YHWH Makes a New Covenant (Jeremiah 31:31-34)

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Abstract
Does Jeremiah 31:31 refer to a completely new covenant or to a renewal of the existing covenant? This article argues that to interpret this as a completely new covenant is more accurate. This new covenant will be made *after* those days when YHWH will have put his Torah within the Israelites (31:31). Because a covenant involves two partners (here: YHWH and Israel), the 'new' also consists of two elements: (1) the Israelites shall no longer teach each other to 'Know the Lord', and (2) YHWH will no longer remember Israel's sins. In short, 'new' means that the two former situations: to teach one another and to remember Israel's sin, 'no longer' exist.

Keywords: Hebrew Bible/Old Testament, Prophets, Jeremiah, New Covenant

The concept of ברית plays a major role in the Old Testament. The term occurs 287 times. Only once is there mention of a ברית חדשׁה, and that is here in Jeremiah 31:31.[1] This fact alone makes Jeremiah 31:31-34 a special text. To date there is no agreement among interpreters about the meaning and content of the adjective חדשׁה, which may be considered a key word of this passage. Some exegetes state that Jeremiah 31:31-34 is about a renewal of the covenant.[2] They understand חדשׁה as 'renewed'. Others are of the opinion that this new covenant will be new in content, compared to the covenant mentioned in 31:32. They translate חדשׁה as 'new'. There is a difference of opinion about the question of what exactly is 'new'. Various scholars see the novelty in the fact that YHWH puts his Torah in the interior of the Israelites (31:33).[3] Others

[1] In the New Testament, 'the new covenant' is related to Jesus in various ways (Lk. 22:20; 1 Cor. 11:25; 2 Cor. 3:6; Hebr. 8:8-13; 9:15; 10:15; 12:22-24). In Lk. 22:20 and 1 Cor. 11:25 with regard to the Supper. In the Letter to the Hebrews, Jesus is seen as the mediator of the new covenant.

[2] S. Herrmann, *Die prophetischen Heilserwartungen im Alten Testament: Ursprung und Gestaltwandel* (BWANT, 85), Stuttgart 1965, 198; J. Bright, 'An Exercise in Hermeneutics (Jeremiah 31:31-34)', *Int* 20 (1966), 188-210, esp. 195, 197; R. von Ungern-Sternberg, *Redeweisen der Bibel: Untersuchungen zu einzelnen Redewendungen des Alten Testaments* (BibS, 54), Neukirchen-Vluyn 1968, 50; C. Levin, *Die Verheißung des neuen Bundes in ihrem theologiegeschichtlichen Zusammenhang ausgelegt* (FRLANT, 137), Göttingen 1985, 132, 140, 141; Th. Römer, 'Les "anciens" pères (Jér 11,10) et la "nouvelle" alliance (Jér 31,31)', *BN* 59 (1991), 23-29, esp. 26-27; J. Marböck, 'Der Gott des Neuen und das neue Lied: Eine Skizze', in: F.V. Reiterer (Hrsg.), *Ein Gott – eine Offenbarung* (Fs. N. Füglister), Würzburg 1991, 205-221, esp. 215; E. Zenger, 'Das Erste Testament zwischen Erfüllung und Verheißung', in: K. Richter & B. Kranemann (Hrsg.), *Christologie der Liturgie: Der Gottesdienst der Kirche – Christusbekenntnis und Sinaibund* (QD, 159), Freiburg 1995, 31-56, esp. 115; H. Lichtenberger & S. Schreiner, 'Der neue Bund in jüdischer Überlieferung', *TQ* 176/4 (1996), 272-290, esp. 289; P.J. Gräbe, *Der neue Bund in der frühchristlichen Literatur: Unter Berücksichtigung der Voraussetzungen* (FB, 96), Würzburg 2001, 48-50, 57; B. Becking, *Between Fear and Freedom: Essays on the Interpretation of Jeremiah 30–31* (OTS, 51), Leiden [etc.] 2004, 260. Also H. Ortmann, *Der alte und neue Bund bei Jeremiah*, Berlin 1940, 79, and A. Weiser, *Das Buch Jeremia: Kapitel 1–25,14* (ATD, 20), Göttingen 1981, 286, lean towards contract renewal.

[3] M. Weinfeld, 'Jeremiah and the Spiritual Metamorphosis of Israel', *ZAW* 88 (1976), 17-56, esp. 28; E. Kutsch, *Neues Testament – Neuer Bund? Eine Fehlübersetzung wird korrigiert*, Neukirchen-Vluyn 1978, 43; H.W. Wolff, *Prophetische Alternativen: Entdeckungen des Neuen im Alten Testament*, München 1982, 60; N.

believe that the 'new' lies in the fact that all will know YHWH (31:34).[4] Still others consider the forgiveness of sin (31:34) by YHWH to be what makes it 'new'.[5]

In the research into this passage, the meaning of the term ברית hardly plays a role. This is odd, because there is also no unanimity about the meaning of ברית within Old Testament scholarship.

This article deals mainly with the concepts ברית and חדשה. The first part of the article concerns the concept of ברית. For this, three questions are central: What does ברית mean in Jeremiah 31:31-34? How does verse 31 with ברית חדשה relate to verse 33, which only mentions ברית? And what does the demonstrative pronoun זאת ('this') in verse 33 refer to? The second part concerning the adjective חדשה, considers three questions: What is the meaning of חדשה in Jeremiah 31:31? What exactly is it that is 'new' in the new covenant? And in the passage that is under discussion, what can be considered to be the reason for the conclusion of this new covenant? After a working translation I will begin with locating Jeremiah 31:31-34 in its context.

Translation

31a Behold, the days are coming
b – saying of YHWH –
c that I will make a new covenant with the house of Israel and with the house of Judah,
32a not like the covenant,
b that I have made with their fathers on the day
c that I took them by the hand
d to bring them out of the land of Egypt,
e that they have broken,
f my covenant, I was their master,
g – saying of YHWH –
33a for this is the covenant,
b that I will make with the house of Israel after those days
c – saying of YHWH –
d that I will put my Torah in their interior
e and write it on their hearts:
f I will be a God to them
g and they will be a people to Me.
34a Not again will they teach
b a man his neighbour
c and a man his brother,
d saying:

Lohfink, *Der niemals gekündigte Bund: Exegetische Gedanken zum christlich-jüdischen Gespräch,* Freiburg 1989, 59-74, 62, 69-70; H. Leene, 'Ezekiel and Jeremiah: Promises of Inner Renewal in Diachronic Perspective', in: J.C. de Moor & H.F. van Rooij (eds), *Past, Present, Future: The Deuteronomistic History and the Prophets* (OTS, 44), Leiden [etc.] 2000, 150-175, 167; H. Tita, '„Ich hatte meine Tora in ihre Mitte gegeben": Das Gewicht einer nicht berücksichtigten Perfektform in Jer. xxxi 33', *VT* 52 (2002), 551-556; Ch. Maier, *Jeremia als Lehrer der Tora: Soziale Gebote des Deuteronomiums in Fortschreibungen des Jeremiabuches* (FRLANT, 196), Göttingen 2002, 352; J.R. Lundbom, *Jeremiah 21–36: A New Translation with Introduction and Commentary* (AB, 21B), New York 2004, 468, 470.

[4] W. Rudolph, *Jeremia* (HAT), Tübingen 1968, 202; A. Schenker, 'Die Tafel des Herzens', in: *Text und Sinn im Alten Testament: Textgeschichtliche und bibeltheologische Studien* (OBO, 103), Freiburg [etc.] 1991, 68-81, esp. 69.

[5] L. Dequeker, 'Het nieuwe verbond in Jezus, de Messias', in: J. Rademakers (red.), *Van horen en verstaan: Verklaring en gebruik van de Schrift* (Fs. Pius Drijvers), Hilversum 1987, 28-36, esp. 32,33; Becking, *Between Fear and Freedom*, 260.

e ‘Know YHWH’,
f for they will all know Me,
g from their little ones to their great,
h – saying of YHWH –
i for I will forgive their iniquity
j and not again remember their sin

Jeremiah 31:31-34 in context

The passage is part of Jeremiah’s Book of Consolation (30:1-31:37).[6] This book finds its heart in 30:4-31:26, which is introduced as follows: ‘These are the *words* that *YHWH has spoken* about Israel and Judah’ (30:4). Earlier, Jeremiah had been called on by YHWH to write down all the *words* that *YHWH has spoken* to him (30:2) in a book. That he did so may be seen from the sentence quoted here (30:4). We are dealing with a mainly poetic text here. This poetic part (30:4-31:26) is framed mainly by prose (30:1-3 and 31:27-37).[7] Both parts end with the theme חדשׁה (31:22 and 31:31). In the introduction (30:1-3) the reader finds the motive (‘for’) for YHWH’s call to write down all the words. After כי in 30:3 follows (in 30:1-31:37) three times the expression ‘Behold, the days are coming’.[8] Once before the poetic middle part (30:4-31:26), and twice following.[9]

30:3	Behold, the days are coming[10]	- *YHWH: Bringing back to the Land*
30:4-31:26	These are the words that YHWH has spoken about Israel and Judah	
31:27-30	Behold, the days are coming	- *YHWH: Building and planting*
31:31-34	Behold, the days are coming	- *YHWH: Making a new covenant*
+ 31:35-37		*Promise assured from the creation*

A similar situation occurs in the sequel (31:38-33:16), in which it is all about city and kingship.[11] A narrative part (32:1-33:13) is framed by two divine oracles, concluded with an assurance from the creation.

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[6] Jeremiah 30 and 31 are widely described as The Book of Consolation. M. Biddle, ‘The Literary Frame Surrounding Jeremiah 30,1-33,26’, *ZAW* 100 (1988), 409-413, includes Jeremiah 32-33.

[7] For an explanation of the interruption, see Leene, ‘Ezekiel and Jeremiah’, 160: ‘(...) Jer. 30:4-31:26 interrupts the triplet of motives in a significant place, because this poetic section mainly concerns the return, whereas at its close one catches a first glimpse of Judah’s social restoration.’

[8] The reader has encountered this expression a number of times already before its occurrence here in the Book of Consolation: 7:32; 9:25; 16:14; 19:6; 23:5, 7. After Jeremiah 30-31 the expression is found at 33:14; 48:12; 49:2; 51:47, 52.

[9] For this section I depend largely on H. Leene, ‘Unripe fruit and dull teeth (Jer. 31,29; Ez. 18,2)’, in: E. Talstra (ed.), *Narrative and Comment* (Contributions presented to Wolfgang Schneider), Amsterdam 1995, 82-98, esp. 84. Where Leene leaves 31:35-40 out of his schema without further comment, I opine that 31:35-37 is closely related to the oracle about the new covenant (see Becking, *Between Fear and Freedom*, 245, 271-272).

[10] P. Joüon & T. Muraoka, *A Grammar of Biblical Hebrew* (SubBi, 27), Roma 2006, 372 (paragraph 119n): ‘a particle with future meaning is usually continued by a *w-qatalti*, also with future meaning. (….). The future expressed by the participle is usually a near future. The nuance of proximity is often emphasized by הנה.’ With this Dumbrell’s question (*Covenant and Creation: An Old Testament Covenantal Theology*, Exeter 1984, 174f.) as to whether this concerns the near future or the distant future is promptly answered.

[11] Several commentators add 31:38-40 to the foregoing. While there are thematic similarities between 31:38-40 and 31:27-34 (‘build’, ‘uproot’, ‘destroy’, ‘no more’), these verses differ stylistically from 31:27-37. Where in the previous three parts, YHWH always appears in the 1st person and with active verbs, YHWH is here the addressee and the verbs are passive. The position of 31:38-40 is comparable to 30:3 in that preceding section.

31:38-40	Behold, the days are coming	-	*Building up the city for YHWH*
32:1-33:13	The word that came from YHWH to Jeremiah (*2x*)		
33:14-17	Behold, the days are coming	-	*Sprouting of a branch of righteousness*
+ 33:19-26			*Promise assured from the creation*

The oracles might always begin in the same way: 'Behold, the days are coming', which does not mean that all oracles refer to one and the same period. H. Leene rightly pointed out that there is some phasing in of the days to come.[12] After the days in which YHWH brings them back to the land (30:3), there are the days in which He builds and plants them (there) (31:27-30), followed by the days in which He makes a new covenant with them (31:31-34), immediately followed by 31:35-37 with His assurance from the creation.[13]

This is the third time in the Book of Consolation that the expression 'Behold, the days are coming', with which the oracle begins in 31:31-34, occurs. It forms a unity with 31:35-37.[14] Verses 35-37 motivate the passage about the new covenant. The unshakability known from creation (31:35-37) underlines the credibility of the promise (31:31-34).[15]

The Hebrew concept ברית

Broadly speaking, there are four approaches to the meaning of ברית:

(1) Translated as 'covenant', ברית is understood as a mutual relationship with rights and obligations for both parties. This view was already commented on by J.J.P. Valeton[16] at the end of the nineteenth century. He points out that the reciprocal character is not apparent in all texts. Therein lies the reason for his not approving of the translation with 'covenant', at least in the Priestly source.[17]

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[12] Leene, 'Unripe fruit', 88 and 'Ezekiel and Jeremiah', 159. See too W. Groß, 'Der neue Bund in Jer 31 und die Suche nach übergreifenden Bundeskonzeptionen im Alten Testament', *TQ* 176 (1996), 259-272, esp. 260: 'Es handelt sich somit in mehrere Phasen gegliedertes zukünftiges Geschehen (...).'

[13] The three 'Behold, the days are coming' - oracles (30:3, 31:27-30, 31:31-34 + 35-38) are further united by the fact that the 'fathers' occur in every oracle (30:3, 'the land that I gave to their fathers', 31:29 'the fathers have eaten sour grapes' and 31:32 'not like the covenant that I made with their fathers'). That Jeremiah 31:27-40 itself also constitutes 'a single literary unit', is apparent from the fact that the unit ends as it began: with 'seed' (31:27 and 31:37) (J. Unterman, *From Repentance to Redemption: Jeremiah's Thought in Transition* (JSOTSup, 54), Sheffield 1987, 89-116, esp. 94-95).

[14] See B. Becking, 'Text-Internal and Text-External Chronology in Jeremiah 31:31-34', *SEÅ* 61 (1996), 33-51, esp. 40.

[15] H. Weippert, *Schöpfer des Himmels und der Erde: Ein Beitrag zur Theologie des Jeremiabuches* (SBS, 102), Stuttgart 1981, 56-94; Unterman, *Repentance*, 106; A. Schenker, 'Der nie aufgehobene Bund: exegetische Beobachtungen zur Jer 31,31-34', in: E. Zenger (Hrsg.), *Der Neue Bund im Alten* (QD, 146), Freiburg 1993, 85-112, esp. 106-107; S.C. Huffmon, 'The Impossible: God's Word of Assurance in Jer 31:35-37', in: S.L. Cook & S.C. Winter (eds), *On the Way to Nineveh* (Fs. G.M. Landes) (ASOR, 4), Atlanta 1999, 172-186, esp. 176f.; Becking, 'Text-Internal and Text-External Chronology', 40.

[16] J.J.P. Valeton, 'Bedeutung und Stellung des Wortes ברית im Priestercodex', *ZAW* 12 (1892), 1-22; 'Das Wort ברית in den jehovistischen und deuteronomischen Stücken des Hexateuchs, sowie in den verwandten historische Büchern', *ZAW* 12 (1892), 224-260; 'Das Wort ברית bei den Propheten und in den Ketubim – Resultat', *ZAW* 13 (1893), 245-270. For Valeton's view of the covenant, see B.E.H.J. Becking, 'Valetons visie op het verbond: Gemeente-zijn in het perspectief van Jeremia 31:31-34', in: J. Vlasblom & J. van der Windt (red.), *Heel de kerk: Enkele visies op de kerk binnen de 'Ethische Richting'*, Zoetermeer 1995, 143-160.

[17] Valeton, 'Bedeutung und Stellung des Wortes ברית', 5.

(2) D.J. McCarthy understands ברית as 'treaty' or 'pact' because of the similarities with ancient Eastern vassal treaties.[18]

(3) According to E. Kutsch, ברית is an obligation (in various permutations), or promise.[19] In Jeremiah 31:31-34, Kutsch assumes two different obligations. In 31:32a he understands ברית as 'an obligation imposed by YHWH' that the people have broken.[20] In 31:31 he interprets ברית as 'self-obligation' or as a 'promise of (salvation)'.[21] The problem with this solution is that in this way we are confronted with two obligations that cannot be compared, while it is precisely the comparison between the two that is of significance.

(4) Several exegetes, among whom are C.J. Labuschagne and I. Van Den Eynde, argue for translating ברית with 'bond' (in Dutch: 'verbintenis').[22] Such a rendering – or a comparable one such as 'agreement' – is quite possible in Jeremiah 31:31-34, on the understanding that the bond or agreement is one-sided in nature and may come with one or more provisions, expres-sing what the one will do for the other.

I would like to stay with the conventional translation of ברית as 'covenant', on the understanding that it is not a reciprocal relationship, but an agreement.

The relationship between 31:31 and 31:33

The term ברית appears four times in Jeremiah 31:31-34: once in verse 31, twice in verse 32, and once in verse 33. In 31:31 and 31:33 it is about the same (new) covenant. This covenant is different from the covenant mentioned twice in the intervening verse 32. In 31:32a and 31:32b it is about the same covenant. Some commentators consider this covenant to be the Sinai covenant.[23] Others speak of the Egypt covenant.[24] Verses 31 and 33 require special attention, because the verses differ from each other in a number of ways:

- In 31:31 there is mention of a 'new covenant'. But, in 31:33 the adjective 'new' is missing.[25]
- In 31:31 the new covenant is made with the house of Israel and the house of Judah, while in 31:33 there is mention of the conclusion of the covenant only with the house of Israel. Diachronic solutions offered here do not solve the problem of how to understand this.[26] The

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[18] See D.J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament* (AnBib, 21A), Roma 1963, 1978.

[19] E. Kutsch, *Verheissung und Gesetz: Untersuchungen zum sogenannten "Bund" im Alten Testament* (BZAW, 131), Berlin [etc.] 1973.

[20] Kutsch, *Neues Testament*, 41.

[21] Kutsch, *Neues Testament*, 43.

[22] C.J. Labuschagne, *Deuteronomium. Deel Ia* (POT), Nijkerk 1987, 254-259; I. Van Den Eynde, 'Verbintenis, ברית en gender', in: K. Biezeveld *et al*. (red.), *Proeven van Vrouwenstudies Theologie. Deel* 6 (IIM research publications, 53), Zoetermeer 2000, 199-212.

[23] J. Coppens, 'La nouvelle alliance en Jér. 31:31-34', *CBQ* 25 (1963), 12-21, esp. 15; W.J. Dumbrell, *Covenant and Creation: An Old Testament Covenantal Theology*, Exeter 1984, 177; Dequeker, 'Het nieuwe verbond', 32, 33; A. Schenker, 'Unwiderrufliche Umkehr und neuer Bund', in: *Text und Sinn im Alten Testament: Textgeschichtliche und bibeltheologische Studien* (OBO, 103), Fribourg [etc.] 1991, 83-96, esp. 94; H. Lalleman-de Winkel, *Jeremiah in Prophetic Traditions: An Examination of the Book of Jeremiah in the Light of Israel's Prophetic Traditions* (CBET, 26), Leuven 2000, 198; G. Fischer, *Jeremia 26–52* (HThKAT), Freiburg 2005, 172.

[24] Herrmann, *Die prophetischen Heilserwartungen*, 179. A. van Selms, *Jeremia. Deel II* (POT), Nijkerk 1974, 80, does acknowledge that a covenant is entered into here on the day of the exodus, but says that 'in those days' should 'of course not be taken literally' 'as if the covenant was entered into here at the point of departure and not at Sinai'.

[25] Dequeker, 'Het nieuwe verbond', 33, conveniently but incorrectly adds the word 'new' to his translation of the text!

[26] A number of commentators conclude that 'and the house of Judah' is a gloss/later interpolation: Ortmann, *Bund*, 67; A.A. Gelin, 'Le sens du mot 'Israel' en Jérémie xxx-xxxi', in: *Mémorial J. Chaine*, Lyon 1950,

reader is left with the fact that there are first two houses and then (only) 'the house of Israel'. How is the reader to understand the syntagma 'the house of Israel' in verse 33? Is this only about the Northern Kingdom?[27] That would mean that the house of Judah has disappeared. Or does Israel have the broad meaning here and metonymy is used to represent both houses in 'the house of Israel'?[28] I believe that this latter is the case here.[29]

- In 31:33 there is mention of a covenant that is made 'after those days'. How do the temporal indications 'Behold, the days are coming' and 'after those days' relate to each other?[30] In the preceding oracle (31:27-30) the reader also encounters two temporal indications: 'Behold, the days are coming' (31:27) and 'In those days' (31:29). The demonstrative pronoun 'those' in 31:29 refers to the coming days of 31:27. However, the relative pronoun 'who' in 31:33 cannot refer to the coming days of 31:31 because the new covenant is still being established in the days that are coming, according to the last verse. In 31:33 however, there is mention of 'after those days'. If the demonstrative pronoun 'those' can't refer to 31:31, what does it refer to? B. Renaud believes that this refers to those days in which the Israelites broke the covenant (see 31:32).[31] However, the word 'days' does not appear in 31:32, but does appear in 31:31. On the basis of the parallelism between 31:27-30 and 31:31-34, H. Leene believes that 'in those days' (31:30) and 'after those days' (31:33b) can plausibly refer to each other.[32] The last indication of time then refers to the time when the quoted proverb 'The fathers have eaten sour grapes, the children's teeth are set on edge' (31:29) is no longer valid. The problem with this reading is that it is precisely that which has replaced the proverb in 31:31-34 that does not apply. After all, in 31:30 it was said that everyone will die for his own iniquity (עון) and that the teeth of everyone who eats sour grapes will be set on edge, while in 31:34 there is a question of the forgiveness of their iniquity (עון) and of no longer remembering their sin. Does that also explain the difference in the time indications: 'in those days' (31:29) and 'after those days' (31:33)? With 'after those days' we would then be in the period that follows the period in which everyone dies for his own iniquity.[33] Where Leene assigns a regressive function to the demonstrative pronoun 'those' (ההם) in 31:33, I would like to assign it a forward-pointing function, as in my opinion is also the case with the other demonstrative pronoun at the beginning of the verse, namely with the word 'this' (זאת). I would like to propose here that 31:33b ('I will put my Torah in their interior and write it on their hearts') is the content of 'those days'. In translation: 'for this is the covenant that I will make with the house of Israel after those days – saying of YHWH – that I

161-168, 166; Bright, 'Exercise', 193; Rudolph, *Jeremia*, 201; H.D. Potter, 'The New Covenant in Jeremiah xxx 31-34', *VT* 33 (1983), 347-357, esp. 354; J. Vermeylen, 'L'alliance renouvellée (Jr 31,31-34): L'histoire littéraire d 'un texte célèbre', in: J.-M. Auwers *et al.* (eds), *Lectures et rélectures de la Bible* (Fs. P.-M. Bogaert) (BETL, 144), Leuven 1999, 57-84, esp. 59-64.

[27] So Rudolph, *Jeremia*, 201.

[28] According to Jer. 3:18: 'In those days, the House of Judah shall go with the House of Israel; they shall come together from the land of the north to the land I gave your fathers as a possession.'

[29] See too Groß, 'Der neue Bund', 261.

[30] R. Martin-Achard, 'Quelques remarques sur la nouvelle alliance chez Jérémie (Jérémie 31,31-34)', in: C. Brekelmans (ed.), *Questions disputées d'Ancien Testament: Méthode et Théologie* (BETL, 33), Gembloux [etc.] 1974, 141-164, takes 'after those days' as the equivalent of 'Behold , the days are coming'. Similarly B.A. Bozak, *Life 'Anew': A Literary-Theological Study of Jer. 30–31* (AnBib, 122), Roma 1991, 120. She sees 'after those days' as repetition – in other words – of 'Behold, the days are coming'. T. Rata, *The Covenant Motif in Jeremiah's Book of Comfort: Textual and Intertextual Studies of Jeremiah 30–33* (SBL, 105), New York 2007, 35, states that 'after those days' refers to the 'days' in verses 27 and 31. Rudolph, *Jeremia*, 202, justifiably says – that 'after those days' cannot refer to v.31, because then it should have said 'in those days'. He prefers 'after those days' to refer to the days preceding 31:31: the return of the Ephraimites.

[31] See B. Renaud, 'L'oracle de la nouvelle alliance', in: J.-M. Auwers & A. Wénin (eds), *Lectures et rélectures de la Bible* (Fs. P.-M. Bogaert) (BETL, 144), Leuven 1999, 85-98, esp. 94.

[32] Leene, 'Unripe Fruit', 88.

[33] So Unterman, *From Repentance to Redemption*, 96-97.

will put my Torah in their interior and write it on their hearts: I will be a God to them ...'. A similar grammatical construction – a reference to time, followed by a verb, without a connecting word between the time indication and the verb, also occurs in 31:32:

a not like the covenant,
b that I have made with their fathers on the day
c that I took them by the hand to bring them out of the land of Egypt ...

a' for this is the covenant,
b' that I will make with the house of Israel after those days – saying of YHWH –
c' that I will put my Torah in their interior and write it on their hearts: ...

So YHWH makes the covenant with the house of Israel after having previously placed his Torah in the interior of the Israelites.

The covenant provisions

Because of the colon at the end of 31:33, the English Standard Version gives the impression that the placing of the Torah in the interior of the Israelites is the content of the covenant. However, we saw above that it is the placing of the Torah in their interior that is the content of 'those days'. The demonstrative pronoun זאת (31:33a) refers to 31:33c: 'I will be a God to them, and they will be a people to Me', traditionally called the covenant formula (cf. Ex. 6:6; Lev. 26:12; Deut. 29:12; 2 Sam. 7:24; Ezek. 11:20; 14:11; 36:28; 37:23, 27; Zach. 8:8).[34] Also in Jeremiah we encounter this formula a number of times, in varying order: 7:23; 11:4; 24:7; 30:22; 31:2; 32:38. 'I will be a God to them and they will be a people to Me' expresses the (two) provisions of the covenant (see also 11:4).

We can already draw some first conclusions with regard to the ברית חדשה. First, it is not surprising that חדשה is missing in 31:33. The 'content' of this covenant that is discussed there does not differ from that of the covenant with the fathers: 'I will be a God to them and they will be a people to Me.' The reader encounters the same formula here as the one he heard around the time of the exodus from Egypt (Ex. 6:6, see also Jer. 31:32). So the 'new' is not in the covenant itself. Secondly, the new thing is not the placing of the Torah in the interior of the Israelites (31:31c). The new covenant is only concluded after those days in which YHWH has put his Torah in their interior.

The Hebrew concept חדש

The adjective חדש can be translated as both 'renewed' (Job 29:20; Lament. 3:22-23) and as '(completely) new' (Ex. 1:8; Deut. 32:17; 1 Sam. 6:7; Eccl. 1:10). A number of interpreters state that חדשה in Jeremiah 31:31 has the meaning of 'renewed'.[35] This view is inspired by the idea that there is no difference in content between the covenant that was promised on the day of the exodus of the Israelites and the other covenant made after those days, when God has placed his Torah in their interior and has written it on their hearts. The content in both cases is: 'I will be a God to them, and they will be a people to Me.' A second point of continuity concerns the Torah, which has a central role in both the covenant with the fathers and the new covenant. Greater than the continuity between the two covenants, which cannot be denied, however, is

[34] Kutsch, *Neues Testament*, 39, speaks of a 'Zugehörigkeitsformel'.
[35] See note 1 for these references.

the discontinuity that justifies in my opinion the claim that חדשׁה has the meaning of 'entirely new'.[36]

In that context, I would like to refer to Jeremiah's 'colleague' Deutero-Isaiah. In Isaiah 40–55 there is several times a contrast between 'the new'/'the new things' (חדשׁה/חדשׁות) and 'the old'/'the former things' (ראשנה/ראשנות) (42:9; 43:18-19; 48:3-11). Jeremiah does not use the word 'former' in 31:31-34, but that does not mean that the new is not being contrasted by him.[37]

To see how that occurs in Jeremiah 31:31-34, we must first pay attention to the structure of this passage. H. Leene takes his viewpoint from two parts: 31:31-33 and 31:34.[38] He sees the first part as being divided into verse 31 and verses 32-33. Jeremiah 31:34 is in his opinion no longer part of (the description of) the new covenant; this verse contains the implications or consequences of the new covenant.[39] There is it seems to me, more reason to see 31:31 as somewhat apart from the rest, than to separate 31:34 from the whole. After 31:31, two rounds follow: 31:32-33 and 31:34, both of which start with a negation: 'not like' (31:32) and 'not again' (31:34). Both the negative sentence of 31:32 and that of 31:34 are followed by a כי sentence (31:33 and the end of 31:34) after the divine speech formula ('saying of God'). Both כי sentences explain why the past or former situation no longer counts.[40]

31 YHWH makes a new covenant
32 'not like' – saying of YHWH – 33 'for'
34a 'not again' – saying of YHWH – 34c 'for'

The new covenant stands in contrast with the past, namely: with the covenant that YHWH made on the day of the exodus. It is also contrasted with the near future: because they will not learn to 'Know YHWH' again and because YHWH will no longer remember their sin. 'New' therefore means, in addition to incomparability with the past where it is about the covenant with their fathers, a break with the past and with a future in which learning to know YHWH and remembering one's own sin is to take place. I pay attention to both rounds. I start at 31:32-33. Later in this article, 31:34 will be discussed.

A special position is occupied by 31:33. When it comes to making the covenant, verse 33 is closely related to verse 31. In addition, there is a close relationship with verse 32, since verse 33 finally gives the motivation for why the (new) covenant cannot be compared with the (old) covenant with the fathers. To track the nature of this incomparability, we have to compare the

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[36] J. Bright, *Covenant and Promise: The Prophetic Understanding of the Future in Pre-exilic Israel,* Philadelphia 1976, 196, tried to include both aspects in his definition: 'It is a new covenant in that it is made anew, renewed; but it is the people who are made new.'

[37] R.M. Hals, 'Some Aspects of the Exegesis of Jeremiah 31:31-34', in: J.J. Petuchowski (ed.), *When Jews and Christians Meet*, Albany 1998, 87-97, esp. 89: 'An examination of the contrast motif in prophecies of salvation … reveals the key significance of the word "new" for such structural analogies with the past.'

[38] Leene, 'Unripe Fruit', 86-87. Others also assume a dichotomy, but divide the text differently. W.L. Holladay, *Jeremiah: A Commentary on the Book of the Prophet* (Hermeneia), Philadelphia 1986, 197, comes to this dichotomy: 31:31-33c, a prose part, circling around the old covenant, and 31:33d-34, a poetic part, revolving around the new covenant. Lundbom, *Jeremiah* 21-36, 464, 470, sees in 31:31-34 two oracles, with double formulas of God's speech: 31:31-32 and 31:33-34. The first oracle shows what the new covenant is not, the second oracle what it is.

[39] Leene, 'Unripe Fruit', 87, bases this on 'a certain parallelism in the structure of 31,27-30 and 31-34'.

[40] Groß, 'Der neue Bund', 260, and *Zukunft für Israel: Alttestamentliche Bundeskonzepten und die aktuelle Debatte um den Neuen Bund* (SBS, 176), Stuttgart 1998, 140, comes to a slightly different division. He sees 31:31 in relation to the end of 31:34. The promise of forgiveness (31:34c) forms the foundation for the covenant conclusion. Within this framework, the new covenant is made by a double 'Argumentationsgang' in the form of 'not as ... but' (31:32, 33) and 'no more ... but' (33:34a-b). Groß does not do justice to the fact that Jer. 31:34 forms a whole. This verse expresses the new.

verses with each other. With this we see that both verses follow the same pattern, at least at the beginning. There are also differences.[41]

a	not like the covenant,
b	that I have made with their fathers on the day
c	that I took them by the hand to bring them out of the land of Egypt,
+	that they have broken,
=	my covenant, I was their master,
	– saying of YHWH –
a’	for this is the covenant,
b’	that I will make with the house of Israel after those days – saying of YHWH –
c’	that I will put my Torah in their interior and write it on their hearts:
=	I will be a God to them
+	and they will be a people to Me.

In each case, YHWH makes the covenant: with the fathers (31:32b), and with the house of Israel (31:33b), respectively.[42]

A *first* difference arises with regard to the time at which the covenant is concluded. The covenant that is made at the exodus from Egypt comes into being on the (same) day that YHWH took the fathers by the hand. There is a difference in 31:33. There, the covenant does not take place on the day that YHWH puts his Torah in their interior, but only when He concludes the covenant with them afterwards.

A *second* difference concerns what happens ‘on the day’ (v. 32b) and ‘after those days’ (v. 33b). In 31:32 YHWH takes hold of the fathers by their hand on that day to bring them out of the land of Egypt. However, the covenant of 31:33 does not take place on the (comparable) day of the exodus from Babylon (and thus on the day of the return to the land that YHWH gave their fathers, see Jer. 30:3), but after those days on which he has put the Torah in their interior. This naturally raises the question of why YHWH does not make this covenant on the same day, but ‘after those days’. It is not very difficult to answer that question. Before YHWH concludes the covenant, He first wants to make sure that His covenant partner will also comply with the provision to be His people.

The *third* difference that arises is that only in 31:32a after ברית, two אשׁר sentences follow: ‘that I have made with their fathers in the day ...’ and ‘that they have broken ...’ After ברית in 31:33 follows one אשׁר sentence: ‘that I will make with the house of Israel after those days ...’ From the fact that there is no second אשׁר sentence in 31:33, the reader may conclude that there will be no continuity as far as the breaking of the covenant is concerned (for the second אשׁר sentence, see 31:32c)!

A *fourth* difference: At the end of both verse 32 and verse 33, the pattern deviates. It is even reversed: first ‘they’ then ‘I’ in 31:32, to first ‘I’ then ‘they’ in 31:33.

It may also be noted – *fifth* difference – that ‘I’ in 31:32 with אנכי is emphasized, while ‘I’ in 31:33 has no emphasis. In both 31:32 and 31:33 however, the emphasis on the subject ‘they’ is due to המה.

The *sixth* difference is that a complete transformation is taking place; this transformation does not only concern the people, but also YHWH. From breakers of ‘my covenant’ the Israelites become people who are a people for YHWH (i.e. people who know Him). Where YHWH had set Himself up as their בעל (master), He is now for them אלהים (God).

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[41] Lohfink, *Der niemals gekündigte Bund*, 63 (cf. 62), speaks of ‘rhetorische Antitechnik’.

[42] Lohfink, *Der niemals gekündigte Bund*, 59, 63, wrongly claims that therefore one cannot actually speak of two covenants, but only of one covenant.

The newness of the new covenant

Most exegetes reduce חדשׁה to one aspect. That seems wrong to me when read with ברית. After all, a covenant/agreement involves two partners, in this case: YHWH and the house of Israel. The new must therefore extend in both directions: to YHWH and to the house of Israel.[43] What the new thing is, we hear in 31:34.[44] It is formulated in negative terms, first for the members of the house of Israel: 'Not again shall they teach, a man to his neighbour and a man to his brother, saying: "Know YHWH"'. Followed by the formulation for YHWH: 'He will not remember their sin again.'[45]

Where at the end of verse 33 are the provisions of the covenant (ברית), verse 34 says what the new (חדשׁה) is: situations of the past will 'no longer' exist. The two provisions of the covenant and the two aspects of the new are in a chiastic relationship to each other: A (I) – B (they) – B' (they) – A' (I). The people are thus encompassed by YHWH.

The new covenant

We can now place the new covenant in relation to the past (31:32) and the future (31:33):

Where the fathers broke the covenant in the past (31:32), the house of Israel will be one people for YHWH in the future (31:33), which means that they will all know YHWH (31:34).[46] The fact that they will know Him, is caused by the fact that YHWH, before the covenant was concluded, already having placed his Torah in their interior, and had written it on their hearts (31:33).[47] In doing so, YHWH himself has ensured that they will no longer be able to break his covenant, as happened after the conclusion of the covenant with their fathers (31:32, see also 11:10).

Where YHWH showed Himself as their בעל in the covenant He made with their fathers (31:32), He now shows with this covenant that He is a God for the Israelites (31:33). This is evident from the fact that He forgives their iniquity and does not remember their sin again (31:34), whereas He has done so previously (11:8,11).

Why a new covenant?

The frequently heard answer to the question 'Why does YHWH make a new covenant?' is: Because YHWH'S covenant was broken (31:32c).[48] As logical as this may sound, this answer is not sufficient. In Jeremiah 11:1-14, where the concept of 'covenant' also plays a central role, there is a different reaction to the breaking of the covenant by the house of Israel and the house

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[43] Von Ungern, *Redeweisen der Bibel*, 49, is aware of the fact that the people are becoming new, but misses the point that this also applies to YHWH.

[44] Leene, 'Unripe Fruit', 87, incorrectly claims that 31:34 is not part of the description of the new (covenant).

[45] Leene, 'Ezechiel and Jeremiah', 150-175, holds both Jeremiah 31:31-34 and Ezekiel 36:26-27 to be 'promises of inner renewal'. Yet there is a remarkable difference between the two promises. Ezekiel uses חדשׁ only for the renewal of the people, while Jeremiah also makes the renewal the concern of YHWH.

[46] The verb ידע here has the meaning of 'fellowship'. The house of Israel is a people for YHWH when it knows Him, i.e. when it is in fellowship with Him.

[47] Where in 31:31-34 YHWH writes the Torah on the heart of the people, through which they will know Him, in 24:7 there is mention of a *heart* that He gives in order to know Him. With regard to 31:31-34, there is still the problem that YHWH puts the Torah in the heart, while the reader previously heard of 'heart problems': that the heart was angry (3:17; 4:14; 7:24; 16:12), that it had to be circumcised (4:4), was stubborn (5:23) or hardened (9:14; 11:8; 13:10; 23:17) and that the sin is engraved in the tablet of the heart (17:1).

[48] Valeton, 'Das Wort ברית bei den Propheten', 251; L. Dequeker, 'Het nieuwe verbond bij Jeremia, bij Paulus en in de brief aan de Hebreeën', *Bijdr* 32 (1972), 234-261, esp. 246, 248; Levin, *Verheißung*, 141; J. Krašovec, 'Vergebung und neuer Bund nach Jer. 31,31-34', *ZAW* 105 (1993), 428-444, 433; Weiser, *Das Buch Jeremia*, 287; Rata, *The Covenant Motif*, 47.

of Judah (11:10): ‘Therefore, thus says YHWH, behold, I will bring evil upon them, from which they will not escape’ (11:11). Please note, this reaction follows immediately after the statement about the breaking of the covenant. We do not hear of such a reaction to the breaking of the covenant after Jeremiah 31:32. YHWH doesn’t seem to respond to it at all. Why that reaction does not come, we hear at the end in 31:34: YHWH forgives the iniquity and does not remember the sin again.

Therefore YHWH does not conclude a new covenant because the Israelites have broken the covenant. The reason for this covenant has to do with the concluding situation of the preceding passage (31:27-29). It is not for nothing that the statement of YHWH (31:31) follows directly from this. Jeremiah 31:27-30 ends with, ‘In those days it will no longer be said: “The fathers ate grapes that are sour, and the children’s teeth have been set on edge.” But each one will die for his own iniquity; anyone who eats unripe grapes, his teeth will be set on edge.’ That with regard to ‘Behold, the days are coming’ there is a phased implementation, at least in the relationship between 31:27-30 and 31:31-34, as Leene also claims, becomes clear here.[49] With ‘Behold, the days are coming’ of 31:31 new days begin, in which one no longer dies for one’s own iniquity, because YHWH forgives their iniquity and does not remember their sin. To put an end to that situation, He makes a new covenant.

Summary
How should ברית חדשׁה in Jeremiah 31:31 be interpreted? Is it about a completely new covenant or is it about covenant renewal? This article argues that it is a completely new covenant, which is made after those days when YHWH has placed his Torah in the interior of the Israelites. Because two partners (here: YHWH and the people of Israel) are involved in a covenant, the new also consists of two elements. The reader finds the newness laid out in 31:34: (1) The Israelites will no longer teach one another: ‘Know YHWH,’ and (2) YHWH will no longer remember Israel’s sins. In short, ‘new’ means that the two former situations: to teach one another and to remember Israel’s sin, ‘no longer’ exist.

A shorter version of this article - without translation and the locating of Jeremiah 31:31-34 in the context - has been published in: Nederlands Theologisch Tijdschrift 65/2 (2011), 137-148.

[49] Leene, ‘Unripe Fruit’, 88; ‘Ezekiel and Jeremiah’, 159, 171. See also Groß, ‘Der neue Bund’, 260: ‘Es handelt sich somit in mehrere Phasen gegliedertes zukünftiges Geschehen (...).’

* I owe thanks to Alice Deken for the English translation of this article.