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The Covenant Comes of Age: A Study of Jeremiah 31:31-34

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**THE COVENANT COMES OF AGE:
A STUDY OF JEREMIAH 31:31-34**

**A Research Project Presented
to the Faculty of Concordia Seminary,
St. Louis, Department of Old Testament
in Partial Fulfillment of the
Requirements for the Degree of
Bachelor of Divinity.**

**by
Thomas R. Decker
November 1968**

Approved by: _____
Advisor

Reader

TABLE OF CONTENTS

Chapter

I.	INTRODUCTION.....	1
II.	COVENANT IN THE OLD TESTAMENT.....	2
	Text.....	2
	Israel and the Covenant.....	2
	Jeremiah and the Covenant.....	4
	The Character of the Covenant.....	8
	Prophetic Response to the Covenant.....	10
	The Covenant Under Reformation.....	14
III.	THE NEW COVENANT.....	18
IV.	THE COVENANT COMES OF AGE.....	23
	Is Anything "New" in the New Covenant.....	23
	The New Testament and the New Covenant.....	26
	Conclusion.....	29
	APPENDIX: THE NEW COVENANT AND THE DEAD SEA COMMUNITY....	32
	BIBLIOGRAPHY.....	36

CHAPTER I

INTRODUCTION

This paper purposes to determine the historical and theological context into which Jeremiah introduced the concept of the new covenant found only in Jeremiah 31:31-34. The Old Testament was acquainted with many covenants at various times; each held a place of importance with subsequent generations in understanding the relationship of Israel to the Kingdom of God. Integral to the thought of this paper is the question, "How was this once-mentioned new covenant of Jeremiah understood by God's people?" The scope of the problem spans the history of the Old Testament and the Christian Church. But this paper limits itself to the understanding of the covenant in the Old Testament--especially as pertinent to the prophetic movement--and to scanning briefly how the New Testament authors dealt with the new covenant. An appendix relates the new covenant with the Dead Sea covenant community.

CHAPTER II

COVENANT IN THE OLD TESTAMENT

THE TEXT

"Behold, the days are coming," utterance of Yahweh, "when I will make a new covenant with the house of Israel and the house of Judah, not like the covenant which I made with their fathers when I took them by the hand to bring them out of the land of Egypt, my covenant which they broke, though I was their husband," utterance of Yahweh. "But this is the covenant which I will make with the house of Israel after those days," utterance of Yahweh: "I will put my divine instruction within them, and I will write it upon their hearts; and I will be their God, and they shall be my people. And no longer shall each man teach his neighbor and each brother, saying, 'Know Yahweh,' for they shall all know me, from the least of them to the greatest," utterance of Yahweh. "For I will forgive their iniquity, and I will remember their sin no more."
Jeremiah 31:31-34.

ISRAEL AND THE COVENANT

Jeremiah 31:31-34 stands on one of the pinnacles of hope which pierce the horizon of the Old Testament. Jeremiah speaks of a new covenant; he speaks of a time when all men will know God intimately; he speaks of a time of forgiveness. The implication is that this new covenant with God's people would far surpass the old which had carried the Israelite nation to her "highs" of faithfulness and through her "lows" of harlotry. Apart from being important in the development of covenant thought from the time of Jeremiah until the Christ of the new covenant, this passage stands as the terminus ad quem

of hope in Jeremiah's prophecy at a time when there seemed to be no hope.

It will be remembered that the covenant was fundamental to the social, political, and religious understanding of Israel's existence. בְּרִית is expressly mentioned in connection with God's promise to mankind through Noah: "I will establish my covenant with you" (Gen. 8:21). Further God's personal promise to Abraham (to create a nation from his seed to possess the land from the Euphrates River to the Nile in Gen. 15:7-21) had found fulfillment in the Sinai event: "Ye shall be unto me a kingdom of priests, and an holy nation" (Ex. 19:6). A people had been born. Their social dealings with each other and with the nations were grounded in the covenantal stipulations, "the words of the Lord" (Ex. 21:1;24:3). The covenant was unilateral: God had initiated it. The people understood herself as a people under God because she vowed to do all that God had commanded (Ex. 24:3-4a). The next step in Israel's realization of God's covenant with her was to be the Davidic covenant which established Israel as a united kingdom (Ps. 89:3-4; 2 Sam. 7:12-17). David clearly understood this covenant as a promise, for at the end of his career he reflected that "his resort for consolation and assurance was nothing else than the covenant of his God."¹

¹John Murray, Covenant of Grace, (London: Tyndale Press, 1954), p. 23.

But it was a long time from David's reflective profession of faith in the everlasting covenant until Jeremiah proclaimed that God's shalom no longer abode with Israel (Jer. 16:5). This leads us to explore the status of the covenant at the time of Jeremiah. A historical understanding of Israel's place in the history of the nations at that time will add considerable appreciation for the proclamation of the new covenant.

JEREMIAH AND THE COVENANT

The validity of the covenant as a characteristic concept in Jeremiah's prophecy has been seriously questioned.² If the covenant concept is shown to be spurious or lacking elsewhere in the book, one could question the conclusion that the "locus classicus of Jeremiah's eschatology" is really of Jeremiah.³

A check of Mandelkern's Old Testament Hebrew Concordance reveals that the word יְרֵמְיָהוּ is used some 20 times in Jeremiah. How were these used? A passage written during during Jehoiakim's reign (608-605BBC) shows the earliest mention of the

²Cf. A. B. Davidson's article on "Jeremiah" in James Hastings' A Dictionary of the Bible (New York: Charles Scribner's Sons, 1902), vol. II, pp. 569-578. Scholarship is split over what may be considered genuinely of Jeremiah. The present author by in large follows the opinion of Skinner that even questionable references contain a seed of Jeremiah's thought if not his insissima verba. John Skinner, Prophecy and Religion: Studies in the Life of Jeremiah (Cambridge: Cambridge University Press, 1963), p. 324-325.

³Skinner, op. cit., p. 320.

covenant in Jeremiah (11:1-8).⁴ Leslie points out that the prophet addressed this message to the Judeans who "represented the unity of continuity with the mighty past."⁵ Skinner adds that although this notion did not originate with Jeremiah, it had roots which found contemporary expression in the events of 621 BC when Josiah's reform attempted to revitalize a sagging Judean nation.⁶ In vv. 9-10 of chapter 11, Jeremiah calls to mind that the people have "turned back to the former iniquities of their fathers....and have broken my covenant...." In 22:8-9 the nations pass in review of devastated Jerusalem and remark that she is done in because "they forsook the covenant of the Lord their God and worshipped other gods and served them." Judah lamented her fate in 14:19-22; there she called out to Yahweh that He might "not break thy covenant with us." Jeremiah refers to the Mosaic covenant specifically in 34:13 where the prophet berates the people for recidivous behavior in the emancipation of slaves by reminding them of the literal freedom which they enjoyed as people of the covenant.

All of the above references to the covenant have dealt

⁴Scholars admit that this pericope comes to us via a Deuteronomic editor and yet a kernel of Jeremiah's proclamation is evident. Cf. Wilhelm Rudolph, Jeremiah, (Tübingen Mohr, 1947), p. xv. Skinner, op. cit., p. 102. Elmer A. Leslie, Jeremiah (Nashville: Abingdon Press, 1954), p. 83.

⁵Ibid., p. 83.

⁶Skinner, op. cit., p. 322.

with breaches of the covenant. It is conceivable that when Jeremiah considered Josiah's reform failure he would have chosen just this concept to underline all that was amiss with Yahweh and his people. But not everything in the book takes such a dim view of the covenant. Jer. 32:40 speaks of "an eternal covenant in accordance with which I will not turn away from them, and I will put the fear of me in their heart..."⁷ In 33:20-21 the prophet holds up a view of the inviolability of the Davidic covenant. Jer. 50:5 tells of the return to Zion and the united nation joining itself to Yahweh in an internal covenant.⁸

The affinities for covenant thought and language in the book also give us an indication of Jeremiah's view of this religious form. We may note the following clearly Jeremian references to covenant theology.⁹ The phrase, "I will be a God to them and they shall be my people," appears in 11:4; 7:23; 31:33 with questionable instances in 30:22; 31:1; 32:38. The representation of Canaan as a gift of the covenant bond also occurs in 7:7; 17:4; 24:10; 25:5. One may also note the

⁷Leslie lists this as a probable Deuteronomic redaction with Jer. 31:31-34 being the basic thought. Leslie, op. cit., p. 329.

⁸In each of the above mentioned passages scholars have cogent reasons for assigning these passages to a later editor. Ibid., p. 296.

⁹Skinner, op. cit., p. 324.

obligation of obedience to the words of Yahweh¹⁰ having reference to the covenant. Since scholarship on Jeremiah is shot through with post-exilic redaction theories, there is a tendency to regard these references as later additions. However, Skinner's caveat is good: "...the editors must have found some point of contact for their phraseology in the actual words of the prophet."¹⁰

A valid objection to the recurring covenant passages and especially to the new covenant of 31:31-34 is the consideration that Jeremiah strongly emphasized religion as being a personal experience of "immediate fellowship with God."¹¹ Leslie claims this existentialism as one of the abiding values of the prophet:

No prophet started from himself, his own mind, his own intimate spiritual experience, as did Jeremiah. Long before the social science of psychology had come into being his psychological insight into the workings of his own personality received his pioneering analysis and description. He had the power to stand, as it were, apart from himself...and describe in intelligible words what he saw and felt and knew. Yet to him the most significant thing in this power was not that he knew his own inner life with such objectivity and thoroughness,¹² but that God knew him...with perfect comprehension.

In view of his emphasis on a personal, insightful, and inward religion we may ask if there is a contradiction with a theology which moves in the thought world of the covenant as an outward and formalized expression of religion. Skinner and

¹⁰Skinner, op. cit., p. 324-325.

¹¹Ibid., p. 325.

¹²Leslie, op. cit., p. 334.

Davidson phrase the question this way:

How can we suppose that such a representation was accepted by the man whose constant effort was to "draw men's minds away from all that was external--sacrifices, Temple, ark and law book--to that which was inward and real?"¹³

Jeremiah, we may assume, had every reason to reject the covenant as a valid and relevant form for stating Israel's hope. Israel had fallen in 721 BC under Assyrian assault. Judah was carried into exile in 587 by Nebuchadnezzar of the Babylonians. Josiah, a king of God, had attempted "to unite all Israel under the scepter of David."¹⁴ He had seen the covenant fail to be reborn and fail to give new birth to a people through "busy observance of the cultic law."¹⁵ What possible hope for the restoration of a people could Jeremiah see in the covenant? The answer to that question lies at the very heart of God's dealings with his people.

THE CHARACTER OF THE COVENANT

G. Ernest Wright has noted that:

The particular vocabulary which expressed most clearly the meaning and implication of the doctrine of election for Israelite life was drawn from the realm of jurisprudence--that is, from the conception of the covenant.¹⁶

¹³Skinner, op. cit., p. 325.

¹⁴John Bright, The Kingdom of God (Nashville: Abingdon Press, 1953), p. 108.

¹⁵Ibid., p. 108 (reference to Jer. 7:21-23).

¹⁶G. Ernest Wright, "The Faith of Israel," Interpreter's Bible, vol. I, edited by Geo. Arthur Buttrick (Nashville: Abingdon Press, 1952), p. 354.

That is not to say that the character of the covenant should be construed in "legalistic" terms as sometimes happened in Deuteronomic circles when covenant could be reduced to mean decalogue. Such an understanding of covenant certainly missed the rich tones of grace, mercy, and peace which the covenant expressed. Attempts were made to preserve a balance between Law and Gospel, or between form and content, or between a covenant blessed in בְּרֵכָה and a covenant cursed in אָרְכָה .¹⁷

Here we may note with G. Quell

The basic thought in the message of salvation contained in the covenant theory, namely that God is willing to set His covenant partner in a shalom status, can never be completely forgotten even when it is in danger of being overwhelmed by legal considerations.¹⁸

Walter R. Roehrs offers this caveat in dealing with covenant language. He says: "like all human terms and concepts, it can be applied to God's action only by way of imperfect analogy."¹⁹ Thus we may not speak of covenant in strictly bilateral terms (i.e. of man establishing a par agreement with

¹⁷Cf. especially G. von Rad, Studies in Deuteronomy (London: SCM Press, 1953).

¹⁸Gottfried Quell, "Diatithemi, diatheke," Theological Dictionary of the New Testament, vol. II, edited by G. Friedrich and G. Kittel (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1964), p. 122.

¹⁹Walter R. Roehrs, "Covenant and Justification in the Old Testament," Concordia Theological Monthly, XXXV (October 1964), p. 586.

God); rather God unilaterally initiates and establishes this relationship with man in His love and mercy.²⁰

Aside from all etymological and form critical views of the covenant, one could generally say that the gracious promises of God are repeatedly cast in the form of a covenant. We have this reflected in our common referral to the Bible's "Old" and "New" Testaments or more literally, covenants. It should be noted that the covenantal theme--as the gracious action of God--can be traced repeatedly through the Old Testament (explicitly from Noah in Gen. 8:21; 9:8-10) to Jesus in the New Testament (Luke 22:20 and Hebrews 8:6-7).

PROPHETIC RESPONSE TO THE COVENANT

Granted that the covenant is basic to an understanding of Israel's religious and national existence, we are now faced with the dilemma of the covenant and the prophetic reaction to it. Scholars have noted the conspicuous lack of explicit covenant material in the writings of the prophets.²¹ Two prophets of the Eighth Century (Amos and Micah) do not mention $\int \int \int \int$ while Hosea twice mentions the breaking of the covenant (6:7; 8:1), and Isaiah mentions the everlasting covenant "as a parallel to laws and statutes" (24:5).²²

²⁰Ibid., p. 587. Cf. also Geo. Mendenhall, Law and Covenant in Israel and the Near East (Pittsburgh: The Biblical Colloquium, 1955) for a description of the suzerainty treaty.

²¹Wright, op. cit., p. 357.

²²Henry S. Gehman, "An Insight and a Realization," Interpretation, IX (July 1955), p. 281.

Perhaps their seemingly conscious avoidance of the well-known concept comes about as "a help in combatting dead formalism in religion."²³

It goes without saying that the prophets were concerned with Israel's relationship with God. But as decline and decay stared hollowly at the prophets (from the Eighth Century on) one may conjecture that they were inclined to look forward to what Yahweh would do with His people rather than hearken to the past with covenant recitation and cultic renewal.²⁴ This means that the prophets shifted gears from an emphasis on the formal covenant (which apparently was regarded as a type of cheap grace) into a relationship-type theology which looked to Yahweh's gracious action in the future.

We could call such theology the eschatology of the prophets. This is legitimate if eschatology is not construed to be a "suprahistorical return to chaos followed by cosmogony...and the beginning of a radically different order...."²⁵ Prophetic eschatology would enhance the hope that God would deal positively with his people. Such a prophetic word of hope was part and parcel of the prophetic message in spite of

²³Ibid., p. 281.

²⁴Delbert R. Hillers, Treaty-Curses and the Old Testament Prophets (Rome: Pontifical Biblical Institute, 1964), p. 84.

²⁵Theo. M. Ludwig, "The Shape of Hope: Jeremiah's Book of Consolation," Concordia Theological Monthly, XXXIX (September 1968), p. 526.

Israel's failure to keep the covenant.

Although the new covenant theme of Jeremiah is unique in the Old Testament, there are affinities which are worth noting.

The earliest literary prophet, Amos, comes to us from Judah in 760 BC. Amos was the first literary prophet to announce the word of the Lord spoken in judgment against Israel and thereby to awaken Israel and Judah to the reality of Yahweh and his expectations of them.²⁶ Yahweh threatened to put an end to the entire people of God (5:1-2; 8:1-2) in spite of the formal covenant (3:3). They cannot continue as the people of God because they do not live up to Yahweh's expectations of them (5:21-24). The note of hope which Amos sounds comes at the end of his tirade when he speaks of re-establishing "the booth of David that is fallen..." (9:12 cf also 3:12) that "they may possess the remnant of Edom...and shall never again be plucked out of the land which I have given them..." (9:12-15). Hence the restoration of the Davidic kingdom (and most certainly by inference--the covenant promise) is basic to the hope of Amos. G

God's intimate bond with Israel was lived out in the marriage relationship of the prophet Hosea and Gomer, his adulterous wife. That Hosea, who is dated perhaps ten to

²⁶ Elements, Prophecy and Covenant (Naperville: Alec R. Allenson, Inc., 1965), pp. 27, 42.

twenty-five years later than Amos, was also concerned with the flagging relationship of Israel as the people of God can be seen in the naming of his three children: Jezreel ("God sow-eth"--perhaps associated with the calamity linked to the place Jezreel), Lo-ruhamah (not pitied), and Lo-ammi (not my people! 1:4, 6, 8). The basis for this condemnation was explicitly that Israel proved herself unfaithful to the covenant bonds of God. Yahweh desired

...steadfast love and not sacrifice,
the knowledge of God, rather than burnt offerings,
But as Adam (reading with the Hebrew) they transgressed
the covenant
there they dealt faithlessly with me. (6:7).

Hosea asserted that judgment would not be the demise of Israel. Rather God's covenant which was grounded in his love would again betroth Israel to Himself. The marks of this marriage are typical of the covenant: קְדוּשָׁה righteousness; צְדָקָה justice; אֱהָבָה covenant love; אֱמֻנָה faithfulness; and דַּעַת knowledge of Yahweh. Hosea gives more impetus to this promise as he conceives of a day in which Yahweh will again court Israel with pristine ardor; in a new desert sojourn for a new occupation of the land (cf. especially 11:1; 12:9; and 13:4). Thus Yahweh would again prove his love and grace; Israel "would be elected by a new act of salvation."²⁷

Isaiah and Micah bypass the sojourn theme in their covenantal theology. It remained for Jeremiah and Ezekiel, liv-

²⁷Ibid., p. 111f.

ing at a time when "exodus" would have real meaning to pick up the exodus theme.²⁸ The appeal of Isaiah and Micah was dominated by the expectation that Yahweh would fulfill his covenant promise made to David in maintaining the Davidic dynasty.²⁹ Zion would be established as the source of the knowledge of Yahweh and a dwelling place for many peoples; the ruler would exercise a peaceful dominion over his charge (cf. especially Is. 2:1-4 and Micah 4:1-4).

THE COVENANT UNDER REFORMATION

The next important milestone in Israel's turbulent history of the covenant probably paved the way for Jeremiah's proclamation of the new covenant--although perhaps in an indirect manner. In 640 young Josiah accessed to the Judean throne of his murdered father, Amon, and the apostate par excellence, his grandfather, Manasseh. It was during this young ruler's reign that "the book of the law" (2 Kings 22:8) was found. So impressed was Josiah that he

...made a covenant before the Lord to walk after the Lord and to keep his commandments and his testimonies and his statutes, with all his heart and all his soul, to perform the words of this covenant that were written in this book; and all the people joined in the covenant.
2 Kings 23:3.

John Bright, in his invaluable little book The Kingdom

²⁸Ibid., p. 49.

²⁹Ibid., p. 49.

of God, has demonstrated successfully that Josiah's reform proceeded from a tripartite motivation. The Spirit for reform was already within the heart of the people as evidenced in their repair of the temple. Their zeal for reform probably also grew out of revulsion at the excesses of old King Manasseh. And finally the time was politically ripe for reform because Assyria's influence in northern Israel was waning. No doubt reform and resurgence at this time was a hope for national survival.³⁰ If Isaiah and the prophets before him were right, if there was to be a remnant,

If Israel was to find her destiny as the people of God, nay--if she is to survive, she must put away foreign gods and serve Yahweh alone. If Israel is to be the people of God--she must reform!³¹

Josiah's reform had a general affinity in time (if not also in mode) with the Deuteronomic movement. Characteristic of Deuteronomic reform was legalism which saw $\overline{\text{M}} \overline{\text{D}}$ coupled with the decalogue. On the side of grace in the Deuteronomic reform was the loving condescension of God where Yahweh's luminous love transcended the exact observance of mutual rights and duties.³²

Jeremiah assumed his call as a prophet in 626 BC. Undoubtedly he was influenced by the Deuteronomic movement and

³⁰op. cit., p. 105.

³¹Ibid., p. 105

³²Gehman, op. cit., p. 284.

the Josian reform (3:22-4:2). Whether he avidly supported the reform is open to debate. He did, however, see that reform did not change the heart of the people (6:16-21; 8:4-7). A deaf people persisted in idolatrous practice. Blind complacency centered in Yahweh's covenant with David bound the people in their sin.³³ So we cannot help but feel that the failure of the Josian reform influenced the work of Jeremiah--especially in his new covenant proclamation.

Thus in dating the Jer. 31:31-34 passage there are varieties of opinion ranging from early in the prophet's career during Josiah's reign (622-621) to late in Zedekiah's reign after the sack of Jerusalem in 589 BC.³⁴ Cunliffe-Jones astutely observes that there is nothing in the text or in the placement of the sayings in the corpus itself to warrant assigning a date to the text. "Though," he points out, "the profundity of his vision makes it clear that it is the fruit of experience."³⁵

³³Gehma Bright, "An Exercise in Hermeneutics: Jeremiah 31:31-34," Interpretation, XX (April 1966), p. 196.

³⁴Ibid., p. 193.

³⁵H. Cunliffe-Jones, The Book of Jeremiah (London: SCM Press, 1960), p. 197. Leslie, however, has pointed out that 31:31-34 was written early in Jeremiah's career. His evidence for such a dating finds its greatest support in the fact that chaps. 30-31 were addressed to the captive North in view of their return from Assyrian captivity. His presupposition is that chaps. 30-31 form a homogenous unit composed at one time and for one historical setting. The argument is faulty because it is non sequitur. Cf. Leslie, op. cit., p. 90f. Lofthouse skips two later dates (Gedaliah, 586 BC; and Zed-

ekiah 598-587 BC) as being too troubled a time for Jeremiah to have come up with the new covenant prophecy. He, therefore, also opts for an earlier writing sometime shortly after Josiah started his reform movement. Lofthouse believes that Jeremiah was at first favorable to reform (Jer. 4); then grew disillusioned; finally saw that the only hope for Israel lay in new attitudes shaped by a new covenant. W. F. Lofthouse, Jeremiah and the New Covenant (London: SCM, 1925), pp. 211-213.

CHAPTER III

THE NEW COVENANT

The text as it is in the Hebrew presents no problems of major importance. The prophecy comes to Jeremiah, as has been pointed out, in the form of an independent--but related--saying included in what is commonly known as the "Book of Consolation." It was addressed specifically to the "house of Israel and the house of Judah," as is indicated by v. 31. It has been noted that "and the house of Judah" may be a later expansion in view of the destruction of Jerusalem and the Temple in 586 BC.¹ Bright points out that in any event it is against this background that the passage is best understood.²

Jeremiah keeps the prophecy in the general eschatological hope of Yahweh's salvation with the words, "Behold the days are coming..." of v. 31. The indefiniteness with which Jeremiah works is underscored by the closely related "after those days" of v. 33.³

The expression $\eta\eta\eta? \square \eta\eta$ (used four times in the text) is translated by Gehman as "utterance of Yahweh" in view of

¹John Bright, "An Exercise in Hermeneutics: Jeremiah 31: 31-34," Interpretation, XX (April 1966), p. 193.

²Ibid., p. 193.

³For dating of the saying cf. supra, p. 16-17.

the probable relation to the Arabic *na'ama* or sighing, groaning, and heavy breathing.⁴ $\text{נָאָמָה} \text{וַיִּשָׁח}$ may suggest the manner in which Yahweh's revelation came to Jeremiah. In any event the phrase is loaded with authority, not only in Jeremiah's writing but throughout the prophets.

Yahweh promises to make a $\text{בְּרִית} \text{בֵּין} \text{יְהוָה} \text{וּבֵין} \text{יִשְׂרָאֵל}$ with Israel and Judah. This covenant has two outstanding characteristics: a) it is specifically differentiated from the Sinai covenant and b) the knowledge of God--which is the sine qua non of a covenantal relationship with God--will be written into the very nature of the individual.

The prophecy makes it clear that the $\text{בְּרִית} \text{בֵּין} \text{יְהוָה} \text{וּבֵין} \text{יִשְׂרָאֵל}$ is to supersede the old covenant by reason of Israel's default. Yahweh had elected Israel as a nation and people ($\text{עַם} \text{וְיִשְׂרָאֵל}$) at Sinai "to bring them out of the land of Egypt" (v. 32). With few exceptions (Is. 51:1-2) in the Old Testament, the Sinai covenant was the terminus a quo for all covenant thought--especially in the Deuteronomic thought world (Deut. 7:6-11) to which Jeremiah is closely related. God related himself to this covenant and to this people as "lord" or "husband" (either of which may be the meaning of $\text{אֲדֹנָי} \text{וְיִשְׂרָאֵל}$). Gehman observes

⁴Henry S. Gehman, "An Insight and a Realization," Interpretation, IX (July 1955), p. 285.

that this is a probable double entente with origins in the Hosean marriage imagery.⁵

The essence of the new covenant which Yahweh proposes is that "I will put my law within them, and I will write it upon their hearts; and I will be their God, and they shall be my people" (RSV v. 33b). Without a doubt Jeremiah saw that the heart of man was the sensitivity center in the life of man and his God. Jeremiah attributed many weaknesses of man to the stubborn nature of the heart. For instance Jeremiah lamented

The sin of Judah is written with a pen of iron;
with a point of diamond it is engraved on the tablet
of their heart (17:1).

Since sin had such a hold on the heart of man, it was necessary that this new covenant be written in such a way that the individual could not reject it for it would be a part of him. Hence the $\Pi \eta \lambda$ is written upon the heart rather than upon tablets of stone. Normally the law or divine instruction was something quite external and abstract. The new covenant, in its moral manifestation of the law, will no longer be a make-it-or-break-it affair as the old covenant had proved to be. The new covenant will become a part of the person; "where it will have the warmth of human blood."⁶

As Woods cautions the result of the internalization of the covenant would not be the "Magna Carta of individualism."⁷

⁵ Ibid., p. 287.

⁶ Ibid., p. 287.

⁷ Joseph Woods, Jeremiah (London: Epworth Preacher's Com-

Rather the essence of the covenant still concerns itself with corporate Israel: "I will be their God and they shall be my people" (v. 33b). This new covenant was to embrace that fellowship of Israel which had experienced the knowledge of God as a result of having His law internalized.

The term אֱלֹהֵי is that relationship which can exist between man and wife in their most intimate union. In this instance, however, אֱלֹהֵי is that response in action to the reality of experiencing God in one's life. אֱלֹהֵי too is the most intimate union between man and God. In New Testament terms it would come close to what we know as the "theology of the Holy Spirit" or "faith."⁸ The strict didactic sense of the אֱלֹהֵי would be lost to the past. What had previously been "up tight and out of sight" (in what may be a modern paraphrase of Ps. 139:6 and the אֱלֹהֵי אֱלֹהֵי) is now common possession of all.

One wonders how Jeremiah's contemporaries (and modern scholarship--judging from its various interpretations) conceived of how "God would deal with the 'heart' and make men 'know' Him in a new age."⁹ The basis for this new covenant is apparent in v. 34 where Yahweh says: "I will forgive their iniquity and I will remember their sin no more." Forgiveness

⁸ Cf. *infra*, pp. 28-29; 31 for a possible New Testament interpretation of this.

⁹ Woods, *op. cit.*, p. 127.

was the balm which would heal the broken relationship with God. The source of the restoration lay not with the people but with God: He would forgive their לִי and their פָּשָׁעֵם (two words which by this time were well-known for alienation from and willful sinning against God). It is well to note with Hyatt that Jeremiah did not conceive of the new covenant as a state of sinlessness but "rather of forgiveness of sin."¹⁰

¹⁰James Philip Hyatt, "Jeremiah," Interpreter's Bible, V, edited by Geo. Arthur Buttrick (Nashville: Abingdon Press, 1956), p. 1040.

CHAPTER IV

THE COVENANT COMES OF AGE

IS ANYTHING "NEW" IN THE NEW COVENANT?

Scholarship has suggested that Jeremiah's covenant is really nothing new--but rather a restatement of the old covenant with overtones of covenant renewal. The question deserves serious consideration in light of New Testament use of the concept. Merideth G. Kline, a Presbyterian theologian and Professor of Old Testament at Gordon Divinity School in Wehham, Massachusetts, is one of the most recent critics of the "new" covenant.

For all its difference, the New Covenant of Jeremiah 31 is still patterned after the Sinaitic Covenant. In fact Jeremiah's concept of the New Covenant was a development of thought already presented by Moses in the sanctions section of the Deuteronomic renewal of the Sinaitic Covenant (Deut. 30:1-10). According to Jeremiah, the New Covenant is a writing of the law on the heart rather than on tables of stone (v. 33 cf. II Cor. 3:3), but it is another writing of the law. It is a new law covenant. Hence for Jeremiah, the New Covenant, though it could be sharply contrasted with the Old (v. 32¹), was nevertheless a renewal of the Mosaic Covenant.

Granted his comments are colored by a reformed background. Yet he has touched upon the key to understanding the new covenant: the writing of the law upon the heart.

The אֱלֹהִים , or the divine instruction or law has been

¹Merideth G. Kline, *By Oath Consigned* (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1968), p. 75.

discussed earlier as something quite outside of the individual. The law character of the תּוֹרָה is that which prohibits an individual from certain action, or else drives him to a certain action, or that which stands apart and judges. Law understood this way is something quite impersonal; it soon becomes a matter of either do this or don't do that. Old Testament prophecy obviously did not see law as something which was inherent in man. The numerous mandata which command memorization of God's precepts (Deut. 6:6f) only highlight the fact that God's will was not innate in the essence of man.

In what may be the "old-new" or "new-new" controversy, Skinner points out:

Committing to memory is after all a purely human exercise, whereas what is promised in the text is a divine operation on the hearts of men.... The antithesis really implied in the language is between an external law, written in a book or on tables of stone, and the dictates of the inward moral sense informed by true knowledge of God. To "know Yahwe" (v. 34) and to have His revelation₂ written on the heart (v. 33) are the same thing;....

A third view--sponsored by von Rad--seems to take both views into consideration and yet maintains a happy stability. His explanation takes into account the methodology which the prophets used in admonishing and sheering people. Apparently they exercised a great deal of freedom which was not bound to

²John Skinner, Prophecy and Religion: Studies in the Life of Jeremiah (Cambridge: Cambridge University Press, 1963), p. 331.

a saving election tradition of Sinai, the Exodus, Zion, or David. Their insight was that although Israel counted herself as holy, she was still subject to the judgment of Yahweh. Therefore their duty, as Yahweh's servants, was not to act as reformers who hearkened back to the old election traditions, but rather

...they actually denied their fellows the right of appeal to salvation offered there, and saw only a very narrow way forward to salvation which Yahweh was only to create in the future.³

They did not abrogate the old traditions but used them as containers for the new wine of God's saving action.

They looked for a new David, a new Exodus, a new covenant, a new city of God: the old had thus become a type of the new and important as pointing forward to it.⁴

In connection with Jeremiah's prophecy of the new covenant then, although it exceeds other prophetic predictions in separating the "new from the old, it still does not contrast the two."⁵ For Jeremiah the new covenant was indicative of what Behm has called

the "disposition" of God, the mighty declaration of the sovereign will of God in history by which He orders the relation between Himself and men according to His own saving purpose, and which carries with it the authoritative divine ordering, the one order of things which is ⁱⁿ

³G. von Rad, Old Testament Theology, vol. II (New York: Harper and Row Publishers, 1965), p. 323.

⁴Ibid., p. 323.

⁵Ibid., p. 323.

accordance with it.⁶

The proclamation of the new covenant, even though it occurs only once in the Old Testament, should not estrange the reader because each new action of God in Israel's history is a "new point of departure into a new form of Israel's existence."⁷ Thus Israel was able to allow no promise of God to come to nought; each was pushed to the limits which a particular time allowed and then transmitted to a new generation in the hope of yet further development.

THE NEW TESTAMENT AND THE NEW COVENANT

Such a new covenant can be understood in the context of the return of Israel and Judah from their respective Assyrian and Babylonian captivities. But the eschatological dimensions of this prophecy go beyond that historically ascertainable chain of events. The covenant of Jer. 31:31-34 would come of age only in the life, death, and resurrection of Jesus the Christ some 600 years later.

The sacramental sayings of Jesus (in Luke 22:20; Matt. 26:28; Mark 14:24; and 1 Cor. 11:25) give us a hint that the $\kappa\alpha\iota\kappa\eta\ \delta\iota\alpha\theta\eta\kappa\eta$ had significance in the church's understanding of Jesus as Messiah.⁸ It is well here to be aware of

⁶Joh. Behm, "diatithemi," Theological Dictionary of the New Testament, II, edited by G. Friedrichs and G. Kittel (Grand Rapids: Wm. B. Eerdmans Pub. Co., 1964), p. 134.

⁷von Rad, op. cit., p. 320

⁸Cf. footnote no. 10 on page for textual comment.

what may link Jeremiah's new covenant proclamation with the sacrificial work of our Lord. For this link we turn to the servant concept of Isaiah II. Yahweh says of his servant:

And I kept thee and set thee for a covenant of the people
For a light of the nations (42:6).

And in 46:8:

And I will preserve thee and give thee
For a covenant of the people.

Most certainly we would have to conclude that God had embodied his covenant in his servant. Of course we do not know of whom the prophet Isaiah spoke in the historical circumstances. But in the fulness of time Christ is the one who fulfills the prophecy and gives it significance for all men.⁹

The Christian Church certainly saw itself as being the recipient of the new covenant. Although the new covenant is a hapax in Old Testament terminology, the Jer. 31:31-34 passage is quoted twice and directly alluded to three times according to Nestle's index: two of these quotes are in the Epistle to the Hebrews.¹⁰

⁹Henry S. Gehman, "An Insight and a Realization," Interpretation, IX (July 1955), p. 290-291. J. Behm, however, warns against trying to find too close a connection between the servant concept and Christ and the new covenant. Op. cit., p. 133.

¹⁰The Matt. 26:28 passage is included because of its explicit mention of τὸ αἶμα μου τῆς διαθήκης τὸ περὶ πολλῶν ἐκχυρόμενον εἰς ἕφεσιν ἁμαρτιῶν. The "unto forgiveness of sin" links it to Jeremiah even though the καινῆς is missing. Mark 14:24 is included in spite of the fact that the "unto forgiveness of sin" is missing from all but the Freerianus and similar MSS; noteworthy also is the fact that τὸ τῆς καινῆς διαθήκης is included in the Koine and Latin and Syriac traditions. Admittedly there are textual difficulties

In Heb. 10:15-18 the author alludes to a "realized eschatology" in that the law written upon their hearts is given to Christians by the witness of the Holy Spirit. The main thrust of the passage, however, is to show that the blood of Christ is that blood which consecrated and put into motion the new covenant. This covenant is characterized by a divine forgetfulness of sin committed under the old covenant. With such forgiveness no other offering is forthcoming.

CONCLUSION

One would like to pin Jeremiah's new covenant to a historical setting much like previous covenants were historically oriented. At the same time we cannot miss seeing it in the fuller dimensions of the new covenant fulfilled in Christ. The text lends itself only to a very general understanding of the new covenant as being a reaffirmation of the old relationship of Yahweh with his people (united through divine election if not through political unity). The returning remnant of whom Isaiah spoke could certainly be seen in this light. Yahweh would re-establish His covenant of grace with that remnant—albeit a spiritual remnant! The form (covenant and stipulations) may have been the same, but the promise for a transformed and enlightened heart was certainly new. Is not this the same argument that the author of Hebrews had in mind, i.e. that the second or new covenant is "enacted on better promises" (8:6b)? In this sense then the covenant

was new to Israel--even at a particular time. Mendenhall argues similarly for a new covenant in Joshua 24 where there appears to be no indication

that it was a continuation of the Mosaic covenant, except in historical prologue. The desert covenant as such was not relevant to this situation (and is not mentioned), for the people involved and the entire cultural situation were both so different that it was in everything except form, an entirely new covenant.¹¹

Secondly one needs to see the new covenant not in just the the two dimensional view of the Old Testament but also in the third dimension of the New Testament.

St. Luke, at the beginning of his gospel, hearkens back to the covenant motif to set the Christ event in perspective:

...as he spoke by the mouth of his holy prophets
 from of old,
 that we should be saved from our enemies,
 and from the hand of all who hate us;
 to perform the mercy promised to our fathers,
 and to remember his holy covenant,
 the oath which he swore to our father Abraham to grant us
 that we, being delivered from the hand of our enemies,
 might serve him without fear. Luke 1:70-73.

Luke again picks up the covenant thread and gives it significance not only for Jeremiah's time but for all time: "This cup is the new covenant in my blood" (Luke 22:20). And again: "Drink ye all of it" (Matt. 26:27).

St. Paul certainly reflected the distinction between the former dispensation of the law and the new disposition of grace which we enjoy under the gift of the Spirit. Von

¹¹Geo. E. Mendenhall, Law and Covenant in Israel and the Ancient Near East (Pittsburgh: The Biblical Colloquium, 1955), p. 42.

Stromberg has nicely caught this distinction:

Paulus stellt den durch judaitische Umtriebe verwirrten Galatern die Frage (3,2): *ex ergo homo est pneuma elabeta n' ex akons thozens*; Dasz sie im Besitz des Geistes sind...klar... Paulus stellt die Galatar vor die Frage, ob ihre treue Gesetzerfüllung ihnen das Geschenk des heiligen Geistes eintrug, oder ob der heilige Geist ihnen von Gott in Ansehung ihres Glaubens als freies Gnadengeschenk zuteil wurde.¹²

In possession of the Spirit! This seems to be the mark of the covenant ~~come~~ of age!

¹²A. Freiherr von Stromberg, Studien zur Theorie und Praxis der Taufe, vol. 18 in Neue Studien zur Geschichte der Theologie und der Kirche (Berlin: Trowitzsch und Sohn, 1913), p. 74-75.

APPENDIX

THE NEW COVENANT AND THE DEAD SEA COMMUNITY

The Qumran community, it is felt by most scholars, prided itself in being that small remnant which remained steadfast to the traditional covenant. In a type of "second exodus" they set themselves off from the second century BC to 75 AD society by living the ascetic communal life in the formidable Judean desert south of Jerusalem. In this wilderness setting they envisioned themselves as the recipients of the new covenant. Did they expect something beyond the traditional Mosaic and Davidic covenants? Seemingly not (cf. their writings which emphasize the "new holiness," et. al.). Rather than an abrogation of Old Testament form and thought, their conception of the new covenant seemed to be confirmed in living out the old.

Their mini-Israel took on many of Israel's former catch-sayings, institutions, and attitudes. They viewed themselves as the "elect" (M viii.6) or rightfully "chosen" with an obvious view towards Israel's election.¹ The communal priests were "sons of Zadok" in deference to the priestly family of David's time (2 Sam. 8:17) and the appointed and approved priests of Ezekiel's time (Ezek. 40:46; 43:19; M v.2; ix.14). Their life in the desert had roots in Amos' prophecy that

¹Theodor H. Gaster, The Dead Sea Scriptures (Garden City, NY: Doubleday & Co., 1964). All references to the scrolls are from Gaster's index of references, pp. 392-393.

God's people would be "in exile beyond Damascus" (Amos 5:27; Z vi.15,19). They even regarded themselves as being the militia of God ready to do battle in driving the heathen from the land (Z vii.6 et passim).

But Qumran considered herself a step ahead of the Sinai covenant event. Qumran already had God's $\eta\eta\eta\eta$. Her pride was in her correct exposition of that law. Apparently each generation of the community produced an orthodox expositor of the word (Z i.11 et passim). And yet they still looked forward to the time when a teacher par excellence would arise to usher in the Golden Age.²

Aside from their attempt to be the New Israel, one more claim of the Essene community bears markings similar to the Jeremian new covenant. They laid claim not only to enlightened teachers of the law but also to an "inner enlightenment." Typical is the following from the book of Hymns (H xviii.16).

So, for mine own part,
 molded of clay that I am,
 with an heart of stone,
 lo, of what worth am I,
 that I should attain unto this?
 Yet, behold, Thou hast set thy word
 in this ear of dust,
 and graven upon this heart
 eternal verities;...
 and Thou hast brought to an end
all of my frowardness,
 to bring me into covenant with Thee,
 that I may stand Before Thee
 evermore unshaken...
 in the glow of the perfect light

²Ibid., p. 6.

till the end of time,
 where no darkness is forever,
 and where all is peace,³unbounded
 until the end of time.³

Other references note that they are "especially schooled by God," (H ii.39); "they possess the vision of knowledge," (H iv.18); "they drank from the fountain of knowledge," (H ii.18); "they have direct access to God, need no intermediary," (H vi.13); "they ascend to the 'height of eternity,'" (H iii.20).⁴

Two things may be noted here with respect to the new covenant: a) the language is certainly covenantal. The feeling of unworth at election (H viii.19 supra) with the amazement that in spite of hesitation and sin on the recipient's part, God indeed dares establish a covenant with him; b) as a sign of this covenant the recipient is aware of a divine illumination which is "graven upon this heart" (H xviii.24 supra). This knowledge, mystical as it may be, is full of recognition of the God which transcends written codes and media.

Although Gaster names one document "The New Covenant" one finds upon examination that relation to the Jeremian new covenant is slim if present at all.⁵ The document is eschatological in style: God's triumph over cosmic wickedness and

³Ibid., p. 200.

⁴Ibid., p. 396.

⁵Ibid., pp. 331-332.

wicked man is explicitly laid out. The new covenant is to be at the time of God's "good pleasure." The "covenanting" consists of God choosing a people because "Thou hast remembered Thy covenant." (The argument seems circular: God chooses a people for covenant because He remembers His covenant!) A corporate and nationalistic sense of covenant is still preserved: "Thou wilt make them...as an holy thing distinct from all peoples." Five signs mark this particular covenant renewal (no specific mention is made of the new covenant: "Thou wilt renew thy covenant"); a) a show of glory; b) words of Thy Holy ~~Spirit~~; c) works of Thy hand; d) a script of Thy right hand; and e) the appointment of a "faithful shepherd who will _____ the lowly and _____ the _____." The text's explanation for the first four signs are revelatory, so that the people might see the "basic roots of glory and the heights of eternity." As to the last sign, conjecture wants somehow to fill in the blanks and link this shepherd with the shepherd servant of Is. 40:11 or the Davidic image of the shepherd in Ezek. 37:24 or--in view of the realized new covenant-- John's view of Christ as the Good Shepherd (John 10:14).

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