

Genesis 9, Noah's Covenants and Jewish Theology of Religions

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Jews, Christians and the Reading of Scripture

Jews and Christians craft their respective theologies from biblical resources. Appeal to the Bible, specifically the Hebrew Bible, is of special importance to their relationship, inasmuch as it provides a common foundation. Efforts over the past decades to develop theologies of other religions have often relied on biblical readings, applied through theological constructs to the needs of present-day theology of religions. Theology is, in principle, a religion's internal affair and therefore need not make sense to members of another faith. However, the reality of Jewish-Christian relations is such that audiences are not clearly distinguished. A Jewish theologian is read by Christians, while Christians author statements, such as the recent Vatican document "The Gifts and the Calling of God are Irrevocable," that are not only read by Jews but are also intended for Jewish ears. This new situation raises interesting challenges for those employing scriptural sources in their theological argumentation. In developing a view of the other, with the religious other as part of the intended audience of the novel theological formulation, must the working out and application of Scripture also make sense according to the canons of reading of other religions?

The present essay is devoted to the study of a key biblical passage, Genesis 9, which has served both Jews and Christians in formulating a view of other religions. Very often, Jewish discussions of Genesis 9 have had Christians in mind, but have not been successful in making themselves recognized and accepted by Christian readers. I suggest that an entirely new approach must be adopted towards this key biblical passage, rendering all previous appeal to it largely irrelevant and hermeneutically unsustainable. At the very least, I hope the essay will put on the table the question of what is to be considered a reasonable reading, and what the reasonable reader requires in order to be convinced by a biblically grounded theological argument. If my argument receives a hearing, then going forward, theological application of Genesis 9 can no longer be carried out without offering justification for how and why this chapter continues to serve the needs of a covenantal view of Judaism, Christianity, and other religions.

In what follows, I begin by reviewing recent Jewish interpretations of Genesis 9, an important text in the development of a contemporary Jewish theology of

Christianity or more broadly of religions. I then move on to study this text in its own right, applying a literary and comparative method of textual analysis in a manner that is common in biblical studies. This return to what I consider to be the plain sense of Scripture invalidates the theological reading that has been offered in relation to the biblical passage, to the extent that such validation would depend on a reading that is reasonably close to the Bible's original intention. On the basis of this reading, I then ask whether an alternative theological reading might emerge from Genesis 9 that serves the contemporary Jewish-Christian or, more broadly, interreligious, context.

In theological terms, the essay is focused on covenant, a foundational category both for biblical theology and for Jewish-Christian interreligious understanding. Accordingly, I will be asking what views that either side has attached to this central covenantal passage might be found problematic, either in view of a novel reading of Genesis 9 or in view of the difficulties of doing *interreligious* scriptural exegesis.

Genesis 9—A Biblical Text in the Service of Contemporary Jewish Theology of Religions

Contemporary Jewish theological appeal to Genesis 9 approaches the chapter as a resource for broadening the notion of covenant¹ and making room for Christians and others.² The Jewish thinkers studied below explicate the passage from the broader lens of the tension between particularity and universality. Genesis 9 holds a key to a Jewish view of universality, which includes within it a Jewish view of Christianity, as well as of other religions.

¹ For a review of biblical covenants, including the statement of the inferiority of the covenant with Noah as compared with earlier covenants, see G. Mendenhall and G. Herion, "Covenant" in *The Anchor Bible Dictionary*, ed. D. Freedman (New York: Doubleday, 1992) vol. 1, 1190. For a review of covenant in biblical sources, see Ernest W. Nicholson, *God and His People: Covenant and Theology in the Old Testament* (Oxford: Clarendon Press, 1986). On the lack of interest in Gen 9 in the context of covenant history, see James Barr, "Reflections on the Covenant with Noah" in *Covenant as Context: Essays in Honour of E.W. Nicholson*, ed. A. Mayes and R. Salters (Oxford: Oxford University Press, 2003), 12. To a large extent this derives from the fact that Gen 9 does not conform to the pattern of suzerainty treaties, which define the scope of research interest. It is noteworthy that Gen 9 is absent from Nicholson's review of covenants. However, it is also absent from many of the major theological presentations of the Bible, and this may not depend on the perspective of extra-biblical materials. See Katharine Dell, "Covenant and Creation in Relationship," *Covenant as Context*, 111. The present essay offers a reading that accounts for all these facts and seeks to reframe Gen 9 within the spectrum of biblical covenants.

² This is also true of some recent Catholic uses of the chapter. These require a separate study, and I will only hint at them. The Catholic appeal to Genesis 9 is undertaken in the context of the broadening of Israel's particular covenant. See *The Gifts and the Calling of God Are Irrevocable (Rom 11:29)*, issued by the Commission for Religious Relations with the Jews in Dec. 2015, section 32. See further Pope Benedict, *Verbum Domini*, 117. However we may account for the odd theological statement that the covenant with Noah extends to gentiles the covenant with Abraham, this statement assumes a relational covenant, of a kind with the covenant with Abraham. The present essay argues against this understanding, thereby undermining the views put forth by these Catholic documents.

Irving Yitz Greenberg

I begin this presentation of Jewish voices with Irving Yitz Greenberg because I consider it highly likely that his views have impacted the other two thinkers that follow. His reading of the Noah covenant, in terms of universal and particular in relation to later biblical covenants, seems to be the earliest Jewish application of this dyad to biblical covenants.³ Though the other authors do not cite him, his work may have influenced theirs.⁴ Here is one of several of Greenberg's formulations of how the covenant with Noah plays out along the universal-particular axis:

The fundamental and universal biblical statement is that God wants Creation (the world as it is now) to be redeemed. Out of love for humanity, God imposes self-limits and calls humans to be partners in the process of *tikkun olam*. God commits to uphold the laws of nature that allow humans to live constructive, dignified lives within the framework of a stable, dependable, natural order. Humans pledge to live in harmony with the rhythms of the universe—that is, God's plan—to increase life and improve nature and society to fully sustain the value of life, especially human life with its fundamental dignities. This is the universal covenant with all humanity, biblically called the covenant of Noah. This covenant is never superseded. Every religion that accepts these values and goals derives its legitimacy directly, its direct access to God and its partnership with the Deity from this covenant open to all people, all the time.⁵

This is possibly the most succinct summary of Greenberg's covenantal theology with regard to Noah's covenant. It is a beautiful and inspiring statement concerning redemption for Creation, and grounds it in covenant. Covenant is built on divine self-limitation and partnership with humans. There is a reciprocity in this structure that defines the covenant.⁶ God commits—humans pledge. God commits to uphold a law that offers dignified living; humans pledge to increase life and improve nature and society. Some of these elements are traceable to Genesis 9; some not. Greenberg's presentation of the divine promise to uphold the rhythms of the universe is a correct rendition of the biblical promise; the framework of meaning of such laws—living dignified, constructive lives—is provided by Greenberg.

³ The theological weight attached to Genesis 9 is not found in classical or medieval sources, nor among authors of the first part of the 20th century, such as Cassuto, Benno Jacob, or the scholarly consensus reflected in the Hertz Chumash. It is possible that there is a missing link, Jewish or Christian, that has already applied Genesis 9 to a vision of Jewish universality. Until such a link is found, I consider this to be one of Greenberg's major theological innovations.

⁴ I explore this at length in my *Covenant and World Religions: Irving Yitz Greenberg and Jonathan Sacks on Religious Pluralism*, forthcoming from the Littman Library.

⁵ Irving Greenberg, *For the Sake of Heaven and Earth: The New Encounter between Judaism and Christianity* (Philadelphia: Jewish Publication Society, 2004), 43.

⁶ This is a fundamental feature of how Jewish authors apply the notion of covenant. The one-sided covenant of gift or charter, discussed by biblical scholars, is never integrated into the Jewish use of the term. Even Levenson's appeal to grace, which befits a description of a grant-covenant, such as Noah's, is balanced by reference to accountability. See further John Levenson, "Who Inserted the Book of the Torah?," *Harvard Theological Review* 68, no 3/4 (July-October 1975): 225.

The commandments of Genesis 9 are, however, significantly stretched to signify a pledge to sustain life, especially human life. This is a major extension of the meaning of the series of injunctions in chapter 9. If we consider that for Greenberg they may also include the fuller set of the Noahide commandments,⁷ not spelled out in the passage, the reading takes on greater credibility, though it still remains a stretch in relation to the biblical text. The emphasis on the value of life as such, beyond human life, is certainly something imported into the text. It is hard to load the prohibition of eating an unslaughtered animal (Gen 9:4) with so much meaning. While the sense of reciprocity and mutual commitment may be justified by the juxtaposition of the two parts of chapter 9, as discussed below, the notions of divine self-limitation and of the partnership between humans and God with the aim of redeeming Creation are certainly absent from the text. We recognize elements of the biblical narrative in Greenberg's construct, but in fact these are no more than points of contact between his theological construct and the biblical (and rabbinic) sources. What we have here, then, is a highly creative, highly original formulation that appeals to biblical language and sources while making a completely novel statement.

In terms of function, this construct does more than link Creation and redemption or ground the value of the human person, created in God's image, in a covenantal moment. Beyond these achievements, it fashions a common universal frame of relationship with God, which applies potentially to all religions. The covenant with Noah is religion at its core. All religions are, in the first instance, expressions of the Noahide covenant, inasmuch as it provides the basic framework for mutuality and partnership in the common task of redeeming the world.⁸ Accordingly, all particular religious relationships are derivative of the Noahide covenant. The importance of this construct, then, is that it provides the basic instrument for a Jewish theology of religions, validating all religions that accept these values and goals.

The question that arises from this presentation of Greenberg's views is whether they can be upheld in light of the novel reading of Genesis 9 I offer below. My own answer to that question is that it cannot, and this answer applies equally to the other Jewish voices we shall presently survey.⁹

⁷ On these, see David Novak, *The Image of the Non-Jew in Judaism: The Idea of Noahide Law*, ed. Matthew Lagrone (Liverpool: Liverpool University Press, 2011).

⁸ This perspective is very much at odds with the plain sense of the scope of the Noahide commandments, which are primarily moral. This moral dimension is emphasized below by Jonathan Sacks.

⁹ A second question arises, though of a different order. How would Christians receive Greenberg's making room for them on theological grounds? This construct would make all Christians "noahites," in the sense of coming under Noah's covenant (to be distinguished from the present-day use of "noahites" in light of observance of the Noahide commandments. I doubt Christians would find this appealing. Greenberg himself recognizes that much, and this is what has led him to make room for Christians in the covenants with Abraham and at Sinai.

Jonathan Sacks

Another Jewish author who relies heavily on Genesis 9, contributing to the universal-particular construct and applying it to the covenants with Noah and Abraham-Israel, respectively, is the late lamented Lord Rabbi Jonathan Sacks.¹⁰ Reading the covenant with Noah as the universal counterpart to Israel's particular covenants is foundational to Sacks' thought and appears in a number of his books and talks.¹¹ Where for Greenberg the challenge was religious pluralism, for Sacks the challenge is tolerance, acceptance of particularity and overcoming the specter of intolerance and religiously based violence:

I have argued that if we are to find an idea equal to the challenge of our time it must come from within the great religious traditions themselves. I have tried to articulate one possible form of that idea. It is that the one God, creator of diversity, commands us to honour his Creation by respecting diversity. God, the maker of all, has set his image on the person as such, prior to and independently of our varied cultures and civilizations, thus conferring on human life a dignity and sanctity that transcends our differences. That is the burden of his covenant with Noah and thus with all mankind. It is the moral basis of our shared humanity, and thus ultimately of universal human rights. That is why the later covenant with Abraham and his children does not exclude other paths to salvation.¹²

The key to the covenant with Noah is the image of God. The prohibition of murder is extended to encompass mutual respect. The human person is read as the basis for the plurality of human forms. The covenant with Noah is then taken as the broad prototype that is balanced by particular relationships with God. Sacks offers various alternative formulations, such as reference to a covenant of human solidarity. What is important for our purposes is how he casts the covenant with Noah in line with covenant history:

What is absolutely clear is that Genesis tells the story not of one covenant but of two. The first, with Noah after the Flood (Gen 9), applies to all humanity. The second, with Abraham and his descendants (Gen 17), does not. It is the covenant of one people, the people with whom God, many centuries later at Mount Sinai, makes a more highly articulated Covenant of Sinai with its 613 commands.¹³

¹⁰ See Alon Goshen-Gottstein, "We Have Lost Our Greatest Teacher," *Times of Israel*, November 8, 2020, <https://blogs.timesofisrael.com/we-have-lost-our-greatest-teacher/>.

¹¹ It also operates independently of the juxtaposition with the covenant with Abraham, especially in his later works. See *Covenant and World Religions*.

¹² Jonathan Sacks, *The Dignity of Difference : How to Avoid the Clash of Civilizations* (London: Continuum, 2002), 206.

¹³ Jonathan Sacks, *Future Tense* (London: Hodder and Stoughton, 2009), EPUB file, Chapter 10. The covenant with Noah is detached in later works from the religious context and operates more in the moral

The universal-particular construct leads to seeing the covenants with Noah and Abraham as being of a kind.¹⁴ A covenant history offers continuity, and the key distinguishing feature of each covenant is its recipients. The relationship between the initial broader community of recipients, all of humanity, and Israel, to whom the covenant is later narrowed down, is a lesson in upholding particularity and accepting the other.

Jon Levenson

The third Jewish author is a biblical scholar, possibly the most knowledgeable of the three in the study of the biblical covenant and its theological applications; covenant theory has served as the backbone of several of his books. Levenson can be credited with harnessing biblical covenantal studies to the development of specifically Jewish theological representations of the Bible, and more broadly of Judaism.¹⁵ The relatedness of all members of the human family to each other and to God is underscored and formalized in the announcement of an eternal covenant with Noah in Genesis 9:1–17. Underlying this covenant is a theology that places all peoples in a relationship of grace and accountability with God. The subsequent establishment of covenants with all Abrahamites (Genesis 17) and with all Israelites (Exodus 24) is to be read against the background of this universal covenant. Israel's relationship to God is thus both unique and universal: no other people has it, yet all humanity has something of the same order.¹⁶

Levenson, who had just shared with his readers various definitions of particularity and universality, explains this distinction with reference to covenants. The covenant with Noah is universalistic; Israel's is unique (particular). What the covenant with Noah achieves is to establish the relatedness of all humans to each other and to God. This seems to be based on the prohibition of killing a fellow human being, made in the image of God (Gen 9:6). Levenson, like the other commentators

realm. See Jonathan Sacks, *Not in God's Name: Confronting Religious Violence* (London: Hodder and Stoughton, 2015), 209.

¹⁴ The juxtaposition of Noah and Abraham as two distinct religious configurations has a history that antedates recent discussions of the covenant. The view of the Noahide laws as a form of natural religion has led to highlighting this distinction among thinkers of the Haskalah from the 18th c. See Rivka Horwitz, "The Model of the Religion of the Noahides and the Religion of Abraham in the Thought of Mendelssohn and Samuel David Luzzato," in *The Faith of Abraham: In the Light of Interpretation Throughout the Ages*, ed. by Moshe Hallamish, Hannah Kasher, Yohanan Silman (Ramat Gan: Bar Ilan University Press, 2002), 265-280 [Hebrew]. The discussions surveyed here show neither awareness of nor continuity with the earlier ones. The earlier discussions take place around the concerns of natural law and revealed religion and make no mention of the covenant. The more recent discussions are all framed in the context of covenantal theory.

¹⁵ Jon Levenson, *Sinai and Zion: An Entry into the Jewish Bible* (Minneapolis: Winston Press, 1985); *The Love of God: Divine Gift, Human Gratitude and Mutual Faithfulness in Judaism* (Princeton: Princeton University Press, 2016).

¹⁶ Jon Levenson, "The Universal Horizon of Biblical Particularism," in *Ethnicity and the Bible*, ed. Mark Brett (Leiden: Brill, 2002), 147-8.

surveyed here, considers the larger literary unit of Genesis 9 to constitute the covenant narrative. This allows him to include the prohibition against murder in the scope of the covenant. The covenant, in this understanding, includes commandment, which is the only way one can account for the claim of relatedness between all humans and God. Indeed, Levenson, like the other Jewish authors, collapses the rabbinic concept of Noahide commandments into the covenant with Noah.¹⁷

Underlying Levenson's reading is a view of Genesis 9 in relational terms. In the course of his presentation one comes across multiple occurrences of "relationship." If, as I suggest, Genesis 9 is not about relationship, then also Levenson's recasting of the chapter cannot be sustained. He describes the covenant with Noah as placing all people in a relationship of grace and accountability with God. These two terms are sufficiently full to serve as a counterpoint to Israel's particular covenant. Levenson arrives at his interpretation through a high degree of abstraction that makes little appeal to the biblical text. One assumes accountability is found in the prohibition on murder, and grace in the fact that God agrees to no longer bring about destruction. The covenant with Noah is understood within a particular *structure*—the relationship of the universal and the particular. Its coherence and substance, however, are provided by an abstraction that supplants the actual contents of Scripture.

I believe that Levenson's structure, similar as it is to that of the previous two authors, cannot be defended as emerging from biblical foundations once Genesis 9 is revisited. It is therefore time to turn to the biblical text itself. A fresh reading will allow us to assess which, if any, elements of these theological constructs really grow from Scripture itself and what message Genesis 9 might carry for Jewish-Christian relations—or, more broadly, what universal message the chapter may carry.

Covenants of Peace and Covenants of "No Harm"

Let us then move from contemporary theology to my novel reading of Genesis 9, whose merits should be seen according to the conventions of broadly practiced aspects of biblical studies. The reading I offer here has come to me almost as a revelation, and I find its clarity and truth irresistible. In the following pages I introduce a fundamental distinction into the analysis of covenants, which opens up a completely new understanding of the covenant with Noah in Genesis 9. I believe it forces us to rethink the constructs and theological positions described above, and to my mind renders them invalid, inasmuch as they rely on a plain-sense reading of the biblical passage.

The common definition of covenant describes obligations undertaken. "A 'covenant' is an agreement enacted between two parties in which one or both make

¹⁷ Levenson cites David Novak, *The Image of the Non-Jew in Judaism* (New York: Edwin Mellen, 1983), as a reference on the Noahide commandments. However, Novak nowhere identifies the Noahide commandments with the covenant with Noah.

promises under oath to perform or refrain from certain actions stipulated in advance.”¹⁸ This broad definition covers the different types of covenant found in the Bible, both between individuals and between God and Israel or God and individuals within Israel. The question of whether covenant is a one-sided or a reciprocal commitment has occupied most of scholarly attention, and, following ancient Near Eastern precedents, has led to significant distinctions between types of covenant that either emphasize mutual commitments or a one-sided gift. However, the distinction between “perform or refrain” has not been previously recognized,¹⁹ and it seems it has received absolutely no attention in a theological context. It is to this distinction that we now turn.

Covenants not only set out obligations; they provide relationships with definition and boundaries. That two parties conclude a covenant is essentially a positive thing, inasmuch as it points to something constructive in a relationship that is constituted by means of the covenant. However, underlying this generalization is a significant distinction between two distinct types of covenant. We might describe their difference as analogous to the difference between a warm peace accord and a ceasefire agreement. The first affirms a relationship in its fullness: a peace that leads to sharing, mutual activities, a spirit of friendship, a sense of mutual flourishing. The second specifies what is necessary to prevent two sides from practicing hostility and acting out of enmity. It speaks of restraint, holding back from aggression. While it does incorporate relational dimensions, these are based more on what the rabbis call **שב ואל תעשה** (sit and refrain from action) than upon the positive relational dimensions that involve action and positivity. The “negative,” ceasefire-type covenant still assumes some kind of relationship, one worth upholding and which is meaningful enough to protect the two parties from descending into violence. However, it lacks what matters most—love, friendship, and a sense of the fullness of the relationship.

Let us begin by viewing two instances of the negative relational model. The first is that between Jacob and Laban in Genesis 31:

“Come, then, let us make a covenant,²⁰ you and I, that there may be a witness between you and me.” Thereupon Jacob took a stone and set it up as a pillar. And Jacob said to his kinsmen, “Gather stones.” So they took stones and made a mound; and they partook of a meal there by the mound. Laban named it Yegarsahadutha, but Jacob named it Gal-ed. And Laban declared, “This mound is a witness between you and me this day.” That is why it was named

¹⁸ *Anchor Bible Dictionary*, s.v. Covenant, vol. 1, 1715.

¹⁹ Due to the application of one particular lens, some biblical scholars have had trouble accounting for Genesis 9. See Claus Westermann, *Genesis: A Commentary*, English Trans. John Scullion (Minneapolis: Augsburg, 1984), 471. Joseph Blenkinsopp, *Creation, Un-Creation, Re-Creation: A Discursive Commentary on Genesis 1-11* (New York: T and T Clark, 2011), 151, similarly struggles with what kind of covenant Genesis 9 represents. The thesis offered in the present essay could address many of the challenges this covenant presents, though it does not engage with the documentary reading of Scripture.

²⁰ The JPS edition here has translated ברית as pact rather than covenant.

Gal-ed; And [it was called] Mizpah, because he said, “May the Lord watch between you and me, when we are out of sight of each other. If you ill-treat my daughters or take other wives besides my daughters—though no one else be about, remember, God Himself will be witness between you and me.” And Laban said to Jacob, “Here is this mound and here the pillar which I have set up between you and me. This mound shall be witness and this pillar shall be witness that I am not to cross to you past this mound, and that you are not to cross to me past this mound and this pillar, with hostile intent. May the God of Abraham and the god of Nahor—their ancestral deities—judge between us.” And Jacob swore by the Fear of his father Isaac. Jacob then offered up a sacrifice on the Height, and invited his kinsmen to partake of the meal.²¹

There is already a relationship between Jacob and Laban, whose daughters he has married. The relationship is, however, fraught with tension and danger. The final act in their story is not one of friendship or healing. It is a covenant in which each side promises the other to refrain from causing harm. A boundary is defined which must not be crossed. The covenant has many of the elements common to a covenant—divine witnesses, an oath, a shared meal. However, these elements, even the shared meal, do not lend this pact the positive characteristics of a full-fledged covenant of peace. It is a covenant, but of the negative, “ceasefire” type. It is what I shall designate a “covenant of no harm.”

Another example of such a covenant is found in the following story of Isaac and Abimelech:

And Abimelech came to him from Gerar, with Ahuzzath his councilor and Phicol chief of his troops. Isaac said to them, “Why have you come to me, seeing that you have been hostile to me and have driven me away from you?” And they said, “We now see plainly that the Lord has been with you, and we thought: Let there be a sworn treaty between our two parties, between you and us. Let us make a pact²² with you that you will not do us harm,²³ just as we have not molested you but have always dealt kindly with you and sent you away in peace. From now on, be you blessed of the Lord!” Then he made for them a feast, and they ate and drank. Early in the morning, they exchanged oaths. Isaac then bade them farewell, and they departed from him in peace.²⁴

The meal, oaths and promises all conform to the pattern of a covenant, which is indeed how this event is described. However, its substance is refraining from harm. The peace is not the peace of friends. It does not involve sharing or dwelling together. Significantly, “peace” describes an act of separation and departure, not one of arrival.

²¹ Gen 31:44-54.

²² Hebrew: *berit*

²³ While the term “harm” appears here explicitly, the typology of a no-harm covenant does not depend on this word. Other terms appear in other contexts, as relevant.

²⁴ Gen 26:26-31. See also Gen 21:25-32.

The Bible also knows of positive covenants. The relationships that ensue from them are characterized as peace and friendship: “So the Lord gave Solomon wisdom, as he promised him. There was peace between Hiram and Solomon; and the two of them made a treaty.”²⁵ The covenant here grows on the foundations of peace. Earlier in the chapter we are told of the love that existed between Hiram and Solomon’s father.²⁶ We are then told of their practical collaboration in the building of the Temple. All this is significantly more than the pact of non-aggression, which is similarly referred to as *berit*.

Most interesting is the case of David and Jonathan. We find not one but two covenants concluded between them. In view of the above discussion, I propose that the existence of two covenants reflects the two distinct forms of interpersonal covenant. The one is a covenant of peace and friendship in its full, positive sense. The other is a “negative” covenant that emphasizes lack of harm. The first is narrated as follows:

When [David] finished speaking with Saul, Jonathan’s soul became bound up with the soul of David; Jonathan loved David as himself. Saul took him [into his service] that day and would not let him return to his father’s house. Jonathan and David made a pact, because [Jonathan] loved him as himself. Jonathan took off the cloak and tunic he was wearing and gave them to David, together with his sword, bow and belt.²⁷

This is perhaps the fullest expression of a human covenant of friendship. It is founded on love that is as whole as one can imagine: “as himself.” The point of the covenant seems to be the relationship itself. It affirms a closeness, and seems to have no specific commitment other than the formation of the bond of love and friendship. This is the kind of friendship that leads to sharing and participation.²⁸ The sharing of clothes is a visible sign of such bonding.²⁹

There is a second covenant concluded between David and Jonathan. When David flees Saul and is in hiding, Jonathan visits him and says:

²⁵ 1Kings 5:26, NRSV version, which is more faithful to the text and captures terms that are crucial to my discussion.

²⁶ v. 15.

²⁷ 1Sam 18:1-4.

²⁸ In 1Sam 20:8 we learn that this is not simply a human covenant, but a covenant concluded also with God or in God’s presence.

²⁹ “Their exchange of clothing underscores the covenantal dimension of their interaction” (Stephen Chapman, *1 Samuel as Christian Scripture: A Theological Commentary*, [Grand Rapids: Eerdmans, 2016], 159). The problem, however, is that the sharing seems to be one-sided. David does not offer his clothes to Jonathan. Consequently, other commentators associate the sharing with the transfer of kingly status. See Ralph Klein, *1 Samuel* (Nashville: Thomas Nelson, 2008), 182; Robert Alter, *The David Story* (New York: Norton, 1999), 112; Heinrich Krauss and Max Kuechler, *Saul - Der Tragische Koenig* (Freiburg: Paulusverlag, 2010), 170. Only the immediate literary context enables any inference about the meaning of the exchange of clothing, as there is no analogy elsewhere that might illuminate it. Note also that the issue of elements of clothing in the relationship between Saul and David had appeared just previously in Chapter 17:38-9. Our verse could, in theory, have been interpreted as a form of initiation into the military. I consider this interpretation far less likely.

“Do not be afraid: the hand of my father Saul will never touch you. You are going to be king over Israel and I shall be second to you; and even my father Saul knows this is so.” And the two of them entered into a pact before the Lord.³⁰

This is a different pact or covenant from the one described above. David is fearful of the harm that might befall him. Jonathan assures him that Saul will not touch him. In agreeing to be second to David, Jonathan further assures him that he too will not harm him.³¹ The story’s logic is that David, in turn, will not harm Jonathan, son of his nemesis Saul, when he comes into power. Thus, the two types of covenant—positive and negative, avoiding harm and affirming full peace, love, and friendship—are found with reference to the same relationship.³² It is interesting that the fuller relationship provides the background for the covenant of no harm, which becomes a concrete expression of the depth of their love.³³

Genesis 9—A Covenant of No Harm with Creation

All this equips us with new lenses by means of which to study Genesis 9, typically seen as describing God’s covenant with Noah. The point is surely obvious: the covenant with Noah is not a covenant that establishes a relationship. It is what I have described as a negative covenant, rather than a positive one. It is a no-harm covenant rather than one that establishes a relationship in its fullness. There is nothing in Genesis 9 that resembles the later covenants with Abraham or with Israel in terms of the establishment of a relationship. While the term “covenant” is, of course, common to these different sources, as are a number of its features, there exists a fundamental divide, grounded in a typology of covenants, that separates them. Let us then proceed to a closer reading of Genesis 9, which will anchor this overview in the details of the biblical text.

³⁰ 1Sam 23:17-18. A third possible reference to a covenant, lacking the term *berit*, is found in 20:16, following the previous reference to their covenant in v. 8. This too would be understood as a covenant of no harm.

³¹ One could in theory propose that the covenant is made with reference to Jonathan’s willingness to surrender the kingdom to David. I prefer my reading, also because I cannot locate another covenant of a similar nature in the Bible. Reading this as a covenant of grant seems somewhat far-fetched. None of the commentators addresses the need for a second covenant. It is simply described as “further” (Chapman, 184) or “second” (Alter, 143). Alter does suggest a pattern of incremental repetition, considering this second covenant an “alleged doublet.” The suggestion of different types of covenant takes on greater plausibility when we note how little commentators are able to account for it.

³² Regarding the no-harm covenant, we find the use of the plural form *ויכרתו*. Both parties conclude the covenant. The covenant of friendship, while related to both, only references Jonathan as the agent, *ויכרת*, making Jonathan the principal actor (see Alter, 112). This is also borne out by the one-sided handing over of clothes. It may be that the no-harm treaty requires explicit affirmation of its mutuality, a mutuality that is implied but not stated in the friendship covenant.

³³ In theory a negative covenant could grow into a positive one. However, I cannot find an example for that.

The first matter to consider is the scope of the covenant passage. There is a difference, which very often corresponds to the respective identities of Jewish and Christian readers, regarding the extent of the paragraph relevant to covenant. Jews, as I have noted, tend to see the entire chapter as part of the covenant, including the earlier section, verses 1–8, in which commandments are listed. Many Christian readers argue that only verses 9–17 are relevant to the covenant.³⁴ The difference is textual but also theological. Textually, the term *berit* appears only in the second part of the chapter and not in relation to the commandments stated in the first part.³⁵ And it appears no less than seven times, surely a significant number.³⁶ Furthermore, verses 9–17 are framed by an *inclusio* that references the making of the covenant, lending further support to a reading of these verses, and these alone, as covenant.

Beyond the textual dimension lies a theological consideration that seems to distinguish Christian from Jewish readers. The earlier part of the chapter includes legal stipulations. This would mean that commandments are seen in some way as relevant to the covenant, even if they are not strictly speaking covenantal stipulations. Accordingly, the covenant would have some dimension of reciprocity to it and would not be a purely free divine gift.³⁷

The notion of covenant is introduced only in verse 9, with the opening “As for me.” What does this opening suggest? Is it the other side of a covenantal commitment or is it God making a covenantal promise, independently of the commandments of the earlier verses? Both perspectives may be upheld. It is, indeed, a covenant with God, and, like all biblical covenants with God, it is also linked in some way to commandment and obligation.³⁸ Nevertheless, what follows the new opening (“as for me”) does not stand in full reciprocity with the earlier part. This is not because the earlier part is divorced from the covenant. Rather, the scope of the covenant shifts in the second part of the chapter. Here God makes his covenantal promise addressing not only Noah or humanity. It is a covenant “with you, and with your seed after you; and with every living creature that is with you, the fowl, the cattle, and every beast of the earth with you.” It would be meaningless to consider a covenant of mutual obligation between God and non-humans. It is,

³⁴ The argument is made explicitly by Blenkinsopp, *Creation, Un-Creation, Re-Creation*, 149. Blenkinsopp refers to the terminological concentration and to the *inclusio*, noted in our discussion. See also Jan Christian Gertz, *Das Erste Buch Mose Genesis: Die Urgeschichte, Gen 1-11* (Göttingen: Vandenhoeck und Ruprecht, 2018), 285. A similar view regarding the literary boundaries of the covenant section is implied in the division into sections by the Jewish scholar Nahum Sarna, *The JPS Torah Commentary: Genesis* (Philadelphia: Jewish Publication Society, 1989) as well as by Georg Fischer, *Genesis 1-11* (Herder: Freiburg, 2018).

³⁵ See James Barr, “Reflections on the Covenant with Noah,” 19.

³⁶ A likely explanation for the number is linked to the re-establishment of Creation following the flood. The sevenfold occurrence of the word *berit* may be a reference to the significance of the number seven, namely the seventh day, in the original Creation narrative.

³⁷ On the question of unilateral vs. reciprocal obligations, with reference to this particular covenant, see Barr, 11-13.

³⁸ I have suggested that this is a constitutive feature of biblical covenants with God, regardless of other ways in which they may be classified. See Alon Goshen-Gottstein, *In God's Presence: A Theological Re-Introduction to Judaism* (Fortress Press, forthcoming), chapter 2.

however, quite meaningful to consider a one-sided divine promise that encompasses not only humans but all creatures, a promise never again to destroy the world. In this reading, then, the covenant with Noah is something of a misnomer. It is not a covenant, properly speaking, with Noah, nor is the heart of the covenant to be found in the prohibitions listed in the first paragraph. The covenant is actually a divine promise to all Creation, represented by Noah. Noah is not the personal covenantal partner but the figurehead, the point person, for a more encompassing divine promise that begins with him and extends to all living creatures.

To better understand the complexity inherent in the logic of Genesis 9, we should examine how the text itself understands this covenant, as distinct from the many theological overlays it has received at the hands of Jewish and Christian theologians alike. The three final verses hold the key to its understanding:

I will remember My covenant between Me and you and every living creature among all flesh, so that the waters shall never again become a flood to destroy all flesh. When the bow is in the clouds, I will see it and remember the everlasting covenant between God and all living creatures, all flesh that is on earth. "That," God said to Noah, "shall be the sign of the covenant that I have established between Me and all flesh that is on earth."³⁹

These verses provide a definition of the nature of the covenant as well as of its recipient. As the final verse states, it is a covenant between God and all flesh that is on earth, or, as the previous verse states, all living creatures. The previous verse spells out the nature of the covenant—there shall never again be a flood to destroy all flesh. This, then, is a divine covenant of no harm. Its recipient is Creation. Having destroyed Creation through the flood, God now makes a covenant with Creation in which he promises never to destroy it again.⁴⁰ We can probably learn from this covenant that God cares for Creation, or that he forgives transgression, or that he is willing to come to terms with human weakness and sin. Any of these are possible lessons that can be derived from the core covenant. However, God does not conclude or affirm a relationship with Creation as such, something that might not even be possible conceptually. Rather, he solemnizes his intention or decision to never again bring about a flood by means of a covenant.

This leads us to a consideration of Noah's position in this covenant. The no-harm covenant is made with all of Creation. Noah stands in for all Creation; he is the intermediary, the instrument through which the covenant is concluded. It is this complexity that accounts for the particularities of Genesis 9 and for the division within the chapter. Understanding Noah's role is crucial to understanding the covenant itself. It also impacts the basic question of how much of Genesis 9 is relevant to the covenant.

³⁹ Gen 9:15-17.

⁴⁰ This leads us to consider the meaning of the sign of this covenant. In context, it seems clear that it refers to the rainbow. However, some interpreters have argued that it relates to the bow of the warrior, which God now hangs in the sky as a sign that he will no longer engage in acts of aggression. See Fischer, 504-5. This would be a visible sign of a no-harm covenant.

Recent developments in New Zealand are very helpful for understanding what is at stake. Providentially, the day before I wrote this text, there was a news item about the Whanganui River, the third-longest river in New Zealand, becoming the first in the world to be considered a legal person, enabling it to be represented in court and having two guardians appointed to speak on its behalf.⁴¹

Internationally, this is an important precedent. In context, it draws on Maori views of the personality of the river. For our purposes, it illustrates the challenge of how nature, or its elements, can become party to legal proceedings. A covenant is a legal mechanism. If God seeks to make a covenant of no harm towards all living beings, how can such a covenant be concluded? The recent announcement holds the key to Noah's position. The river has guardians appointed to speak on its behalf. Noah too is a guardian appointed over nature. Noah, then, receives the covenant on behalf of all of Creation.

With this insight, we can now review Noah's role in the covenant as well as the relationship of the first and second parts of the pericope. The final verse (Gen 9:17) is spoken to Noah, while the substance of the proclamation is God's covenant with all flesh. This is, however, the only time that we find God speaking to Noah exclusively. Earlier, God speaks to Noah and to his sons. Thus, in verse 8, the section begins:

And God said to Noah and to his sons with him, "I now establish My covenant with you and your offspring to come, and with every living thing that is with you—birds, cattle, and every wild beast as well—all that have come out of the ark, every living thing on earth."⁴²

Noah and his sons receive the covenant, but it is also made with all living beings, here specified in detail.⁴³ It is therefore not Noah as the ideal righteous person, as he was described earlier in the biblical narrative, who is receiving the covenant. It is Noah as a representative of humanity, along with his sons, who equally constitute the new humanity.

Once the proxy nature of the covenant with Noah is understood, we can turn to the first part of Chapter 9, to be understood, in context, as providing the justification and rationale for why and how Noah and his offspring can stand in for all of Creation in a covenant with God. To this end, the special status of the human person is affirmed. Humanity is blessed to multiply. Dominion is then given to humans over all forms of life, the same life that will appear in the covenant several verses

⁴¹ Julia Hollingsworth, "This River in New Zealand is Legally a Person. Here's How It Happened," *CNN*, 11 December 2020, <https://edition.cnn.com/2020/12/11/asia/whanganui-river-new-zealand-intl-hnk-dst/index.html>

⁴² Vv. 8-10.

⁴³ The remove of this covenant from other relational covenants made with human partners finds further expression in the naming of earth itself as partner to the covenant in verse 13.

later.⁴⁴ Full dominion finds expression in the right to eat other living beings. However, there is an exclusion: the blood of animals must not be consumed, and human blood must not be spilled. The reason is crucial: man was made in the image of God. Read in context, this is a much more nuanced statement than the obvious prohibition on murder or the recurrent affirmation of humanity having been created in God's image, repeating the message of Genesis 1:26. Here, being in the image of God means that the human person can enter into a covenant with God on the basis of some foundational common ground.⁴⁵ This is the source of his dominion over other forms of life. It is also the reason why he can play the mediating role that he, in the person of Noah and his sons, will immediately play in the covenant with all living beings. Being in the image of God, he can enter into a covenant with God, based on a point of commonality. At the same time, his image may consist of, or include, this power of dominion. Thus, the *human* person, made in the image of God, is the perfect intermediary and representative, who can receive the covenant on behalf of Creation. It is therefore not Noah the righteous who receives the covenant on behalf of all living beings. It is Noah the human person, along with his children and all future offspring, who fulfills this role.

Just as the second part of the chapter was defined by means of an *inclusio*, describing God's making of a covenant, so is the earlier part: verses 1 and 7 both contain the blessing to be fruitful and fill the earth. This is to be understood as an expression of dominion. Humankind is to expand so that it fills the earth, given to it in blessing. The framing of the first part in terms of blessing⁴⁶ and of the second part in terms of covenant does not mean that the first part is detached from covenantal concerns. In addition to how humanity's role in relation to nature, captured as blessing, enables its proxy role in the following covenant, blessing and covenant are also related. There is a pattern, found in other biblical contexts, where blessing is a form of establishing or affirming a covenant.⁴⁷ Blessing can also precede and lead to a covenant.⁴⁸ If blessing is not only not detached from covenant but serves as a preamble or as a milder form of covenant, the division of Genesis 9 into two parts—blessing and covenant—would allow us to view both of these as part of the larger construct of covenant.

More can be said, in context, regarding the image of God. If humankind expands and fills the earth, this too may be an expression of the divine image, which

⁴⁴ There is one discrepancy. Fish are mentioned in the earlier part, but not in the later. Fish were obviously not destroyed in the flood, so they did not need the divine pledge to not destroy them again.

⁴⁵ Similarly, Jon Levenson has suggested that Israel entered their covenantal relationship with God at Sinai not as slaves but as kings, albeit much in debt to the king of kings. See Levenson, *The Love of God*, 6.

⁴⁶ To be clear, the *inclusio* is about propagation and filling the land. This is expressed in terms of blessing in the opening of the first part.

⁴⁷ The only way of making sense of the mention of covenants in Lev 26:42 is to see them as references to Gen 26:2-5; 35:9-12, where "blessing," not covenant, is used. See further Gen 28:3-5 where blessing is the means of passing on covenantal promises.

⁴⁸ Abraham's story begins with a blessing in Gen 12:2, leading to later covenants in Gen 15 and 17. These echo some of the themes of the earlier blessing. It is also worth considering the first appearance of the Sabbath in Gen 2:3, which involves blessing. Its following appearances in Exod 20 and 31 involve a covenant.

is affirmed just before the closure of the first section and the repetition of the blessing, or command, to fill the earth. Having destroyed the earth and now promising to never destroy created life again, God affirms his sovereignty. If God commands humankind to fill the earth, he is in fact extending this sovereignty to them, which is one dimension of what it means to be created in God's image. The God who promises life's endurance, just like the God who completes his creative work in Chapter 1, places humans, made in his image, to fill, enjoy, and rule over new/renewed Creation as an extension of himself. It is the notion of the image of God that makes this possible.

There is an even more powerful possibility for how this notion operates in our chapter. I read Genesis 9 as a covenant of no harm between God and Creation. The examples of such covenants analyzed above related to reciprocal covenants. Both sides promise not to harm each other. Scholars who have read Genesis 9 in light of ancient Near Eastern treaties have considered Noah's covenant a promissory, grant-type covenant. This is the only way to read it if one assumes that the covenant passage only begins in verse 8. However, once we realize how closely related the two sections of the chapter are, a new understanding emerges, relating to mankind's being created in God's image. A reciprocal treaty of no harm requires both sides to affirm that they will not hurt each other. God promises not to destroy life, but there is also a reciprocal obligation, which cannot be placed upon all living beings.⁴⁹ Only humans can accept an obligation upon themselves. If God promises not to destroy other creatures, we must expect a reciprocal promise not to destroy God. God, obviously, cannot be destroyed—but his image can. The reason why Genesis 9 introduces the prohibition on murder here is in order to create the reciprocal commitment that is required by the covenant of no harm. God does not destroy living beings. Man, the only living being who can be commanded, in turn does not destroy God, that is: God's image.⁵⁰

This reading helps us solve a big riddle in biblical thought. We typically consider the creation of humankind in God's image a fundamental religious teaching. In fact, it is a fairly minor teaching when the message of the Bible is considered in its entirety.⁵¹ It appears in Genesis 1, in our passage and nowhere else in the Bible. Considering how formative these passages are, why is it that the notion does not receive further amplification? One possible answer may be that this idea presents a unique challenge and addresses a unique need. It is only within the nuanced framework of making possible a covenant, even if a covenant of no harm, between

⁴⁹ The consequences of harming the image of God do, however, apply to animals as well. Tamar Werdiger points out to me that in verse 5 God promises to punish animals who kill humans.

⁵⁰ Yair Lorberbaum has offered a strong reading of God's image as the divine life inhabiting and being expanded, by means of human persons. If such a reading were adopted for the biblical source, based on the later rabbinic sources he suggests, it would make the present point all the more powerful. See Yair Lorberbaum, *In God's Image: Myth, Theology, and Law in Classical Judaism* (New York: Cambridge University Press, 2015).

⁵¹ On the problematics associated with the notion, see Alon Goshen-Gottstein "The Body as Image of God in Rabbinic Literature," *Harvard Theological Review* 87:2 (1994): 171-195.

God and non-human life that we require the notion of the image of God to do the work of representation, as described.

Noah: One or Two Covenants?

The typological distinction between positive and negative covenants that produce, respectively, the fullness of relationship and the promise of no harm allows us to revisit an interpretative crux in the Noah story. Noah is mentioned in relation to covenant in two different contexts. Our discussion has focused on Genesis 9. There is, in addition, a brief mention of covenant in Genesis 6:18:

For My part, I am about to bring the Flood—waters upon the earth—to destroy all flesh under the sky in which there is breath of life; everything on earth shall perish. But I will establish My covenant with you, and you shall enter the ark, with your sons, your wife, and your sons' wives. And of all that lives, of all flesh, you shall take two of each into the ark to keep alive with you.⁵²

What is this covenant? If the English translations almost all give the sense that the covenant will be established in the future, the Hebrew **והקימותי**, *vahakimoti*, lends itself to an understanding that this relates to an existing covenant that is going to be fulfilled. Nahum Sarna sums up the confusion when he says:

In the present passage it is uncertain whether the governing verb means to fashion a covenant anew or to fulfill one already made. Outside the Flood narrative, all biblical usages of the phrase favor the latter interpretation. The meaning would then be that the divine blessing made to Adam in 1:28 would be fulfilled through Noah and his line, an assurance that he and his family would survive and regenerate the world. However, because “covenant” is not used in connection with the blessing of Adam, the phrase could imply that a new, unconditional guarantee of salvation is now being given to Noah. Still another possibility is to take the term here as anticipating the covenant made after the Flood, as recorded in 9:8–17.⁵³

The suggested association of blessing and covenant would resolve the problem raised by Sarna and allow this covenantal reference to point back to Adam. It is worth noting one strand of Christian theology, the so-called Federal Theology of Reformed Christianity, which views religious history as covenantal history and recognizes Adam as the first recipient of such a covenant.⁵⁴ Reformed theologians consider covenant to be associated with Creation more fundamentally than the

⁵² Gen 6:17-19.

⁵³ Sarna, 53.

⁵⁴ See Aaron Chalmers, “The Importance of The Noachic Covenant to Biblical Theology,” *Tyndale Bulletin* 60, no. 2 (2009): 207-216; Paul Williamson, *Sealed with an Oath: Covenant in God's Unfolding Purpose* (Downers Grove, IL: IVP, 2007), EPUB file; W. Dumbrell, *Covenant and Creation: A Theology of Old Testament Covenants* (Carlisle: Paternoster, 1984).

blessing to Adam and rely on this verse for support.⁵⁵ I am unconvinced by this reading. Paul Williamson makes the astute observation that just as Exodus 19:5 refers to a covenant prior to the actual Sinai event, so does this verse in Genesis 6 announce the coming covenant, which will appear in chapter 9.⁵⁶ This is an interesting reading and more contextual, as it also relates thematically to other elements in the verse. However, it does seem out of context here. Nothing would be lost if we did not have a reference to a covenant in Genesis 6. This is not the case with the suggested parallel to Exodus 19, where mention of the covenant is part of the overview and definition of all that is to come. By contrast, the focus of Genesis 6:18 is the flood and being saved from it. A later covenant to never again bring about a flood is out of context. Moreover, the covenant in Genesis 6 is with Noah and Noah alone. In Genesis 9, it is never with Noah alone, as I have detailed above. If this reading is rejected, only one of the three options remains. This covenant points neither to the past nor to the future, but to the present moment, and is related to Noah's salvation. Let us consider this reading.

In order to appreciate the particularity of the reference to a covenant in Genesis 6, we must take note of the context. The description of the announcement that Noah will be saved and of God's covenant with him follows from the opening description in the same chapter of Noah as righteous and blameless. It is therefore an outcome of his particular status and virtue. By extension, not only he but also his sons, and most importantly their wives, are also saved. Chapter 9 makes no mention of Noah's status as a righteous person. It also includes no reference to women. Instead, it speaks of the generic "human," made in the image of God.⁵⁷ The covenant is made with all created beings, not with Noah alone, and it is mediated via Noah and his sons as *humankind*, representing God, as proxies in the making of a covenant. There is a different logic governing each of these chapters and therefore each of the references to covenant.⁵⁸

The conclusion, then, is that Genesis 6 speaks of a covenant that is made with Noah because he is righteous. The fulfillment of this covenant is the extension of divine protection to him, and through him to his immediate family. This is not the no-harm covenant of chapter 9; rather, it is based on the fullness of relationship that an individual enjoys with God by virtue of his total righteousness. It is positive in the sense that it is built on the virtues of the individual, and this is matched by the active protection extended to that individual by God. It does not include a particular commitment or command. These have been fulfilled previously and their fruit is the designation of Noah as a righteous person and the ensuing covenant. It also does not include a specific promise. Rather, it is covenant as an expression of relationship and closeness. There is no need for a specific promise. God fulfills the implicit promise or expectation when he saves Noah from the flood. God does not

⁵⁵ See Williamson, Chapter 3.

⁵⁶ Williamson, Chapter 3.

⁵⁷ The image of God can include women; see Gen 5:1-2. However, this is not brought to light in Gen 9, even though women were mentioned throughout the story of the flood.

⁵⁸ Most readers throughout the centuries have not recognized this distinction. For an early reading that fails to make this distinction, see Sirach 44:17-18.

need to commit to save Noah any more than Noah needs to undertake fidelity and obedience to God. These are both implied.⁵⁹

God's covenant with Noah is best understood along the lines of the covenant of friendship. It is an expression of a special relationship, not of a particular pledge. It is analogous to David's covenant with Jonathan we saw earlier (1 Sam 20). That covenant affirmed friendship and sealed a bond of love. It was an expression of closeness and love in a full and positive sense. Similarly, God's covenant with Noah in Genesis 6 presents us with a form of covenant that is not centered on commitment or promise, neither one-sided nor bilateral. It focuses on the relationship itself, and confers friendship, intimacy and, as we know, by extension also protection.

The verb *והקימתי*, as Sarna notes, typically relates to a covenant that was previously concluded. Commentators and interpreters have rendered it as "I will establish," because we do not hear of a covenant previously concluded with Noah. There are two ways of meeting this challenge if we seek to maintain consistency of usage of the verb across different biblical occurrences.⁶⁰ The first is that there was indeed a covenant concluded, but the Bible did not tell us about it. We only learn about it when it becomes relevant to the storyline. It is often the case that the Bible informs us of elements of the story only after they have occurred, in accordance with its narrative needs.⁶¹ There is another possibility, and it has consequences for the relevance of the Noah narrative for future generations. It may be that the very attainment of the status of *צדיק*, righteous person, places one in a relationship with God which can be described as a covenant.⁶² If so, this covenant is not unique to Noah. Anyone, including anyone before or after him, who is considered righteous enters a special relationship with God which may be considered or called a covenant, by virtue of the closeness, intimacy, sharing and protection it affords.⁶³

In summary, we may distinguish two kinds of covenant between God and Noah, fully analogous to the two covenants we identified between David and Jonathan. As a righteous person, Noah illustrates how covenant can be a sign of a bond of friendship, given in recognition of righteousness, beyond the particularity of demands and commitments. As the representative member of humankind, he is also

⁵⁹ See also Barr, 13.

⁶⁰ The thesis that this is a type of friendship covenant does not depend on when the covenant was concluded. In theory, this could be the moment in which it is concluded.

⁶¹ This is a feature of narrative generally. See Meir Sternberg, *Expositional Modes and Temporal Ordering in Fiction* (Baltimore: University of Johns Hopkins Press, 1978) and see Gerard Genette, *Narrative Discourse* (Ithaca: University of Cornell Press, 1980). With reference to biblical narrative, see Meir Sternberg, *The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading* (Bloomington: University of Indiana Press, 1985), 264-320.

⁶² Given that covenant is mentioned only in passing in Gen 6:18, thereby posing an exegetical difficulty, this is one theoretical solution. It recasts the problem in positive terms in view of the context, but does not rely on additional sources.

⁶³ The point may be expanded from reference to *Zaddik* to the other characteristics by means of which Noah is described in Gen 6:9. It is interesting to note that in kabbalistic terminology "Zaddik" and "covenant" are both monikers for the same *sefira*, Yesod. When Gen 6 is viewed through this lens, a covenant is implied by the very appeal to "Zaddik."

the recipient, following the flood, of a different kind of covenant, the negative covenant of no harm.⁶⁴ The presence of both in the story of Noah serves to further highlight the very existence and particularity of the covenant of no harm that is related in Genesis 9.

The Theological Import of Noah's Covenant

The reading I have offered reveals a typology that undermines the theological constructs surveyed above and which have applied the covenant with Noah to relations between religions. A covenant of no harm does not provide a universal basis for particular relationships. The Jewish authors who affirmed such a view all sought ways of recasting the covenant with Noah in positive terms, thereby altering its fundamental negative nature as a covenant of no harm. They portrayed it as a covenant of relationship, just like the later covenants, thereby treating the covenants as being of a kind. In their understanding, the difference between various covenants is not one of kind; it is only one of recipients—hence the various applications of the distinction between the universal and the particular. The above analysis undermines the basis for these rich but ideologically charged readings, rendering them unsustainable.⁶⁵

If my reading of Genesis 9 effectively invalidates all the theological constructs that have been placed upon it, we must consider anew the question of the theological import of God's covenant with Noah. With this we turn from scriptural exegesis to theologizing, based on the newly discovered understanding of Scripture. The question we are concerned with is whether Genesis 9 and its covenant can teach us anything regarding a view of and approach to God besides the obvious message of God's promise to never again destroy his Creation. One part of the answer lies in the possibility that there are two covenants with Noah, one negative and one positive. The positive covenant in Genesis 6 with Noah the righteous person is given not as a framework of a relationship, but as an expression of the fulfillment and confirmation of that relationship. The appeal to righteousness is not dependent on a covenantal framework, and it remains a vital element in a biblical view of the human person, including the non-Jew. Other narratives in Genesis continue to employ it as a category that provides definition to individuals, relations, and human and divine actions.⁶⁶ If so, we can readily recognize a continuity between the story of Noah and other biblical stories, of universal scope, while sidestepping the challenges associated with the use of "covenant." In the same way that Noah's righteousness leads to a relationship with God, other relationships with

⁶⁴ It may be that the description of the drunken Noah in Gen 9, immediately following the covenant of no harm, further underscores how this covenant is not related to his status as a righteous person.

⁶⁵ One prior reading of this covenant that remains relevant is that of the reformed theologians, who link Gen 9 to Creation and draw the lesson of God's continuing care for Creation. This care provides the framework within which later covenants take place. However, it tells us nothing of the particularity of the covenant concept, nor does it establish any relationship between the covenant with Noah and later covenants.

⁶⁶ Gen 18:23; 20:4.

God can emerge from the practice of righteousness. Such relationships, even covenants, can emerge over the course of history. If, as stated above, the very attainment of righteousness is equivalent to a covenant with God, then the path to such a covenant remains open to all as a function of righteousness and spiritual excellence.⁶⁷

Let us now consider the theological import of the covenant of no harm in Genesis 9, the weightier of the two covenants and the one that has occupied almost all exegetical and theological imagination concerning Noah and the covenant idea. How does it relate to a broader vision for humanity, and specifically to non-Jews? The upshot of our discussion is that there is no universal covenant that predates the particular covenants with Abraham and Israel. Covenant, then, does not structure collective relationships with God, other than Israel's. But this does not make Genesis 9 irrelevant to the religious recognition of those outside Israel and to their approach to God. In what follows, I would like to consider what theological lessons relating to Jews and non-Jews can be drawn from Genesis 9 once we let go of the theological superstructures that have been imposed upon it. If the chapter does not speak of humanity and human diversity, but of all the various forms of created beings, can it speak in any way to the challenges of relating to those who are not part of Israel's covenant?

To examine this question we must reflect upon the difference between the positive relational covenant and the covenant of no harm. A positive covenant establishes or confirms a relationship in a full sense. It expresses a paradigm of friendship and love.⁶⁸ A covenant of no harm may also express God's love. After all, God loves his Creation and therefore refrains from destroying it. But this love does not immediately translate into a relationship. I would like to propose that the covenant of no harm actually makes us aware of the divine power to destroy, a power that God refrains from using, but which continues to inform relational horizons. God is known as power, not as relational partner. It is power tempered by divine decision, compassion, love, or some other force that prevents that force from being unleashed upon Creation. But it is as powerful creator that God is encountered in Genesis 9, rather than as relational partner. If one does not enter into relationship with God, one can at least know him, and the covenant of no harm becomes a means of knowing God.⁶⁹

The idea that God is known by means of his power, rather than through a relationship, and that this is a way of distinguishing Israel from other peoples, seems to be a very basic biblical perspective. The goal of God's destructive activities in Egypt is to make himself known to the Egyptians.⁷⁰ In order for God to be known,

⁶⁷ This usage of "covenant" could be integrated in the schemata offered by Greenberg and Sacks, while sidestepping the difficulties associated with their readings.

⁶⁸ For a recent review of positions on love and its covenantal associations, ranging from covenantal obedience to the more emotional dimensions of religious experience, see Bill Arnold, "The Love-Fear Antinomy in Deuteronomy 5-11," *Vetus Testamentum* 61 (2011): 551-569. See further Jon Levenson, *The Love of God*.

⁶⁹ Isa 54:9-10 combines reference to the "waters of Noah" with affirmation of divine love. This does not tell us much regarding the use of *berit*, inasmuch as the term is absent in this oracle.

⁷⁰ Exod 7:5 and more.

someone must be around to know God. Someone is the recipient of God's destructive force, while someone else observes and draws the lesson. The prophets' prophecies for the nations repeatedly make the same point. This is particularly noticeable in Ezekiel's writing, where the outcome of God's activity, especially his destructive activity towards the nations, is his being known.⁷¹ This pattern may be applied to the flood and to the covenant that follows it. The flood manifests God's destructive power. The covenant that follows ensures Creation's survival. The God who has the power to destroy and who has nevertheless kept humanity and all of Creation alive is one who should be known in the fullness of his power—his destructive power as well as his protective power. This is indeed a universal religious vision. It concerns not the particularity of a relationship but the very foundations of life, as these apply to all people and to all beings.

Coming to know God cannot be divorced from the moral consequences of such recognition. The God who could, and did, but will no longer, destroy the life he has created expects humanity to act in line with his decision to refrain from further harm and destruction. It is here that the covenantal structure of Genesis 9 and its division into two parts is so crucial. While God does not make his promise to no longer destroy Creation conditional upon human behaviour, the structure of the two parts of the narrative does assume a reciprocal relationship.⁷² The reciprocity of the covenantal relationship of no harm leads, as suggested above, to the mutual commitment to not destroy.

The Bible limits this mutuality to the prohibition of murder, which is well integrated into the theological and narrative logic of Genesis 9.⁷³ As we reflect upon the possible meaning of a no-harm covenant with God, it seems we can go deeper in our reflection and broader in presenting the moral consequences of this covenant. The authors described above have imported to the discussion the later rabbinic concept of the Noahide commandments. This could be a helpful resource for developing a fuller sense of mutuality in the framework of a no-harm covenant, but it must be first appreciated in proper historical context. Often, authors who speak of the covenant with Noah include in its scope the rabbinic idea of the seven Noahide commandments.⁷⁴ One can see how the one idea could be extended to the other. The covenant with Noah includes the prohibition of murder, which is one of the Noahide commandments. The fact that these commandments are called "Noahide," conjuring the memory of Noah, facilitates their identification with the

⁷¹ See Josh 4:24; Ezek 21:10, 25:5-17, 26:6, 28:22-26, 29:6-21, 30:8-26, and more.

⁷² The earliest reader to have recognized this is Jubilees 6:4-10. However, Jubilees' reworking makes the absence of *berit* from the first part of Gen 9 all the more striking. See Barr, 21.

⁷³ The extent of a no-harm approach must be continually rethought as our understanding grows and as circumstances change. The fact is that God does harm, through various calamities, though he does not destroy, and humans too are entitiled to eat animals. Full application of the logic of Gen 9, as recast here, would have led to adoption of vegetarianism, which is a conclusion the Bible did not reach. Is it implied in the deep logic of this passage? Or should we assume that a full no-harm approach is impossible until the messianic age, as described in Isa 11:9?

⁷⁴ See Blenkinsopp, 148. This position is certainly the case for Greenberg and Sacks, rightly rejected by Westermann, 469. All three authors surveyed above assume this identification.

covenant made with Noah. This, however, is a common mistake caused by the particularity of expression.⁷⁵ A Noahide, literally “a son of Noah,” is the rabbinic designation for a non-Jew. The term “son of Adam” is broader and used for Jew and non-Jew alike. Consequently, when the rabbis needed a term by means of which to designate a non-Jew, they resorted to the designation “son of Noah.” There are seven commandments that relate to a Noahide; these, however, were not *given* to Noah. They were given to Adam.⁷⁶ This is a set of basic commandments, which came to be known as the Noahide laws. Only the last of them, concerning eating an animal only after it has been killed, was given to Noah, following the flood, when the eating of meat was permitted. The covenant with Noah, strictly speaking, should be kept distinct from the notion of the Noahide commandments.⁷⁷

Once this is recognized, we can revisit the idea of morality as this emerges from a no-harm covenant and from the Noahide commandments.⁷⁸ These turn out to be very helpful in articulating a religious response to a God who is known through his power, both as he applies it and as he refrains from applying it. The following reflection on the meaning of Genesis 9, understood through the lens of the Noahide commandments, recognizes that two of the seven commandments appear there explicitly for the first time. More importantly, it chooses to overlook the distinction between the covenant with Noah and the Noahide commandments, and to consciously follow the theologians who similarly collapsed the differences, as a matter of theological expediency. Let us then consider the logic of the Noahide commandments as they relate to a no-harm covenant made by God.

What characterizes the Noahide commandments is precisely their negative character. One must *refrain* from killing, stealing, wrong sexual relations, blasphemy, and idolatry. The only positive commandment is the obligation to establish courts of law, which can be understood as an instrument for the prevention of harm within society. The overarching principle of this group of commandments is to avoid harm, either to others or to God.⁷⁹ And there we have it—the moral lesson

⁷⁵ I deal with this at greater length in *Covenant and World Religions*, where I also refute possible suggestions for upholding the identification of the Noahide commandments and Genesis 9.

⁷⁶ Bavli Sanhedrin 57a; Maimonides, Laws of Kings 9,1. Much like the Reformed theologians who cannot conceive of Creation without covenant, the rabbis cannot conceive of Creation, or humanity, without commandment. See Williamson, Chapter 3.

⁷⁷ The following discussion puts forth a view of the enduring significance of Gen 9 in terms of morality, as this expands a notion of non-harm. A possible alternative approach to the enduring significance of Gen 9 emerges from James Barr’s discussion, 16. Barr lists the contents of Gen 9 in a way that allows for an alternative framing. The various commands add up not to a code of morality but to a view of life and subsistence. Their overall concern is for the subsistence of life: how to make life, how to nourish, protect and respect it. Ensuring life may go beyond a no-harm approach. It also defines reciprocity in terms of mutual affirmation and generation of life. This, of course, has consequences for the continuing appeal to Gen 9. This element has been highlighted in the theology of Irving Greenberg, even though he refers to the Noahide commandments. See the passage cited above.

⁷⁸ While the following move echoes the appeal to the Noahide commandments in the context of Genesis 9, it does so self-consciously and only after affirming the utilitarian application, as distinct from other understandings that consider them as grounded in this biblical passage. Most importantly, unlike other Jewish authors, I never ascribe relationality to the covenant in Genesis 9.

⁷⁹ The commandment not to harm animals is focused on limiting their suffering by not eating parts of them while they are alive.

that is derived from a no-harm covenant instituted by God is the recognition that we too must refrain from causing harm to others. There is a kind of reciprocity here that is not based on a relationship with God. Rather, it is based on the recognition of our creatureliness, God's power and the moral imperative that emerges from it. When the Noahide commandments are read into the Genesis 9 narrative as complementing its spirit and logic, a reciprocal religious vision of non-harm emerges.

Much attention has been devoted to the question of understanding the Noahide commandments as a moral code or a religious framework. The authors quoted above have made valiant attempts to cast the Noahide commandments, understood also as the substance of Noah's covenant, in religious terms. But theirs are only the last in a long series of efforts: rabbinic authorities have been troubled for millennia by the lack of a specifically religious character to the Noahide commandments. Perhaps the earliest attempt to get around this issue is the expansion of their number and the broadening of the scope to include knowledge of God and prayer.⁸⁰ Another way of introducing a consciously religious dimension to their observance is found in Maimonides' requirement that their practice should be based on belief in their revealed status.⁸¹ To observe these commandments as revealed by God is to assign them a certain religious value.

On the basis of my reading of Genesis 9 as a covenant of no harm and following the attempt to establish a universal religious vision upon the foundations of such a covenant, I would take just the opposite approach to the Noahide commandments. Rather than turn them into positive commandments in the same way that Jews understand the practice of their broader set of commandments, we should see them precisely in the context of a no-harm relationship with God. God does not harm or does not destroy. Our response is to similarly not harm or destroy in the more subtle ways that transgressing the Noahide commandments amounts to. As long as the Noahide commandments are seen in their own right, they fall short of being religious. They do not grow out of a relationship with God, they do not express one, nor do they necessarily lead to one. However, if these are understood against the background of Genesis 9, they become part of an alternative religious vision. Humanity as a whole has the ability, perhaps the responsibility, to know God, and people ought to act in accordance with their status as created beings, who are part of the story that involves God and Creation. This is also a relationship. It draws on knowledge of God, fear of him based on his power, a power that was made known in the past, as well as on his good intentions towards humanity—that he has promised to never again destroy. It is reciprocal in that it leads to a no-harm relationship. Israel and humanity have very distinct relationships with God. Where Israel is called into an active mission of love and service of God, humanity is called

⁸⁰ Aharon Grunbaum, "The Thirty Noahide Commandments According to Rabbi Shmuel ben Hofni Gaon," *Sinai* 72 (1973): 4-5, 205-221 [Hebrew]. See the discussion of the Noahide commandments in Chapter 3 of my forthcoming *In God's Presence*.

⁸¹ Maimonides, *Laws of Kings* 8,11. See David Novak, *The Image of the Non-Jew in Judaism* (Oxford: Littman Library, 2011), 154 ff.

to maintain awareness of God and to avoid harm to others on the basis of the core reality of God's no-harm covenant.

The consequences of this religious view extend beyond the individual. They are related to how humanity acts in the broadest sense. A no-harm orientation provides guidance for dealing with some of the most urgent challenges facing humanity, and concerns international and inter-group relations. There is one consequence to this understanding that is urgent today in a way it has never been before. One of the biggest challenges of humanity today is that of its own destruction due to its abuse of nature. It was Rabbi Sacks who, in his famed address to the Lambeth conference, linked Genesis 9 to the crisis of climate change.⁸² How helpful the present reading of the chapter is to this temporary concern! God vows not to destroy Creation again. Rather than the one-sided promise that Genesis 9 is often taken to be, it can now be read as mandating a reciprocal commitment. Recognizing that at its root is the covenantal promise of no harm, we are to extend this reciprocity to all forms of harm, including the harming of Creation, the very Creation that God has promised never again to destroy. In the original story, the human person provided the proxy for receiving the divine promise of no harm. Contemporary circumstances bring to light a fuller potential of the biblical narrative. The covenant that seeks to ensure the continuity and integrity of created life is mediated by humanity.⁸³ We can now appreciate the role of the human person not only as the recipient of the divine promise but also as the one who realizes covenantal reciprocity in extending harm-free behavior not only to God's image in another person but to the entirety of life, upheld and protected through this covenant.⁸⁴

Returning, then, to the question that frames this essay, we are able to establish an alternative universal vision based on Genesis 9. Indeed, this vision is universal in the broadest sense—it transcends religious particularity and can be applied to all. It is a vision that is also relevant to relations between religions,⁸⁵ providing a basis for a call to refrain from religiously based violence. Today more than ever, the message of non-harm is one that all religions must preach and that binds them

⁸² Jonathan Sacks, "Faith and Fate: The Lambeth Conference Address," *Rabbi Sir Jonathan Sacks Lambeth Conference*, filmed 2008, <https://rabbisacks.org/address-by-the-chief-rabbi-to-the-lambeth-conference/>. Sacks included these concerns in the covenant established following the flood, without accounting for how God's promise not to destroy translates to the human responsibility towards Creation. His method was to generalize from some of the particulars of Gen 9. The recognition of the negative nature of the covenant in Gen 9 provides a more principled ground for the argument.

⁸³ There is also something of a biblical precedent for this. Hosea 2:18-21 can be understood as a covenant of no harm that God makes with Creation. This too requires a proxy and Israel fulfills that role. Accordingly, a covenant of no harm is made between Israel and the wild animals. A different combination of motifs is found in Ezek 34:24-31.

⁸⁴ According to the Talmud (Bavli Sanhedrin 56b), there are additional commandments that relate to non-Jews beyond the seven fundamental commandments. These can be understood as seeking to preserve the integrity of Creation.

⁸⁵ It is not, however, adequate for purposes of affirming the value inherent in other religions. This would require alternative biblical or theoretical foundations, which are not, in my view, provided by Gen 9.

together. The reading of Genesis 9 presented in this essay allows us to affirm its proper universal religious message.⁸⁶

⁸⁶ This essay was written when libraries around the world were closed due to COVID-19. Lukasz Poupko OP of the Ecole Biblique of Jerusalem has manifested the covenant of solidarity, of which Rabbi Sacks speaks, in the most concrete way, by facilitating my research and helpfully providing scans and resources that allowed the completion of the essay. I owe him a deep debt of gratitude. I also express my gratitude to the many readers who have offered anonymous reviews, as well as to the editorial efforts of Ruth Langer, Barry Walfish, and especially my long time editor-*chavruta* Agi Erdos.