

"New or Renewed Covenantalism?:

**A Response to Richard Hays' "'Here We Have No Lasting City': New Covenantalism
in Hebrews"**

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I want to thank the organizers for the opportunity to be a part of this conference, and Richard Hays for an incisive paper, from which I have learned much.

Hays cleverly introduces his reevaluation by way of a self-critical glance at his own earlier comments about Hebrews when engaged in the investigation of Paul. Ironically, although certainly it will surprise no observer of human behavior or student of social conflict theory, my greatest disagreement with Richard Hays concerns his comments about Paul, and his use of "[Paul] as a rhetorical foil to make contrasting judgments about [Hebrews] hermeneutics," although unlike Hebrews, in the case of Paul we have both engaged in "serious exegesis of the text[s themselves]" (citations based on reversing the subjects and objects of Hay's opening comments, p. 1).¹ When it comes to the writer and message of Hebrews, I find his arguments generally persuasive, although not always his terminology. I would not be surprised to learn in contrast, that among Hebrews specialists the agreement is more likely to be with his sideways references to Paul and less with his observations about Hebrews. Such things often tell us more about what we are like than what those we seek to discover were like. Be that as it may, let me comment on a few of Richard Hays's keen insights on Hebrews,

¹ Mark D. Nanos, *The Irony of Galatians: Paul's Letter in First-Century Context* (Minneapolis: Fortress, 2002).

leaving aside the topic of Paul, and offer a few observations from my probes of this literature.

Hays observes that Hebrews "criticizes nothing in the Mosaic Torah except for the Levitical sacrificial cult" (p. 4, my copy). That point can be pushed further: even this criticism is tempered: it was only a shadow of the true sacrifice which the author claims to have now been offered in Jesus Christ, to be sure, but it was nevertheless attributed to God's design (cf. 5:4). And if Ellen Aitken rightly argues that the reflection on the Levitical sacrifices "[indirectly] becomes the site of resistance to the Roman imperial ideology" of "divine rule expressed in triumphal sacrifices," then, to employ the language of Hebrews, "all the more so" would this not signify supersessionism regarding Jewish sacrificial practices per se, but the claim to an ultimate priest and sacrifice.² According to Hays, rather than supersessionism as usually defined, that is, as "a form of 'Christianity' over against 'Judaism'" (p. 5), or "that the Jewish people have been replaced by a new and different people of God" (p. 4), the language of Hebrews is rather "better described as a form of Jewish sectarian 'New Covenantalism'" (p. 5). The addressees are considered part of "the same house over which Moses was faithful—that

² Cf. Ellen Bradshaw Aitken, "Portraying the Temple in Stone and Text: The Arch of Titus and the Epistle to the Hebrews," in *Hebrews: Contemporary Methods – New Insights*, ed. Gabriella Gelardini (Leiden and Boston: Brill, 2005), 131-48, esp. 142-43. Useful also for productive developments along this trajectory is another essay in that volume: Benjamin Dunning, "The Intersection of Alien Status and Cultic Discourse in the Epistle to the Hebrews, 178-98.

It should be noted that expressions of dissatisfaction with the priests and leaders for the level of collaboration with the Romans and for any number of ways of conducting the Temple that were considered wrong by various Jewish interest groups was a common feature of the time. It did not imply that these groups were anti-cult; rather, they believed that the cult was not being performed properly, or by the proper representatives of Israel, even if many continued to participate in the system, while others such as the Dead Sea community withdrew from participation (cf. Martin Goodman, *The Ruling Class of Judaea: The Origins of the Jewish Revolt against Rome A.D. 66-70* (Cambridge: Cambridge University Press, 1987).

is, 'the house of Israel' (3:1-6; 8:10)" (p. 4). The question he thus pursues is "*how does the letter's New Covenantalism engage and carry forward the heritage of Israel?*" (p. 5, italics his). I find myself not quite ready to buy into the preliminary conclusion from which that question works. Hays finds the answer to be both that Israel's story reaches its climax in Jesus, hence continuity with the covenant with Israel, but also that Jesus "becomes the mediator of a new covenant that not only sustains but also *transforms* Israel's identity," hence discontinuous (p. 5, italics his). He explains that it is "within" Jewish Scriptures that the "revisionary 'New Covenantalism'" finds the "exegetical grounds" to warrant "its transformational assertion that the Sinai covenant has been *replaced* by a new and better one" (p. 6, emphasis mine). However, if *replaced*, that would certainly denote "*replace-ment*" theology, by definition; so what if *renewed* instead? What if this covenantalism is conceptualized and described as *continued* but *augmented* to be made *effective* in a *new way* or to a *new degree*, freshening up something worn-out (within the semantic domain of *kainos* versus *palaiow* in 8:13)? Then perhaps the negative implications of "new" as in "wholly different" can be avoided. Does it make possible what was enjoyed before, albeit in a new way? Is it better to read *renewed* rather than *replaced*, and come closer to what Hays otherwise wishes to achieve?³

It seems to me that the Levitical priestly service is no longer available to the author and addressees because the Temple has been destroyed, or if still in operation, because they have for some reason been shut out from participation, or that there is some other reason they are unable to avail themselves of its sacrificial services for sins, and are therefore experiencing insecurity. If so, then the language pointing to a superior way to achieve this outcome through the faith of/in Christ Jesus can be understood as

³ Note that Hays play off of "re" in his use of "reconsider" on p. 23.

one Jewish group's way of dealing with a matter that the former covenantal arrangements no longer offered to them. In other words, they cannot receive the benefits of sacrifice as they wish to, and for this reason they are troubled and insecure in their faith. The author thus presents what might arguably be better called "*Renewed or Continued* Covenantalism." But if partaking of that system is still open to them and they are being told to abandon it as bankrupt because there is now a new and better way that makes that covenantal behavior obsolete or counter-faithful, then it would seem to represent a new religious movement, or if a Judaism still, then one that denies to all other Jewish practitioners the viability of their claims; i.e., it represents supersessionism and replacement theology, if not of Jews by Gentiles, then of all other Jews by Christ-believing Jews. Instead of representing a saving remnant, they would seem to represent a damning one, excluding others from salvation. That is perhaps well named "*New* Covenantalism." Yet Hays suggests an alternative dynamic at work, one that I welcome as a Jewish participant. The "logic of Hebrews' own symbolic world," especially as articulated in chapter 11, allows Hays to propose that the author's contemporary non-Jesus-believing Jews, "insofar as they continue to trust in the God of Abraham, Isaac, and Jacob, greet the promises from afar." Thus "the hope that [Christ-believers] will not be made perfect apart from [non-Christ-believing Jews]" is applicable to the worldview of the author and his audience, and it would logically follow, for the later Christian too (p. 19). Is that better described as *New* or *Renewed* Covenantalism?

The details of Jer 31:31-34 (= 38:31-34 LXX) offer a good place for reflection. Hays finds the fault in Hebrews 8:7 to be with the inability of the covenant instead of the inability of the people per se, or rather, he suggests how these can be combined so as to make sense of the need for a new covenant: "the people's failure to continue in the covenant is itself a symptom of the covenant's shortcoming, and God's solution to the

problem is the creation of a new covenant in which the Law will be effectually written on the hearts and minds of the people (8:10-11)" (p. 11). But this logical deduction seems illogically to me, since the author and the addressees know that such a *new* covenant has not in fact been experienced—witnessed by no less than the need to write this letter to people who are not obeying the covenant as if written on their hearts or minds through an ontological experience that makes them empirically different from those who are identified with the existing covenant (that is, the one this "new" one makes "old"; 8:13a). Those who experience Jer 31 do not need to have their "faculties trained by practice to distinguish good from evil" (Heb 5:14). God must be doubly at fault for failing to create another covenant that is obeyed from the heart by those incorporated into it. There is a wide gap between restoration eschatology preparing a people to be pure enough to participate in the awaited victory over other Jewish groups, such as at Qumran, to which Hays draws attention for a precedent, and one claiming to have experienced already that which is awaited.

Hays notes that it is not "a blanket abolition of the Mosaic Torah" with which the author is interested, but rather his focus is "on the cultic practices of offering sacrifices for sins under the first covenant, particularly on the Day of Atonement, as Hebrews 9 will show" (p. 12). I quite agree that the author does not seem to want to negate Torah in a comprehensive way (and if you will indulge me, in disagreement with Hays, neither did the author of Galatians; it may be said--if I am permitted to reverse Hays's turn of phrase--that to attribute this idea to Paul is perhaps "to superimpose" "the [prevailing] theolog[ical interpretation] of [Hebrews] onto [Galatians]"). So while I concur that chapter 8 and its claim to the covenant of Jer 31 is often "overinterpreted through a supersessionist hermeneutical framework," and that it may be "not the rejection but the restoration of Israel" that the author's imagery envisions (p. 12),

nevertheless, I do not understand how "Hebrews 8 is less discontinuous with the original sense of Jeremiah 31 than Christian interpreters have often supposed." It seems to be quite discontinuous not only with the language of Jeremiah 31, but with the reality of their own experiences of covenantal life.

Hays's final example inviting readers "to consider how they might carry forward the story of Israel" is filled with the language about encouraging, exhortation, rethinking, concluding that "readers drawn into this dialectical discourse of the New Covenant will find themselves challenged, destabilized, and ultimately transformed" (pp. 23-24). How does that observation square with the claim to be experiencing Jer 31? Does this not resemble the topics and aims of Torah, of the first covenant, which is all about training in the art of love (as Abraham Heschel eloquently put the matter) but which is supposedly finished because such a task is no longer warranted with the arrival of that day—since our author takes up the aims of Torah anew in that he continues to perpetuate those aims? Exhortation will itself be finished when that day arrives, according to the text of Jeremiah—and Hebrews. So it cannot have arrived, one might logically deduce. But our author does not do so. His argument seems to be quite confused, and confusing. I must agree with Sandy Wedderburn's proposal that the kind of "revisionary transformation" the author of Hebrews undertakes is "finally incoherent": it "inadvertently saw[s] off the branch on which the author sits" (p. 5).⁴

So the question still stands: Is the covenant the author celebrates a "new" one, or might it be better explained as reaching a new stage in its development, *continued*, you might say, in the *renewed* ways that the existing covenant foretold for itself and for

⁴ Cf. A. J. M. Wedderburn, "Sawing off the Branches: Theologizing Dangerously *Ad Hebraeos*," *JTS* 56 (2005) 393-414.

those bound within it "in that day," that is, when the new age dawns—in spite of contrary indicators in their social life?

Much more work must be done at defining terms and concepts to conclude for or against supersessionism in Hebrews. For example, claims to the same house of Israel as Moses could be both replacement theology and supersessionist, but it could indicate continuity, albeit triumphalistically expressed. Triumphalism and even some notions of replacement are not supersessionistic per se, if by supersessionism one means that the other entity has been made obsolete, rather than rendered the loser. If you will grant that all analogies are imperfect, as is certainly this one, it is evident that when Italy enjoys its *triumph* at the World Cup and even celebrates *replacing* Brazil as the world champion that does not mean that it negates the continued reality and even viability of the other team or teams so that it represents the only team with a claim to play this sport thereafter. The joy of victory need not even be an expression of triumphalism, negatively conceived. Rather, the victor celebrates being the winner, which implicitly criticizes all others as the losers. That is the claim to something new today, even to a new reality, but not to an ontological change in the universe itself: it is a new development in a continuous story. Theologians, including the writer of Hebrews to the degree that he claims the experience of Jeremiah 31 for himself and his audience, often fail to appreciate the difference, and in this case, that Jeremiah 31 cannot be accurately used to describe the experience of any community—yet. The claim to divine access in the present age because of a better sacrifice and priesthood is one thing, the claim to negate the role of all other sacrifices and priesthoods is another. The first is triumphalistic and arguably arrogant and rude; the latter is supersessionistic, in the sense that it disallows the reality of the other, especially when the other remains and

faces similar challenges while claiming to look forward to relief in similar ways—when the awaited age, and the covenant renewal of Jeremiah 31, finally arrives.

If "God is a consuming fire," may our judgments purposely avoid fanning the flames—after all, we have seen the incomprehensible harm wrought by the fires of triumphalistic humans; moreover, let us hope that God is not only a just, but a forgiving parent too.