. 58-59. T.B. Hagigah 3ab.

The message is clear: Jeremiah wanted to say that the final messianic redemption from the land of the North will make people forget the first redemption from Egypt. Let us note that the parable does not permit us to think that the father ceases to be a father even to the point of forgetting his first child, even if it is only a daughter. But of course, we have to do with a parable and not with an allegory, and the parable is not meant to serve as a key for the message in every detail. It remains to be said that the interpretation suggested by the use of the parable does not take Jeremiah by the letter and does not teach that Israel will forget the first redemption from Egypt. Israel and the father in the parable are carried away by the joy of the great and last newness which transforms their life. This feeling is very natural and contains nothing disquieting. But this way of presenting joy does bring with it a certain danger. Another parable, attributed to Rabbi Shimeon ben Yohai and placed immediately after the one we just saw by the Mekhilta de-Rabbi Ishmael, already gives us a different tune to hear:⁷⁵

Mekhilta de-Rabbi Ishmael on Ex 13:2, p. 59

Rabbi Shimeon ben Yohai said: What does the matter resemble? A man who was walking on a road. He met a wolf and was saved; he told the miracles that had happened to him with the wolf. He met a lion and was saved; he dropped the matter with the wolf in order to tell and tell again the miracles that had happened to him with the lion... (According to certain versions, cf. Ed. Lauterbach, p. 133, the parable continues and finally ends as follows:). He met a snake and was saved. He forgot the matter with the first two and continued to tell of the matter with the snake. Thus it is for Israel. (The deliverance from) the last misfortunes make them forget (the deliverance from) the first (misfortunes).

The message is clear and sharply decoded; in spite of the distance which must remain between the parable and the message, we have to see that the joy over the deliverance from the trial colors Israel's forgetting with a negative nuance. There is a certain flightiness on the part of Israel when it speaks only of the last deliverance.

At this point, we can assume that Rabbi Eleazar ben Azariah suggested a homiletic interpretation of Jer 23:7-8 which did not imply any decision in matters of halakhah. He wants us to understand just how far the joy will go that is brought about by the new and final redemption.⁷⁶

Rabbi Shimeon ben Yohai with his parable gives to understand that an exaggeration of that joy can be considered as flightiness. It is not yet a question of halakhah. Nevertheless, it is possible that Rabbi Shimeon ben Yohai gives his parable with the intention of strengthening the position held by the Sages against Rabbi Eleazar ben Azariah and Ben Zoma in a discussion which, for its part, is incontestably about halakhah.

⁷⁵ We already mentioned this parable of R. Shimeon b. Yohai and that of R. Eleazar ben Azariah, which we have just seen, in connection with the ambiguity of the "new", cf. footnote 29 above.

⁷⁶ It seems that L. Gingsburg, *Perushim we-Hiddushim bi-Yirushalmi*, pp. 219-220 goes farther than the text when he says that R. Eleazar ben Azariah thinks, like Ben Zoma, that the exodus from Egypt will no longer be mentioned in messianic times.

This discussion is the second possible origin of our debate on Jer 23. As we shall see, it is situated in the context of a liturgical remembrance that is done on the exodus from Egypt. However, to begin with, it is useful to get to know a last series of homiletic units which, according to the Mekhilta de-Rabbi Ishmael, can also be attributed to Rabbi Eleazar ben Azariah.

Mekhilta de-Rabbi Ishmael on Ex 13:2, p. 59

He (Rabbi Eleazar ben Azariah) interpreted (Gen 17:5) in the same way: *And you will no longer be called Abram, but your name will be Abraham...*: the first name passed ('abar), but the second one remained (nitkayyem). He interpreted (Gen 17:15) in the same way: *Your wife Sarai, you will no longer call her Sarai, but her name is Sarah*: the first passed, but the second remained. He interpreted (Gen 32:29) in the same way: *You will no longer be called Jacob, your name will be Israel*. The first name remained to him (nitkayyem lo) and the second name was added (nittoseph). For Isaac, his name did not change because he had been named by the Holy One, blessed be He (cf. Gen 17:19).

In connection with the changing or maintaining of the names of the patriarchs and of Sarah, we see some key words appearing, which will also serve to express the relationship between the first and the last redemption. The change of name of Abraham and of Sarah is an almost absolute hiddush. It is not totally absolute, for Abraham remains similar to Abram, or better, the name "Abram" remains within the name "Abraham". It is the same for Sarah, which remains within Sarai. But there is a change with hiddush which is almost absolute, there is substitution, because the names Abram and Sarai will no longer be used.

Let us look at the tradition which makes this point clear and which distinguishes between Abraham, Sarah and Jacob.

Genesis Rabbah on Gen 32:29, Par. 78, § 3, p. 920⁷⁷

Bar Kapparah said: Whoever calls Abraham "Abram" violates a positive commandment (cf. Gen 17:5: *your name will be Abraham*)...

⁷⁷ There is an almost identical parallel to this text in Genesis Rabbah on Gen 17:5, Par. 46, § 8, p. 465. In both versions, Rabbi Aha (middle of the 4th century C.E.) differs from the old, common, authorized position that comes from the Tannaim; in our text it is clearly indicated by the formula, "it has been taught". In all the tannaitic versions, Israel is the "principal", Jacob is "relative (taphel)" or "added (mussaph)". For Rabbi Aha, it is the other way around: Jacob remains the "principal ('ikkar, the root)" name, Israel the name that is "added" or "adding (mossiph, adding to him, adding to the name of Jacob)". W. Bacher noticed this, *Die Agada der palästinensischen Amoräer*, vol. III, p. 133, no. 2. Following W. Bacher, M. Mirkin in his edition of *Genesis Rabbah*, vol. II, p. 169, explains that the Hebrew of the verse Gen 35:10: *You will no longer be called Jacob, but (ki 'im) Israel will be your name*, can be understood as: "You will no longer be called Jacob when (= ka-asher) your name will be Israel"; to support this interpretation, he quotes Num 24:22 and Isa 33:21, where "ki 'im" is equivalent to "ka-asher" or "ba-asher". This would explain Rabbi Aha's interpretation and would justify it from the very legitimate point of view of seeking the best possible literal meaning of Gen 35:10. It remains that the interpretation of the Tannaim has more authority because it is common and old and coherent with the position of the Sages concerning the exodus from Egypt and the final redemption. Their position is that the new (Israel, the final redemption) is the "principal ('ikkar)", and the old (the exodus from Egypt, Jacob) is "relative (taphel)".

If then, it is thus, by analogy, does whoever calls Sarah “Sarai” violate a positive commandment? No! Only Abraham received the commandment to call Sarah Sarah (cf. Gen 17:15). In the same way, by analogy, does whoever calls Israel “Jacob” violate a positive commandment? No, for it was taught: “It is not that the name Jacob will be uprooted (te’aker), but that Israel will be the principal (‘ikkar) and Jacob relative (taphel).” Rabbi Zekaryah in the name of Rabbi Aha said: “In any case, your name is Jacob if it is only that your name is Israel (according to Gen 35:10), Jacob the principal (‘ikkar), Israel relative (taphel), adding (mossiph) to it (to Jacob).”

This text, with the indication that “it has been taught”, has the advantage of giving the reason why one can maintain the use of the name of Jacob. That reason is not only a homiletic one, as the context of Genesis Rabbah would make one think, even though it is concerned with a discussion on a possible commandment, that of pronouncing the name of Abraham, of Sarah and of Israel. Thus, it is a question concerning halakhah, and that question is connected to the potential halakhic consequences of a possible bad use of Jeremiah 23:7-8 by Rabbi Eleazar ben Azariah and a use by Ben Zoma of the same text in Jeremiah which is certainly and deliberately bad. That is what we shall now see, situating the debate in the context of prayer, which is one of the possible origins of these positions.

Up until now, we have seen what could come out of a series or several series of Sabbath homilies that are attributed to R. Eleazar ben Azariah.

We now have a debate on halakhic matter which was held in Yavne on one day of the week. The major reference is Mishnah Berakhot 1,5, which includes the beginning of the discussion in its redaction. That beginning is also quoted in the Pesah Haggadah, which also has pedagogical reasons for presenting such a teaching.⁷⁸ Thus, by means of the prayer during the night of Passover and in the Mishnah, we have to do with the teaching that the exodus from Egypt must not be forgotten, even during messianic times.

The Mishnah and the Passover Haggadah have no reason for citing the whole of the debate. I will give a translation of the Mishnah and of the Tosefta Berakhot which completes the Mishnah in a way which is pertinent to our topic.

Mishnah Berakhot 1,5

We must remember the exodus from Egypt at night. Rabbi Eleazar ben Azariah said: Here I am as if I were 70 years old, and I have not merited that it be said (that I know how to found in Scripture the obligation to remember) the exodus from Egypt at night. (This) until Ben Zoma drew it out through interpretation (of Scripture), as it is said (Deut 16:3): *...so that all the days of your life you may remember the day of*

⁷⁸ It is not necessary to assume that the Pesah Haggadah borrowed this tradition from the Mishnah. In both collections we have to do with the repetition of a common oral tradition which could be passed on with variants. On this point, we can consider that D. Goldschmidt, in his masterly introduction to his edition of the Haggadah shel Pesah ve-Toledoteiha, Jerusalem 1977, p. 21, remained dependent on a science which did not see the orality of Tradition as a lived reality. Cf. on the contrary, the importance given to orality by J. Heinemann in his study, *Prayer in the Talmud*, Walter de Gruyter, Berlin – New York, 1977.

your departure from the land of Egypt. (If it had only been said): “the days of your life”, (we would only be obliged to remember the exodus from Egypt) during the days, (but it is said:) “all the days of your life”, (this extends the obligation) to the nights. But the Sages say: “the days of your life”, this world, “all the days of your life”, this comes to include the days of the Messiah.

What is said in this Mishnah corresponds entirely to the time of Yavne and to the reorganization of the Torah for which Rabbi Eleazar ben Azariah, as head of the rabbinical college, was responsible for a time.⁷⁹ The rabbis try to show the coherence of the Torah, which is one, oral and written, by finding in Scripture a support for the practical implementation by means of exegesis. Here, R. Eleazar ben Azariah rejoices that an exegete of the young generation, Ben Zoma, could uphold the halakhah which is already taught and implemented by means of an exegesis of Deut 16:3. At this point, we don't yet know that the two teachers might have been in league with each other for this exegesis. However, the Sages, which is to say, for the redactor of the Mishnah, the majority of the rabbinical college, preferred to apply the exegesis of Deut 16:3 to supporting something which seemed more important to them: the position according to which one will remember the exodus from Egypt even after the final redemption brought by the Messiah. In fact, as to the obligation of remembering the exodus from Egypt in the evening prayer, this is not contested, and although the support from Scripture is desirable, it is not necessary.⁸⁰ It is better to apply the scriptural support to what is contested, which is the remembrance of the exodus from Egypt during messianic times.

Let us note that Ben Zoma's exegetical method, which was accepted by the Sages and applied by them to uphold an important teaching concerning the remembrance of the exodus from Egypt, is from the school of Ish Gamzo and of Rabbi Akiba, Ben Zoma's teacher. Such exegesis, which resonates with the words of Jesus in Mt 5:18, valorizes all the details of Scripture. Here, the “amplification (ribbuy) of Scripture” is being activated: “all the days of your life” (Deut 16:3). Why does the Torah insist unless it is to say that the remembrance of Egypt must always be present? According to Ben Zoma, that is valid mainly for the entire day, in particular for every intense moment of prayer and especially for the evening prayer. According to the Sages, it is valid mainly for every successive day of all of history, including “the days of the Messiah (yemot ha-mashiah, that is to say, the messianic times).” This exegesis is neither fundamentalist nor “primitive”, as a superficial and primitive hearing of the Tradition of Israel might make one think. We have to do here with an exegesis which wants to grasp all the Torah's intentions. What is at stake is the coherence of the whole of Torah, both written and oral. For the Sages, it is unthinkable that “all the days of your life” could not mean all of Israel's history, including the time after the final redemption, since that history began with the first redemption. We shall return to that coherence which goes beyond the framework of the observance of the commandment to remember.

⁷⁹ R. Eleazar ben Azariah was elected head of the college, replacing Rabban Gamaliel (grandson of St. Paul's Rabban Gamaliel), who was deposed because of his authoritarianism and his way of treating his colleagues. Cf. T.B. Berakhot 27b.

⁸⁰ At the time of the Mishnah, the exodus from Egypt was not remembered in the evening by reading the third paragraph of the Shema Israel, Num 15:34-41, as is the case today.

Now, let us see how the debate between Ben Zoma and the Sages continues, as the Tosefta transmits it.⁸¹

Tosefta Berakhot 1,10, Ed. Lieberman, p. 4

We must remember the exodus from Egypt... to include the days of the Messiah (= Mishnah Berakhot 1,5).

Ben Zoma told them (the Sages): But do we have to remember the exodus from Egypt during the days of the Messiah? Is it not said elsewhere (Jer 23:7-8): *Behold, days are coming, says the Lord, when it shall no longer be said, the Lord lives who brought the children of Israel up out of the land of Egypt, but the Lord lives who brought the offspring of the house of Israel up and brought them back from the land of the North?* They (the Sages) told him: Not that the exodus from Egypt will be uprooted (te'aker) from its place, but that the exodus from Egypt will be supplementary (mussaph) to the kingdoms (= to the liberation from all the servitudes to foreign kingdoms), the kingdoms (will then be) the main thing ('ikkar), and the exodus from Egypt will be the relative matter (tephelah). Analogously (Gen 35:10), *Your name will no longer be called Jacob, but Israel etc...*, not that the name of Jacob will be uprooted (ye'aker), but that from now on Jacob will be supplementary (mussaph) to Israel, Israel (being) the principal ('ikkar) and Jacob the relative (taphel).

Here, the text is no longer talking about R. Eleazar ben Azariah. In any case, as we saw, it is not possible to say with certainty that he thought the exodus from Egypt would be forgotten during messianic times. On the other hand, Ben Zoma is present, and the conclusion he draws from Jeremiah is very much in relationship with his view of the world and of history. He is, in fact, well known for his speculations and his adventurous positions on matters concerning the origins of the cosmos and on history. His uncontrolled mystical experiences made him lose his mind and brought about his early death.⁸² Ben Zoma certainly wants to say that in the days of the Messiah one will no longer have to remember the exodus from Egypt. We no longer have only an interpretation of Jeremiah, which lets us distinguish between the prophet's pedagogical intention and his position concerning questions of praxis, as was possible with Rabbi Eleazar ben Azariah. With Ben Zoma, we have a teaching which understands Jeremiah "ke-mishma'o", according to what we hear "at first audition", according to the most literal meaning, the one which abolishes the remembrance of Egypt during messianic times.

It seems that the Sages respond to this at two levels. First of all, without it even being necessary, at least at first sight, to enter into a search for Jeremiah's ultimate intention, the Sages refer to the coherence of revelation which is supported by human

⁸¹ The Tosefta continues with the exegesis of Isa 43:18-19, of which we spoke above (cf. footnote 29), then with the parable that is attributed to R. Shimeon ben Yohai in the Mekhilta de-Rabbi Ishmael, and finally with the tradition on the change of name for Abraham and Sarah. Here, it is not necessary to repeat that series of texts, as we are not studying the composition of the Tosefta.

⁸² Cf. Genesis Rabbah, Par. 2, § 4, pp. 17-18; Tosefta Hagigah 2,6, Ed. Lieberman, pp. 381-382; T.J. Hagigah 2,1, 77a; T.B. Hagigah 15a and the detailed description of the "Holy Congregation" ('Edah Kedoshah and/or Kahalah Kaddisha), to which Ben Zoma belonged, in C. Rabin, Qumran Studies, Oxford, 1957, The Holy Congregation, pp. 37-52.

history, first of all that of the patriarchs, then that of Israel. It is not possible to understand Jer 23:7-8 as meaning that one will no longer remember the exodus from Egypt, just as one cannot understand Gen 35:10 as meaning that Jacob is no longer called Jacob. The one and the other conclusion contradict the coherence of the Torah. This is obvious for the written Torah, in which Jacob, who has become Israel, is still called Jacob by God himself, according to Gen 46:2: *And God spoke to Israel in a vision of the night: 'Jacob, Jacob!' And he answered: 'Here I am.'*⁸³ In the same way, the oral Torah calls upon God in prayer (the 1st benediction of the Shemonei Esrei) as “God of Abraham (the new name), God of Isaac (the unchanged name) and God of Jacob (the old name)”. The new name, Israel, a God-bearing name, signifies the new reality which God wants to confer on Jacob and his descendants, on the “children of Israel”. This new name becomes the principal matter (‘ikkar), but the old name is not uprooted (lo ye’aker). For God wants a continuity in the fulfillment of his promises: Israel is substantially Jacob, the descendant of Abraham and of Isaac (Gen 35:12). What is obvious for everybody where Jacob is concerned, must be obvious for Jeremiah, even if Jeremiah didn’t say any words that obviously and directly contradict Jer 23:7-8. Thus the Sages can refer to Deut 16:3 which, when heard and taught correctly, teaches the validity of the remembrance of the exodus from Egypt during messianic times; whatever Jeremiah might say or seem to say, one cannot teach that the exodus from Egypt will be uprooted.

We saw above the strength of the oral Torah which, when necessary, is able to uproot, to bypass, to supplant Scripture.⁸⁴ We shall see that it is not necessary here to uproot Jer 23, but we must note that the debate, as we have it, does not exclude that the Sages wanted to uproot Jeremiah, knowing that their Tradition had the power to do so.

However, in reality, the debate as we have it can be interpreted at a second level and end with the conclusion that the Sages give it without uprooting Jeremiah. For the Sages’ recourse to Gen 35:10 invites us to assume that they found in the verse itself what they needed to justify their interpretation. This is what Rabbi Aha did in his way. As we saw, he read Gen 35:10 (or Gen 32:28) in this way: *You will no longer be called Jacob, your name will be Israel: In any case, your name is Jacob, apart from when your name will be Israel.*⁸⁵ The Sages go further. They go beyond the literal meaning of the word spoken in Gen 35:10. For in fact, for them it is enough to listen attentively to the tone in which the word is spoken. The tone is emphatic: we find there hyperbole or exaggeration, a way of expressing oneself which is well known in the Tradition of Israel.

Thus, for example, Rabban Shimeon ben Gamaliel, the great-grandson of St. Paul’s Gamaliel, says concerning Deut 1:28: *“the cities are large and fortified up to heaven: The Torah (another version: the Scriptures) spoke in an unreal way (literally: leshon havai = word in the air).”*⁸⁶ Thus, Scripture or the Sages (oral Tradition) can speak in an unreal way or with exaggeration (guzma).⁸⁷

⁸³ Cf. Rashi, T.B. Berakhot 13a, lo she-ye’aker.

⁸⁴ Cf. above footnotes 56, 57 and 58.

⁸⁵ Cf. above footnote 77.

⁸⁶ Sifre on Deut 1:28, Ed. Finkelstein, p. 35.

⁸⁷ The word “guzma”, in Aramaic, is to be found only in the Babylonian Talmud, T.B. Betsah 4a; T.B. Hullin 90b; T.B. Arakhin 11a. For example, in T.B. Betsah 4a, it is reported that Rabbi Eliezer said concerning an egg that was laid on a feast day: “the egg may be eaten, the chicken (which laid it), the chick (which came out of it) and the shell!” And the Talmud comments that “the chick and the shell”

In their discussion with Ben Zoma, the Sages don't say that the words of Gen 35:10 are exaggerated, but it is obvious that they think they are, since according to the Sages, the words don't say what they say literally. To emphasize the importance of the new name, "Israel", it has to be said at least that when this name is said, one doesn't use the name "Jacob"; this is what Rabbi Aha said, as we saw.⁸⁸ But that is not enough. To mark the newness really well, it is necessary to "exaggerate" and to say: *Your name will no longer be called Jacob.*

If this is how it is for Israel and for Jacob, it is the same for the final redemption and for the first redemption in Jer 23. Jeremiah "exaggerates". The exodus from Egypt is not uprooted from its place, neither from its historic place nor from its liturgical place; it becomes "supplementary (mussaf)", "relative (taphel, tephelah)" to the final redemption. For the world is created for the fulfillment of the world. The first redemption is worked in view of the final redemption. When the final redemption from the land of the North comes, it will be "principal ('ikkar)", then the exodus from Egypt will become "relative (taphel)". Let us note well that the old reality is not only not abolished or forgotten; it is not even diminished, devalorized. On the contrary, it receives from the new reality a supplement in value and in light. This is not said explicitly in our texts, but it does not need to be said, and it would not be good method to want to prove the evidence.

To conclude on the debate on Jer 23, we can say that the Sages defended the real literal meaning of Jeremiah against Ben Zoma. They did not look elsewhere in Jeremiah for texts to relativize Jer 23. They could have referred to Jer 2:2: *Go and proclaim to the ears of Jerusalem what follows: 'Thus says the Eternal: I remember the devotion of your youth, your love as a bride, when you followed me in the wilderness, in a land not sown.'* This verse is quoted in the Blessing of "Remembrances (Zikhronot)" on Rosh Ha-Shanah, of which we spoke in the first part

are an exaggeration. To make it well understood that it is allowed to eat the egg, Rabbi Eliezer even allows the chick and the shell. In the same way, Peter will allow Jesus to wash not only his feet, but also his hand and his head (cf. Jn 13:9). There are other "exaggerations" in the NT. Aside from Rom 1:8 which Billerbeck (III, pp. 25-26) notes, there is: Mt 19:23-24, cf. the footnotes u and v in the TOB (French Ecumenical Translation), p. 96; Phil 3:7-9; Gal 3:28; Heb 8:7-13; 10:9. For in one way or another, the outrageous statements in these passages have to be relativized in relationship to coherence as a whole, to which the Church has the key, as it is helped by the Holy Spirit. For Heb 8:7-13; 10:9, in the light of rabbinic debate, we could relativize these verses at two levels: on the first level, we relativize verses by their context in the Letter to the Hebrews. Why does the author say so much about worship in the first covenant, if he wants at all costs to teach literally that this first covenant is old and close to disappearing (Heb 8:13), and that the first form of worship has been suppressed in order to establish the second (Heb 10:9): Is it not reasonable to think that he "exaggerated"? If this first level is not enough and if we must accept that the author really wanted to teach the close disappearance of the first covenant and the suppression of the first form of worship – which is not obvious – then we can go to the second level, which is that of the coherence of the whole. That coherence is first of all that of the entire New Testament and still more broadly, that of all of faith and of the life of the Church. The Church, at least as much as Israel, has the power to bypass, to supplant and to uproot Scripture. It is without doubt necessary to discuss more the status of the NT writings as "Scripture".

⁸⁸ Cf. above footnotes 77 and 78. In reality, Rabbi Aha calls Jacob "the principal" ('ikkar) and Israel is "added" or "adjunct (mossif)"; this means effectively that the name Israel adds a new quality to Jacob. But Genesis Rabbah, Par. 46, § 8, p. 465 and Par. 78, § 3, p. 920, which quotes the tradition of the Tannaim before quoting R. Aha, uses the old, common, authorized, coherent wording: Israel "principal ('ikkar)" and Jacob "relative (taphel)". This is the wording in Tosefta Berakhot 1,10, in T.J. Berakhot 4a and in T.B. Berakhot 13a. Tosefta Berakhot 1,10 also says that Jacob is "added (mussaph)" to Israel; in reality, since Israel has become "principal", Jacob becomes "added", supplementary; supplementary, but not "superfluous".

of this study. The Sages could have argued from this verse and shown that it is impossible to forget the exodus from Egypt and the wandering in the desert, when the Lord himself remembers that time in order to give the final redemption. But there is no point in questioning what was not said or retained in the summary of the debate on Jer 23 which we have. Nevertheless, we can suggest that it was not necessary to refer to Jer 2 because it is more elegant to defeat the adversary by means of the same verse which he used for his attack.

The same kind of argument can be used where the “exaggerated” words of Jer 31:33-34 about the “Torah placed in the deepest part of one’s being and written on one’s heart” are concerned, or those about the abolishment of Talmud Torah, that is replaced by the direct knowledge of the Lord. To my knowledge, we have no rabbinical debate on those verses. The only rabbinical position which we know is on Jer 31:33: *I will place my Torah at the deepest point of their being*. According to this position, this action of God is situated in this world during the messianic era or in the world to come; in no way does it teach the abolishment of Talmud Torah during the time of this world. We can without doubt ask ourselves whether Rabbi Simon bar Zavdi, who suggests that interpretation, clearly distinguishes between the world to come and messianic times. But from the rabbinical point of view, we can in no way draw an authorized teaching from one isolated position of which we don’t know the context.⁸⁹

Where the essentials are concerned, our study of the rabbinic texts on Jer 31 and Jer 23 is finished.

It is clear that the position of the Sages of Yavne, against Ben Zoma and against a bad interpretation of Rabbi Eleazar ben Azariah’s homilies, does not allow the exodus from Egypt to be forgotten during messianic times.

The final redemption, the principal one, fulfills the first redemption, which then becomes relative without being uprooted or diminished. The new is not absolutely new in the sense that it no longer is in a substantial, vital, organic, historical relationship with the old. The new is radically new in manifesting what was unknown, unprecedented in the old root which carries it.

The unprecedented newness of the new covenant is that it is no longer violated by human persons and that it allows a direct knowledge of God. This is only possible through an intervention by God, who fulfills his covenant (Lev 26:9) by writing his Torah on Israel’s heart (Jer 31:33). This intervention by God strengthens love and remembrance. It does not abolish study-teaching (Talmud Torah) or the commandments. It transfigures them.

⁸⁹ As we already discussed this text in connection with Jer 31:31, I will say no more; cf. above footnotes 71, 72 and 73.