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THE NEW COVENANT IN JEREMIAH.

THE promise of the new Covenant in Jeremiah xxxi. 31-34 has long been regarded as one of the noblest utterances of the prophecy of Israel. When we have wished to see Jeremiah most plainly, to "learn his great language, catch his clear accents," we have turned to him as he stands amid the ruins of the shattered state, a lonely, despised and persecuted man, and declares that though the old national religion is past, yet behind it there is rising a grander and fuller religion, where every loyal heart shall delight to know and do God's will, and the golden age at last be realized. And a catena of opinions from all sources, ancient and modern, might easily be made, to show how these verses have always been deemed the crown and the glory of the prophet of Anathoth, his title of entry to the company of the greatest among the goodly fellowship of the prophets.

Criticism, however, is not based upon sentiment, but on induction from ascertained facts, and accordingly a number of scholars have felt themselves obliged to deny the authorship of Jeremiah. Stade,¹ Smend,² and Schmidt³ all reject the verses. The fact that they occur in a chapter which is generally admitted to show many marks of a redactor's hand is considered fatal to their authenticity. It is reserved, however, for Duhm⁴ not only to refuse the verses to Jeremiah, but also to be unable to find in them any marks of greatness. Duhm's discussion contains a most interesting "*confessio critici*." "I have for a long time," he writes, "tried to understand the passage in accordance with the

¹ *Geschichte d. Volkes Israel.*

² *Lehrbuch d. A.T. Religionsgeschichte.*

³ *Enc. Bib.* s.v., "Covenant" and "Jeremiah."

⁴ *K. Hand-Commentar.*

undoubtedly genuine sections from Jeremiah's hand. . . . The sentence is certainly beautiful, and has induced many (me also) to seek something deep in it." But apparently the well is found very shallow, and what water it contains only stale. "The author," says Duhm, "is quite ignorant of Protestant Dogmatics and Old Testament Theology." And the conclusion is that he is to be regarded as a scribe, with the narrow outlook of later Judaism, who can picture a race of Pharisees, but nothing beyond that.

The grounds of this verdict may be classified as follows : (1) The contents, meaning, and manner of institution of the new Covenant ; (2) Its consequences upon the life of the people ; (3) The historical standpoint and linguistic character of the passage. In examining these reasons constant reference will be made to Cornill's criticism of them. His new Commentary on Jeremiah,¹ a work which he presents as the realized dream of his early manhood, is an exposition worthy of the great reputation of the author, and a mine of wealth for all students of the Old Testament.

1. First then as to the meaning of the new Covenant. It is necessary to begin by ascertaining precisely what is meant by the old and broken Covenant. To Duhm this is the completed system of legislation, particularly the priestly laws. He states that in contents there is no difference between the new and the old, and speaks of "statutes, commandments, precepts, laws about food, regulations about holiness," which are henceforth to be written on the heart. This is doubtless the traditional explanation, and the one that lies at the back of Hebrews viii., but it is questionable whether it can be accepted in the face of a critical study of the sources.

What do the sources yield us as to the use of the word "Covenant" ? Cornill calls attention to the fact that this

¹ *Das Buch Jeremia* (Leipzig, 1905).

term is never used in P to describe the transactions at Sinai. The great Covenant in P is always the Abrahamic one. "Therefore an author who places at Sinai the fundamental covenanting between Jahweh and Israel is at least not dependent on P." That is a reasonable conclusion. It can, however, be made much more convincing, if we observe two facts about the way in which the priestly writers speak of the Covenant, which are not mentioned either by Cornill or Duhm.

(a) In the first place, it should be carefully noted that to these writers a Divine Covenant is everlasting. Such was the Covenant made with the whole human race after the Flood, of which the rainbow was the perpetual sign¹; and such was the Covenant made with the Jewish race in the person of Abraham, of which circumcision was the token and seal.² Each of these Covenants is expressly called everlasting. Accordingly the patriarchal Covenant is thought of as lasting right through the exile and as being the cause of the ultimate restoration of the people. A passage from Leviticus xxvi. 44-45 makes that quite plain. "And yet for all that, when they be in the land of their enemies, I will not reject them, neither will I abhor them, to destroy them utterly, and to break my covenant with them; for I am Jahweh their God: but I will for their sakes remember the covenant of their ancestors, whom I brought forth out of the land of Egypt in the sight of the nations." A reference to the earlier verses shows that is the same Covenant made long before with Abraham, renewed to Isaac and Jacob, renewed afresh at each stage of the national history, never to be abrogated. Seeing then that this is what the priestly writers understand by a Covenant, a divine promise as enduring as its Author, a *διαθήκη* not a *συνθήκη*, an

¹ Gen. ix. 9-17.

² Gen. xvii. 7.

appointment and not a compact, no man imbued with their ideas would have been likely to think of a new Covenant as the first essential for a restored Israel.

(β) But, secondly, the language used by the different sources makes this result almost certain. There are three words used for "making" a covenant—to cut, to set, to establish, (ברת, נתן, הקים). The first of these is used in this passage. What is the usage of the documents of the Pentateuch? This is best shown in tabular form:—

| | J E | D | P |
|------------------|-----|-----------------|---|
| Cut (ברת) | 8 | 13 ¹ | 0 |
| Set (נתן) | 0 | 0 | 2 |
| Establish (הקים) | 0 | 1 | 9 |

It is surely plain that wherever the author found his definition of the old Covenant it was not in P.

2. If then we reject Duhm's view so decisively, where are we to seek for the old Covenant? Many would reply with Kautzsch, "The prophet is thinking in all probability of the law book introduced by Josiah in the year 621."² So Schmidt, whilst rejecting Jeremiah's authorship of this passage, says, "Jeremiah used berith only to designate Josiah's law, which he regarded as having been given through Moses at the time when Jahweh brought Israel out of Egypt."³

But closer investigation does not support this view. The book of Deuteronomy speaks of three Covenants—that made with the fathers,⁴ that made at Horeb based on the Decalogue,⁵ and that drawn up in the plains of Moab, expressly distinguished from the Horeb Covenant,⁶ and

¹ For this list Deut. xxxi. 16 is counted as D.

² *D. B.* vol. v. 697a.

³ *Enc. Bib.* col. 933.

⁴ Deut. iv. 31, vii. 12, etc.

⁵ *Ibid.* iv. 13, v. 2 ff., ix. 9 ff., etc.

⁶ Deut. xxix. 1 and the whole chapter.

actually containing Deuteronomy xii.-xxvi., xxviii. One verse makes this last distinction plain. "These are the words of the covenant which the Lord commanded Moses to make¹ with the children of Israel in the land of Moab, beside the covenant which he made¹ with them in Horeb."²

Now as to the third of these, it would hardly be described as a Covenant made "in the day that I took them by the hand to bring them out of the land of Egypt."³ To what time does this refer? Jeremiah himself, in one of his best known utterances, supplies the most probable answer. He says, "I spake not unto your fathers, nor commanded them in the day that I brought them out of the land of Egypt, concerning burnt-offerings or sacrifices: but this thing I commanded them, saying, Harken unto my voice, and I will be your God, and ye shall be my people."⁴ Here it seems most likely that he is distinguishing between the code of Deuteronomy, with its insistence on the central sanctuary and on sacrificial dues, and some earlier and simpler law of obedience. The Deuteronomic code is said to have been published a full generation after the departure from Egypt. Hence without attempting to give any unduly literal meaning to the word "day," we may at least claim that this note of time would be, in our passage also, singularly inappropriate as applied to Josiah's law book.

Rejecting then this view also, we find ourselves driven back in our search for the old Covenant to the two descriptions of the transactions at Sinai contained in Exodus xx.-xxiii. and in the early chapters of Deuteronomy. Studying these

¹ כרת.

² Deut xxix. 1, properly the close of chapter xxviii.; so the Hebrew.

³ Jer. xxxi. 32.

⁴ Jer. vii. 22, 23.

we are at once arrested by the statement in Deuteronomy iv. 13: "And He declared unto you His Covenant, which He commanded you to perform, even the ten commandments; and He wrote them upon two tables of stones."¹ These tables are called the tables of the Covenant.² Here then is a Covenant satisfying the tests both of time and of language, for the verb "cut" (כרת) is used consistently to describe the institution. If this argument is admitted, we have reached the conclusion that to the Deuteronomists "Covenant" became almost a technical term to describe the Decalogue, or the two tables of stone on which the Decalogue in its primitive form was written. This explains the term—only used by Deuteronomic writers—"the ark of the Covenant." It means simply the ark that contained the Covenant. So 1 Kings viii. 21, "the ark, wherein is the Covenant of the Lord," becomes plain without need of emendation. And 1 Kings viii. 9, can now be translated quite simply when it is recognized that "the two tables of stone" and "Covenant" can be used interchangeably. "There was nothing in the ark except the two tables of stone (or Covenant), which Moses put there at Horeb, which the Lord made with the children of Israel."³ Further, our discussion explains why in P the ark is always called "the ark of the testimony" (עדת), never of the Covenant. As has been shown above, the term Covenant had been taken right back to the time of Abraham, and was no longer applicable in the sense of D. But that in P the term "Testimony" is used to replace "Covenant" in the earlier sources, a reference to Exodus xxv. 16 and 21, "thou shalt put in the ark the Testimony which I shall give thee," seems to make quite clear.

¹ Cp. also chap. v. 2, 3.

² Chap. ix. 9, etc.

³ The LXX. distinctly favours this, & διέθετο Κύριος μετὰ τῶν υἱῶν, etc.

As the result then of this discussion, arrived at without presuppositions, but from a study of linguistic use, we claim that we have shown that by the old Covenant the author of Jeremiah xxxi. 31 ff. means the Decalogue and nothing else. If this is so, we have found a strong positive ground for the early date of the verses. A writer at the close of the Persian period (so Schmidt) would never have based his charges against the people on breaches of the Decalogue. That would have been as foreign to his mode of thinking as to that of a Pharisee in the days of our Lord. On the other hand, such an attitude is, as Cornill points out, entirely in harmony with Jeremiah's position. Theft, murder, adultery, false swearing, covetousness, idolatry, these are the dark blots on the people's life which fill his soul with horror, which no washing with soap or lye can purge away.¹

3. If then we decide that under the new Covenant the law of the Ten Words is to be written on the hearts of the faithful, is the conclusion as lame and impotent as Duhm suggests? He says, "Though the author calls this a new Covenant, yet really it is only a renewed one, and the only difference consists in this, that in the future Jahweh will show greater care that the Israelites may remain true to it. We find here nothing of what appears to us to be necessary for a new Covenant, nothing of a regenerate spiritual man, nothing of a loftier revelation of God." Of course, if the Covenant referred principally to ritual observances, something might be said along these lines. But is it true of the Decalogue? Cornill reminds us that "Jesus did not set aside the demands of the Decalogue; He only deepened and enriched their content." That comment leads us at once to the right point of view. In Jesus we see, for the first time, One on whose heart the divine law

¹ Jer. vii. 5-9, v. 7, 8, vi. 13 et passim.

was truly written. As He reveals to us the depths of meaning hidden in those ancient words, and sounds our hearts with His searching tests, we learn that we must indeed be regenerate and spiritual men before our hearts can be inclined to keep those laws.

But Duhm objects further that the author, warm and pious adherent of the Law as he is, is quite unable to say how the future he desires is to be brought in, how men are to be made fit for it; or why, if Jahweh Himself is the sole Agent, He did not do this work long ago. He sees in all this "the mark of a pious disposition, but no work of a creative spirit, of a prophet who really has something new to say."

The answer to this must now be manifest. "When," says Cornill, "in his characterization of the new Covenant, by contrast with the old, he says that Jahweh Himself will write the precepts of this Covenant in the heart, his saying only acquires its full depth and significance if Jahweh Himself also wrote the precepts of the old Covenant." Again we recognize that we are at the true point of view. It is only when we remember how the Ten Words were written by the finger of God Himself on the two tables of stone that we catch the author's meaning fully. The same Divine Hand writes the law in each case, now however no longer on cold and lifeless stone, but on the warm and fleshy tables of the heart. With what fine spiritual insight has St. Paul seen the true scope of this promise in 2 Corinthians iii. ! And who can say that there is here no mark of the true creative genius, no touch of real poetry ?

Returning again to Duhm's objection that we have no indication of the way in which the human heart is to be so changed that it will be fit to receive the inward law, we have the right to reply that the difficulty is of his own making. For those who are able to hold to the authorship

of Jeremiah there is no difficulty at all. Jeremiah's earlier teaching as to the need of true repentance and the circumcision of the heart shows that he at least was not ignorant of the rise and progress of religion in the soul, and could never regard conversion as a mere process from without. It is only when the passage is treated as an isolated fragment from an unknown author that Duhm's perplexity is felt. And even then it is hardly fair to judge the pseudo-Jeremiah by the absence of what he has not the chance of saying.

When, finally, Duhm asks, and asks with such earnestness that the sincerity of the question is patent, "Why did not Jahweh do this at first? Is He not Himself to blame for the fact that the Covenant fell?", we find again Cornill's answer the obvious and the only satisfying one. He refers us to all the insoluble questions that may be asked, "Why, since Christianity is the highest form of God's revelation to mankind, did He not send Jesus at the Creation? And why did He not take care that the truth He brings should be plain to all the world?" The only answer is, that the God who makes history reveals Himself in history. "Even so Father, for so it seemed good in Thy sight."

4. Turning next to the effects of the new Covenant upon the lives of the people, we are met again by Duhm's explanation, that it is intended to make of them all scribes learned in the law. "Our author never thinks of the future after the manner of Joel iii. 1 ff., it is enough for him when the position is reached towards which the scribes are already striving, the complete consecration of every burgher to the doctrine of the law." Hence the forgiveness of sins spoken of in *v.* 34 is really not a spiritual blessing, it is the promise of the time when all past wrongdoing has been atoned for, when conscious of integrity the Jewish nation will enjoy to its heart's desire earthly prosperity, power and honour. This exposition obviously turns upon the meaning

of the phrase, "all shall know Me." We ask therefore what the knowledge of God means in the Old Testament generally, and in particular whether it ever means knowledge of ritual requirements? When Hosea says, "I desire mercy and not sacrifice, and the knowledge of God more than burnt offering,"¹ or declares that the "people are destroyed for lack of knowledge,"² is it not plain that to him the knowledge of God must be expressed in morality, just as ignorance of God results in the wrongs which he denounces? Isaiah xi. 1-9 gives further instruction on the same point, "The spirit of knowledge and of the fear of Jahweh are one, such knowledge must bring impartiality, justice, and peace. In 1 Samuel ii. 12 it is said, even of the priests at the altar, that "they know not Jahweh" and, as examination of the passage shows, their ignorance was clearly revealed by their immorality and greed. And if we are content to turn to Jeremiah himself for guidance, we find it everywhere. "They that handle the law," he says, "know Me not,"³ proof surely that knowing the details of ritual and knowing God were far asunder in his mind. The ninth chapter is specially instructive: "Through deceit they refuse to know Me, saith Jahweh." The truth is that the prophets of Israel knew well the principle that we express in philosophical language, when we say that "moral affinity is needful for the knowledge of a person."⁴ They did not teach with Socrates that knowledge and virtue are one; they were certain that without knowledge no virtue was possible. Hence, again, by purely exegetical methods we find in this passage no dream of a mere Pharisee, no longing after the earthly glory of a purely Jewish state, but the

¹ Hos. vi. 3.

² Hos. iv. 1-6.

³ Jer. ii. 8.

⁴ Vide Illingworth, *Bampton Lectures*, v.

craving for the day when the pure in heart will see God, and in doing His will learn for the first time to truly understand His nature. That is why forgiveness of sins is promised so plainly; without it no reconciliation can ever come.

5. Summing up, we are able to claim that every conception of the passage becomes transparent and easy if we attribute it to Jeremiah; all the difficulties arise if it is of late date and unknown authorship. Its brevity is easily understood if it is really the final flower of the great prophet's teaching. We need not be for ever laying again the foundations of our doctrine for those who know us well. Yet, after all, if there are to be found, either in the general outlook of the passage or in its language, unmistakable signs of late origin, all these previous considerations will be worthless. We therefore turn, in the last place, to consider the internal evidence of date.

The last clause of *v.* 32 is certainly strange. The R.V. (so Driver) translates, "Although I was an husband to them"; cf. chap. iii. 14. The introduction of the marriage idea seems to disturb the thought¹; moreover, the phrase looks much more like a parallel or antithetic phrase to "They brake my Covenant." Accordingly Giesebrecht, Duhm and Cornill unitedly accept an old emendation of Capell's,² and read *בעלתִי*,³ "became weary of" or "rejected with loathing," instead of *בעלתי*, "was an husband." The passage now reads, "For, *they* brake my Covenant, and *I* spurned them away." On this Duhm comments: "If this is right, Jeremiah cannot have written the verse, for no unprejudiced reader will understand by the casting

¹ Cp. however, Jer. ii. 2, a close parallel.

² Vide Ges., *Thesaurus*, s.v. *בעל*.

³ For *נעל* cp. Jer. xiv. 19 and Ezek. xvi. 45. The LXX. read *ἠμέλησα*: vid. *Thesaurus*.

away anything else but the exile; and the man who says, "The fathers were sent by Jahweh into exile because of covenant-breaking," must be living very much later. Cornill thinks that Jeremiah may have written so any time after the destruction of Jerusalem in 586, which is certainly true. But was not Jeremiah just the one man who could have written such words sooner? If we ask, "When did Jeremiah consider that the breaking of the old Covenant was completed?", we find at once that the answer is, "At the captivity of Jeconiah in 597." So soon as that disaster was past, Jeremiah centred his hopes for the future upon the exiles in Babylonia; the letter to Babylon bidding them settle there as good citizens (chap. xxix.), and the discourse about the good and worthless figs (chap. xxiv.), seem conclusive proofs of this. It was with the children of the exiles, seventy years later, that the new Covenant would be fully made. If so, any date between 597-586 will suit the passage. Further, the reference to "the house of Judah" (v. 31) is now explained. Duhm thinks this a sign of late date because Jeremiah himself is accustomed to describe the whole people as the house of Israel.¹ Cornill rejects the reference to Judah on metrical grounds. But if Jeremiah is speaking under the overwhelming pressure of the thought that the southern kingdom has sealed her own fate, and followed her sinful sister into exile, what more natural than that he should name them both? He would not desert the city—truest patriot of them all, he stayed at his post though he was certain all hope was gone—but he could look out to Israel and Judah scattered among the nations and trust that God would bring both back again.

Linguistic details may be dealt with briefly. V. 32: *אשר* = *יע אשר* = *inasmuch as* or *because*, is not necessarily late (cf. Gen. xxx. 18, E, other exx. in Ges.-K 158b).

¹ Cp. iii. 20, v. 15, ix. 25, etc.

Or Oxf. Heb. Lex., s.v., 82*a*, translates, "I, whose covenant they brake" (cf. Exod. xiv.:13, J). V. 34: "Small and great" is, according to Duhm, "a favourite expression of the later writers"; for this, however, cp. 1 Sam. v. 9 and esp. Jer. vi. 13. V. 34: 'יָנָה, instead of the suffix, is late (Duhm); but cf. Jer. iii. 14, xxiii. 33, etc., or Gen. iv. 14, 15, etc.

Distinct characteristics of Jeremiah's style are not wanting. Thus, "Behold the days come," occurs fifteen times in this book, elsewhere only in Amos (thrice), and twice besides (so Driver, *IOT*).

"The day that I brought them out of the land of Egypt" is highly characteristic. See above, and compare vii. 22, 25, xi. 4, 7.

While Duhm considers the style of the whole passage "bad, trailing (*schleppende*), inexact," Cornill thinks it "rhythmically elevated and articulated discourse," well suited to its content, and easily explained by the soul-shaking events of the time of its origin. To us Cornill's appears the sounder estimate. We conclude then that we may still read in these verses the message of Jeremiah himself. Faith never took a bolder flight than this. And whenever Jeremiah comes to his own, and is accorded his rightful place as one of the noblest and purest spirits of all history, these great words will be recognized as the imperishable crown of all his strenuous life.

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