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YHWH's Torah on Israel's Heart and the Promise
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Covenant in Jeremiah 31:31–34

Joachim J. Krause, Prof. Dr., Professor of Hebrew Bible, Faculty of Protestant Theology, Ruhr-University Bochum,
joachim.krause@rub.de

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Abstract

At the center of the promise of a new covenant in Jer 31:31–34 is YHWH's promise that he himself will one day write his Torah on Israel's heart. This has been and still is widely interpreted as a criticism and denigration of the written version of the Torah in a book and of the passing on of that Torah through teaching and learning. In contradiction to this, it is proposed hereto understand the promise as an ultimate revaluation of the written Torah and of its catechetical-didactic communication in an eschatological vision.

Keywords: Jer 31:31–34; new covenant; Torah; teaching and learning Torah; scribal education



Wenn der Lehrer selbst den Griffel führt

Jhwhs Weisung auf Israels Herz und die Verheißung
eines neuen Bundes nach Jeremia 31,31–34

Zusammenfassung

Im Zentrum der Verheißung des neuen Bundes nach Jer 31,31–34 steht die Zusage Jhwhs, er selbst werde dereinst seine Tora auf Israels Herz schreiben. Dies wurde und wird weithin als Kritik und Abwertung der schriftlichen Fassung der Tora in einem Buch und der Weitergabe der so gefassten Tora durch Lehren und Lernen gedeutet. Demgegenüber wird hier als Neuansatz vorgeschlagen, die Verheißung als im wörtlichen Sinne endgültige Aufwertung der schriftlichen Tora und ihrer katechetisch-didaktischen Vermittlung in einem eschatologischen Idealbild zu verstehen.

Schlagwörter: Jer 31,31–34; neuer Bund; Tora; Lehren und Lernen der Tora; Schreiberausbildung

1. A History of Reception Approach

The promise of a new covenant according to Jer 31:31–34 offers the material for the longest citation from the Old Testament in the New. It is found in Heb 8:8–12 (see further 10:16–17) where, on the basis of the Old Testament quotation about a “new covenant”, the “obsolescence” of the one previously valid is concluded (8:13). In other passages in the New Testament, Jer 31:31–34 is not quoted literally, but exegetes on occasion believe they can hear reminiscences of the promise – in prominent passages. What is discussed above all are the words applied to the cup in the tradition of the Last Supper. These, in the version offered by Paul (1 Cor 11:25) and Luke (Luke 22:20), in contrast to the two other synoptic gospels (Mark 14:24; Matt 26:28), speak of it as the cup of the *new* covenant. The Pauline argumentation in 2 Cor 3:4ff. is a matter of discussion as well.¹

From this last text comes the much-quoted contrast between the letter that kills and the spirit that makes alive (v. 6); from it, too, we also have before our eyes the deprecatory interpretation of the veil over Moses’ face (vv. 13ff.; see, however, Ex 34:33–35). With these forceful thought patterns, the Apostle offers a reader’s guide, so to say the lens, through which the promise of the new covenant in Jer 31:31–34 is read from the Christian side – with consequences that are carved in stone in our churches and on their facades. Perhaps you know them, too: the double portrayal of the blind, smitten Synagoga and, opposite it, of the triumphant Ecclesia.² So does traditional Christian exegesis combine “the unique discourse in the Old Testament about a new covenant promised by the God of Israel in Jer 31 in the sense of the interpretative scheme of promise and fulfillment with New Testament texts [...] that, in connection with the interpretation of Jesus’ work of salvation, speak of the ‘new covenant’.”³

It is in this resonance space in which Jer 31:31–34 develops its special, although not always easy to interpret, sonority. The text has importance for Christians. Accordingly, it is one of the most frequently interpreted sections of the Old Testament. This stands in distinct contrast to its position in the Old Testament. There, it has remained largely isolated – the most important material parallels are offered by Ezek 36:26–28 – and marginalized. The latter could, of course, at least in part, also have to do with the fact that it is a text that emerged comparatively late. In any case, it cannot have come from the prophet Jeremiah, in whose mouth it is placed.⁴

1 On the discussion, see, for example, HORN, Friedrich W.: Die Verheißung des Neuen Bundes (Jer 31,31–34), in: KOLLMANN, Bernd (ed.): Die Verheißung des Neuen Bundes. Wie alttestamentliche Texte im Neuen Testament fortwirken, BTSP 35 (Göttingen: Vandenhoeck & Ruprecht 2010), 187–199, 191–198.

2 On the motifs of Synagoga and Ecclesia, see, most recently, RUDNICK, Ursula: Ecclesia und Synagoga. Ein Motiv der christlichen Ikonographie im Spiegel theologischer Neubestimmung, in: DEEG, Alexander / KRAUSE, Joachim J. / MORDHORST-MAYER, Melanie / SCHRÖDER, Bernd (eds.): Dialogische Theologie. Beiträge zum Gespräch zwischen Juden und Christen und zur Bedeutung rabbinischer Literatur, SKI.NF 14 (Leipzig: Evangelische Verlagsanstalt 2020), 149–170.

3 DÖRRFUSS, Ernst Michael: Exaudi (24. Mai): Jer 31,31–34. Unter dem Bogen des Bundes, in: Für Arbeit und Besinnung 74/8 (2020), 3–7, 5.

4 On this, see below, Section 4.

2. Text and Translation

Although the text does not contain words difficult to understand neither in its Hebrew nor in its Greek version, it is not easy to translate. This is due, first of all, to certain uncertainties in the transmission of the text, which concern especially the relationships of tenses in v. 33, and, second and above all, to several individual exegetical questions, the answer of which in each case has repercussions for the overall understanding of the text. I will address both sets of problems in the following.⁵ But first, as a thesis, my translation:

(31) See, days are coming, saying of YHWH, when I will conclude a new covenant with the house of Israel and the house of Judah:

(32) Not like the covenant that I made with their fathers, when I took them by the hand to lead them out of the land of Egypt, my covenant that they have broken, although I, I am still their Lord, saying of YHWH.

(33) Rather, the covenant I will make with the house of Israel in those days will be so: saying of YHWH: I <will> put my Torah within them, and on their heart I will write it. And I will be God for them and they, they will be my people.

(34) And one will no longer teach, each his neighbor and each his brother: 'Know YHWH!' For, all of them will know me, from the smallest of them to the largest, saying of YHWH.

Indeed, I will forgive their guilt, and their sins I will no longer remember.

The basis for this translation is essentially the Hebrew text of the Book of Jeremiah in the Masoretic transmission. This could appear only natural, but that is not so. For, the Book of Jeremiah, as also other biblical books (Joshua, for example), exists in several editions. Among these, it is not the just-mentioned Masoretic version that, in the majority of cases, offers the older form of the text, but rather, this is offered in the main by the Greek version, that is, an edition handed down in translation and, in addition, attested by texts found in Qumran.⁶

The two versions differ first of all in the length of the text: the text attested in Greek is about fifteen percent shorter, whereby individual words and phrases, but also individual sentences and entire passages, are lacking. Second, the text is arranged differently in each case, within individual passages and in the structure of the book as a whole. Precisely in the case of the latter, one can clearly see that these differences are divergences that are not to be explained by editorial alterations and mistakes made in transmitting the text. Of course, such variants do occur on both sides. But the aforementioned chief differences attest to a deliberate literary reshaping of the text. Therefore, it seems advisable to reckon in the Book of Jeremiah not only

⁵ See below, Section 4.

⁶ On this and the following, see the summary by Tov, Emanuel: *Textual Criticism of the Hebrew Bible* (Minneapolis: Fortress Press, ³2012), 286–294; WEIS, Richard D.: *Textual History of Jeremiah*, in: LANGE, Armin / Tov, Emanuel (eds.): *The Hebrew Bible. Bd. 1: Pentateuch, Former and Latter Prophets*, *Texts of the Hebrew Bible* 1B (Leiden / Boston: Brill, 2017), 495–513.

with one, but rather with two literary editions, each of which is independent – which means, in consequence, that each is to be submitted to exegesis in its own right.

In Jer 31:31–34, the observance of this circumstance is of special significance, in so far as it has been claimed⁷ that the reconstruction and interpretation of the Hebrew *Vorlage* of the Greek text testifies, in this passage, to a theology of the covenant that stands in sharp contradiction to the rest of biblical tradition. Here, the claim goes, do we find for which we otherwise search in vain in the Old Testament,⁸ namely that it is not Israel alone, but also YHWH, who has broken the covenant – with the result that “Israel has lived the largest part of its history without a covenant with God.”⁹ The promised new covenant thus ends *this* condition with the direct inscribing of God’s will in the human heart, whereby what is intended is not only a new type of mediation of God’s instruction (or law) – the Torah – but also “new laws”.¹⁰ The Hebrew edition of the book is said, on the other hand, to attest a deliberate mitigation, in so far as it suppressed the idea of the breaking of the covenant by YHWH and emphasized the identity of the Torah.

This thesis, however, has not proven to be convincing. It is much rather the case that a critical scrutiny¹¹ of it has revealed that such an unorthodox, supposedly original theology of the new covenant cannot be demonstrated either in the Hebrew *Vorlage* or in the Greek text itself. For this edition of the Book of Jeremiah, as well as for the Masoretic one, what is to be recorded is, rather, a two-fold result: First, the conclusion of the new covenant in no way ends a time – according to the thesis, nearly the whole history of Israel – without a covenant between YHWH and Israel. Second, YHWH’s Torah in the new covenant will not be at all different from the Torah known previously.¹²

3. Context and Structure

Together with the discernibly similarly-shaped passages 30:1–3 and 31:27–30, Jer 31:31–34 forms a framework around the collection of poetic sayings in chapters thirty to thirty-one. The

7 By SCHENKER, Adrian: Das Neue am neuen Bund und das Alte am alten. Jer 31 in der hebräischen und griechischen Bibel, von der Textgeschichte zu Theologie, Synagoge und Kirche, FRLANT 212 (Göttingen: Vandenhoeck & Ruprecht, 2006).

8 See, on this, below, Section 4.

9 SCHENKER, 41.

10 Ibid., 62.

11 Above all by STIPP, Hermann-Josef: Die Perikope vom ‘Neuen Bund’ (Jer 31,31–34) im masoretischen und alexandrinischen Jeremiabuch. Zu Adrian Schenkers These von der ‘Theologie der drei Bundesschlüsse’. 2009, in: IDEM: Studien zum Jeremiabuch. Text und Redaktion, FAT 96 (Tübingen: Mohr Siebeck, 2015), 237–258; FINSTERBUSCH, Karin: Auszugs-Bund, neuer Bund und weitere Bünde. ‘Berit’ im älteren (hebräische Vorlage LXX-Jer) und im jüngeren Jeremiabuch (MT-Jer), in: MACDONALD, Nathan (ed.): Covenant and Election in Exilic and Post-Exilic Judaism. Studies of the Sofia Kovalevskaja Research Group on Early Jewish Monotheism, Vol. V, FAT II 79 (Tübingen: Mohr Siebeck, 2015), 87–121, and recently KRAUSE, Joachim J.: Die Bedingungen des Bundes. Studien zur konditionalen Struktur alttestamentlicher Bundeskonzeptionen, FAT 140 (Tübingen: Mohr Siebeck, 2020), 174–179.

12 Ibid., 179.

interaction with both passages is of significance for understanding our text. The proclamation of future events of salvation begins in 30:3 with YHWH's promise to lead his people out of exile back to the land of its fathers. To this corresponds the pledge in 31:27–28 to plant it there and to build it up. Then there follows the promise of the new covenant. The three-fold identical introduction “See, days are coming” (30:3 par. 31:27 and 31:31) marks the sequence of the three “events” and, at the same time, holds out the prospect that they soon will be reality. But, this imminent expectation is then firmly restricted with reference to the last goal, which can no longer be heightened: The promised conclusion of the new covenant is to be expected only *after* those days (31:33a), that is, in an indeterminate future.

How is this restriction to be understood? If – and very weighty reasons speak in favor of this – the three passages were connected and laid around the older collection as a framework only in the period after the Exile, which is presumed to be the present time of those addressed by YHWH,¹³ then the return announced in the text already has begun, at least in its inception. In contrast to this, the new covenant indeed remains a promise for which one waits, as the author tells his contemporaries.¹⁴ The new covenant stands at the very end of the history taken into view. It is what, in the Old Testament, one can call an eschatological vision.

The content and structure of the promise correspond to this in so far as the promise is designed fundamentally to emphasize the contrast to the daily experiential values in the living environment and in the reality of the addressees (on this, see especially v. 34 up to “saying of YHWH”). The new covenant no longer will be like the one known up to then (cf. the beginning of v. 32a), the commitment to which Israel has violated (v. 32b) and could violate. Rather, it will be of such a kind that Israel can no longer at all be disobedient to it; and this, to be sure, thanks to a final, in the literal sense, instruction by YHWH (v. 33) – the teacher who Himself guides the pen for his students.¹⁵

4. Classification and Exegetical Problems

How is this remarkable promise to be classified? As I claimed at the beginning, it in any case does not come from the prophet Jeremiah, to whom it is attributed. What are the reasons for this assessment, about which a nearly complete consensus prevails in critical research? They are to be read already on the surface of the text, that is, in its linguistic composition. The latter makes use of a series of well-known expressions and formulations – known from the deuteronomic tradition that is inspired by the Book of Deuteronomy and was incipient in the period of the Exile (that is, after 587 BC). This tradition was responsible not only for a sweeping and

13 On the literary-historical classification, see below, Section 4, and further the summary by MAIER, Christl: *Jeremia als Lehrer der Tora. Soziale Gebote des Deuteronomiums in Fortschreibungen des Jeremiabuches*, FRLANT 196 (Göttingen: Vandenhoeck & Ruprecht 2002), 340–341.

14 Gross, Walter: *Zukunft für Israel. Alttestamentliche Bundeskonzepte und die aktuelle Debatte um den Neuen Bund*, SBS 176 (Stuttgart: Katholisches Bibelwerk 1998), 149, note 62.

15 So the new approach suggested here for the interpretation of the promise, see below, Section 5.

formative reworking of the “historical books” from Joshua to Kings, but also – albeit with its own “local color” – for putting its mark on the Book of Jeremiah. The fashion in which, in Jer 31:31–34, it is spoken about “concluding” and “breaking” of a covenant, indeed about a covenant at all between YHWH and Israel, is merely the clearest example for the deuteronomistic linguistic shaping of the text,¹⁶ and shows at the same time that the relevant formulations can in no way be judged as subsequently-added peripheral matters, but rather represent the kernel of the promise – which for this reason cannot be set before the (here, too, formative) deuteronomistic reworking of the Jeremiah tradition.

This is confirmed, in addition, by the observation that the promise of a new covenant for Israel and Judah unmistakably makes reference to the denouncement, likewise put into the mouth of the prophet, of the breaking of the covenant by precisely these two “houses”, as described in Jer 11 – a central text of the deuteronomistic Book of Jeremiah. The words there about the covenant concluded with the fathers (11:10b par. 31:32a) of the Exodus generation (11:4a par. 31:32a) and broken (11:10b par. 31:32b) by the houses of Israel and Judah (11:10b par. 31:31–32) provides the dark background against which the promise of the new covenant can shine all the more brightly.¹⁷

The question how the relationship of Jer 31:31–34 to Jer 11, or to the deuteronomistic reworking of the book, is to be defined exactly (I have just now consciously formulated in a reserved manner that our text in any case can be set *not before* that reworking) has occupied recent research intensely. The question is of considerable significance for the interpretation of the text and, as a result, the point of departure for the new approach that I would like to suggest.¹⁸ But, for this, selected exegetical problems that until now have not been discussed or only have been anticipated must first of all be addressed at least briefly.

The first and perhaps most vexing problem is found in v. 33. This has to do with the already-mentioned relationship of the tenses. At the very point where YHWH begins with the description of *how* the content of the promised new covenant is to be expressed, these tenses are regrettably unclear. I have translated: “I <will> put my Torah within them, and on their heart I will write it.” But, that does not stand in the Hebrew text, as the brackets show. The text is to be translated rather as follows: “I *have* put my Torah within them, and on their heart I will write it.” The Greek translation offers a statement about the future, but whether this, in fact, stood in its Hebrew *Vorlage* or whether it does not rather stem from the same reflections upon content that also determine the translation presented here, is a matter of question. The further description, of course, is a promise that is phrased completely in the future tense so that the translator

16 For a detailed verification, see THIEL, Winfried: Die deuteronomistische Redaktion von Jeremia 26–45. Mit einer Gesamtbeurteilung der deuteronomistischen Redaktion des Buches Jeremia, WMANT 52 (Neukirchen-Vluyn: Neukirchener, 1981), 23–28.

17 See, above all, LEVIN, Christoph: Die Verheißung des neuen Bundes in ihrem theologiegeschichtlichen Zusammenhang ausgelegt, FRLANT 137 (Göttingen: Vandenhoeck & Ruprecht, 1985), 26–28; SCHMID, Konrad: Buchgestalten des Jeremiabuches. Untersuchungen zur Redaktions- und Rezeptionsgeschichte von Jer 30–33 im Kontext des Buches, WMANT 72 (Neukirchen-Vluyn: Neukirchener, 1996), 295–296.

18 See below, Section 5.

here, too, almost instinctively resorts to this tense. In Hebrew, the difference between past and future is marked by one small letter, and in spite of all the syntactical difficulties that this text-critical solution of the problem admittedly involves, it appears to me, seen on the whole, to be most likely that we have to reckon with the loss of this letter during the process of transcription, i. e., manually copying the text.¹⁹

In regard to the content itself, namely YHWH's Torah, which he promises to write on Israel's heart,²⁰ it has been mentioned already, but requires, in the light of the contrary thesis,²¹ an emphatic emphasis: What YHWH will write in the future is nothing other than what the addressees of the promise can now already read – in their "Bible". What is to be thought of here concretely? The most likely candidates for "my Torah" in Jer 31:33 are either an edition of Deuteronomy or, at least just as likely, an early form of the Pentateuch. This question plays no further role for the exegesis offered here, but what very much does is the fact that we have to do here one way or another with a well-known quantity. YHWH designates it as "my Torah", and he designates it, in contrast to the covenant, precisely not as "new".

A further much-discussed question concerns v. 32, which I have translated as follows: "Not like the covenant that I made with their fathers, when I took them by the hand to lead them out of the land of Egypt, my covenant that they have broken, although I, I am still their Lord, saying of YHWH." The question is who really are the "they" who have broken the covenant discussed here? Basically two subjects are possible in German, just as also in Hebrew: either the houses of Israel and Judah addressed in the introductory v. 31, or the fathers of the Exodus generation themselves mentioned in v. 32. The latter possibility may appear more natural at first glance. But, the fathers for their part are related to the houses mentioned at the beginning ("their fathers"), just as Israel and Judah together generally are addressed by YHWH's word. *They* have broken the covenant – throughout their history. It is not one generation that is accused of disobedience to the commitment to God's will, but rather all the generations, beginning in Egypt and reaching to the moment of the future fulfilment of the promise.

This insight leads to a last problem. If Israel throughout its history has again and again "broken" the covenant, which is obviously not completely destroyed by this, how is the promised endowment of a new covenant then at all to be explained? Does the conclusion of a new covenant not presume that the one going before it has become obsolete, so to speak feeble (cf. Heb 8:13), indeed that it has ceased to exist? "The new covenant is necessary because Israel has broken the 'old' covenant and, through this, has destroyed it," as one exegete has summarized the established view.²² To be held against it, however, is the unanimous finding in the entire Old Testament,²³ according to which, first, the metaphorical expression of the "breach" of the

19 On other potential solutions and the discussion of them, see KRAUSE 2020 [note 11], 170–171.

20 On this in detail, see Section 5.

21 See above, in Section 2.

22 KRAŠOVEC, Jože: Vergebung und neuer Bund nach Jer 31,31–34, in: ZAW 105 (1993) 428–444, 433.

23 As worked out in KRAUSE, 2020 [note 11], 131–132.179–180.

covenant by Israel means that the people have become unfaithful to its God or, respectively, to the obligation imposed on it by the latter within the framework of the covenantal relationship, not on the other hand that the covenant might in fact have been completely shattered through such disobedience; second, that an actual termination of the relationship, the end of his (!) covenant, stands alone in YHWH's power; but that this, third, is not stated anywhere about YHWH, but rather that, where the expression is construed with him as subject, the statement always is denied (Jer 14:21; Lev 26:44; Judg 2:1). So, asked once again against this background: How do we have to imagine the conclusion of the new covenant; how do we have to imagine the "dramaturgy" of the eschatological event? In my opinion as follows: YHWH will put the new covenant directly in the place of the previously valid one, broken by Israel, but not by himself, and thereby replace it.²⁴

5. A New Approach in Interpretation

Whoever would like to understand the nature and character of the promised covenant must make sense of v. 33. With its words about a *new* covenant, the promise, to be sure, confronts its interpreters with a challenge, in so far as its wording has no parallel in the Old Testament. But, at the same time, it makes available to us a key to interpretation, namely the just-mentioned v. 33, in which the content of the new covenant is described in detail: "The covenant I will make with the house of Israel in those days will be so: saying of YHWH: I will put my Torah within them, and on their heart I will write it. And I will be God for them and they, they will my people." To understand the new covenant, is thus in essence to understand the motif of the Torah on the heart, or more explicitly, of the Torah written on Israel's heart by YHWH himself. For this, the more recent research into the redactional history of the Book of Jeremiah, which is based on the insight that Jer 31:31–43 in any case cannot be dated before the formative deuteronomistic reworking of the Jeremiah tradition,²⁵ has provided a suggestive interpretative approach for discussion.²⁶

This approach is grounded in the perception that, under the linguistic surface of the text and its deuteronomistic formulations, a factual content of un-deuteronomistic or even anti-deuteronomistic tendency can be detected. The promise, it is said, may sound deuteronomistic, but does not agree with absolutely central principles of deuteronomistic theology. The bone of contention is the promise that YHWH himself will write his Torah directly into the heart of the Israelites. This promise denigrates, it is claimed, the institutions of the written form of the Torah in a book – the Book of Deuteronomy itself, edited by the Deuteronomists, is described as such a book of Torah – and the mediation by means of teaching and study of that Torah. This

24 In this, I gratefully follow Walter Groß: GROSS 1998 [note 14], 121–122, note 37.

25 See above, Section 4.

26 Here, the names of Walter Groß und Konrad Schmid are to be mentioned above all. On the following, see the relevant sections in their important books: GROSS 1998 [note 14] (including the results of his earlier studies on the subject), and SCHMID 1996 [note 17].

program, it is said, is designed deliberately as a counter-concept, and is due to a fundamental skepticism in regard to the manner advocated by the Deuteronomists for mediating the will of God.

The starting point of this interpretation lies in v. 33, namely in the chiastically-arranged parallelism: “I will put my Torah within them, and on their heart I will write it.” With the emphasized precedence of the specification “on their heart”, a contrast is intended to be evoked: I write the Torah on their heart, not on – “and then it is probably to be added: ‘not on a scroll’.”²⁷ Therewith, so the argument, the promise surrenders the “principle of the written Torah in favor of the Torah written [...] in the heart” so important for the deuteronomistic theologians.²⁸ With the Torah as a book, second, it is claimed also that its mediation through teaching and study is criticized and rejected as not expedient, as argued with reference to v. 34. This verse prophesies for the promised, eschatologically looked-for time of salvation that “one will no longer teach, each his neighbor and each his brother: ‘Know YHWH!’ For, all of them will know me, from the smallest of them to the largest, saying of YHWH.” In fact, this wording leaves no doubt of the fact that a catechetical mediation of the divine will and the passing on of it over generations will no longer be necessary – as, according to v. 33, is only to be expected: God himself will have taken care of a final instruction. This vision of the future has been interpreted²⁹ as a rejection of the mediation of the Torah by means of public reading (Deut 31:9–13) and domestic catechesis (Deut 6:6–9 par. 11:18–21) as propagated by Deuteronomy for the present situation of the addressees.³⁰ So understood, Jer 31:34 “negates” the “doctrinal mediation of the Torah.”³¹

This interpretation, though, becomes questionable when, as recently suggested,³² it is brought into conversation with comparative cultural studies on the interplay of orality and writing and the corresponding training of scribes in the Ancient Near East.³³ The training of scribes in Israel, just as well as elsewhere, consisted quite essentially in *memorizing* texts.³⁴ The few elite graduates of such training³⁵ had to make the content of certain “canonical” texts

27 So GROSS 1998 [note 14], 146.

28 Ibid.

29 So, with special emphasis, by SCHMID 1996 [note 17], 81–82.

30 Fundamental on the subject is BRAULIK, Georg: Das Deuteronomium und die Gedächtniskultur Israels. Redaktionsgeschichtliche Beobachtungen zur Verwendung von דָּבָר . 1993, in: IDEM: Studien zum Buch Deuteronomium, SBAB 24 (Stuttgart: Katholisches Bibelwerk, 1997), 119–146, and FINSTERBUSCH, Karin: Weisung für Israel. Studien zu religiösem Lehren und Lernen im Deuteronomium und in seinem Umfeld, FAT 44 (Tübingen: Mohr Siebeck, 2005).

31 GROSS 1998 [note 14], 146.

32 KRAUSE, Joachim J.: ‘Writing on the Heart’ in Jeremiah 31:31–34 in Light of Recent Insights into the Oral-Written Interface and Scribal Education in Ancient Israel, in: ZAW 132 (2020) 236–249.

33 Fundamental is CARR, David M.: Writing on the Tablet of the Heart. Origins of Scripture and Literature, (Oxford and New York: Oxford University Press, 2005); see also VAN DER TOORN, Karel: Scribal Culture and the Making of the Hebrew Bible (Cambridge, MA and London: Harvard University Press, 2007).

34 On the following, see, above all, CARR 2005 [note 33].

35 Whether or in what historical contexts one should reckon with “schools” in our sense of the word is a matter of controversy. In any case, in the overwhelming majority of cases, the training probably took place in the frame-

in their respective cultures so fundamentally their own that they finally – so the goal of their complex training – could repeat them when needed word for word. This didactic approach is condensed in an idiomatic phrase used often in this connection, that is, that of writing upon the heart. An illuminating example is provided by the instruction of a student handed down to us in Prov 7:1–3: he is urged to “write them on the tablet of your heart” (v. 3) – “them” being the words, commandments, and the Torah of his teacher (vv. 1–2). In the light of such comparative evidence, it appears that Jer 31:33, with its words about writing the Torah on the heart, employs an idiomatic phrase that designates metaphorically the memorization of texts.

Of significance for our inquiry is the further fact that, in the course of the “cramming” of the subject matter, as well as also in the reproduction of it, which was the aim of the training, oral and written transmission of the text interacted and was again and again related to each other.³⁶ At the center of this interaction stands the heart where, according to the anthropology assumed in the Old Testament, not only the feelings, as in our conception, but rather also and above all the will and understanding are located.³⁷ It is precisely there, on the heart, where the subject matter is to stand written. The written models from which the teachers as well as the students take this material and with which the oral rendering can be controlled are, though, in no way obsolete once the text concerned has been internalized. Written copies served much more as indispensable references for memorizing and for oral rendition.

Against this background, it becomes clear that the interpretation of Jer 31:31–34 as a denigration of the institutions of a book of Torah and its mediation through teaching, so suggestive at first glance, must be questioned critically. Even if one wanted to disregard the fact that there is no talk anyway in v. 33 about a *book* of Torah, the fact still remains that writing on the heart means learning by memorization; and for this, in turn, a written version of the text concerned is necessary. As a consequence, the construction of a contradiction between the “external” Torah and its internalization does not correspond to the reciprocal relatedness, familiar to the hearers and readers of the promise, of a fixed written text and literal memorization involved in the process of dealing with traditional canonical texts.

But, is just such a study of the text, or the instruction in the family context oriented on it as a model, now after all declared in v. 34 quite explicitly to be outdated?! Yes and no. In point of fact, the vision leaves no doubt about the fact that one no longer will have to learn the Torah in order to have it upon the heart. But this utopian condition (in the best sense of the word) is just *promised* and, to be sure, only for a rather vaguely determined distant future “in those days”.³⁸

work of a personal relationship between the teacher (“father”) and his student (“son”). On the discussion, see CARR 2005 [note 33], 12–13, and VAN DER TOORN 2007 [note 33], 97.

36 In tradition-bound communities of the region, the corresponding approach is in part, as before, in use, cf. SCHORCH, Stefan: Das Lernen der Tora bei den Samaritanern heute und drei samaritanische Erzählungen über das Lernen, in: WuD 26 (2001) 107–126.

37 WOLFF, Hans Walter: Anthropologie des Alten Testaments. Mit zwei Anhängen neu herausgegeben von Bernd Janowski (Gütersloh: Gütersloher Verlagshaus, 2010), 75–101.

38 See above, Section 3.

It is not a statement about the contemporary condition of the addressees. But, above all, what is to be kept in mind here, too, is the fact that this promise is to be understood really only against the background of the educational system in the Ancient Near East. Its educational ideal is taken up in two respects, and thereby decidedly enhanced. On the one hand, it is not a question here of individual students who are trained specifically for the recruiting or reproduction of a social functional elite, but rather, as already in the utopia of Deuteronomy, of the people as a whole and this, to be sure, in all of its parts (“from the smallest of them to the largest”, v. 34a). On the other hand, and herein the promise in fact surpasses Deuteronomy decidedly, YHWH himself appears as teacher. Not the Israelites – in the metaphor: the students – are admonished to write the Torah on their hearts, but rather YHWH – the teacher – promises to do this himself.

If this new approach should prove to be correct, then the promise of a new covenant is not to be interpreted as a depreciation of the written Torah and its study. It is much rather an ultimate revaluation in an eschatological vision. As such, the promise goes beyond contemporary empirical reality by holding out the prospect of the *perfect* learning of the Torah. And it is not the students who must take care for this learning. YHWH, the provident teacher, will Himself grasp the pen – so that his relationship to Israel at the end of time might be so perfect and unadulterated as it, as far as YHWH is concerned, was meant to be from the very beginning.

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