

Jakabné Köves Gyopárka: Continuity and Discontinuity in the New Covenant in Jeremiah 31:31–34

Introduction

The period before the Babylonian captivity was the age of prosperity in the kingdom of Judah. The weakening of Assyria was followed by a temporary power vacuum which raised illusory hopes in Judah's leaders. In such tumultuous times, it was hard to believe the oracles of judgment, namely the prophecies of Jeremiah about the destruction of Jerusalem and Judah as a result of the faithlessness of God's people. Finally, the tragedy was inevitable, and it not only stopped Judah's political games, but also put an end to the kingdom, and so to the independence of Israel. Israel always thought about its history from the standpoint of the community, and from this viewpoint, dispersion, which now became reality, was equal to hell itself.

In this chaotic political situation, Jeremiah is not an "agent" of the pro-Babylonian party. Jeremiah's message is primarily theological. This is even recognized by historians, such as the notable Hungarian Assyriologist and Hebraist, Géza Komoróczy, who writes: "For Jeremiah the conflict is not to be understood as Judah *versus* Babylon, but Judah *versus* Yahweh."^[1]

Towards a Definition of "Covenant"

The guarantee of the preservation of Israel is the covenant which God had made with them. Although they broke the covenant with their disobedience, and the Babylonian exile was the punishment for it, God is not only the God of judgment. He is also the God of salvation and redemption. The tenacity of Israel is rooted in the relationship with YHWH. Jeremiah proclaims God's judgment on his people, once the punishment has been exacted, he declares, the salvation of God will follow. In the pericope of Jer 31:31–34, God gives a special promise regarding a new covenant. I will argue below that this new covenant includes the old one, but not in the sense of a renewal of the latter. What remains the same is the substance of the covenant. The argument rests on two theses. Firstly, the covenant is a key concept in both punishment and salvation. It becomes the foundation of tenacity, because it represents a continuous and dynamic relationship between God and his people. Secondly, the interpretation of the covenant by the promise of a new one reveals that the concept is

particularly dynamic, capable of change, and dialectical, because it is always determined by the tension between God's will and his incomprehensible grace.

The concept of the covenant, בְּרִית, appears throughout the Old Testament. Herman Bavinck lays emphasis on it: "The Bible provides no general idea of religion but covenantally presents God's revelation as its objective side and the fear of the Lord as the subjective side. Covenant (ברית) is the basic term for the divine establishment (διαθήκη; Exod. 20:1ff.; 34:10ff.; 34:27ff.; Isa. 54:10; etc.) that grounds Israel's religion."^[2] Claus Westermann however has consistently denied the significance of the concept in his *Elements of Old Testament Theology*:

It is a characteristic of previous theologies of the New Testament that they attributed a higher significance to the noun concepts than to the verbs. This is particularly true for the concept of "covenant". In a so-called "covenant theology" one has tried to attribute to this concept a significance determinative for the entire Old Testament. A bias comes to expression here which does not do justice to the reality of the Old Testament. Talk about God in the Old Testament is primarily verbal, not nominal. What is said about God is without exception an occurrence between God and human beings. It is never primarily a condition. To the extent that a "covenant" is understood as an existing, permanent relationship between God and man, such a concept cannot function determinatively for the Old Testament; it can only be a subsequent designation for an event which has happened between God and his people. Aside from this, three objections can be raised against the determinative significance of any concept of covenant for Old Testament theology.^[3]

Our passage, Jer 31:31-34, is the best counter to this statement, but, in this case, we must also understand the viewpoints and results of scholarly research, especially regarding the linguistic theory of dependency. Westermann wrote at a time when it became more and more accepted in Indo-European linguistics that phrase structures are more dependent on verbs than on substantives. The so-called dependency grammar and its theory (developed in the 1950s by Lucien Tesnière) was also later called Verb-Grammatik (verbal grammar) in Germany. We can clearly recognise this theory in Westermann's statement, which, in my opinion, is perfectly misleading in the case of covenant. The word בְּרִית means mostly "covenant" in the Old Testament. Covenant is a way of conceptualizing a relationship between God and his people. God establishes and defines the covenant; its basic element is that God remains loyal to his covenant partner and fulfills his end of the relationship. Moreover, the word בְּרִית is not only a synonym for the law. This is clear from our text in

Jeremiah:

“The days are coming,” declares the LORD, “when I will make a new covenant with the people of Israel and with the people of Judah. It will not be like the covenant I made with their ancestors when I took them by the hand to lead them out of Egypt, because they broke my covenant, though I was a husband to them,” declares the LORD. “This is the covenant I will make with the people of Israel after that time”, declares the LORD. “I will put my law in their minds and write it on their hearts. I will be their God, and they will be my people. No longer will they teach their neighbor, or say to one another, ‘Know the LORD,’ because they will all know me, from the least of them to the greatest”, declares the LORD. “For I will forgive their wickedness and will remember their sins no more” (Jer 31:31–34, NIV).

Law versus Covenant

Before examining the connection between law and covenant, let us take a look at the word “new.” In what sense is the covenant mentioned in Jer 31, “new”? The question is raised by several scholars. Some of them use a deductive method to suggest that the new covenant is the actual renewal of the Mosaic Law: accordingly, they point out that the word $\psi\tau\eta$ does not simply mean new, but also “renewed.” This, however, is hardly justified. Although the Piel and Hithpael forms of the verbal root $\psi\tau\eta$ can express the meaning “to renew,” in all cases of the adjective, it means “new,” that is, something that has not existed before, and not the change of something that already exists.^[4] In the context of the theology of Jeremiah’s prophecy, Von Rad notes how “one might feel that the time of salvation of which Jeremiah speaks is in all essentials a restoration of previous conditions.”[5] “The truth,” according to Von Rad, “is quite the opposite”:[6]

With Jeremiah, the gulf between old and new is far deeper than with any of his predecessors among the prophets ... The content of the Sinai covenant was the revelation of the *torah*, that is to say, the revelation of Israel’s election and appropriation by Jahweh and his will as expressed in law. This *torah* is also to stand in the centre of the new covenant which Jahweh is going to make with Israel “in these days” ... Jeremiah neither says that the revelation given at Sinai is to be nullified in whole or part (and how could a revelation given by Jahweh ever be nullified or taken back!), nor does he in any sense suggest any alteration or expansion of its content in the new covenant. The reason why a new covenant is to ensue on the old is not that the regulations revealed in the latter have proved inadequate, but that the covenant has

been broken, because Israel has refused to obey it. And here is the point where the new factor comes into operation—there is to be a change in the way in which the divine will is to be conveyed to men ... It is at this very point, however, that Jeremiah goes far beyond Deuteronomy, for in the new covenant the doubtful element of human obedience as it had been known up to date drops out completely. If God's will ceases to confront and judge men from outside themselves, if God puts his will directly into their hearts, then, properly speaking, the rendering of obedience is completely done away with ...^[7]

The prophecy of salvation of Jeremiah should be understood in the context of the covenant, which means that salvation is experienced not individually, at different times by certain people, but by the community. This intervention of God brings about changes in each and every member of the community. According to our text, what will be new is the covenant, because it is the Torah that will be placed in the hearts of the people. It is obvious, that we see here the change in the relationship between God and his people that can be realized in the communication, which is free from communication traps. On the one hand, the text indicates that there will be no need to teach one another about God, and on the other hand, it promises forgiveness of sins, which is an expression of the grace of God. But what is it that is preserved? Firstly, the Torah, which God will now write on the hearts of the people, and secondly, sin, which remains, but God will not remember it.

With this in mind, the concepts of “old covenant” and “new covenant” must be carefully defined. It should also be made clear what Torah refers to in the context of Jer 31. By “old covenant,” the pericope means the specific covenant that God had made with Israel's ancestors after the exodus from Egypt. In this sense, it is justified to speak about the Mosaic covenant. The Mosaic covenant, however, should not be confused with the Mosaic Law, as many contemporary conservative covenant theologians do.^[8] (I mention in passing what we see in the medieval and early modern polemic Jewish literature. The Jewish scholar-Rabbis were shocked when the Christian theologians identified the Torah with covenant. The most interesting summary is by Isaak b. Avraham from the Lithuanian Troki, who summed up the Jewish-Christian debate in his book, ^{9]}חזק אמונה.)

Indeed, the Jeremiah passage shows that the law remains in effect in the new relationship between God and his people. Also from a New Testament perspective, the law is not abolished from the ideas about God's relationship with people. The essential dialectic in Paul's theology can be seen in that the law becomes void because its curse is annulled by Christ, but the order of the law remains as the law of Christ. The most important element in

this changed relationship is the fact that the new covenant is based on reconciliation. But there is still the law and this law — as we see in Jer 31:32 — is an objective factor which cannot be spiritualized. “I will put my law in their minds and write it on their hearts,” declares YHWH. It is both true that God puts the law in the people’s hearts, and that it will be “written” there, and writing is always an externalization of thought.

In the case of the Torah, we cannot confine ourselves to the articles of the Mosaic Law and regulations which were only valid in their *Sitz im Leben*. We can assume that both Jeremiah and his contemporaries and subsequent prophets understood the word as much more than the ritual, ceremonial, and prohibitive provisions. Nor is it enough to speak of “moral laws.” It is especially relevant how Paul argues in 1 Cor 9:21: God’s law is Christ’s law (“To those not having the law I became like one not having the law though I am not free from God’s law but am under Christ’s law, so as to win those not having the law”).

What does it mean that God puts his law on the inside, in the hearts of the people? Bob Becking writes concerning the two words קָרַב and לֵב: “The words, however, can also be considered as more figurative language referring to the interior intentionality of the people. The Old Greek understood the words in the second meaning as a bodily metaphor for the mind of the people.”^[10] Indeed, the text of LXX Jeremiah 38:33, Διδούς δώσω νόμους μου εἰς τὴν διάνοιαν αὐτῶν καὶ ἐπὶ καρδίας αὐτῶν γράψω αὐτούς (“Giving I will give my laws in their mind, and I will write them on their hearts”),^[11] illustrates it clearly, and this creates a tension between the picture of the law written on stone tablets and the metaphor of the law written on hearts. For that particular heart—the heart of the people of the covenant—is burdened with sin. Therefore, the next words of YHWH, which refer to the remission of sins, bring relief.

The motif of the exodus from Egypt can already be found in Jer 7:22. The tradition of the exodus is very important for Jeremiah; he builds his salvation prophecy on it, since he sees the only possibility of salvation in the providence and redemption of God. For him, there is a parallel between the situation of his contemporaries and the situation of the Israelites in Egypt. On the one hand it is impossible for the people to save themselves, and on the other hand, there is the act of divine redemption. Whereas in Jer 14:21, the people ask God not to break his covenant with them, it is clear in Jer 31:32 that the people themselves are responsible for the breach in the covenant. They broke the covenant through their sins and disobedient attitude towards God. It is a hallmark of the thought-world of Deuteronomy and Deuteronomic theology that the breaking of the covenant is attributed to the sins of the people. The novelty of the prophecy of Jeremiah is that the new covenant ensures continuity

in the redemption. The “new covenant” is imbedded in a relationship, which goes back to the “fathers,” to the previous salvation history. Continuity has a cause that points beyond its own origin, and this common cause is the sin. Therefore, Walter Gross uses the terminology “*Schuldkontinuum*,” that is, “continuity of guilt,” and “*Ungehorsamkontinuum*,” that is, “continuity of disobedience.”^[12]

Bob Becking interprets the metaphor of the law written in hearts from an individualistic point of view, which, in my opinion, is alien to the covenantal approach:

The new “covenant” (Jer. 31:31-34) is indeed to be concluded with the *people* of Israel and Judah. It is, however, too simple to say, that this new covenant by implication has a collective character. I would like to stress what is characteristically new in this new “covenant.” In my opinion it is the fact that the text of this covenant is no longer inscribed on stone tablets, but in the inner parts, the hearts of the Israelites: the shift in imagery is from “outer” to “inner.”^[13]

James Swetnam considers it the most important feature of the law written on hearts that the covenant, in this case, is realized at a very different level of communication. In light of the New Testament, he draws attention to the fact that Jer 31:31-34 does not say that sin shall be no more, but that God will forgive all the sins and will not remember them. In my opinion, it also means that the world will not be free from sin. On the contrary, through Mosaic Law comes the knowledge of sin. According to Swetnam, “[t]he prophecy does not say that there will be no more sin; it states that the Lord will forgive their guilt and not call their sin to mind. This in contrast with the Mosaic covenant, where sin called down communal punishment in the form of curses, i.e., the Lord kept the guilt of His people very much in mind.”^[14]

With these reflections in mind, I conclude that the prophecy of salvation in Jer 31:31-34, which claims that God will “write” his law on the hearts of the people, is a striking metaphor that connects the image of the two stone tablets of the commandments with the new covenant. It is interesting, however, that the text itself does not allow the image to be spiritualized. It is about the law, which means the written word. We can define it either as the word of God, or just words, but in no way as an individually formulated internal law, which could be developed according to personal attitudes. God writes this law, he writes it on the people’s hearts, so the visual wording reflects a kind of objectivity. Subsequent interpretations that see this passage as an extension of subjective human faith does not start from the original image of the text; at the most, “inner” and “heart” are the bases for these interpretations.

The linguistic considerations confirm that the promise described in Jer 31:31–34 relates to a completely new covenant and not to the renewal of the covenant that was made at Mount Sinai. The relationship with God exists, perhaps we could say that there is a supreme covenant, namely the covenant of grace that remains forever, which is a sign of the forgiveness of sins. Jer 32:40 highlights another element of this covenant, its neverending nature: Jer 32:40: “I will make an everlasting covenant with them: I will never stop doing good to them, and I will inspire them to fear me, so that they will never turn away from me” (NIV). What are the two characteristics of this covenant that can be considered as the token of the preservation of God’s people? The first attribute is its foundation, the grace of God. The second attribute is the ability to change, what I call dynamism. This dynamism can be observed diachronically: the covenant with Abraham was not conditional while the Sinai covenant was since the latter includes the demand of obedience. At the same time, the divine act of grace—the gift of law—precedes the covenant. The new covenant, however, is again unconditional. Karl Barth writes about this dynamism of the covenant in his *Church Dogmatics*:

Even in itself and as such the covenant with Israel is capable of a radical change in structure which it will actually undergo in the last days, as we learn from Jer. 31,31f. and 32,38f. ... The elements are exactly the same as in that covenant with Abraham, Moses and Joshua which is normative for the Old Testament as a whole. The formula “I will be your God, and ye shall be my people” is emphatically endorsed in both these passages and in the parallel passage in Ezek. 11,20. We cannot therefore speak of a “replacement” of the first covenant by this “new” and “eternal” covenant of the last days except in a positive sense ... What happens to this covenant with the conclusion of a new and eternal covenant is rather—and the wider context of the passage points generally in this direction—that it is upheld, that is, lifted up to its true level, that is given its proper form, and that far from being destroyed it is maintained and confirmed.^[15]

Here, Barth refers to Calvin, who sees the distinction between the several covenants in their dispensation (*administratio*), while he considers them as one covenant by their substance.^[16] He says in the *Institutes*:

Now we can clearly see from what has already been said that all men adopted by God into the company of his people since the beginning of the world were covenanted to him by the same law and by the bond of the same doctrine as obtains among us. It is very important to make this point.^[17] The covenant made with all the patriarchs is so

much like ours in substance and reality that the two are actually one and the same. Yet they differ in the mode of dispensation^[18] ... the Old Testament of the Lord was that covenant wrapped up in the shadowy and ineffectual observance of ceremonies and delivered to the Jews; it was temporary because it remained, as it were, in suspense until it might rest upon a firm and substantial confirmation. It became new and eternal only after it was consecrated and established by the blood of Christ.^[19]

Conclusion

In my view, the passage in Jer 31:31-34 is best interpreted, if we accept that continuity and discontinuity are simultaneously present in the prophecy. For the people of God, the assurance of tenacity is the confidence in the covenant, which can change, but its permanence comes from God's grace. The covenant remained in spite of the sins. This is a sign of grace. Therefore, the covenant is one of the most important aspects of God's grace.

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Abstract

The threat from Babylon puts the Jews in front of a big trial. The fear of complete destruction is not ungrounded. The northern country is occupied, and southern country that is left, Judah, understands its smallness in the shadow of the new empire. This is the historical background of Jeremiah's prophecy. During the devastation his greatest preaching is about the promised new covenant in 31:31–34. This promise gave enormous power of hope, which was obvious, when hundreds of years later it appeared as a part of the eschatological ideas at the time of Jesus.

Jer 31:31–34 speaks about the covenant, which God made with His people, by which they were sure about His providence and salvation. But all the prophecies emphasized that Israel broke this covenant, and all the political tragedies and misery are the consequences of the infidelity of the people. The promise of a new covenant gives hope that the grace of the Lord is bigger than His vengeance. But what exactly means the word “new” in this covenant? First we must see, that the text in Jeremiah is most correctly interpreted if we accept that continuity and discontinuity are simultaneously present in the prophecy. The greatest novelty is the change in the relationship between God and man, as this is entering a different level.

How does this new covenant relate to the law, especially to the Mosaic law? Many

interpreters today believe that the image of the law written in hearts is an individual spiritualization of the law. The text states, however, that the Torah will exist in the eschatological time, and its words will be written in the hearts – the focus is not in the “inside,” but in the written word. There is therefore an objective aspect to this new covenant, what is justified later in the Gospels. The hope is that the continuity of the covenant maintains the relationship between God and His people, and this will lead them out of all historical tragedies.

Keywords

Jeremiah, New Covenant, Mosaic Law

Affiliation

Jakabné Köves Gyopárka

PhD Student

Doctoral School – Faculty of Theology of Károli Gáspár University

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