

RESTITUTIO AD INTEGRUM:

AN 'AUGUSTINIAN' READING OF JEREMIAH 31:31-34 IN DIALOGUE WITH THE CHRISTIAN TRADITION

By

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DECLARATIONS

I, Joshua Moon, hereby certify that this thesis, which is approximately 100,000 words in length, has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

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Of all that I have looked on with these eyes

Thy goodness and thy power have fitted me

The holiness and grace to recognize.

(Dante, *Paradiso*, XXXI.82-84; tr. D. Sayers)

To Bryonie, my Beatrice, this is dedicated.

ABSTRACT

The struggle to read Jer 31:31-34 as Christian Scripture has a long and divided history. Yet remarkably little has been done to grapple with the depth of this struggle in the Christian tradition from the post-Nicene period to the modern era. This thesis attempts to show the value of the tradition as an interlocutor for contemporary exegetical concerns in Christian readings and use of Jer 31:31-34. The study begins with Augustine's interpretation of the text as an absolute contrast between unbelief and faith, rather than the standard reading (found in Jerome) of a contrast between two successive religio-historical eras - one that governed Israel (the 'old covenant') and a new era and its covenant inaugurated in the coming of Christ. Augustine's absolute contrast loosened the strict temporal concern, so that the faithful of any era were members of the 'new covenant'. The study traces this reading of an absolute contrast in a few key moments of Christian interpretation: Thomas Aquinas and high medieval theology, then the 16th and 17th century Reformed tradition.

The thesis aims at a constructive reading of Jer 31:31-34, and so the struggle identified in these moments in the Christian tradition is brought into dialogue with modern critical discussions from Bernhard Duhm to the present. Finally I turn to an exegetical argument for an 'Augustinian' reading of the contrast of the covenants. The study finds that Jer 31:31-34, read in its role in Jeremiah, contrasts Israel's infidelity with a future idyllic faithfulness to Yhwh: in the new covenant all will be as it always ought to have been. The contrast is thus between two mutually exclusive standings before Yhwh. Thus the study aims to contribute to modern exegetical, theological and ecclesial discussions of 'old' and 'new' covenants by examining one of the central texts of the discussion in dialogue with parts of the history of interpretation.

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I. Introduction

‘Can anything new be said about [Jeremiah] 31:31-34?’¹

Few texts in the prophetic literature have received as much recent attention as Jer 31:31-34. The oracle of the ‘new covenant’ has long been of interest to Christian interpreters and to read the uses of the text in Christian theology is to move along such central dogmatic *loci* as justification, human free will, sacramentology, the relationship between the two parts of Christian Scripture - and that ancient dispute of the relationship between Judaism and Christianity. Yet for all the awareness that the text has a lengthy legacy in Christian interpretation, remarkably little has been done to bridge contemporary exegetical concerns to the readings of the text from the 4th to the late-19th century.² Contemporary interests in biblical interpretation have shown renewed interest and respect for pre-modern readings of the Bible - a fact evident in the number of commentary series endeavouring to make the history of reception more readily available.³ In line with this interest, this thesis will bring modern exegetical

1. G.L. Keown et al., *Jeremiah 26-52* (WBC Dallas, 1995), 130.

2. The potential recent exceptions tend more to prove the need than satisfy it: Petrus Gräbe offers an interesting discussion of the 4th c. Syriac theologian Aphrahat, but then offers just two pages on ‘early federal theology’, without a single independent reference to a primary source (at the end of which the tradition is summarily dismissed), and then three pages on Karl Barth. P.J. Gräbe, *New Covenant, New Community: The Significance of Biblical and Patristic Covenant Theology for Contemporary Understanding* (Carlisle, 2006), 198-203. Even less helpful is the ‘history of interpretation’ by Femi Adeyemi: within 8 pages he manages to misrepresent or reductively treat Augustine, Thomas Aquinas, Luther, Calvin, and the post-Reformation Reformed. F. Adeyemi, *The New Covenant Torah in Jeremiah and the Law of Christ in Paul* (Studies in Biblical Literature 94, New York, 2007), 28-35.

3. E.g. the two series from IVP: the Ancient Christian Commentary on Scripture (ed. Thomas C. Oden) and the forthcoming Reformation Commentary on Scripture (eds. Timothy George and Scott Manetsch), the Blackwell Bible Commentaries (eds. John Sawyer, Christopher Rowland, and Judith Kovacs), and The Church’s Bible (ed. Robert Louis Wilken), presenting patristic and medieval comments, published by Eerdmans.

concerns into dialogue with aspects of the history of reception for this *locus classicus* of Old Testament theology.

My goal throughout the thesis is a constructive reading of Jer 31:31-34, acceptable within modern discourse. Thus the study is not a reception-history of Jer 31:31-34 in a narrative or detached sense. I have included those figures in this study whose work best fits with my goal of a positive reading of the text rather than those necessary for an adequate historical narrative. The historical gaps between the chapters are clear and large, but the line holding the parts together is not the historical narrative but the content of the readings. My selection of the Reformed tradition in the early modern period is simply because that tradition represents well the tension between the two broad ways of reading the text that have dominated Christian interpretation and the theological difficulty of the standard view of a contrast between two successive eras or ways of God's dealing with his people. The 'three horizons' relevant to this project - that of Jeremiah, the readers of Jeremiah, and my own - are thus all present at every point throughout the story. My interest is drawing closer to the horizon of Jeremiah, and it is within this interest that I have turned to the horizon(s) of Christian tradition.

I have called this reading an 'Augustinian' one, though the adjective can be difficult to define. As Courtenay has pointed out, if one uses the term to indicate influence, then nearly everything in Western theology can be given the modifier.⁴ An 'Augustinian reading'

4. See W.J. Courtenay, *Schools and Scholars in Fourteenth Century England* (Princeton, 1987), 307-27.

in this project will be a reading of the contrast in Jer 31:31-34 that shares its shape with the reading of that text put forward by Augustine in his later works. Generally this is simple enough to show - most of the figures in this line of reading explicitly cite Augustine on the subject, so the modifier can be used quite narrowly in those cases. But as a rule, I use 'Augustinian' to refer to that view of the contrast in Jer 31:31-34 as absolute, a contrast between apostasy or infidelity and faithfulness. Because Augustine was the most significant and earliest (post-apostolic) figure to expound this form of the contrast clearly, I have labeled it 'Augustinian'.

I have begun my interpretive discussion late, offering only passing mention to the first three centuries of Christian interpretation - and excluding entirely the uses in the New Testament. The most basic reason for this is economy. In my view the New Testament uses of Jer 31:31-34 need to be reevaluated. Too often interpreters have been content with the assumption of a particular (non-Augustinian) contrast of Jer 31:31-34 and taken it as the starting point for seeing what is done with the text in, e.g., Paul or Hebrews (or even Qumran).⁵ But to address adequately the earliest Christian readings of the text would be impossible within the scope of this project. In these points, the present study can only be seen as opening new (or re-opening old) possibilities of reading.

5. E.g. the two pages devoted to the 'original meaning' of the oracle by Susanne Lehne, *The New Covenant in Hebrews* (JSNTSup 44, Sheffield, 1990), 33-34. For discussion of Qumran, see the conclusions to this study.

So *can* anything new be said about Jer 31:31-34? Perhaps: since the time of that question a large number of authors seem to have thought so. But the aim of this project is to say something ‘old’ about it, and say it anew - a ‘renewed’ rather than a ‘new’ reading.

II. Jerome and Augustine on Jeremiah's New Covenant

Our examination of Jer 31:31-34 begins with a scholarly monk living and writing his sharp polemics in a small monastery outside of Bethlehem, and his younger colleague from North Africa who would very quickly become a significant social and political figure as a bishop of Hippo. These two men had numerous differences of personality and outlook - Jerome lived with a wavering disdain for the 'wisdom of the age', while Augustine made no attempt to hide philosophical learning from use within Christian theology.¹ Jerome was a gifted linguist who fought his battles in the garb of a monk, while Augustine was a systematician with more than sufficient political acumen. But the shadows cast by these two figures on the development of Western Christian theology was immense. If one cuts into any com-

1. Thus Jerome's famous dream of being damned a Ciceronian rather than saved a Christian, or his comment to a friend (c. 373-74) that 'Plato, with his disciples, will be but a fool' on the day of judgment. Augustine, however, was said to have consoled himself with Plotinus while on his death bed while Hippo was raided. See Jerome, "Letter 22," §30 and "Letter 14," §11 in *Jerome: The Principle Works of St. Jerome* (NPNF II.6, Grand Rapids, MI, 1996); Possidius, "Life of Augustine," in *Early Christian Biographies* (Washington, DC, 1952), §28, 31. One helpful recent work on Jerome is M.H. Williams, *The Monk and the Book: Jerome and the Making of Christian Scholarship* (Chicago/London, 2006). Dated, but still helpful is J.N.D. Kelly, *Jerome: His Life, Writings, and Controversies* (London, 1975). With Augustine, the discussions are more diverse: see the classic work by P. Brown, *Augustine of Hippo: A Biography* (Rev. ed. Berkeley, 2000). Brown's moderately power-centred portrait is taken to a further extreme by J.J. O'Donnell, *Augustine, Sinner and Saint: A New Biography* (London, 2005). See the more balanced work of S. Lancel, *St. Augustine* (tr. by Antonia Nevill. London, 2002).

mentary on Jeremiah throughout the medieval and into the early modern period, it bleeds Jerome.² And the influence of Augustine is too well-known to need repeating.³

In this chapter I will trace the exegetical ‘parting of the ways’ between these two figures regarding Jer 31:31-34 and the contrast of the covenants there. Their influence for the later tradition makes the pair good representatives of two broad streams of reading the text: one, represented by Jerome, in which Jer 31:31-34 contrasts two successive eras representing two ways in which God deals with his people; the other, represented by Augustine, contrasts two absolute states before God - belief and unbelief - in any era.

§1. JEROME AND THE NEW COVENANT

Jerome’s unfinished commentary on Jeremiah, which runs only through ch. 32, was the last commentary he composed before his death in 419-20.⁴ Jerome had already spent significant time in the book of Jeremiah, having early in his career translated Origen’s homilies on the book – though by this point in his career Jerome had distanced himself from his earlier hero, now deemed a heretic.⁵ The commentary is often praised as one of the more ‘literal’ of

2. The greatest example of this (beyond the *Glossa*, discussed briefly below) is the Carolingian commentary of Rabanus Maurus (d.856) - the most thorough on Jeremiah that I have found until the early modern period. The commentary develops Jerome in certain ways, but on nearly every passage (up until ch.32, when Jerome’s stops) Jerome’s comments form the ground of the discussion: Rabanus Maurus, *Expositionis super Jeremiam prophetam, libri viginti* (PL 111, ed. by J.-P. Migne. Paris, n.d.).

3. For a helpful and brief introduction to reception of Augustine through the early modern period, see I. Backus, *Historical Method and Confessional Identity in the Era of the Reformation (1378-1615)* (Leiden, 2003), 6ff.

4. It was begun around 414-15: see the discussion in Kelly, *Jerome*, 316.

5. In English as Origen, *Homilies on Jeremiah* (FC 97, tr. by J.C. Smith. Washington, DC, 1998). (Unfortunately we do not have extant a homily by Origen addressing Jer 31:31-34.) Jerome remarks disparagingly of Origen: ‘Delirat in hoc loco allegoricus semper interpretes...’ Jerome, *In Hieremiam Prophetam*

Jerome's commentaries - though this may simply have been a matter of economy in excluding the 'second step' of spiritual exegesis.⁶ The polemical situating of Jer 31:31-34, and the merging of the 'literal' and 'spiritual' readings in this case, is made clear in Jerome's introduction to chs. 30-31:

[These chapters] contain mystical promises, which the Jews and our Judaizers think are completed in the consummation of the world; for they are not yet able to establish the fulfilment under Zerubbabel. We, however, following the authority of the apostles and evangelists – and the maxim of the apostle Paul, that whatever was promised to the people of Israel according to the flesh, is to be spiritually completed in us – point out that it is fulfilled today. Nor is there any other dispute between Jews and Christians except this: that, with them [i.e. the apostles] we also believe Christ the promised son of God; and any who are to be under Christ, by us has been fulfilled what is said by them to need to be fulfilled.⁷

Jerome's Pauline 'maxim' - no doubt a reference to 2 Cor 3:6 ('the letter kills, but the Spirit gives life')⁸ - is consistent with the view of redemptive history that comes to the fore in

libri VI (CCL 74, Tournholt, 1960), V.2.16. For his wavering relationship with Origen, see D. Brown, *Vir Trilinguis: A study in the biblical exegesis of Saint Jerome* (Kampen, 1992), 153-65.

6. Thus, based on its 'literalness' René Kieffer calls it the 'most satisfactory' of all his commentaries "Jerome: His Exegesis and Hermeneutics," in *Hebrew Bible/Old Testament: The History of its Interpretation* (vol. 1.1, ed. M. Saebø. Göttingen, 1996), 680. Cf. Kelly, *Jerome*, 316; Brown, *Vir Trilinguis*, 131. I take the suggestion of economy from the comments of Williams, *Monk*, 120-21. For discussion of what 'literal' and 'spiritual' senses mean throughout Jerome's writings see Brown, *Vir Trilinguis*, 121-65.

7. 'Repromissiones mysticas continebit, quas Iudaei putant et nostri iudaizantes in consummatione mundi esse complendas; necdum enim sub Zorobabel possunt expletas convincere. Nos autem sequentes auctoritatem apostolorum et euangelistarum, et maxime apostoli Pauli, quicquid populo Israhel carnaliter repromittitur, in nobis spiritualiter completum esse monstramus hodieque impleri nec inter Iudaeos et Christianos ullum aliud esse certamen nisi hoc, ut, cum illi nosque credamus Christum dei filium repromissum, et ea, quae sunt futura sub Christo, a nobis expleta, ab illis explenda dicantur.' In *Hieremiam*, VI.1.1-2. Cp. his early comment in reading Hosea: 'salutem Israelis et reuersionis ad Deum, et de captiuitate redemptionem, non carnaliter accipere, ut Iudaei putant, sed spiritualiter, ut uerissime comprobantur.' Cited in Williams, *Monk*, 115. Translations throughout this work are my own, unless indicated; though I have felt free to make use, with respect to Augustine and Jerome, of earlier translations (e.g. those in the NPNF), changed or updated as necessary. Likewise, spellings of older texts throughout the thesis have often been updated.

8. Extrapolating from *Ibid.*, 116.

his comments on 31:31-34, with the text read as contrasting two successive eras of God's dealings. This reading he justifies by appeal to 'Paul – or whomever wrote the epistle' to the Hebrews, which teaches that

everything they say hereafter of the human church was entirely completed in the first coming of the Saviour, and the New Testament, which is the Gospel, succeeds the Old Testament, by which the law of the letter is replaced by the law of the spirit.⁹

The two successive eras - the first of the letter, the second of the spirit - are then spelled out:

When Israel was led out of the land of Egypt, there was in the people so great an intimacy with God, that it is said they clung by the hand and were given the *pactum*, which they made useless; and therefore the Lord disregarded them.¹⁰ But now in the Gospel after the cross, resurrection and ascension is given a *pactum* not in tablets of stone, but in the tablets of the promised fleshly hearts, and when the *testamentum* of the Lord has been written in the mind of the faithful, he himself is their God and they are his people.¹¹

His comments on the passage close addressing the concern his readers might feel that the text states the new covenant is to be made 'with the house of Israel and the house of Judah'. But, Jerome states, we must remember that 'the church of Christ is from the Jews and

9. '[O]mnisque deinceps ecclesiastici uiri in primo saluatoris aduentu dicunt uniuersa completa et Nouum Testamentum, hoc est euangelium, successisse Veteri Testamento, a quo legem letterae lege spiritus commutatam.' *In Hieremiam*, VI.26.4.

10. This is from the LXX rendering of 31:32 (cf. below, ch.8), followed also in the Old Latin as evident from Augustine's citation below.

11. 'Quando eductus est Israhel de terra Aegypti, tanta dei in populo illo familiaritas fuit, ut manu eum adprehendisse dicat et dedisse pactum, quod illi fecerunt irritum; et propterea dominus neglexit eos. Nunc autem in euangelio post crucem, resurrectionem et ascensionem dare se pactum non in tabulis lapideis, sed in tabulis cordis carnalibus pollicetur, cumque scriptum fuerit domini testamentum in mente credentium, ipsum esse eis in deum et illos esse ei in populum.' *Ibid.*, VI.26.5-6. For his view of the relationship between *pactum* and *testamentum* see his *Commentariorum in Malachiam prophetam* (CCL 76a, Tournholt, 1970), II.3-4. 'Notandum, quod brth uerbum Hebraicum, Aquila συνθήκην, id est pactum interpretatur. LXX semper διαθήκην, id est testamentum, et in plerisque scripturarum locis, testamentum non uoluntatem defunctorum sonare, sed pactum uiuentium.' Thus here he is able to say, 'Quod autem "pactum" pro "testamentum" ponimus, Hebraica ueritatis est, licet et testamentum recte pactum appellatur, quia uoluntas in eo aequae testatio eorum, qui pactum ineunt, continetur.' *In Hieremiam*, VI.26.4.

by them has come the Lord, the Saviour'.¹² So the new covenant came out of Israel and Judah: what was promised to 'them' is fulfilled by 'us'. Jerome then reminds the reader of the turn from the Jews to the Gentiles that he sees as a mark of the New Testament, appealing to Matt 15:24 ('I did not come for the lost sheep of the house of Israel') and to Paul's words when he turned from the Jews to the Gentiles in Acts 13:46.

For Jerome, then, the promise of the new covenant is clearly read as prediction of a turning from Israel to the Church in redemptive history: a religio-historical contrast of God's dealings with his people. Such a reading, broadly construed, is by no means novel to Jerome and is already apparent in various forms in Justin Martyr,¹³ likely in Origen,¹⁴ then in Cyprian,¹⁵ profoundly and influentially in John Chrysostom,¹⁶ and can be identified more or less

12. 'Ecclesiam Christi ex Iudaeis et ad illos uenisse dominum saluatorem.' Ibid., VI.26.5-6.

13. Justin Martyr, *Dialogue with Trypho, a Jew* (ANF 1, tr. by Alexander Roberts and James Donaldson. Grand Rapids, MI, 1996), §11. Craig Allert claims that for Justin the 'two most important concepts with which he deals' – in fact the 'hermeneutical key to Justin's interpretation of OT scripture in the *Dialogue*' – are the 'new law' and the two advents of the Messiah, the arguments for both of which begin with Justin's citation of Jer 31:31-34 (and Isa 51:4-5). C.D. Allert, *Revelation, Truth, Canon, and Interpretation: Studies in Justin Martyr's Dialogue with Trypho* (VCSup 64, Leiden, 2002), 223.

14. See, e.g., Origen, *Commentaire sur Saint Jean I* (SC 120, Paris, 1996), I.35-37. Similarly his reading of Deut 18:15: 'Thus there was an expectation of some prophet having a likeness to Moses, mediating between God and men, and receiving a new covenant from God to give to his disciples.' Origen, *Commentaire sur Saint Jean II* (SC 157, Paris, 1970), VI.90.

15. Cyprian, *Ad Quirinum* (CCL 3, Tournholt, 1972), §1.11. The text is cited under the title, 'Quod dispositio alia et testamentum novum dari haberet', and is placed between the assertion of a 'new law' (*lex nova*) being established and the claim that the 'old baptism' was to cease. The citation of the text in §3.20 is in conjunction with Jer 32:27f, testifying that 'Fundamentum et firmamentum spei et fidei esse timorem' – a very un-Augustinian notion (whatever its truth)!

16. See throughout his *Homilies on Hebrews* (NPNF I.14, tr. by F. Gardiner. Grand Rapids, MI, 1996), - e.g. Hom. 14, §2. Cf. also the reference (with comment on the 'two laws' promised) in his *Commentaire sur Isaïe* (SC 304, Paris, 1983), §2.4.

with a number of others.¹⁷ Henri de Lubac's summary of what he sees as the patristic and medieval view of the matter (whose monolithic nature I will challenge to be the case) captures Jerome's reading well:

For the Christian there exist two successive 'Testaments,' which are not primarily or even essentially two books, but two 'Economies,' two 'Dispensations,' two 'Covenants,' which have given birth to two peoples, to two orders, *established by God one after the other in order to regulate man's relationship with him*. The goal of the one that is prior in time is to prepare the way for the second.¹⁸

While the above comments by Jerome could be coordinated within the general scheme of Jerome's thought and other writings,¹⁹ my interest lies in the point of contrast it creates with Augustine's reading. We can enter that contrast by means of the famous correspondence between the two figures – a correspondence which is for one scholar 'from the psychological, intellectual, and religious points of view, one of the most fascinating in antiquity.'²⁰ Augustine's initial letter to Jerome, penned somewhere around 395, unfortunately did not reach its destination for another 8 years.²¹ Yet the main issue for our purposes is already broached within Jerome's reading of the argument between Peter and Paul put for-

17. See the treatments of the second century interpretations in Gräbe, *New Covenant*, 151-74; K. Backhaus, "Das Bundesmotiv in der frühchristlichen Schwellenzeit: Hebräerbrief, Barnabasbrief, Dialogus cum Tryphone," in *Der ungekündigte Bund? Antworten des Neuen Testaments* (QD, ed. H. Frankenmölle. Freiburg, 1998), 211-31. The most thorough treatment of the pre-4th century interpretations of the text is in D. Marafioti, *Sant'Agostino e la Nuova Alleanza: L'Interpretazione agostiniana di Geremia 31,31-34 nell'ambito dell'esegesi patristica* (Rome, 1995), 81-142.

18. H. de Lubac, *Medieval Exegesis* (2 vols. Tr. by Mark Sebanc. Edinburgh, 1998), 1.227. My emphasis.

19. E.g., Jerome, *Against Jovinianus* (NPNF II.6, tr. by W.H. Fremantle. Grand Rapids, MI, 1996), II.27.

20. Kelly, *Jerome*, 217.

21. For the dating of the correspondence see R. Hennings, *Der Briefwechsel zwischen Augustinus und Hieronymus und ihr Streit um den Kanon des Alten Testaments und die Auslegung von Gal. 2,11-14* (VCSup 21, Leiden, 1994).

ward in his commentary on Galatians. Jerome followed the (Origenist) view that this argument was in fact merely staged for the benefit of those around.²² For Augustine such a reading was untenable, for once such a strategy of reading is allowed then no part of the biblical text would be safe from dismissal as dissimulation.²³ Augustine expands on this in Letter 40, written sometime between 397-99 (and again long delayed in arriving), where he brings up Paul becoming ‘a Jew to the Jews’, and so taking part in the ‘sacraments of the *vetus testamentum*’.²⁴ Paul did not rebuke Peter’s taking part in these sacraments *per se* – for Paul had done the same thing and they ‘were not hurtful to one who had been accustomed to them’ – but rebuked his forcing the Gentiles to participate in them as though salvation rested upon their keeping.

The response from Jerome to these letters finally comes in 404, where Jerome states the issue in his own inimitable style:

Paul, even when he was an apostle of Christ, observed Jewish ceremonies; and you affirm that they are in no wise hurtful to those who wish to retain them as they had received them from their fathers by the law. I, on the contrary, shall maintain, and, though the world were to protest against my view, I may boldly declare that the Jewish ceremonies are to Christians both hurtful and fatal;

22. Jerome admits to following Origen in “Letter 75,” in *The Confessions and Letters of St. Augustine* (NPNF vol. I.1, Grand Rapids, MI, 1994), 13-18. The admission is polemical, as he calls Augustine’s reading ‘novel’. Hennings points out that Jerome’s is a widespread interpretation in the Greek church, with such adherents as Eusebius of Emesa and John Chrysostom. Another interpretation, put forward by Clement of Alexandria, held that the ‘Cephas’ in the debate was another apostle by that name. But, contrary to Jerome’s language, Augustine’s reading is seen ‘certainly’ in Cyprian of Carthage (‘...daß Petrus in Antiochia falsch gehandelt hat und zurecht von Paulus deswegen getadelt worden ist’), and is known elsewhere also in the West. Cf. Hennings, *Briefwechsel*, 220ff (citation from 249).

23. Augustine, “Letter 28,” in *The Confessions and Letters of St. Augustine* (NPNF vol. I.1, Grand Rapids, MI, 1994), §§2-4.

24. “Letter 40,” in *Ibid.*, §§4-5.

and that whoever observes them, whether he be Jew or Gentile originally, is cast into the pit of perdition.²⁵

To support this he cites Paul, for whom ‘Christ is the end of the Law’, as well as John’s statement that ‘the law was given to Moses, but grace and truth through Jesus Christ’, to which he appends Jer 31:31-34:

Instead of the grace of the law which has passed away, we have received the grace of the gospel which is abiding; and instead of the shadows and types of the old dispensation, the truth has come by Jesus Christ. Jeremiah also prophesied thus in God's name... [full citation of 31:31-34]. Observe what the prophet says, not to Gentiles, who had not been partakers in any former covenant, but to the Jewish nation. He who has given them the law by Moses, promises in place of it the new covenant of the gospel, that they might no longer live in the oldness of the letter, but in the newness of the spirit.

Jerome here simply exemplifies in an earlier writing what he will detail in his commentary 12 or so years later: Jeremiah’s prophecy contrasts two successive eras of ‘letter’ and ‘spirit’, the time of Moses and the time of the gospel.

§2. AUGUSTINE AND THE NEW COVENANT AS MUTATIO SACRAMENTORUM

An analysis of Augustine’s use of the text is rather more complicated. Augustine, at least up to 412, followed a reading of the text as a prophecy of the change of sacraments (*mutatio sacramentorum*) from the old to the new.²⁶ In these texts he differs little from Cyprian or Justin - or even Jerome - positing the contrast as between two eras and the divine economy of those eras as centred in the sacraments. But in the two most important texts for un-

25. Jerome, “Letter 75,” §4.14.

26. ‘Insinuandum est eis, mutationem istam sacramentorum Testamenti veteris et novi etiam praedictam fuisse propheticis vocibus....’ Augustine, “Epistula 138,” in *S. Aurelii Augustini Opera Omnia* (PL 33, ed. J.-P. Migne. Paris, 1861), §7. Cf. Idem, *Contra Faustum Manichaeum* (CSEL 25, Vienna, 1891), §§18.4, 32.8-9 (composed 397-98).

derstanding his reading (*De spiritu et littera* and *Contra duas epistolas Pelegianorum*), Augustine offers a reading that eliminates almost entirely the contrast of eras with respect to Jer 31:31-34.²⁷ There are at least two plausible answers to this diversity in Augustine. First, it may be that this is an illustration of Augustine's principle of finding multiple meanings in a text:

Sometimes not just one meaning but two or more meanings are perceived in the same words of scripture. Even if the writer's meaning is obscure, there is no danger here, provided that it can be shown from other passages of the holy scriptures that each of these interpretations is consistent with the truth.²⁸

In this case Augustine may see two readings of the text, one clearly associated with the writer's meaning (that given below), and another which – though not precisely the 'intention of the writer' – is consistent with the truth and so is fine to use.²⁹

The second solution stems from Marafioti's suggestion that there is a development in Augustine's exegesis from this notion of *mutatio sacramentorum* to an emphasis on the 'interior dimension of the new salvific disposition and of the grace that is opened for man' – the reading addressed below.³⁰ Such development is a possibility, since we have no instance of

27. A.-M. La Bonnardière rightly calls the *De spiritu* 'Le commentaire le plus important, continu et intégral' for Jer 31:31-34: *Le Livre de Jérémie* (Biblia Augustiniana, Paris, 1972), 65.

28. He adds, 'The person examining the divine utterances must of course do his best to arrive at the intention of the writer through whom the Holy Spirit produced that part of Scripture... [But] Perhaps the author too saw that very meaning in the words which we are trying to understand. Certainly the spirit of God who worked through the author foresaw without any doubt that it would present itself to a reader or listener, or rather planned that it should present itself, because it too is based on the truth.' Augustine, *On Christian Teaching* (tr. by R.P.H. Green. Oxford, 1997), §3.84-85.

29. See Marafioti, *Sant'Agostino*, ch.7.

30. Ibid., 191. Marafioti also posits a third stage in his reading, where he adds the notion of the new covenant as washing away hereditary original sin. This seems to me already present in the second stage, even if nascent.

the text read as *mutatio sacramentorum* in any work clearly dated after *De spiritu*, the source of his alternate reading.³¹ But the dates would be impressively close to one another, both the *De spiritu* and Letter 138 (and possibly the *Tract. adv. Iud.*) coming in 412. The main reason for entertaining this solution in the face of the closeness of the dates comes from Augustine's own comments in the *De spiritu*:

When the prophet promised a *novum testamentum* not according to the *testamentum* formerly made with the people of Israel... he said nothing about the sacrifices or any other sacraments – though such change was without doubt going to follow, just as we see that it did – which in many other places the same prophetic Scriptures testify. But he only pointed out this difference: that God would place his law in their minds who belong to this *testamentum*, and would write in on their hearts.³²

These two solutions are not mutually exclusive – perhaps Augustine's study of the text in the context of the Pelagian controversy drove him to posit that it does not address the *mutatio*

If original sin is taken away by regeneration (see point (3) against the Pelagians below), and if the new covenant is identified with regeneration (below), then it is simply left for Augustine to spell out the deduction in his later works.

31. That is, if we follow an early dating for *Tractatus adversus Iudaeos*, transl. as “In Answer to the Jews,” in *Treatises on Marriage and other Subjects* (FC, Washington, DC, 1955) - cf. §6.8. If a late date is claimed, then perhaps one can explain the inconsistency by the context: in the polemics against the Jews, Augustine is willing to draw the text to his aid to confront their desire to remain in the ‘vetustate supervacanea’ (ibid.). But when he reads the text with his eye on the Pelagian debates, a different reading emerges. Marafioti places the date of the *Tract. adv. Iud.* in 412, but his dependence on exact language for biblical citation is precarious; more often it is placed significantly later. I see no reason to deny an early date, anticipating further development in (rather than depending on) the *City of God*. For discussion of dating, see B. Blumenkranz, *Die Judenpredigt Augustins: ein Beitrag zur Geschichte der jüdisch-christlichen Beziehungen in den ersten Jahrhunderten* (Basel, 1946), 198-209; Marafioti, *Sant'Agostino*, 182-90.

32. ‘cum testamentum novum propheta promitteret non secundum testamentum quod prius factum est populo Israel... nihil eum de sacrificiorum vel quorumque sacramentorum commutatione dixisse, quamvis et ipsa sine dubio fuerat secutura, sicut secutam videmus, quod multis aliis locis eadem prophetica Scriptura testatur, sed tantummodo istam commendasse distantiam, quod leges suas daturus esset deus in mentem eorum, qui pertinerent ad hoc testamentum, et eorum scripturus in cordibus.’ *De spiritu et littera* (CSEL 60, Vienna, 1913), §42.

sacramentorum; yet it can still be used in that sense since the change of sacraments is testified in other places and is consistent with the truth. Of course, it may just be that Augustine was inconsistent by our standards, positing different readings for the different polemical uses to which the text is put.

Perhaps important (perhaps not) is the fact that Pelagius appears to use the text in line with Jerome's general use as a contrast of eras. Commenting on Rom 3:31 ('Do we then tear down the law through faith? By no means! Rather, we uphold the law'), Pelagius states:

we enable it [i.e. the law] to stand firm when we show that what it said is true, namely that law would follow after law, testament after testament, circumcision after circumcision (Jer 4:4, 31:31-34).³³

In any case, Augustine's chief contribution to the history of interpretation does not lie in his (perhaps only early) appeal to the *mutatio sacramentorum*, but in that reading invoked to combat Pelagius and his heir, Julian of Aeclanum.

§3. AUGUSTINE AND THE 'SALVIFIC' CONTRAST

If Jer 31:31-34 is invoked by Jerome to counter the 'Judaizing' threat, the threat which gives shape to Augustine's reading was Pelagianism. Both of the main texts where Augustine develops his view of the contrast of covenants – the *De spiritu* (412) and *Contra epp. Pel.* (against Julian of Aeclanum, between 420-23) – are polemical treatises in his fight against the Pelagian threat. The controversy appears to have started out sluggishly with Augustine addressing Pelagius in generally friendly terms, and for some time refusing to believe

33. T. De Bruyn, *Pelagius's Commentary on St. Paul's Epistle to the Romans* (Oxford, 1993), 84.

(perhaps only rhetorically) that Pelagius himself was the instigator of the new teachings.³⁴

Nonetheless by the time of writing *De spiritu* the polemics were in full force.³⁵ Augustine claimed three main points to be upheld against Pelagian thought: (1) grace is a gift rather than something merited; (2) sinless perfection while still in the body is impossible; and (3) original sin renders everyone stained at birth, unless it is taken away by regeneration.³⁶ Whatever one thinks of these points as adequate for discussing ‘Pelagianism’, Augustine’s reading of Jer 31:31-34 plays its role as an argument against one particular implication of this pattern of thought as he saw it.³⁷

34. The story of the controversy has been told many times. For recent studies, cf. Lancel, *Augustine*, 413-48; G. Bonner, *St Augustine of Hippo: Life and Controversies* (Rev. ed. Norwich, 1986), 312-93; J. Pelikan, *The Emergence of the Catholic Tradition (100-600)* (The Christian Tradition 1, Chicago, 1971), 278-331. For a strongly critical view of Augustine in this context, see O'Donnell, *Augustine*, 261-85. For open sympathy towards Pelagius and his views, see B.R. Rees, *Pelagius: A Reluctant Heretic* (Woodbridge, 1988). Other helpful studies include Brown, *Augustine*, 340ff., and the dated but useful study by F. Loofs, “Pelagius und der pelagianische Streit,” in *Realencyklopädie für protestantische Theologie und Kirche* (vol. 15, ed. A. Haurk. Leipzig, 1904), 747-74. Cf. also the thorough study, with the history of interpretation regarding Pelagianism, by J. Lössl, *Julian von Aelclanum: Studien zu seinem Leben, seinem Werk, seiner Lehre und ihrer Überlieferung* (VCSup 60, Leiden, 2001).

35. Jerome’s Jeremiah commentary also plays a part in this controversy: he characterises Pelagius as a ‘huge, bloated, Alpine dog, weighed down with Scottish oats... able to rage more effectively with his heels than with his teeth.’ In *Hieremiam*, III.1.3-4. As translated (somewhat loosely) by Rees, *Pelagius*, 7.

36. See Augustine, *De dono perseverantiae* (Euv. de S.Aug. 24, Paris, 1962), §2.4. Cf. the interaction with these points as defining Pelagianism in Loofs, “Pelagius,” 755f.

37. Lössl makes a compelling case for the centrality of a (continually) good creation in the thought of Julian (even granted his asceticism), which would account for his accusations of Manichaeism in Augustine as well as his differences at least in points (2) and (3) above: ‘Die zentralen Begriffe der Philosophie Julians, Seele, Natur, Freiheit und Willen, sind nur aus dem Kontext eines von Julian genau umrissenen Schöpfungsbegriffs, nämlich des Begriffs eines allzeit simultan aktiven, guten und gerechten Schöpfergottes und einer dementsprechend in sämtlichen ihrer individuellen Einzelheiten („Naturen“) gut sowie nach einer eigenen Gestzlichkeit, d.h. unter der Bedingung, daß sie geschaffen wurde, *notwendig* so – und nicht anders – geschaffenen Schöpfung heraus angemessen zu verstehen.’ Lössl, *Julian*, 126.

The theological point at issue in both *De spiritu* and *Contra epp. Pel.* is the Pelagian notion that the human will can, of its own nature, do that which is right, so long as the grace of instruction is provided.³⁸ Augustine turns to Jer 31:31-34 to underscore the necessity of the grace of the Holy Spirit as the ‘assister of virtue’ for Christian life. I begin with the *Contra epp. Pel.*, which wrestles with the theological question of the *novum* and *vetus testamentum* in Scripture. Then we will turn to Augustine’s detailed examination of Jer 31 in the *De spiritu* which underlies the later work. The easiest way into the role of the passage for the dispute is via the argument Augustine mentions as made by (assumedly) Julian of Aeclanum:

For what catholic would say what they accuse us as saying, ‘The Holy Spirit was not the assister of virtue in the *vetus testamentum*,’ unless by *vetus testamentum* we understand the way in which the apostle spoke: as ‘gendering from Mount Sinai into slavery’?³⁹

The argument of the accusation appears to be the following: if the Holy Spirit is the assister of virtue, and the Holy Spirit is given only in the *novum testamentum*, then the Holy Spirit is not the assister of virtue in the *vetus testamentum*. The payoff would be that we have instances, therefore, of virtuous living apart from the assistance of the Holy Spirit. Augustine wants to affirm both premises, but deny the conclusion by making a distinction regarding the

38. ‘Sed illis acerrime ac vehementissime resistendum est, qui putant sine adiutorio Dei per se ipsam vim voluntatis humanae vel iustitiam posse perficere vel ad eam tendendo proficere.’ Augustine, *De spir.*, §2.4.

39. ‘Quis enim catholicus dicit, quod nos dicere iactitant: "Spiritus Sanctum adiutorem virtutis in testamento vetere non fuisse", nisi cum vetus testamentum sic intellegimus, quemadmodum dixit Apostolus: *A monte Sina in servitute generans*?’ Augustine, *Contra duas epistulas Pelegianorum* (Œuv. de S. Aug., 23. Paris, 1974), §3.6.

term *vetus testamentum*. This distinction is crucial to what Augustine says on the topic, though easy enough to overlook:⁴⁰

And so in one way, by a custom of speech already prevailing, the law and all the prophets who prophesied until John are called the *vetus testamentum* – which is more precisely called the *vetus instrumentum* than the *vetus testamentum* – but it is in another way that this name is used by apostolic authority, whether expressly or by suggestion.⁴¹

The distinction is also made in Augustine’s review of the trial of Pelagius at Diospolis in 415, where Pelagius was cleared of accusations of heresy – a review that is marked by a conviction of deliberate and repeated ambiguity on the part of Pelagius. Regarding Pelagius’ statement that ‘the kingdom of heaven is promised in the *vetus testamentum*’, Augustine states:

But *vetus testamentum* is normally used in two ways: one according to the authority of the divine Scriptures, and a second according to the habit of common speech.⁴²

The ‘common speech’ refers to the canonical literature or the dispensation before Christ; but Augustine maintains that this is something other than what is meant by the term in biblical usage. Thus Pelagius’ statement could be taken in one of two ways, one appropriate and the other inappropriate.

40. Missing this distinction and that below regarding letter/spirit lies at the outset of Preus’s otherwise helpful work, resulting in a skewed portrayal of the history of the view of the ‘Old Testament’. J.S. Preus, *From Shadow to Promise: Old Testament Interpretation from Augustine to the Young Luther* (Cambridge, MA, 1969), 16-20.

41. ‘Aliter itaque dicitur iam obtinente loquendi consuetudine vetus testamentum, lex et prophetae omnes, qui usque ad Ioannem prophetaverunt - quod distinctius vetus instrumentum quam vetus testamentum vocatur -, aliter autem sicut apostolica appellat auctoritas sive hoc nomen exprimens sive significans.’ Augustine, *Contra epp. Pel.*, §3.12.

42. ‘[S]ed ueteris testamenti nomen modis duobus dici solet: uno secundum divinarum scripturarum auctoritatem, alio secundum loquendi vulgatissimam consuetudinem.’ *De gestis Pelagii* (Œuv. de S. Aug 21, Paris, 1994), §5.14.

For Augustine *vetus testamentum* as used with biblical authority – and so in Paul and Jeremiah – is not a referent either to the canonical books or to the era before Christ. For Augustine the contrast of the *vetus* and *novum testamentum* that is used in Scripture is fundamentally what Marafioti calls ‘salvific’: regarding one’s standing to faith before God.⁴³ The contrast is not between eras in the history of salvation (as Jerome), but a contrast of ‘salvation and non-salvation’, as Lössl states.⁴⁴ The *vetus testamentum* is the covenant with Hagar, a covenant of ‘bondage’, or of holding to the ‘letter’ or ‘sign’ without moving to the realities of faith:

But those belong to the *vetus testamentum*, ‘which genders from Mount Sinai to slavery, which is Hagar’, who, after receiving the holy and just and good law, think that the letter can suffice for life, and therefore, to become capable of observing the law, they do not inquire after the divine mercy. Rather, ‘ignoring the righteousness of God and wanting to establish their own righteousness, they are not subjects of the righteousness of God.’ Of this kind were that multitude who murmured against God in the wilderness and made idols, and those who even in the promised land itself fornicated after foreign gods.⁴⁵

43. ‘[E]gli pone l’accento sulla dimensione interiore della nuova disposizione salvifica e della grazia che essa porta all’uomo.’ Or, in the language of ‘fidelity’ which is even closer to what I will propose: [the *De sp.*] ‘Ci presenta... un’esegesi nuova del testo di Geremia. Esso viene sempre utilizzato come profezia del Nuovo Testamento, ma con la differenza che la *novitas* di cui si parla non è più la *mutatio sacramentorum*, quanto piuttosto la grazia, che dà all’uomo la capacità di compiere il bene, e la vita eterna come ricompensa della fedeltà al Testamento stesso.’ Marafioti, *Sant’Agostino*, 191, 212-13. This terminology is substantially the same to what Hagen calls ‘soteriological’ regarding Augustine: K. Hagen, *A Theology of Testament in the Young Luther: The Lectures on Hebrews* (Studies in Medieval and Reformation Thought Leiden, 1974), 118, et passim.

44. ‘Wichtig ist, daß der entscheidende Unterschied nicht zwischen den verschiedenen Formen des Heils zu suchen ist, sondern zwischen Heil und Nicht-Heil (Unheil).’ J. Lössl, *Intellectus Gratiae: Die erkenntnistheoretische und hermeneutische Dimension der Gnadenlehre Augustins von Hippo* (Leiden, 1997), 192.

45. ‘Ad Testamentum autem Vetus, quod est a monte Sina in servitutem generans, quod est Agar, illi pertinent, qui cum acceperint legem sanctam et iustam et bonam, putant sibi ad vitam litteram posse sufficere; et ideo qua fiant factores legis divinam misericordiam non requirunt, sed ignorantes Dei iustitiam et suam iustitia volentes constituere, iustitiae Dei non sunt subiecti. Ex hoc genere fuit illa multitudo, quae adversus Deum in heremo murmuravit et idolum fecit, et illa, quae iam in ipsa terra promissionis fornicata est post deos alienos.’

Augustine singles out for inclusion in the membership of the *vetus testamentum* those who seek only after the ‘earthly’ things of the law, without faith in what the law signifies if understood ‘spiritually’ (according to the Spirit). And it is this group against which Paul argues in Galatians by invoking the terminology of old and new covenant.⁴⁶ But, central for our purposes, this means that not all members of the Old Testament considered as an era were members of the *vetus testamentum*; rather the faithful were members of the *novum*:

These [who follow the Law in faith and the Spirit] belong to the *novum testamentum*, are the children of promise, and are regenerated by God the Father and a free mother. Of this kind were all the righteous ones of old – even Moses himself, minister of the *vetus testamentum*, heir of the *novum*. Because the faith by which we live is one and the same as they lived – believing the incarnation, passion, and resurrection of Christ as future, which we believe as already accomplished, even until John the Baptist himself as it were a certain limit of the old era...⁴⁷

Or,

Will we deny that he truly belongs to the *novum testamentum* who says, "Create in me a clean heart, O God; and renew a right spirit within me"?...

Whether, then, Abraham or the righteous ones before him or after him – up to Moses himself, through whom was given the *testamentum* from Mt. Sinai giving birth to bondage, or the rest of the prophets after him, and the holy men of God until John the Baptist, they are all sons of the

Augustine, *Contra epp. Pel.*, §3.9.

46. ‘Furthermore, they, whoever was there, who only followed after those earthly promises alone which God promised, and who were ignorant of that which they signify regarding the *novum testamentum*, and who observed God's precepts from the love of gaining and fear of losing them – rather they did not observe them, but only seemed to themselves to observe them, *for there was no faith in them that worked by love*, but earthly lust and carnal fear – but whoever thus carries out the commandments without a doubt carries them out reluctantly, and so does not carry them out in the heart.... Such were the children of the earthly Jerusalem, of which the apostle says, "She is enslaved with her children," belonging to the *vetus testamentum*...’ Ibid., §3.9. My emphasis.

47. ‘Hi pertinent ad testamentum novum, filii promissionis, regenerati Deo patre et libera matre. Huius generis fuerunt antiqui omnes iusti et ipse Moyses testamenti minister veteris, heres novi, quia ex fide qua nos vivimus una eademque vixerunt incarnationem, passionem, resurrectionemque Christi credentes futuram, quani nos credimus factam, usque ad ipsum Ioannem Baptistam tamquam praeteritae dispensationis limitem quondam.’ Ibid., §3.11. The requirement of the same *notitia* within faith (knowledge of the incarnation, passion and resurrection) is disputed by Hugh of St. Victor (below).

promise and of grace according to Isaac the son of the freewoman – not of the law but of the promise, heirs of God and co-heirs with Christ.⁴⁸

The same point is made elsewhere in a similar discussion:

The children of the flesh belong to the earthly Jerusalem, which is enslaved with her children, but children of the promise belong to [the Jerusalem] which is above, our free eternal mother in heaven. Thus we can distinguish who belongs to the earthly kingdom and who to the heavenly kingdom. Thus we see that those who lived in that earlier era, who by the grace of God were made to understand this distinction, are in fact sons of the promise, and they are counted as heirs of the *novum testamentum* by the secret council of God...⁴⁹

Membership in one or the other covenant is thus entirely grounded in one's relationship by faith to God, regardless of era.⁵⁰ So just as some were members of the new covenant in the era before Christ, others are members of the old covenant after Christ – both Jews who

48. 'An vero illum ad testamentum novum negabimus pertinere, quid dicit: Cor mundum crea in me, Deus, et spiritum rectum innova in visceribus meis? aut illum qui dicit: Posuit super petram pedes meos, et direxit gressus meos et immisit in os meum canticum novum, hymnum Deo nostro? Vel illum ante testamentum vetus, quod est a monte Sina, patrem fidelium [i.e. Abraham].... Sive igitur Abraham sive ante illum iusti sive post eum usque ad ipsum Moysen, per quem datum est testamentum a monte Sina in servitutem generans, sive ceteri Prophetae post eum et sancti homines Dei usque ad Ioannem Baptistam, filii sunt promissionis et gratiae secundum Isaac filium liberae, non ex lege, sed ex promissione heredes Dei, coheredes autem Christi.' Ibid., §3.6, 8.

49. Augustine, *De gest. Pel.*, §5.14. That these 'new covenant' Israelites were a minority in Augustine's mind simply affirms the point that the contrast cannot be baldly chronological: 'Itaque nouum Testamentum hereditatis sempiternae manifestans, in quo renouatus homo per gratiam Dei ageret novam uitam, hoc est uitam spiritalem, ut uetus ostenderet primum, in quo carnalis populus agens ueterem hominem, exceptis paucis intelligentibus patriarchis et prophetis et nonnullis latentibus sanctis, carnaliter uiuens carnalia praemia desiderabat a Domino Deo, et in figura spiritalium bonorum accipiebat.' Augustine, *De catechizandis rudibus* (Euv. de S. Aug. 11/1, Paris, 1991), §22.40.

50. In the earlier anti-Donatist writings this view is already substantially present: 'Quocumque ergo tempore tales homines esse coeperint in hac uita, ut iam diuinis pro saeculorum distributione sacramentis inbuti adhuc tamen carnaliter sapient et carnalia de deo siue in hac uita siue post hanc uitam sperent adque desiderant, animales sunt. Ecclesia uero quod est populus dei etiam in istius uitae peregrinatione antiqua res est, in aliis hominibus habens animalem portionem, in aliis autem spiritalem. ad animales pertinet uetus testamentum, ad spiritales nouum.' Augustine, *De baptismo* (Euv. de S. Aug. 29, Paris, 1964), §1.15.24.

continue to refuse the realities of what was prophesied and Christians who fail to see the spiritual aspect of the sacraments:

Hence there are still their children among the great multitude of the Jews, although now the *novum testamentum*, just as it was prophesied, is revealed and confirmed by the blood of Christ.⁵¹

Just as in the sacraments of the *vetus testamentum* some were spiritual, belonging secretly to the *novum testamentum* which then was concealed, so also now in the sacraments of the *novum testamentum* which is already revealed, some live as animals. And if they do not advance to receive the things which are of the Spirit of God, according to the exhortations of the apostle, they belong to the *vetus testamentum*.⁵²

The polemics are evident throughout the *Contra epp. Pel.* On Augustine's reading, Julian thinks that 'the law can suffice for life', providing all that is needed to live a virtuous life given the state of human nature, and so does not 'inquire after the divine mercy'. Yet the law as such was never sufficient, and thus Julian is stating his contentment to remain in the *vetus testamentum* that kills, rather than entering the *novum* which gives life through the Spirit. Thus Augustine can escape the argument above regarding the Holy Spirit in the *vetus testamentum*. He can say both that the Holy Spirit is tied to the *novum testamentum*, and that he was present in the lives of the faithful prior to Christ: for those faithful were in fact members

51. *Contra epp. Pel.*, §9. This section can be linked to his comments in Augustine, *Christian Teaching*, §3.30-31: 'Someone who attends to and worships a thing which is meaningful but remains unaware of its meaning is a slave to a sign. But the person who attends to or worships a useful sign, one divinely instituted, and does realize its force and significance, does not worship a thing which is only apparent and transitory but rather the thing in which all such things are to be related. Such a person is spiritual and free – and this was true even in the era of slavery when the time was not ripe for carnal minds to receive the clarification of the signs by which they had to be disciplined. Among such spiritual people were the patriarchs and prophets and all those in the people of Israel through whom the Holy Spirit provided us with the support and comfort of the Scriptures.'

52. 'Sicut enim in Sacramentis Veteris Testamenti vivebant quidam spirituales, ad Novum scilicet Testamentum, quod tunc occultabatur, occulte pertinentes: sic et nunc in Sacramento Novi Testamenti quod iam revelatum est, plerique vivunt animales. Qui proficere si nolunt ad percipienda quae sunt Spiritus Dei, quo eos hortatur sermo apostolicus, ad Vetus Testamentum pertinebunt.' *De baptismo*, §1.15.24.

of the *novum testamentum*; the distinction is not about two successive eras. So unconcerned is Augustine with eras in redemptive history for this point that he is implicitly accusing Julian himself of being a member of the *vetus testamentum*!

In the similar theological discussion of the *De spiritu* we find many of the same points being made and receive Augustine's most thorough treatment of Jer 31:31-34. The issue here, once again, is whether the grace of the Holy Spirit is necessary beyond an instructive role for living a virtuous life. Augustine's argument is that the law in and of itself is ineffective for salvation and only has the power to condemn and to kill, apart from the life-giving Spirit. If this is the case then the argument from Pelagius is false, for a knowledge of what is right (the law) can do nothing in itself, and so the Holy Spirit is necessary for a virtuous life. To follow Augustine's argument here we must make a second distinction in terminology, this time between what we might call the interpretive contrast of letter/spirit, and the contrast being drawn here, which is again a salvific one.⁵³

For I wish, if possible, to demonstrate that what the Apostle said, 'the letter kills, but the spirit gives life', does not refer to a figurative speaking – though also in that it may be agreeably understood – but rather plainly to the law which prohibits evil.⁵⁴

53. This is the same general distinction made famous under the typology of 'Origenist' and 'Augustinian' interpretations of the maxim in Rom 7 by G. Ebeling, "Die Anfänge von Luthers Hermeneutik," *ZTK* 48 (1951), 172-230. Ebeling has, however, been critiqued for the use he makes of the distinction as a grid for the history of interpretation: M. Kunz, "Sending Words into Battle: Reformation Understandings and Uses of Letter and Spirit" (Ph.D, Univ. of Chicago, 2002), 292-98.

54. 'Volo enim, si potuero, demonstrare illud, quod ait Apostolus: Littera occidit, spiritus autem vivificat, non de figuratis locutionibus dictum, quamvis et illic congruenter accipiat, sed potius de lege aperte quod malum est prohibente.' Augustine, *De spir.*, §7.

‘The letter kills, but the spirit gives life’ must be understood in the sense we said above: that the letter of the law, which teaches us not to commit sin, kills, if the life-giving spirit be absent.⁵⁵

Augustine often uses the language of ‘letter’ and ‘spirit’ as an interpretive rule, sometimes even to praise the ‘letter’.⁵⁶ Yet this is not the way in which he urges us to consider the language as used in Paul. Given Julian’s close connection with Antiochene exegesis, it may be that Augustine is here trying to gain a victory on their own ground, as it were, and so distances the discussion from the allegorical interpretations he elsewhere is happy to commend.⁵⁷ But in any case, understanding letter/spirit as a salvific contrast also finds voice in *De doctrina christiana* under the third rule of Tyconius. Here the rule of Tyconius is ‘On the promises and the law’, which Augustine says can also be called “‘On the spirit and the letter”, as I myself called it when writing on the subject. It could also be called “On grace and commandment”’.⁵⁸

There is no doubt some room for bringing the two uses of ‘letter’ together, for if one refuses to move one’s gaze from the symbol or sign to the thing signified (interpretive rule)

55. ‘...quoniam legis littera quae docet non esse peccandum, si spiritus vivificans desit, occidit.’ Ibid., §8. Cf. §6: ‘Doctrina quippe illa, qua mandatum accipimus continenter recteque vivendi, littera est occidens, nisi adsit vivificans spiritus.’

56. Cf. D. F. Wright, “Augustine: His Exegesis and Hermeneutics,” in *Hebrew Bible/Old Testament: The History of its Interpretation* (vol. 1.1, ed. M. Saebø. Göttingen, 1996), 705; Lubac, *Medieval Exegesis*, 1.123-32. For a brief discussion of the varied uses of ‘literal’ or ‘letter’ in this respect, see K. Pollmann, “Augustine’s Hermeneutics as a Universal Principle!,” in *Augustine and the Disciplines: From Cassiacum to Confessions* (2005), 210-12.

57. For Julian’s relationship to Antiochene exegesis, see Lössl, *Julian*, 147ff.

58. Augustine, *Christian Teaching*, §3.103.

then clearly the Spirit is absent and thus the letter or sign can only kill (salvific contrast).⁵⁹

But bringing them together in this way only establishes further the point that there is, at least often, a more significant issue in the contrast between letter/spirit than interpretive rules.

Augustine defines the ‘letter’ in *De spiritu* as the law (embodied in the Decalogue) apart from faith, and apart from the Spirit’s enabling.⁶⁰ If one remains content with the letter (law) without the spirit and grace, then there is nothing left but condemnation: the letter kills, but the spirit gives life – one must leave the ‘oldness’ of the letter and cling to the ‘newness’ of the spirit.⁶¹ Augustine then argues that the gift of the Holy Spirit, which is the grace of God or the writing of the law on the heart, is the essence of the *novum testamentum*.⁶²

Briefly, the argument at this point progresses as follows. First, Augustine posits that ‘there is no good fruit which does not grow from the root of love (*caritas*).’⁶³ So the fulfil-

59. Ibid., §3.30f. Incidentally this entire discussion would fit in well with the emphasis throughout Augustine on salvation as tied to the growth of the intellect in or by grace, which Lössl has suggested is the central aspect of Augustine’s theological system. Lössl, *Intellectus Gratiae*. See esp. 187-98 for discussion of *De spir.* and *De doctrina*.

60. *De spir.*, §23-24. Scott Hafemann’s recent views on the Pauline text could just as well summarise Augustine’s: ‘the letter/Spirit contrast is between *the Law itself without the Spirit*, as it was (and is! cf. 3:14-15) experienced by the majority of Israelites under the Sinai covenant, and *the Law with the Spirit*, as it is now being experienced [and *was* experienced, Augustine would add] by those who are under the new covenant in Christ.’ S. Hafemann, *Paul, Moses, and the History of Israel* (Tübingen, 1995), 171. His emphasis.

61. E.g., ‘Apparet igitur litterae vetustatem, si desit novitas spiritus, reos facere potius cognitione peccati quam liberare a peccato.’ Augustine, *De spir.*, §26.

62. ‘La legge scritta nel cuore, la presenza dello Spirito Santo e la grazia sono la stessa cosa.’ Marafioti, *Sant’Agostino*, 215. This is a near repetition of La Bonnardière: ‘Loi de Dieu écrite dans le cœur, grace de Dieu, presence de l’Esprit-Saint, trois aspects d’une même réalité.’ Bonnardière, *Jérémie*, 66.

63. ‘Non enim fructus est bonus, qui de caritatis radice non surgit.’ Augustine, *De spir.*, §26.

ment of the law from any other source (i.e. fear, as instilled in threatenings at Sinai) is inadequate. Second, the Holy Spirit is the ‘finger of God’ through whom ‘love (*caritas*) is shed abroad in our hearts’ (Rom 5:5). This is explained by a contrast between the finger of God as active at Sinai, where the law is written (merely) on tablets of stone, and the finger of God as the Spirit given at Pentecost which sheds *caritas* in our hearts.⁶⁴ The bare law – that given to Moses – is insufficient to instill *caritas* but can only command obedience through fear, meaning that it is inadequate. Since ‘*caritas* is the fulfilment of the law’, we can say that ‘the law of God is love’, and is placed in the hearts of those who believe by the Spirit who gives life.⁶⁵ The consequences for the polemic are clear: the law in itself is insufficient for life; we must have the law written on our hearts by the Spirit.⁶⁶ The letter kills, but the Spirit gives life.

Augustine’s interpretation of Paul in the contrast of letter/spirit is then corroborated with the testimony of Jer 31:31-34 where Augustine sees the same salvific contrast at stake: a holding to the law by itself (letter or *vetus testamentum*), and the law with faith and the Spirit, and therefore life (*novum testamentum*). For Augustine the law itself is good, for ‘it is that same law that Christ came to fulfill’. But in itself the law has no power to aid in virtuous living (as already demonstrated), but stands in need of grace for fulfillment. So the familiar for-

64. Ibid., §28-29.

65. ‘[C]um autem ipsa caritas diffunditur in corde credentium, lex est fidei et spiritus vivificans dilectorem.’ Ibid., §29.

66. Thus Blumenkranz: ‘Entsprechend all diesen Unterscheidungen ist auch das Alte Testament dem Menschen von aussen auferlegt, das Neue jedoch in seinem Innern eingepflanzt. Jenes ist auf steinernen Tafeln aufgeschrieben, dieses im Herzen des Menschen.’ Blumenkranz, *Judenpredigt*, 128.

mula: 'The law is therefore given that grace might be sought; grace is given that the law might be fulfilled.'⁶⁷ But if the law is the same, then why is it that Jeremiah speaks of one as 'old' and the other 'new'?

Why is it that one old and the other new, when the same law is fulfilled through the *novum testamentum* which said in the *vetus testamentum*, 'You shall not covet'? 'Because,' he says, 'they did not persevere in my *testamentum*, I have also rejected them, says the Lord.'⁶⁸ Therefore it is because of the crime of the old man – which through the letter, commanding and threatening, was insufficient for healing – that it is called the *vetus testamentum*. But this one is new because of the newness of the spirit, which heals the new man of the sin of the old.⁶⁹

The flaw which Jeremiah was confronting was a holding to the 'letter' – the law in and of itself, without the Spirit, and which was thus unable to heal the wounds of the people.⁷⁰ And this is overturned by the new covenant which heals the new man: 'The relationship of the two testaments corresponds to the difference between the old and new person'.⁷¹ For Augustine this imagery of the 'new man' is directly tied to that of conversion, re-emphasising the con-

67. 'Lex ergo data est, ut gratia quaereretur, gratia data est, ut lex impleretur.' Augustine, *De spir.*, §34.

68. See note on Jerome's translation, above.

69. 'Unde igitur illud vetus, hoc novum, cum lex eadem impleatur per testamentum novum, quae dixit in Vetere: Non concupisces? Quia ipsi, inquit, non perseveraverunt in testamento meo, et ego neglexi eos, dicit Dominus. Ergo propter veteris hominis noxam, quae per litteram iubentem et minantem minime sanabatur, dicitur illud testamentum vetus, hoc autem novum propter novitatem spiritus, quae hominem novum sanat a vitio vetustatis.' Ibid., §34. A similar answer is given in *Contra epp. Pel.*, §3.13. There it is combined with the reason that 'their revelation is considered in the names, not their institution' ('revelationes eorum considerantur in his nominibus, non institutionibus').

70. The fittingness of the imagery of 'healing' to Jeremiah's rhetoric is noteworthy (e.g., 30:17). For a similar approach, this time directed to the Jews of his present day, see the use of Jer 31 in Augustine, "Answer to Jews," §8.

71. Blumenkranz, *Judenpredigt*, 128.

trast again as standing before God.⁷² The ‘law’ is the same, but the *testamentum* is new because of the work of the Spirit in making the ‘old man’ new.

Moving through the passage in Jeremiah, Augustine next turns to the promise that ‘all’ will know the Lord:

What, therefore is the ‘all, from the least to the greatest of them,’ except the ‘all’ who belong spiritually to the house of Israel and to the house of Judah – that is, to the children of Isaac, to the seed of Abraham?... This is the house of the children of promise; not by reason of their own merits, but of the kindness of God.⁷³

Again the contrast is between membership in the true Israel and those who are members only in the flesh. Membership in the new covenant is determined primarily by being a member of the spiritual house of Israel – by being among the ‘children of promise’ by the mercy of God. The old covenant is then explained as that which belongs only to this world, and its exact counterpart as the new covenant:

Therefore, as the law of works, written on tablets of stone and its reward - the land of promise which the house of the carnal Israel received after their liberation from Egypt - belonged to the *vetus testamentum*, so the law of faith, written on the heart, and its reward - the beatific vision which the house of the spiritual Israel will perceive when delivered from the present world - belong to the *novum testamentum*.⁷⁴

72. See J. O. Reta, “L’homme nouveau selon saint Augustin,” *Augustinian Studies* 17 (1986), 161-67.

73. ‘Quid ergo est *omnes a minore usque ad maiorem eorum*, nisi omnes pertinentes spiritualiter ad domum Israel et ad domum Iuda, hoc est, ad filios Isaac, ad semen Abrahae?... Haec est domus Israel vel domus Iuda propter Christum, qui venit ex tribu Iuda, domus filiorum promissionis, hoc est nonoperum propriorum, sed beneficii Dei.’ Augustine, *De spir.*, §40.

74. ‘Sicut ergo lex factorum, scripta in tabulis lapideis mercesque eius terra illa promissionis, quam carnalis domus Israel, cum ex Aegypto liberata esset, accepit, pertinet ad testamentum vetus, ita lex fidei scripta in cordibus mercesque eius species contemplationis, quam spiritalis domus Israel ab hoc mundo liberata percipiet, pertinet ad testamentum novum.’ Ibid., §41.

The issue again is the distinction between the sign and the thing signified: the *vetus testamentum* is a remaining content with the ‘letter’. Here is the context for Augustine’s contrast between the Lord writing on tablets of stone (old covenant) and on the heart (new covenant) – a contrast that in recent literature is taken to entail a contrast of eras, which is emphatically not Augustine’s concern.⁷⁵ For Augustine it is a contrast between the non-working of the Spirit (the law on stone) and the working of the Spirit (the law on the heart). Thus his conclusion on the text:

[T]here is, further, agreement of this passage of the apostle with the words of the prophet so that to belong to the *novum testamentum* is to have the law of God written not on tablets, but on the heart, that is, embracing the righteousness of the law with innermost affection, whereby faith works through love. Because it is on account of faith that God justifies the Gentiles.⁷⁶

Augustine’s polemical concerns cannot be forgotten: to establish (contra Pelagius) that the law and knowledge of the law is insufficient for a virtuous life. This, he argues, is precisely the point of Paul’s discussion of the letter/spirit contrast, and is in full agreement with Jeremiah’s prophecy of the new covenant. The *vetus testamentum* in Jer 31 is the ‘letter’, a state of unbelief and a holding to the law as a means of life; the *novum* is the Spirit who writes the law of God (i.e. *caritas*) on our hearts. Augustine has moved beyond the view

75. So also his *Quaestionum in Heptateuchum* (CCL 33, Tournholt, 1963), Bk. 5, §11. Here again, though the reference is very succinct, the same (absolute) contrast appears to be meant.

76. ‘[C]oncordat prophetico etiam hoc apostolicum testimonium, ut hoc sit pertinere ad testamentum novum legem Dei habere non in tabulis, sed in cordibus scriptam, hoc est, intimo affectu iustitiam legis amplecti, ubi fides per dilectionem operatur, quia ex fide iustificat gentes Deus.’ Augustine, *De spir.*, §46.

of the contrast in Jeremiah being that of the *mutatio sacramentorum*, and his explicit distance from that view is worth citing again, now in its proper context:

When the prophet promised a *novum testamentum* not according to the *testamentum* formerly made with the people of Israel when freed from Egypt, he said nothing about the sacrifices or any other sacraments But he only pointed out this difference: that God would place his law in their minds who belong to this *testamentum*, and would write it on their hearts.⁷⁷

Thus one commentator rightly concludes:

The difference between the old covenant and the new is not a difference between different types of law. It is the difference between “the sickness of the old man,” not healed by the threats and commands of the law, and the new human person who possesses “the new condition of the Spirit...”⁷⁸

The contrast is salvific, regarding regeneration, faith, and grace standing over against unbelief and death.

The pattern established in the *Contra epp. Pel.* and *De spiritu* can be seen in other treatments of the ‘new covenant’ in Augustine’s writings. The link between regeneration and the new covenant is made explicit in the *Enchiridion*:

For the divine judgment, ‘I will visit the sins of the fathers upon the children’, certainly applies to them before they began to belong to the *novum testamentum* through regeneration. That *testamentum* was prophesied about when it was said through Ezekiel that the sons should not bear the iniquity of the fathers.⁷⁹

77. Ibid., §42.

78. Kunz, “Sending Words,” 269. See also Augustine’s comments on Psalm 70 (71) regarding this salvific contrast of letter/spirit – expounded in Kunz (ibid), 274f.

79. ‘Illa quippe divina sententia: Reddam peccata patrum in filios, tenet eos utique antequam per regenerationem ad testamentum novum incipiant pertinere. Quod testamentum prophetabatur cum diceretur per Ezechielem non accepturos filios peccata patrum suorum.’ *Enchiridion de fide spe et caritate* (Œuv. de S. Aug. 9, Paris, 1988), §46.

Those living in the era before the Incarnation had access to the *novum testamentum*, which is entered by regeneration. And by entering it the ancients were able to escape the consequences of this divine judgment.⁸⁰

In a lengthy letter penned at the outset of the Pelagian controversy we find the same thoughts concerning the *vetus testamentum*, which belongs to the *vetus homo*. And Augustine is already set in his view that the faithful fathers who belonged to the time of the *vetus* were in fact members of the *novum*, being urged into eternal truths by the temporal (signs!).⁸¹ Those who serve God from *caritas* (the work of the Spirit) rather than fear are heirs of the *novum testamentum*.⁸² One can speak of the temporal ‘revelation’ of the *novum*, but properly the contrast of the *vetus* and *novum testamentum*, once more, is ‘salvific’: a contrast of faith and unbelief.

80. See the similar discussion, citing Jer 31:21-30 as well as 31:31-34 in Augustine, *Unfinished Work in Answer to Julian* (Works of St. Augustine, tr. by R.J. Teske. New York, 1999), §3.84. There the context is Augustine’s defence of the inheriting of original sin from the parents (see esp. §3.61-63). All are born into the old covenant, in which they are held responsible for the sins of the parents, but are redeemed into the new covenant: ‘Birth belongs to that former testament, but rebirth to this latter’ (§3.84.3).

81. ‘Volens itaque Deus ostendere etiam terrenam temporalemque felicitatem suum donum esse, nec aliunde nisi ab ipso sperari opertere, prioribus saeculi temporibus dispensandum iudicavit Testamentum Vetus, quod pertineret ad hominem veterem, a quo ista vita necesse est incipiat. Sed illae felicitates patrum, Dei beneficio concessae praedicantur, quamvis ad istam vitam transitoriam pertinentes... Dispensabant ergo illi sancti pro congruentia temporis Testamentum Vetus, pertinebant vero ad Testamentum Novum. Nam et quando temporalem felicitatem agebant, aeternam veram et praeferendam intelligebant’. Augustine, *De Gratia novi testamenti liber (Epistola 140)* (PL 33, ed. by J.-P. Migne. Paris, 1861), §2.5; cf. §7.20.

82. ‘Quapropter quamvis fidelibus ad Novum Testamentum pertinentibus dicat Apostolus quod paulo ante commemoravi, “Non enim accepistis spiritum servitutis iterum in timore; sed accepistis spiritum adoptionis filiorum...” Et timor iste praecipuus iis etiam qui ex fide viventes, haeredes sunt Novi Testamenti, atque in libertatem vocati.’ Ibid., §21.52; cf. §7.19

This pattern also makes clear why Augustine in *The City of God* views the promise of Jeremiah's new covenant as addressed to the 'heavenly Jerusalem'. The two cities famously contrasted here have nothing to do with temporal designations, at least as far as the era prior to and after the Incarnation. One can be a member of either city in any era, membership in which is determined by relationship to God.⁸³ Thus, when explaining the three possible references for prophetic utterances – the 'earthly Jerusalem', the 'Heavenly City', and both at once – he places Jeremiah's promise of the new covenant as his prime example of the second, 'prophecy concerning Jerusalem on high, whose reward is God Himself.'⁸⁴

All of this leads to the conclusion that Augustine presents a reading of Jeremiah's new covenant that stands at odds with the reading represented in Jerome. Instead of presenting a contrast between two eras or dispensations considered as such, Augustine views the contrast in terms of standing before God: 'salvation or non-salvation' (Lössl). The old covenant is the covenant of the letter, which is bondage, insufficient for healing, and thus can only kill. It is the 'old man', the law without faith – the new covenant is the life governed by the Spirit. One is a member of the new covenant by virtue of joining faith to the law, knowing

83. E.g., 'I divide the human race into two orders. The one consists of those who live according to man, and the other of those who live according to God. Speaking allegorically, I also call these two orders two Cities: that is, two societies of men, one of which is predestined to reign in eternity with God, and the other of which will undergo eternal punishment with the devil.' *The City of God* (tr. by R.W. Dyson. 1998), §15.1. Or, §14.9: 'Hence, it is now clear what kind of life the citizens of the City of God must lead during this pilgrimage: they must live according to the spirit and not according to the flesh... On the other hand, the city, that is, the fellowship, of the ungodly consists of those who live not according to God, but according to man.' Also §14.28.

84. Ibid., §17.3.

and trusting in the redemptive provisions of God – and all without regard for the era in which one lives.⁸⁵

§4. CONCLUSIONS

James O'Donnell has written (not entirely enthusiastically) of the way in which the narrative of Augustine's life in his *Confessions* 'is made to revolve around a defining moment of conversion, localized to a specific place and time and dramatized in a particular way.'⁸⁶ Such a two-part understanding of his life is unsurprising if for Augustine the fundamental contrast in all of life is between belief and unbelief – the contrast which finally gives shape to his great work on the *City of God*. And it is in this city that Augustine places all the believers, the members of the *novum testamentum*, from Abel and Seth through Moses, David, and down to himself. The contrast of membership in the old and new covenants is nothing less than the contrast of membership between the city of man and the city of God: unfaithfulness with the law opposed to grace and faith, the work of the Spirit.

85. The study by Kenneth Hagen, focusing mainly on Augustine's writings on the Psalms, comes to similar conclusions: 'The instrument of providence is *sermo dei verax*, a two-edged sword, present in both Testaments [considered as eras] and always present to separate *spiritualia* from *temporalia*. The *sermo* is *velatum* in circumcision, the Temple, and other *temporalia*, *revelatum* in Christ. Those (men of faith) who separate *spiritualia* from *animalia* "belong" (grow up) to the New, those who regard the *lex bona* to be sufficient as letter "belong" to the Old... "At any time" the *testamentum iustificationis* is at work. Those who "understand" are *re* Christians by the one Holy Spirit.' Hagen, *Theology of Testament*, 42-43.

86. J.J. O'Donnell, "Augustine: his time and lives," in *Cambridge Companion to Augustine* (eds. E. Stump and N. Kretzmann. 2001), 9. A similar point is made (more sympathetically) regarding Augustine's theological interpretation of his conversion experience and its impact on his life and work by Y. Miyatami, "Theologia conversionis in St. Augustine," *Congresso Internazionale su S. Agostino Nel XVI Centenario della Conversione* 1 (1987), 49-60.

The difficulty Augustine evinces with that reading held by Jerome (and the early Augustine) is that it cannot adequately explain the experience and faith of the believers in the Old Testament – made pressing by the Pelagian disputes. Augustine does not doubt that the righteous of the ancient era had the law on their heart (i.e. possessed the Spirit), were the people of God, knew God, and had the forgiveness of sins. Augustine throughout his career contrasts the various eras that govern the post-fall world.⁸⁷ But Jer 31:31-34 is not about that contrast. The characteristics of the members of the ‘new covenant’ in Jeremiah are nothing other than the characteristics of a faithful believer in any era. The contrast is between membership in a believing vs. membership in an unbelieving covenant: it is absolute, infidelity before God standing over against fidelity by grace and the Spirit.

§5. FULGENTIUS OF RUSPE

Augustine’s immediate legacy in reading Jer 31:31-34 is seen in the work of Fulgentius (c.467-c.532), bishop of Ruspe in North Africa during the tumultuous rule of the Arian King Thrasimund.⁸⁸ Fulgentius was a staunch follower of Augustine against the ‘semi-pelagianism’ that continued to unfold, and was ‘the greatest North African theologian after the time

87. Stated summarily: ‘the resurrection of the Lord was upon the third day, because with it the third epoch of the world began. The first Epoch was before the Law, the second under the Law, the third under Grace, in which there is now the manifestation of the mystery (*sacramentum*).’ Augustine, “Letter 55,” in *The Confessions and Letters of St. Augustine* (NPNF 1.1, Grand Rapids, MI, 1994), §5. Cf. *Contra epp. Pel.*, §3.9; *Contra Faustum*, §4.2; *City of God*, §16.26, etc. See further citations in Hagen, *Theology of Testament*, 34-36; Wright, “Augustine,” 726.

88. Augustine’s comments on Psalm 36 were the means of Fulgentius’ movement into the priesthood: see the early hagiography tentatively ascribed to Ferrandus, “*The Life of the Blessed Bishop Fulgentius*,” in *Fulgentius: Selected Works* (FC, Washington, DC, 1997), 1-56.

of Augustine'.⁸⁹ Given his allegiance to Augustine, there is little surprise that we find a similar use made of Jer 31:31-34.

As will be a common pattern, Fulgentius at some points clearly uses Jer 31:31-34 to refer to the *mutatio sacramentorum* - a contrast of religio-historical eras.⁹⁰ But we also find another reading more directly in line with Augustine's 'salvific' reading. During the exile of the orthodox bishops of North Africa on Sardinia (520-23), Fulgentius penned two letters as a representative for the bishops (Letters 15 and 17). In the latter, Fulgentius makes use of Jer 31:31-34 while discussing the issue of justification by faith. Abraham, the 'father of all the uncircumcised who believe', is taken (as by Paul) to be justified by faith and thus the model for all Gentiles. Then Fulgentius remarks:

Therefore, seeing that 'there is one God who justifies the circumcised by faith and the uncircumcised through faith', the apostle demonstrates that when he argues about the Gentiles naturally having done what is of the law and having the work of the law in their heart, he says it concerning those who are justified.⁹¹ That sense is fitting to the truth, since the same place are understood the

89. Robert B. Eno, in his "Introduction" to Fulgentius, *Selected Works* (FC, Washington, DC, 1997). For his role in the semi-pelagian debates, see R.H. Weaver, *Divine Grace and Human Agency: A Study of the Semi-Pelagian Controversy* (Macon, 1996), 182-98.

90. The context is an allegorical reading of the 'two cups' in Luke's narrative of the Last Supper, which represent the two covenants. The apostles 'receive the Scriptures of the old covenant with reverence but in such a way that they, having received the spirit of discernment, might know what was to be observed and what omitted among those commandments (§43).' Thus, we find Jer 31:31-34 employed: 'The divine word announcing in advance this unlikeness which is in the mysteries of each covenant says through the holy Jeremiah: "The days are surely coming..." In this way there comes the *novum testamentum*, not like the *vetus testamentum*, brought to an end by the Lord, that one in which the Lord gave the fulfillment of the commandments and, with the old mysteries taken away, instituted the different mysteries of revealed truth; and so what he promised in the *vetus*, he perfected in the *novum*.' Fulgentius, "Letter 14 to Ferrandus," in *Selected Works* (FC, Washington, DC, 1997), §46.

91. The central issue resolves around Rom. 2:14: 'De his igitur in quibus natura diuino sanatur munere, ut in Deum naturaliter credant, quique gratis per fidem iustificati, etiam ad bene operandum auxilium gratiae subsequentis accipiunt, apostolus dicit [cit. of Rom. 2:14].' Fulgentius, "Epistula 17," in *Fulgentius Ruspensis:*

Gentiles whom God justifies by the gift of faith. And in him to whom he grants the grace of faith, he writes the work of his law in their hearts given in justification. This is in order that a renewed nature might have the work of the law - apart from the letter of the *vetus testamentum*, through the grace of the *novum testamentum* - which had remained written until that time. Thus one might begin to belong to the people of God, not by the merit of preceding works but by the gracious gift of justification - which by the prophetic mouth from the heavens is deemed the common teaching, by holy Jeremiah saying ‘Behold the days are coming...’ [cites 31:31, 33-34].⁹²

This might perhaps be read as a contrast of the ‘mysteries’, as in Letter 14: the Gentiles do not need the old mysteries, but rather the new ones. But this is not how he applies it: the law written in the heart is the ‘law of faith’ given as a gift to those whom God justifies.⁹³ The issue is that of justification itself, which cannot be accomplished by the law for Jew or Gentile:

This is the law which God writes in the hearts of all, not through the condition of nature, but through the abundance of grace; not through the free will of man, but through the ministry of the preaching of the gospel; not on stone through the letter of the *vetus testamentum*, but on the heart through the Spirit of the living God.... And so he writes the law of faith, through which God justifies the Gentiles, that by grace being given nature would be renewed.⁹⁴

The issue is clearly a ‘salvific’ one drawing on Augustine, which then naturally moves into the question of the next section of the letter: why does God not make all to be-

Opera (CCL vol. 91A, ed. J. Fraipont. Tournhout, 1968), §48.

92. ‘Quoniam igitur “unus Deus, qui iustificat circumcisionem ex fide et praepitium per fidem”, apostolus autem de his qui iustificantur se loqui monstravit, cum de gentibus naturaliter quae legis sunt facientibus et opus legis in suo corde habentibus disputaret, ille sensus est ueritati conueniens, quod gentes in eodem loco accipiuntur quas Deus fidei dono iustificat, et in eo quod eis gratiam fidei tribuit, opus legis suae in eorum cordibus donata iustificatione conscribit, ut sine testamenti ueteris littera per noui testamenti gratiam natura renouata opus legis ad hoc scriptum habeat, ut ad populum Dei, non praecedentium merito, sed iustificationis gratuito munere incipiat pertinere. Quod nobis ore prophetico caelestis dignata est uulgare doctrina, sancto Ieremia dicente...’ Ibid., §49.

93. ‘In eorum cordibus dat legem suam et in sensibus eorum scribit eam, id est legem fidei, quae inspirata iustificat, non legem factorum, quae etiam obseruatores suos sine dubitatione condemnat.’ Ibid., §51.

94. ‘Haec est lex, quam Deus scribit in cordibus eorum omnium, non per conditionem naturae, sed per largitatem gratiae; non per liberum arbitrium hominis, sed per ministerium euangelicae praedicationis; non in lapide per litteram ueteris testamenti, sed in corde per Spiritum Dei uiui.... Scribit itaque legem fidei, per quam iustificat gentes Deus, ut dando gratiam renouet naturam.’ Ibid., §55. Cp. Augustine, *De spir.*, §46 (above).

lieve?⁹⁵ So while not asking the question regarding the place of the ancient believers, as Augustine did, Fulgentius nonetheless follows Augustine in reading the contrast at stake to be ‘salvific’: the law written on stone (non-justification by the law) vs. the work of the Spirit (justification). But he preserves the ambivalence in reading the text in one case as indicating the *mutatio sacramentorum*, and then in another as this absolute contrast. Fulgentius is not the last figure to hold both of these readings and, as for Augustine, the explanation is likely due to an acceptance of a plurality of interpretations, so long as they are both true and edifying. The tension between them, however, will become somewhat problematic.

95. ‘Cur ergo non fecit omnes homines uelle credere, cum non sit personarum acceptio apud Deum?’ Fulgentius, “Epistula 17,” §55.

III. Jer 31:31-34 in High Medieval Theology: Thomas Aquinas

Thomas Aquinas (c.1225-74) holds company with a very select few for influence in Western theology - a place guaranteed by a series of papal approbations.¹ Though typically known for his philosophical richness, modern scholarship has increasingly acknowledged that Thomas must be viewed in the light of his theological and even exegetical views.² This chapter will examine the use Thomas makes of Jer 31:31-34 as an illustration of a tension in high medieval theology between the two readings of the text just outlined: the *mutatio sacramentorum* at the heart of Jerome's reading, and the salvific contrast grounded in a unity of the people of God given expression by Augustine. Both readings persist in the Carolingian period through the medieval church and, as we will see, make their way in a directly related form into Reformation discussions.

1. He was canonized in 1323 by Pope John XXII, and when named *doctores ecclesiae* in 1567 by Pope Pius V, only the four Latin fathers bore the title (Ambrose, Augustine, Jerome, and Gregory the Great; the four Eastern fathers were added at the same time: Athanasius, Basil, Gregory of Nazianzus, and John Chrysostom). More recently, and responsible in part for the immense boom in 'Thomist' philosophy and theology, is the 1879 *Providentissimus Deus* (Enchiridion Biblicum, no.81) by Pope Leo XIII, who referred to Thomas as 'the prince of theologians' and declared, 'The best preparation [for study of Scripture in the wake of Rationalism] will be a conscientious application to philosophy and theology under the guidance of St. Thomas of Aquin' (§16). See other papal praises in Aquinas, *Commentary on the Epistle to the Hebrews* (tr. by Chrysostom Baer. South Bend, 2006), xi-xiii. For the reception of Thomas, see F. Kerr, *After Aquinas: Versions of Thomism* (Oxford, 2002).

2. 'Thomas ist Philosoph nur in spezieller Funktion seines eigentlichen Auftrags und Selbstverständnisses als (biblisch-augustinisch orientierter) Lehrer der Theologie.' U. Kühn, "Nova Lex. Die Eigenart der christlichen Ethik nach Thomas von Aquin," in *Lex et Libertas* (Studi Tomisitici, eds. L.J. Elders and K. Hedwig. Vatican City, 1987), 244. Though this is not necessarily at odds with seeing the *Summa Theologiae* as 'a wondrous work, whose life elixir is metaphysics', as T. Kobusch, "Grace," in *The Ethics of Aquinas* (ed. S.J. Pope. Washington, DC, 2002), 207.

While the Augustinian line is only sparsely represented between Fulgentius and the 12th century (at least as a direct reading of Jer 31:31-34),³ the contrast of religio-historical eras as the consequence of Jer 31:31-34 is easily found. This is especially the case in Christian-Jewish polemics - which, as we saw, is also found in Augustine.⁴ The tension of the two readings of Jer 31:31-34 is seen in Alcuin of York (c.735-804), the influential court master of Charlemagne.⁵ In his commentary on Hebrews Alcuin proposes a distinction between the Mosaic covenant, referred to in Jer 31:31-32, and the covenant made with Abraham ‘according to the generation of the Spirit.’⁶ Then he states:

3. The dubitable attribution of a brief summary of the Augustinian position to Julian of Toledo (c.642-90) at least shows the persistence of the position: Julian of Toledo (?), *Responsio* (PL 96, ed. by J.-P. Migne. Paris, 1862), 698.

4. See, e.g., the 8th c. convert from Judaism, Paul Alvarez of Cordoba: *Epistle 18: Epistola Alvari transgressori directa* (PL 121, ed. by J.-P. Migne. Paris, 1880), 507-08. Citing Jer 5:12, according to the Vulgate: ‘Negaverunt me, et dixerunt: Non est ipse. Qui ipse? Messias non est iste qui venit, sed alium exspectamus. Vides quam aperte insanias vestras propheta [i.e. those who continue to deny Jesus as the Messiah, cf. 509] depinxit. Item ipse: “Ecce dies venient, dicit Dominus, et feriam domui Judae,” id est, duabus, “pactum novum”. Unde hoc “novum”, nisi vetus praecederet? Et ideo novum pactum, ut veterum aboleret; et ut hoc pactum non legem, sed Evangelium, non tantum gentibus, sed etiam Judaeis, qui nos sumus, positum scias, audi: “Non secundum pactum quod pepigi cum patribus eorum, quando apprehendi manum eorum, ut educerem eos de terra Aegypti,” id est pactum legis. Vides legem abolitam, et quasi reprobam factam: et bene propheta hoc post tempus evenire praedixit: quia non suo in tempore, sed in dies venturos Evangelii testamentum dandum esse praevidit.’ But even here the contrast between the *pactum legis* and *Evangelii testamentum* shows the ambiguity - and in terminology that will remain a part of Christian discourse.

5. See the role of Alcuin in the helpful study of J. Story, *Carolingian Connections: Anglo-Saxon England and Carolingian Francia, c.750-870* (Studies in Early Medieval Britain, Aldershot/Burlington, 2003). A brief outline of his life is provided, pp.4f.

6. ‘de lege hoc dixit [in Jer 31:31-32] lata in monte Sinai, quae quinquagesima die data esse constat, in qua non permaneserunt pares eorum, sed fecerunt vitulum in Horeb et adoraverunt illud. Non enim de illo quod patribus eorum proposuit, id est Abraham, Isaac et Jacob. Et omnes filii fidei, filii Abraham dici possunt... Et hoc est testamentum, quod consummabit Deus, id est, perficiet super omnes gentes, ut quicumque crediderint in Christum, filii Abrahae, secundum spiritalem generationem, vere sint.’ Alcuin of York, *Expositio in Epistolam Pauli Apostoli ad Hebraeos* (PL 100, ed. by J.-P. Migne. Paris, 1863), 1070.

And here [31:33-34] is the great distance between law and law, between Scripture and Scripture, between letter and grace. For the letter of the law is written on tablets of stone, which Moses himself shattered when he saw the people playing before the calf: but grace is given in the heart of believers through the Holy Spirit, through whom *caritas* is shed in the hearts of believers.⁷ What had lain and was read in the letter by the people through the traditions of the teachers, this the coming Holy Spirit showed the apostles.... ‘Paul, taking courage from the prophet, attacks more in that *testamentum*, revealing the benefit, because ours now flourishes, and the ancient things have almost perished.’ But ours will be renewed just as a young eagle if we hurry to the fount of life, if we extend the wing and eye to the sun of righteousness (*iustitia*).⁸

Though the broader context shows an interest in the *mutatio sacramentorum*, the central issue in citing Jeremiah is the contrast of the ‘letter of the law’ and ‘grace given in the heart.’ That the statement is made immediately after asserting the continuity of the ‘sons of Abraham’ implies a contrast between the Mosaic *littera legis* and the Abrahamic covenant *secundum spiritalem generationem*. This might be the forerunner for the position of Oecolampadius, the contrast being a reversion to the purity of the Abrahamic promise (below), but too little is

7. Cp. the Glossa: ‘Non in tabulis lapideis, non atramento, sed Spiritu, quo praesente (qui est digitus Dei) diffunditur charitas in cordibus, quae est plenitudo legis.’ *Glossa Ordinaria: Epistola ad Hebraeos* (PL 114, ed. by J.-P. Migne. Paris, 1879), 657. This is the ‘novitatem spiritus qui sanat a vitio vetustatis’ - language that appears to be taken from Augustine.

8. ‘Et hic magna distantia est inter legem et legem, inter Scripturam et Scripturam, inter litteram et gratiam. Nam littera legis scripta est in tabulis lapideis, quas Moyses ipse fregit, dum vidit populum ante vitulum ludentem: gratia vero data est in corda credentium per Spiritum sanctum, per quem charitas diffusa est in cordibus credentium. Quod vero in littera latebat et legebatur a populo per magistrorum traditiones, hoc Spiritus sanctus adveniēns docebat apostolos. “Sumens a Propheta fiduciam Paulus, amplius in illud testamentum invehitur, commode ostendens, quoniam nostra nunc florent; illa vetusta sunt et prope interitum.” Sed renovabitur sicut aquila juvenus nostra, si ad fontem vitae currimus; si alas et oculos ad solem iustitiae extendimus.’ Alcuin, *Hebraeos*, 1070.

The citation is from Chrysostom, *Hebrews*, Hom. 14, §7. It is also quoted, with Alcuin’s added exhortation, in the commentary on this text in the next generation by Rabanus Maurus (c.776-856), who entitles this section ‘Ostendit Christum esse meliorem sacramentorum ministrum, ministris Veteris Testamenti’: Rabanus Maurus, *Enarrationum in epistolas beati pauli* (PL 112, ed. by J.-P. Migne. Paris, 1852), 768.

stated. More likely we simply find Augustine and John Chrysostom set side by side, with no explanation of the tension.

§1. THOMAS AND THE MUTATIO SACRAMENTORUM

The importance of the relationship between the *vetus* and *novum testamentum* in the high medieval period was given added impetus from the two opposing heresies of the Cathars and the lesser-known Passaginis. The immense influence and diversity of the Cathars is well-traced throughout Malcolm Lambert's study of medieval heresies.⁹ What is significant for us is the fertile ground produced by this sect for the strong assertion of the Augustinian line. The Cathars stood as inheritors of the Manichaeans, whom we have seen as significant for Augustine's positing of the union of experience of believers before and after Christ. Like the early heresy, the Cathars rejected the material world as the work of that evil deity represented in the Old Testament (which is hence rejected as well).¹⁰ Though Jer 31:31-34 (as part of the OT) could not be used directly against the Cathars, the rebuttal regarding the unity of the people of God and God's work pressed Augustine and his work into battle once more.

9. M. Lambert, *Medieval Heresy: Popular Movements from the Gregorian Reform to the Reformation* (3rd ed. Oxford, 2002).

10. Though Lambert (op. cit.) is less concerned with this latter aspect of Catharism (simply mentioning the rejection of the OT, e.g. p.66), it is clearly seen in his fuller study, *The Cathars* (Oxford, 1998). Thus, speaking of a group of heretics mentioned in a sermon, 'These heretics were unmistakably Cathar for their rejection of the Church's sacraments flowed from a profound rejection of creation, repudiating the Old Testament, believing that the law of Moses was given by the Devil, denying the resurrection of the body' (88); or, citing a manuscript of utterances reflecting 'ordinary believers' in this sect: 'The god of the Old Testament was malign: one should put faith only in the god who made a new heaven and a new earth' (161).

The opposing heresy, much more confined (perhaps only to Lombardy), was that of the Passaginis. Far from denying the OT, this sect denied the divinity of Christ and placed a renewed value on the Mosaic laws such as circumcision, feasts, and food laws.¹¹ The heresy in this case was seen as a refusal to acknowledge the *mutatio sacramentorum*. Each of these two disparate heresies, prevalent in the 12th century, set the theological field for discussions of the relationship of the testaments - whether as books, eras, or states of affairs. One evidence of this is the late-12th c. treatise *Summa contra haereticos*, which moves back and forth summarizing and critiquing these two heresies, and reveals the central concern for properly negotiating the *vetus testamentum*.¹²

The dominant trend in using Jer 31:31-34 would remain with reference to the *mutatio sacramentorum* - the contrast of the *vetus* and *nova lex*.¹³ That this dominance was indebted in large part to Jerome is clear in the remarks of the *Glossa ordinaria* at Jer 31:31-34. Edited in various places throughout the 12th c., the *Glossa* represented a monumental - and highly successful - attempt to make available the mass of patristic (often via Carolingian) comments

11. See W. L. Wakefield and A. P. Evans, eds. *Heresies of the High Middle Ages: Translated with Notes*. (New York, 1991), 173-85. This includes excerpts from the Passagini summaries in the *Summa contra haereticos* (below).

12. *Summa Contra Haereticos: Ascribed to Praepositinus of Cremona* (ed. by J.N. Garvin and J.A. Corbett. Notre Dame, 1958) - esp. §II ('Quod lex vetus a diabolo/Deus data est et nullus/plures ante Christum salvatus'), §VI ('Quod vetus testamentum observandum sit/non sit ad litteram'). The attribution to Prepositinus is disputed: it is affirmed hesitantly by G. Lacombe, *La Vie et les Oeuvres de Prévostin* (Bibliothèque Thomiste 11, Le Saulchoir, 1927), 134-35. But the reasons are insufficient for the attribution to be made a significant issue. See the introduction to the above edition by Garvin and Corbett, pp.xiii-xv.

13. E.g. *Contra Haereticos*, §VI.B.10.

on the Bible into a useful tool.¹⁴ If, as Andrée has argued, Paschasius Radbertus is the predominant figure in the *Glossa* on Lamentations, the clear dominant figure in Jeremiah is Jerome. On 31:31-34 the gloss is nothing more than a summary from Jerome's comments on the text, making clear the issue of the *mutatio sacramentorum* ('both circumcision and the sabbath are spiritually fulfilled'). Like Jerome the new covenant is linked to the 'possession of all virtues' through the Spirit's work of instilling the knowledge of God.¹⁵ Also like Jerome, however, there is no notice of Augustine's concerns of what this might mean for the 'ancient fathers'.¹⁶

It is unsurprising, then, to find that Thomas makes significant use of Jer 31:31-34 in this context. Thomas' first remarks on the text come from his commentary on Jeremiah - a cursory reading of the text likely produced while he was still a 'bachelor' under Albert the

14. See the summary of A. Andrée, *Gilbertus Universalis: Glossa Ordinaria in Lamentationes Ieremie Prophete. Prothemata et Liber I. A Critical Edition with an Introduction and a Translation* (Studia Latina Stockholmiensia. Stockholm, 2005), 7ff. 'As a reference tool the practical use of which is impossible to underestimate, it was to be found in every library ready to be consulted by a Peter Lombard or a St Thomas Aquinas (30).'

15. On v.31: 'Hoc testimonio Paulus, etc., *usque ad* et circumcisio et sabbatum spiritualiter complerentur.' On v. 34: 'Ut non quaerant Iudaicos magistros et mandata hominum, sed doceantur a Spiritu sancto, si tamen templum Dei fuerint, et spiritus Dei habitaverit in ipsis, qui spirat ubi vult, et diversas habet gratias: Notitia tamen unius Dei omnium virtutum possessio est.' *Glossa Ordinaria: Prophetia Ieremiae* (PL 114, ed. by J.-P. Migne. Paris, 1879), 46c. Cp. Jerome, *In Hieremiam*, VI.26.4-6: 'Hoc testimonio apostolus Paulus... ut omnia quoque sacrificia et circumcisio et sabbatum spiritaliter complerentur... [U]t nequaquam Iudaicos quaerant magistros et traditiones et mandata hominum, sed doceantur a spiritu sancto, si tamen audire mereantur: templum dei estis et spiritus dei habitat in vobis. Spiritus autem spirat, ubi vult, et diversas habet gratias notitiaque unius dei omnium virtutum possessio est.'

16. The comments from the *Glossa* on Hebrews, drawn largely from Chrysostom, likewise set this pattern of spiritual/carnal sacraments: 'Distat inter sacerdotium, et sacerdotium. Illud carnale, hoc spirituale. Illud temporale, hoc aeternum.' *Glossa ad Hebraeos*, 655. Or, 'Haec est distantia Veteris et Novi, quod illud in lapide, hoc in corde; ibi merces, terra; hic visio Dei (657).'

Great in Cologne (i.e. 1248-52).¹⁷ He discusses the text under the heading of the promise of ‘spiritual goods’, with three parts. First is the promise of making a new covenant - ‘that is the Gospel’ - in the ‘days of grace’. The Vulgate rendering of בעלתי with *dominatus* leads Thomas to seeing a negative side to Yhwh’s work with Israel in the earlier covenant (‘crudeliter, et potestative ulciscendo’) which is set over against this new covenant.¹⁸ Second (31:33a) is the ‘tenor’ of the covenant: ‘in the inner parts, not on tablets of stone.’ Finally comes the ‘usefulness’ of the covenant for obedience (33b), both for wisdom (34a, ‘in which the need for teaching is excluded’), and for forgiveness of sins (34b). That the whole is conceived temporally is obvious, as clear from his comment on 34a:

And this is certainly fulfilled in the present time because we do not come into divine truth through prophetic methods or human planning, nor through Jewish traditions; but in the future it will be completed entirely.¹⁹

17. J.-P. Torrell, *Saint Thomas Aquinas: The Person and His Work* (tr. by Robert Royal. Washington, DC, 2003), 27.

18. Interestingly, this is the opposite of Jerome’s comments: ‘Quando eductus est Israhel de terra Aegypti, tanta dei in populo illo familiaritas fuit, ut manu eum adprehendisse dicat et dedisse pactum.’ Jerome, *In Hieremiam*, VI.26.5-.6. Perhaps Thomas did not have access to Jerome’s commentary at this early stage.

19. After discussing the ‘bona temporalia’ of 31:27-30: ‘Secundo promittit bona spiritualia: *ecce dies venient*: et primo promittit foederis innovationem: *dies*, scilicet gratiae, *foedus novum*, novum testamentum, hoc est Evangelium. *Dominatus*, crudeliter, et potestative ulciscendo... Secundo ponit pacti tenorem: *sed hoc erit pactum (...)* *dabo legem meam*, Evangelium, *in visceribus*, non in tabulis lapideis... Tertio ponit pacti utilitatem primo quantum ad obedientiam: *et ero eis in Deum*.... Secundo quantum ad sapientiam: *et non docebit ultra vir proximum suum*; in quo excludit docendi necessitatem. Et hoc quidem impletur in praesent tempore, quantum ad hoc quod non per prophetiae rationes, et humanas inventiones in divinam veritatem venimus, neque etiam per Judaicas traditiones, sed in futuro ex toto complebitur.... Tertio quantum ad peccatorum munditiam: *quia propitiabor iniquitati eorum*.’ Aquinas, *In Jeremiam prophetam expositio* (Opera Omnia 14, Parma, 1863), cap. 31, l.10. For his point on 34a, see Alcuin above.

The deferring of complete fulfillment to the future might show some hesitation, but it is perhaps only a prudent admission given his occupation.

Thomas' commentary on Hebrews - a part of the larger commentary on the Pauline epistles - represents a developed view of the same line and was written around 1265-68, just three years before the second part of the *Summa Theologiae* (*STh*), in which an Augustinian reading emerges. Here the change from 'old' to 'new law' is especially a change of efficacy. So, commenting on 7:12 (Vg: 'for the priesthood being translated, it is necessary that a translation also be made of the law'), he cites as 'concerning this change' Jer 31:31-32, with Rom 8:2:

For the law of the spirit of life, in Christ Jesus, hath delivered me from the law of sin and of death. For the old law is called the law of sin and death, by an accepted circumstance that it does not confer grace *ex opere operato* as do the sacraments of the new law.²⁰

For Thomas the sacraments of the *vetus lex* required faith to be added to them in order to be effective instruments of grace. But in the *nova lex* this is no longer a necessary condition. Thus, in a question taken into the *STh*, Thomas comments on Heb 9:9 (the old sacrifices 'could not make the worshipper perfect'):

But were not many perfect in the old law? ... I respond that although many were then holy and perfect, this was not because of works of the Law. Above 7:19: 'For the law brought nothing to perfection.' Rather, it was because of faith in Christ. Gen 15:6: 'Abram believed God, and it was reputed to him unto justice [*iustitia*].' Therefore, this was not in virtue of the ceremonies or the legal observances. Hence it is frequently said, as it is in Lev 5:10 and many other places, 'The priest shall pray for him, and for his sin, and it shall be forgiven him.' That this would cleanse was due to faith. But in the New Testament it is said in Mk 6:16: 'He that believeth and is bap-

20. Aquinas, *Hebrews*, 152.

tized, shall be saved.’ For there is no salvation without the sacraments of the new law. [cites Jn 3:5]²¹

Thomas, of course, is not disputing the necessity of faith for salvation in the New Testament. The question is, in what way are the sacraments effective instruments of grace? In the *vetus lex*, due to the nature of the sacraments as ‘purely corporeal,’²² they could not be sufficient instruments for causing grace. The ‘promised goods in the Old Testament were temporal goods.’ But in the New Testament the promises are ‘heavenly’.²³

Thomas is consistent throughout his career in using Jer 31:31-34 - or at least its instances in the New Testament - to speak of this change in the ceremonial laws. From sacraments whose efficacy is tied to faith, the *nova lex* brings sacraments efficacious in themselves. His commentary on Galatians and Hebrews offer the most clear statements of the matter, but it also re-occurs in the discussion of the *Summa Theologiae*. Answering in the affirmative the question, ‘Whether the ceremonies of the *vetus lex* ceased at the coming of Christ?’, Thomas cites as the *sed contra* Heb 8:13: ‘In saying new, he has made the former old: and that which decays and grows old, is near its end.’²⁴ There are three ‘states’ (*stati*) in

21. Ibid., 183-84. Or, ‘if there were any in the old law who were just, they were not made just by the works of the Law [i.e. the ‘ceremonial works’ which ‘neither confer grace nor contain grace in themselves’] but only by the faith of Christ “whom God hath proposed to be a propitiation through faith” (Rom 3:25)....’ Ibid. This also represents the use of Jer 31:31-34 in his *Commentary on Saint Paul's Epistle to the Galatians* (tr. by F.R. Larcher. Albany, New York, 1966), 139ff.

22. Aquinas, *Hebrews*, 184.

23. Ibid., 185.

24. *Summa Theologiae* (5 vols. Ottawa, 1949), Ia IIae, 103, a.3, s.c. I have used the translation of the English Dominicans (*Summa Theologica*, Benziger Bros., 1947) throughout, changed as necessary.

which external worship is made to join ‘internal worship’: (1) faith and hope in heavenly goods as things to come, and their means as something to come; (2) faith and hope in heavenly goods as things to come, and their means as having come; and (3) the possession of the heavenly goods and the means (‘the state of the Blessed’). With the *nova lex* promised through Jer 31, the heavenly goods have come - the *passio Christi* and the true sacraments. The clear religio-historical use of Jer 31:31-34 for the *mutatio sacramentorum* shows Thomas in this mainline of interpretation.

§2. THOMAS AND THE AUGUSTINIAN CONTRAST

There is, however, more to say about Thomas’ reading of Jer 31:31-34 in the *STh*.²⁵ The *STh* was composed in its three parts - and released as such - in three periods of Thomas’ later life, from c.1265-73, stopped while treating ‘penance’.²⁶ But the interrelation of the parts is explicitly provided by Thomas’ prefaces, and now generally acknowledged. The treatise on Law in the *prima secundae* - in which the Augustinian reading of Jer 31:31-34 is evident - is placed in direct relationship to the *prima pars*:

now that we have treated of the exemplar, i.e. God, and of those things which came forth from the power of God in accordance with His will [part 1]; it remains for us to treat of His image, i.e. man, inasmuch as he too is the principle of his actions, as having free-will and control of his actions.²⁷

25. Contrary to the presentation of L.J. Elders, “La relation entre l'ancienne et la nouvelle Alliance, selon saint Thomas d'Aquin,” *RThom* 100 (2000), 580-602. Elders interacts with the above texts, but never with the important IaIIae q.106, which presents the crucial caveat.

26. See L.E. Boyle, “The Setting of the Summa Theologiae of St. Thomas - Revisited,” in *The Ethics of Aquinas* (ed. S.J. Pope. Washington, DC, 2002), 1-16; Torrell, *Person and Work*, 145-47.

27. *STh*, Ia IIae, pro.

Within this goal Thomas gives a more particular goal for the discussion on Law, making use of the larger theme of the movement toward God, our ‘happiness’ and proper end:

We have now to consider the extrinsic principles of acts. Now the extrinsic principle inclining to evil is the devil, of whose temptations we have spoken.... But the extrinsic principle moving to good is God, Who both instructs us by means of His Law, and assists us by His Grace: wherefore in the first place we must speak of law; in the second place, of grace.²⁸

The third part continues this logic, so that after teaching about the proper end of human life we are shown the means by which we can obtain that end, namely Jesus Christ, the sacraments, and the resurrection. Thus we are concerned in this section with humanity, and in particular the actions of a person in relation to his or her proper end. What follows the treatise on Law is a discussion of grace (which fits well the natures of the old and new law), and then the *secunda secundae* which details the proper actions of the Christian life.

The contextual importance of the treatment of Law in relation to sin is worth noting, in part because it is often overlooked despite the close connection of the questions (q.89 closes the treatment on sin, q.90 opens that on law) made through the prologue between them.²⁹ The happiness and desire of all humankind – i.e. humankind’s proper end – is the be-

28. Ibid., Ia IIae, q.90, pro. The dual need of instruction (given by law) and assistance (the grace of the Spirit) is also seen in Hugh of St. Victor, *On the Sacraments of the Christian Faith (De Sacramentis)* (tr. by Roy J. Deferrari. Cambridge, MA, 1951), I.viii.3.

29. Cited above. Even Étienne, who devotes some space to the place of the treatise on law within the whole fails to mention any connection here. J. Étienne, “Loi et grâce: Le concept de loi nouvelle dans la Somme théologique de S. Thomas d'Aquin,” *RTL* 16 (1985), 5-22. See, however, T. S. Hibbs, “Divine Irony and the Natural Law: Speculation and Edification in Aquinas,” *International Philosophical Quarterly* 30.4 (1990), 426: ‘It is not accidental that the treatise on law in the Summa is comfortably ensconced between the treatises on sin and grace.’

artific vision of God.³⁰ But the habits or dispositions which ought to lead us toward that end have been damaged by sin, and by original sin in particular. Original sin corrupts ‘the disposition of a complex nature, whereby that nature is well or ill disposed to something.’³¹ It works like a disease that carries a person from health to sickness – an ‘inordinate disposition of the body’. Further he states, following Anselm, that original sin is the ‘absence of original justice’ (*carentia originalis iustitiae*). *Iustitia* has already been discussed as a cardinal virtue, tied directly to one’s nature and directing one’s nature to the proper end.³² Thus the absence of the cardinal virtue of *iustitia*, or the disposition of righteousness which is a part of our nature, rules us out of attaining even the natural aspect of our proper end. In short, after original sin we are left with a significant problem: the lack of *iustitia* and the corrupted habits, all of which lead us away from that end proper to our nature.

Here Thomas begins the discussion of law, directly addressing our movement to ‘happiness’ or our proper end:

Now the first principle in practical matters, which are the object of the practical reason, is the last end: and the last end of human life is bliss or happiness, as stated above. Consequently the law must needs regard principally the relationship to happiness.³³

30. ‘ultima et perfecta beatitudo non potest esse nisi in visione divinae essentiae.’ *STh*, Ia IIae, q.3, a.8, co.

31. Ia IIae, q.82, a.1, s.c. See the helpful treatment on this topic by M. Leblanc, “Le péché originel dans la pensée de S. Thomas,” *RThom* 93 (1993), 567-600.

32. Ia IIae, qq.58-62. The (one) proper end of a person is twofold for Thomas, containing both a natural aspect – corresponding to one’s nature and attainable by it – and a supernatural aspect which is impossible to attain except by the power of God. These two different aspects of the proper end correspond to two kinds of virtues, the cardinal or principle virtues tied to our nature and theological virtues which are infused in us by grace. For this see esp. Ia IIae, q.62, a.1, co.

33. Ia IIae, q. 90, a.2, co. Étienne rightly points towards the unity that this provides between ‘law’ and ‘desire’ in Thomas: ‘Toute loi est ordonnée à une fin mais saint Thomas songe avant tout à la fin dernière, à la beatitudo

If law is directed toward our proper end then it is simple enough to understand the place of the ‘eternal law’ (*lex aeterna*). Already a popular concept at least as far back as Augustine, the eternal law in Thomas is the plan of divine wisdom (*ratio divinae sapientiae*), which ‘moves all things to their proper end’.³⁴ This is the governing category of law, in which the other kinds of law (natural, human and divine) find their place. It is a general ‘way things ought to be’, in an active sense, by virtue of the creative and sustaining providence of God instilled into the world and thus governing all of creation.³⁵

So ‘law’, grounded fundamentally in the eternal law, is tied to moving us toward our proper end. The three parts of this law - natural, human, and divine - are subsumed in different ways within this structure. Natural law, perhaps the most famous aspect of Thomas’ thought, is the means by which rational creatures participate in the eternal law *in their nature*.³⁶ That is, every rational creature is ordered by its created nature towards its proper

surnaturelle à laquelle Dieu invite ses enfants; il en résulte que, comprise dans toute sa profondeur, la loi dont traite la Somme, loin d’évoquer une violence asservissante, apparaît, dans une perspective de sagesse, comme un chemin qui conduit l’homme au bonheur parfait; loi et désir sont foncièrement réconciliés dans la vérité de l’homme telle que Dieu la révèle de sorte que chacun puisse s’y conformer par son agir.’ Étienne, “Loi et grâce,” 8. Or more simply, ‘Gesetz und Evangelien sind kein Widerspruch.’ J. Stöhr, “Bewahrt das Sittengesetz des alten Bundes seine Geltung im neuen Bund?,” in *Lex et Libertas* (Studi Tomisitici, eds. L.J. Elders and K. Hedwig. Vatican City, 1987), 220.

34. Ia IIae, q.93, a.1, co. Cf. Augustine, *De libero arbitrio* (CCL 29. Tournholt, 1970), I.6.15: ‘illa lex quae summa ratio nominatur, cur semper obtemperandum est et per quam mali miseram, boni beatam vitam merenter, per quam denique illa, quam temporalem vocandam diximus, recte fertur recteque mutatur, potestne cuipiam intellegit non incommutabilis aeternaue videri?’

35. See Ia IIae, q.93, a.5.

36. The discussion of Thomas on natural law is immense, though summarily we can mention three points. (1) There exists a traditional line of development which can be summarised in Jean Porter’s words: ‘Thomas’ moral theology presupposes that the content of morality can be derived from independent, nontheological grounds.’ J. Porter, “Desire for God: Ground of the Moral Life in Aquinas,” *TS* 47 (1986), 65. Cf. the more lengthy

end. Drawing on the Aristotelian principle of the foundational nature of the law of non-contradiction, Thomas asserts that the foundational principle for the natural law, which is self-evident to all universally, is that ‘good is that which all things seek after’ and its precept ‘good is to be done and pursued, and evil is to be avoided.’³⁷ This is built into our nature as the bedrock of all ‘natural’ law (nature directed to happiness).

The self-evidence of the principle aids to ensure that the natural law cannot be eliminated from the heart, even through sin.³⁸ Further, the general precepts of natural law are always necessarily available by virtue of the nature of man as a reasonable creature created within the eternal law.³⁹ But this does not mean that the act of deriving precepts from our nature is

discussion in J. Porter, *Natural & Divine Law: Reclaiming the Tradition for Christian Ethics* (Grand Rapids, MI, 1999). (2) This reading is strongly - and rightly - disputed: the ‘curtailment or suspension of the theocentric intention of Aquinas’s ethical considerations is bound to distort his account.’ F. Kerr, “Aquinas and Analytic Philosophy: Natural Allies?,” in *Aquinas in Dialogue: Thomas for the Twenty-First Century* (eds. J. Fodor and F.C. Bauerschmidt. Oxford, 2004), 132 (summarizing another’s views, with whom he sympathizes). Cf. P.M. Hall, *Narrative and the Natural Law: An Interpretation of Thomistic Ethics* (Notre Dame, 1994); T.S. Hibbs, “Interpretations of Aquinas’s Ethics since Vatican II,” in *The Ethics of Aquinas* (ed. S.J. Pope. Washington, DC, 2002), 412-25. (3) This discussion is inseparable from that of ‘natural theology’ in more general terms – a project to which Karl Barth strongly objects and associates with Thomas (akin to Porter’s reading); but in light of (2), see E.F. Rogers, Jr., “Thomas and Barth in Convergence on Romans 1?,” *Modern Theology* 12.1 (1996), 57-84; Idem, “The Narrative of Natural Law in Aquinas’s Commentary on Romans 1,” *TS* 59.2 (1998), 254-76.

37. Ia IIae, q.94, a.2, co.

38. Ia IIae, q.94, a.6.

39. The room for this is already established in Ia IIae, q.85, a.1. Sin does not change the nature of a created being. Thus his oft-cited dictum: ‘gratia non destruit naturam, sed supponit et perficit eam.’ This brings up the difficult principle of synderesis, which has been debated widely and would take us too far afield to attempt to resolve. In my mind Pamela Hall is right in following Daniel Mark Nelson, who does not downplay the importance of synderesis – that habit by which one is able to choose good – but instead emphasises the generality of the concept. In Hall’s words, ‘The first principle of practical reason does not then yield specific knowledge of genuine goods; it provides only the most general way to characterize the end of an action: as a good, as something to be desired.’ Hall, *Narrative*, 31. This ties in well with the emphasis of Westberg who reminds us that the discussion of the laws is primarily addressed to the intellect, rather than the will, contrary to the later tradition in medieval thought (e.g. John Scotus and William Ockham). In other words, law addresses

untouched by sin. Already we can begin to see the points that will be at issue in the giving of the divine law. By virtue of sin we are ruled out of the beatific vision, both by lack of *iustitia* and a disposition away from our proper end. Law is given to direct us to our proper end, and though still a part of our nature by virtue of the continuity of nature before and after sin, it cannot in itself take us to that proper end: natural law can direct, but if one's dispositions are away from it then something beyond is necessary for happiness. Thomas will assert that this 'something' is grace and the work of the Holy Spirit which he terms the 'new law'. This is where the whole of the treatise heads.⁴⁰

Thomas' discussion of human law can be treated briefly. The central point is that human laws are given as a means of training or directing towards the common good. Thus Thomas states, 'man has a natural aptitude for virtue, but the perfection of virtue must be acquired by man by means of some kind of training.'⁴¹ Thus the institution of human laws, which have their origin in the natural law and are instituted by the proper authorities according to the particular determinations that seem best for the circumstances. Human law is thus distinguished from natural law not only via the source of institution (by the creature rather

primarily what we desire as an end, and only derivatively what we ought and ought not to do. D. Westberg, *Right Practical Reason: Aristotle, Action and Prudence in Aquinas* (Oxford, 1994), 34-35.

40. Thus Pesch: 'Die allgemeine Lehre vom Gesetz, die als solche schon eine unverkennbare theozentrische Orientierung aufweist, wird nur als Prolegomenon der Lehre vom göttlichen Gesetz des Alten und Neuen Bundes vorangeschickt, auf der quantitativ und qualitativ das Schwergewicht des Gesetzestraktates liegt.' O.H. Pesch, *Die Theologie der Rechtfertigung bei Martin Luther und Thomas von Aquin: Versuch eines systematisch-theologischen Dialogs* (Mainz, 1985), 411.

41. One's 'natural aptitude for virtue' means that a person by virtue of his or her nature as a rational creature is prone towards the proper end (happiness), which entails the proper virtues. Defended in Ia IIae, q.63, a.1 and q.94, a.3. Ia IIae, q.95, a.1, co.

than by the created order or nature), but as being malleable to the extent that it takes into account present circumstances and the current imperfection of the common good.⁴²

Thomas introduces divine law by providing four reasons for its necessity above and beyond natural and human law:

- (1) The proper end of a person (beatific vision) is beyond his or her natural faculties to attain; therefore more than the natural law must be given.⁴³
- (2) Human discernment regarding the particulars of what ought and ought not to be done is uncertain.
- (3) The perfection of the proper end demands acting rightly in both external and internal actions. But human judgment, and therefore human law, is only competent for external acts.⁴⁴
- (4) Human law cannot punish or forbid all sin, for by so doing many good things would be forbidden and the common good would be hindered. Thus in order that all sin might be confronted, divine law was necessary.

While the latter two show the need for something beyond human law, the first reveals the shortcomings of the natural law itself. Thomas does not see natural law as capable of per-

42. Ia IIae, q.97, a.1. The distinction here is easily stated: the command not to murder is a different kind of precept than the command to pay my taxes. The latter is only binding by virtue of the present institution, whereas the former is binding by virtue of the created order. The government has the authority to revoke the precept commanding taxes given whatever present circumstances; but the overturning of the command not to murder would entail an overturning of the created order and is thus impossible for man or even for God insofar as the natural law is simply that which leads to God. 'God cannot dispense a man so that it be lawful for him not to direct himself to God, or not to be subject to His justice, even in those matters in which men are directed to one another.' Ia IIae, q.100, a.8, ad.2.

43. More precisely: 'First, because it is by law that man is directed how to perform his proper acts in view of his last end. And indeed if man were ordained to no other end than that which is proportionate to his natural faculty, there would be no need for man to have any further direction of the part of his reason, besides the natural law and human law which is derived from it. But since man is ordained to an end of eternal happiness which is inproportionate to man's natural faculty, as stated above, therefore it was necessary that, besides the natural and the human law, man should be directed to his end by a law given by God.' Ia IIae, q.91, a.4, co.

44. A similar shortcoming is found regarding the *vetus lex* in Aquinas, *Scriptum super sententiis* (Opera Omnia 6-7, Parma, 1858), lib.3, q.40, a.2, s.c.2: 'Matth. 5, dominus supra praecepta legis, quae ad factum exterius pertinent, sicut de homicidio, facit additionem de interiori actu peccati, sicut de ira: quod non esset, si lex vetus animum cohiberet. Ergo lex vetus animum non cohibebat.'

fecting men and women, of bringing us to our proper created end of friendship with God. The significance for us will lie in the equation of the old law and the natural law: the old law is thus insufficient. The second reason adduced is a shortcoming in humanity and a foreshadowing of the discussion regarding the old law (*vetus lex*), where its necessity is placed on the reality of sin (though here it can be understood less strongly). What is clear (and becomes more so) is that Thomas does not hold the natural law to be sufficient for the proper ordering of humanity - either for humanity's supernatural end (1) or natural end (2). Thus the need for divine law, still attached to our proper end after sin.

Divine law is divided into the *vetus* and *nova lex*, terminology that we have already seen is prevalent in Justin Martyr and that dominated medieval theology.⁴⁵ The characterisation of the *vetus lex* along three parts, moral, judicial and ceremonial, is by no means original to Thomas.⁴⁶ But the three parts enable him to tie the whole into the discussion of the eternal and especially the natural law in fruitful ways. As human law is tied to natural law (both grounded in the eternal law), so the moral precepts in the old law, summarized by the Decalogue, are explicitly claimed to be a clarification of the natural law.⁴⁷

45. E.g., Peter Lombard opens his influential *Sentences* with this language: 'Veteris ac novae legis continentiam, diligenti indagine, etiam atque etiam considerantibus nobis, praevia Dei gratia, innotuit sacrae paginae tractatu circa res, vel signa praecipue versari...' Peter Lombard, *Sententiae in IV libris distinctae* (PL 192, ed. by J.-P. Migne.), S.I, d.1.

46. See B. Smalley, "William of Auvergne, John of La Rochelle and St. Thomas Aquinas on the Old Law," in *St. Thomas Aquinas: Commemorative Studies* (vol. 2, ed. A. A. Maurer. Toronto, 1974), 11-71.

47. Cp. Peter Lombard, *Sent.*, S.III., d.36, c.3: 'Pertinent enim omnia ad decem mandata in tabulis scripta, ubi omnium summa perstringitur, ex quibus caetera emanant; sicut in sermone Domini octo virtutes praemittuntur, ad quas caetera referuntur.'

It is therefore evident that since the moral precepts are about matters which concern good morals, and since good morals are those which are in accord with reason (*ratio*),⁴⁸ and since also every judgment of human reason must be derived in some way from natural reason, it follows of necessity, that all the moral precepts belong to the law of nature.⁴⁹

A law, as we have seen, is in place in order to direct to one's proper end. This is no different for divine law in both its parts, 'old' and 'new'.⁵⁰ In fact to call the old law 'good' is simply to ascribe to it this quality of directing its subjects toward their proper end. One of the chief consequences of this is Thomas' strong view of the permanence of the moral part of the old law:

Now the precepts of the Decalogue contain the very intention of the lawgiver, who is God. For the precepts of the first table, which direct us to God, contain the very order to the common and final good, which is God; while the precepts of the second table contain the order of justice to be observed among men, that nothing undue be done to anyone, and that each one be given his due; for it is in this sense that we are to take the precepts of the Decalogue. Consequently the precepts of the Decalogue admit of no dispensation whatever.⁵¹

48. *Ratio*, one should recall, has already been identified as the central characteristic of those creatures who follow their proper end by choice, and as a faculty is tied directly to this proper end. Thus 'good morals are those which are in accord with *ratio*.' Reason is not here the 'brain in a vat' or separable from the end of the beatific vision.

49. Ia IIae, q.100, a.1, co. 'Nur die äußere schriftliche Form und seine spezielle Funktion, die durch den von ihm ausgeübten Zwang gekennzeichnet ist, unterscheidet den Dekalog vom Naturgesetz.' U. Kühn, *Via Caritatis: Theologie des Gesetzes bei Thomas von Aquin* (Göttingen, 1965), 67.

50. 'As the Apostle says, "the end of the commandment is *caritas*"; since every law aims at establishing friendship, either between man and man, or between man and God. Wherefore the whole Law is comprised in this one commandment, "Thou shalt love thy neighbor as thyself," as expressing the end of all commandments: because love of one's neighbor includes love of God, when we love our neighbor for God's sake.' *STh*, Ia IIae, q.99, a.1, ad.2. The latter part of this statement is drawing on the Augustinian notion that all true (i.e. right) love of anything less than God must be a loving of it for God's sake. Only God is to be loved for his own sake. Augustine, *Christian Teaching*, Bk.1. It is common language by Thomas' time, as seen in Peter Lombard, *Sent.*, S.I, d.1 c.2.

51. Ia IIae, q.100, a.8, co.

The judicial and ceremonial precepts of the old law, however, were given in order to govern the relationships within Israel (judicial), and between Israel and God (ceremonial). Thus, by virtue of being tied to God's institution and not intrinsic to nature, they are changeable (by God) and not necessarily binding for all people at all times.⁵²

Yet however good the old law was, it was not 'perfect', since perfection implies an ending to movement – the old law would have to take us to our proper end in and of itself. Since it does not do so, it can only be called 'imperfectly good'.⁵³ This imperfection does not, however, mean that the law is not good and therefore not from God. A medicine, Thomas explains, does not have to restore to health in order to be a good medicine; it may simply need to stop the disease. It would be imperfect – not taking the subject to the complete state of wellness – but proper and good nonetheless. The central problem, however, is that the old law does not itself confer grace (*vetus lex gratiam non conferebat*).⁵⁴ We still must face the problem of sin and our supernatural end, both of which make grace necessary.

52. Ia IIae, q.104, a.1, co.

53. Ia IIae, q.98, a.1-2. Pamela Hall states the matter well: 'the Decalogue was directed toward constituting men and women who are good and thus capable, by divine similitude, of friendship with God; this friendship, as we know, is the end of the divine law. But in saying that the old law conduced and directed towards virtue and to likeness to God is not to say that it achieved this end.' Hall, *Narrative*, 59. Or Aubert, 'Dans les deux cas, en tant que réalité humaine, la loi naturelle n'avait efficacité, que seule possède la grace de l'Esprit Saint donné par la Loi nouvelle, c'est à dire l'Evangile.... l'Evangile n'est pas synonyme d'absence de loi, d'opposition à la loi; mais il est l'accès rendu possible à l'homme de vivre une nouvelle vie dont la loi est l'amour.' J.-M. Aubert, "L'analogie entre Lex nova et la loi naturelle," in *Lex et Libertas* (Studi Tomisitici eds. L.J. Elders and K. Hedwig. Vatican City, 1987), 250-51.

54. As already seen in his *Sup. sent.*, lib.3, q.40, a.2, s.c. 3.

As many before him, Thomas makes use of Jer 31:31-34 in the contrast of the *vetus* and *nova lex*. But as the groundwork has begun to show, Thomas sees this as much more than only a *mutatio sacramentorum*. In fact, Thomas explicitly agrees in the basic understanding of the contrast of old and new law with what has already been seen in Augustine's contrast of *vetus* and *novum testamentum*. For Augustine the *vetus testamentum* was the law without grace or faith, the letter without the Spirit, which thereby could not give life. Members of the *vetus testamentum* are thus identified by this standing before God and relationship to grace, not by their location in redemptive history and the economies of God's work. The same can be said, with certain differences and nuances, for the position of Thomas. The contrast between the *vetus* and *nova lex* is not fundamentally one of eras, but between a law by itself without grace - which thus could never bring about man's eternal happiness - and the law of grace by which alone we can achieve that happiness. As such the divide between the old and new law cannot be reduced to a contrast between two eras in the divine economy.

We have already seen that Thomas does often speak of the contrast of the old and new law as relative to divine economies in redemption.⁵⁵ This is evident in Thomas' discussion of why the old law was given in the time of Moses:

[I]t was fitting that the Law should be given at such a time as would be appropriate for the overcoming of man's pride. For man was proud of two things, viz. of knowledge and of power. He was proud of his knowledge, as though his natural reason could suffice him for salvation: and accordingly, in order that his pride might be overcome in this matter, man was left to the guidance of his reason without the help of a written law: and man was able to learn from experience that

55. This is the emphasis given in R. Cessario, *The Moral Virtues and Theological Ethics* (Notre Dame, 1991), 15, 20-21, et passim.

his reason was deficient, since about the time of Abraham man had fallen headlong into idolatry and the most shameful vices. Wherefore, after those times, it was necessary for a written law to be given as a remedy for human ignorance.⁵⁶

As a side-note we can here see explicitly Thomas' view that sin has clouded our ability to claim and recognize natural law, making divine revelation necessary.⁵⁷ But the old law was not only given because of those who had fallen into idolatry. It was also rightly given at that time for the sake of the 'good':

With regard to good men, the Law was given to them as a help; which was most needed by the people, at the time when the natural law began to be obscured on account of the exuberance of sin: for it was fitting that this help should be bestowed on men in an orderly manner, so that they might be led from imperfection to perfection; wherefore it was becoming that the old law should be given between the law of nature and the law of grace.⁵⁸

The economical aspect of these lines is rather clear and we can point to the last line in particular ('inter legem naturae et legem gratiae, oportuit legem veterem dari'). These three periods certainly cannot be considered entirely distinct – for the natural law is not constrained to one time only, nor as we will see is the law of grace. Perhaps Thomas is simply referring to the revealing of the various laws ('to give' - *dare* - is a vague term): they were revealed in a progressive manner in the history of God's bringing people to himself. But as was seen in Au-

56. Ia IIae, q.98, a.6, co. Cp. Hugh of St. Victor: '[I]n the time of the natural law man was left entirely to himself, afterwards in the time of the written law counsel was given to him when he realized his ignorance, finally in the time of grace help was furnished him when he confessed his lack.' *On the Sacraments*, I.viii.3.

57. 'Revelation, then, is needed not only that man may grasp supernatural truths, but also that he may recognize those natural truths which the effects of sin have hidden from him.' Hibbs, "Divine Irony," 424.

58. Ia IIae, q.98, a.6, co. These two are brought together more succinctly, q.98, a.6, ad 1: 'It was not fitting for the old law to be given at once after the sin of the first man: both because man was so confident in his own reason, that he did not acknowledge his need of the old law; [and] because as yet the dictate of the natural law was not darkened by habitual sinning.'

gustine, the revelation of a thing does not necessarily mean its institution.⁵⁹ That the new law is fully revealed only in Christ does not mean it did not exist prior to the Incarnation. Alternatively, this is simply a tension in Thomas' work.

The major impetus for appealing to the new law is already seen at the close of the discussion of the moral part of the old law. The question regards whether or not the moral precepts of the old law justify.⁶⁰ In what becomes a complicated series of distinctions regarding the nature and use of *iustificatio*, Thomas emerges with the claim that the old law cannot in itself produce *iustificatio* as an infused virtue.⁶¹ This is in keeping with the point made above that the old law is good but only as an imperfect good, directing us to our proper end but unable in itself to take us there, a teaching that is broadly indebted to Augustine and seen in

59. '[R]evelationes eorum considerantur in his nominibus, non institutiones': Augustine, *Contra epp. Pel.*, §3.13.

60. The objection runs, 'Videtur quod praecepta moralia veteris legis iustificarent.' Ia IIae, q.100, a.12.

61. Summarily, a thing can be said to 'justify' either by (1) the causing of justice, or (2) as a sign or disposition toward justice. Within the latter the old law can be said to justify since it disposes one towards the justifying grace of Christ ('disponerent homines ad gratiam Christi iustificantem'), which the people of Israel typify (cf. Ia IIae, q.104, a.2, ad 2). Within the first category, something can cause *iustificatio* either (a) as a habit (*habitus*) or (b) as an act – the production of *iustitia*. If understood as the latter, then the old law justified man in various ways (the ceremonial in one way, the judicial in another, and the moral in another), through obedience to its precepts.

Considered as a habit or virtue, we have one last distinction. For virtues can be either acquired or infused (see Ia IIae, q.63). The latter are understood, by definition, to be those which 'God works in us, without us' (Ia IIae, q.63, a.4, s.c.). Further, it is this infused virtue which is *vera iustitia*, according to which it is said that one is *iustus apud Deum* as Abraham (Romans 4:2). The moral precepts, concerned as they are with human actions (and not divinely infused virtues), could never justify in this 'truest' sense. Incidentally one can already see the difficulties with this line of formulation for Luther and the magisterial Reformers, for whom *iustificatio* exists *extra nos* – not just as given from outside of us (*infusa*). For a diagram of Thomas' discussion, see Pesch, *Theologie der Rechtfertigung*, 429.

Thomas' predecessors.⁶² The new law is the provision of that which the old law is unable in itself to do: *lex nova est perfectior quam lex vetus*.⁶³

All of this lays the ground for the nature of the new law. In summary form the *lex nova* for Thomas is the grace of God through the Holy Spirit.⁶⁴ Thomas identifies the *lex nova* with the Law of the *novum testamentum* ('*lex nova est lex novi testamenti*'), and defines the new law as the grace of the Holy Spirit:

'Each thing appears to be that which is foremost in it,' as the Philosopher states (*Ethic.*, ix). That which is foremost in the Law of the *novum testamentum*, and in which all its power consists, is the grace of the Holy Spirit, which is given through faith in Christ. Consequently the *lex nova* is principally the grace itself of the Holy Spirit, which is given to those who believe in Christ.⁶⁵

To establish his position he cites Jer 31:31,33, followed by two citations of Augustine from the *De spiritu*, the second of which reads: 'What else are the Divine laws written by God

62. Cp. Peter Lombard, *Sent.*, S.III, d.40, c.2: 'Si vero quaeritur, quam dicat Apostolus litteram occidentem, ea certe est Decalogus, qui non dicitur littera occidens, eo quod mala sit Lex, sed quia, prohibens peccatum, auget concupiscentiam et addit praevaricationem, nisi liberet gratia, quae gratia non sic abundat in Lege, ut in Evangelio; Lex ergo bona est, et tamen occidit sine gratia.'

63. *Sup. sent.*, lib.3, d.40, q.1, a.2, sc.1: 'Hierein liegt demnach der grundlegende Unterschied zwischen altem und neuem Gesetz: Das alte Gesetz ist unfähig, die eigentliche justificatio zu bewirken, das vermag nur das neue Gesetz, indem es in den Sakramenten über Mittel verfügt, die durch die dargereichte Gnade die erstrebte justitia als justitia infusa verwirklichen.' Kühn, *Via Caritatis*, 72. Or more succinctly, 'Das Alte Gesetz ist dadurch charakterisiert, daß es nicht erreicht, was es fordert. Das Neue Gesetz ist dadurch gekennzeichnet, daß es auch erreicht, was es intendiert.' Pesch, *Theologie der Rechtfertigung*, 427.

64. Helpful discussions of the 'new law' include P.M. Hall, "The Old Law and the New Law," in *The Ethics of Aquinas* (ed. S. J. Pope. Washington, DC, 2002), 194-206; P. Delhay, "La Loi nouvelle comme dynamisme de l'Esprit-Saint," in *Lex et Libertas* (Studi Tomisitici eds. L.J. Elders and K. Hedwig. Vatican City, 1987), 265-80; Étienne, "Loi et grâce." The most thorough discussion is Kühn, *Via Caritatis*.

65. Ia IIae, q.106, a.1, co. The secondary sense of the new law as written is of little importance for our discussion and is backgrounded sharply here by Thomas, though it grounds much of the teaching in Ia IIae. Since the new law contains some things that belong to the arranging or disposing of the grace of the Spirit and the use of that grace ('quaedam sicut dispositiva ad gratiam spiritus sancti, et ad usum huius gratiae pertinentia'), these things are written down for our instruction. Thus the written Gospels present the grace of the new law but are not properly called the *lex nova* itself. Ibid.

Himself on our hearts, but the very presence of his Holy Spirit?’ From Augustine, Thomas reads the contrast in Jer 31 as between an old law without further power, and the ‘new’ work of the Spirit in those who believe.

The consequences of this for Jer 31 are then spelled out by an objection now somewhat familiar: what of those prior to the *nova lex*? If the new law is the Spirit’s work by which people are made friends of God, and if the ancient faithful had that Spirit’s work, then you have the *novum testamentum* in the era of the *vetus*. Thus, the objection runs, the new law cannot be defined this way:

The Law of the Gospel is proper to those who are in the state of the *novum testamentum*. But the Law that is inscribed [on the heart] is common both to those who are in the *novum testamentum* and those who are in the *vetus testamentum*. For it is said in Wisdom 7[:27]: ‘Divine wisdom conveys herself through the nations into holy souls; she establishes the friends of God and the prophets.’ Therefore the *lex nova* is not the Law inscribed.⁶⁶

Thomas answers by appeal to an implicit distinction between membership in the *novum testamentum* and the ‘state (or era) of the *novum testamentum*’:

No one ever possessed the grace of the Holy Spirit except through faith in Christ, explicit or implicit. Through faith in Christ a man belongs to the *novum testamentum*. Thus whoever had the Law of grace infused, accordingly belonged to the *novum testamentum*.⁶⁷

66. Ia IIae, q.106, a.1, ob.3. ‘lex Evangelii propria est eorum qui sunt in statu novi testamenti. Sed lex indita communis est et eis qui sunt in novo testamento, et eis qui sunt in veteri testamento, dicitur enim Sap. VII, quod divina sapientia per nationes in animas sanctas se transfert, amicos Dei et prophetas constituit. Ergo lex nova non est lex indita.’

67. Ia IIae, q.106, a.1, ad.3. ‘nullus unquam habuit gratiam spiritus sancti nisi per fidem Christi explicitam vel implicitam. Per fidem autem Christi pertinet homo ad novum testamentum. Unde quibuscumque fuit lex gratiae indita, secundum hoc ad novum testamentum pertinebant.’

At first glance it does not appear that Thomas answers the objection. He solves the dilemma by agreeing that there have always been those who had the Law of grace and belonged to the *novum testamentum*. The implicit point, however, is that Thomas does not see ‘belonging to the *novum testamentum*’ as the same as being in the *statu novi testamenti* – otherwise the reply would not at all address the objection. Thomas thus drives a distinction between two realities, that of the era of the Gospel or the *statu novi testamenti*, and that of membership within the *novum testamentum*. And Jer 31:33-34 is addressed to the latter. Thus, in article 4 of the same question he asserts that the state of the new law succeeds the state of the old law (‘successit enim status novae legis statui veteris legis’), a claim he finds consistent with the *novum testamentum* existing during the state of the old law.

Matthew Levering summarizes the distinction being made this way: ‘The state of the new law begins after the Incarnation, while the new law itself, as the grace of the Holy Spirit, is found in all places and times.’⁶⁸ Or more fully is Colman O’Neill:

the new law exists as the mystery of salvation at work in the world from the time of the restoration of man to grace. Yet, though the new law thus transcends historical periods, the state of the new law does not. For the state of the new law is precisely that third state of revelation and faith which was initiated in the Incarnation and in the mysteries of Christ.⁶⁹

That Thomas owes this position to Augustine is clear: Augustine is cited no fewer than 8 times in answer to this one question. One can speak two different ways of the *vetus* and

68. M. Levering, *Christ's Fulfillment of Torah and Temple: Salvation according to Thomas Aquinas* (Notre Dame, 2002), 23.

69. C.E. O'Neill, “St. Thomas on the Membership of the Church,” *Thomist* 27 (1963), 99. I take this as also applicable to the somewhat obscure reply in Ia IIae, q.106, ad.2.

novum testamentum (or *lex*): either to a ‘state’ or era, or with respect to the thing itself. If the former, then one can speak of the economical differences. But if the latter, then any view of temporal succession is impossible. And Jeremiah is speaking of the latter. The *lex nova*, spoken of in Jer 31:33-34, is available throughout all ages and without the possession of it, one’s happiness (proper end) is unattainable – for that which is outside of a person cannot justify. The virtue of being just before God cannot be acquired unless given by God, and clearly those faithful of the ancient era were just. Thus ‘in all times there have been some belonging to the *novum testamentum*’, even if the *statu novi testamenti* awaited the coming of Christ.⁷⁰

This point is made concrete in Thomas’ treatment of David in Psalm 51 (Vg. 50) and Thomas’ view of David as having the Holy Spirit (i.e. the *lex nova*):

The reason for this manifestation [of guilt (*culpa*) being wiped clean] is a divine mercy; for the manifestation of righteousness (*iustus*) is useful so that we do not presume on his righteousness (*iustitia*). For if David sins – after all of his victories, after the gift of the Holy Spirit, after all his familiarity with God and prophecy – how much more ought we to fear how weak and sinful we are?⁷¹

If Jeremiah’s prophecy of the new covenant is a prophecy of the *lex nova*, which is contained fundamentally in the giving of the Holy Spirit, then David is here explicitly counted as a member of the new covenant. The exhortation even hinges upon an *a fortiori* privileging of

70. ‘omni tempore fuerint aliqui ad novum testamentum pertinentes’. Ia IIae, q.106, a.3, ad.2.

71. ‘Ratio autem huius manifestationis est divina misericordia; nam utilis est iustis haec manifestatio, ut non praesumant de sua iustitia; quia si David post tot victorias, post donum spiritus sancti, post tantam familiaritatem cum Deo et prophetiam peccavit, quantum debemus cavere nos, qui fragiles et peccatores sumus?’ Aquinas, *In psalmos Davidis expositio* (Opera Omnia 14, Parma, 1863), §50, n.1.

the place of David: if even *David* can sin, how much more should *we* fear? There is only one way by which anyone is made right with God, and that is through the *novum testamentum* or the *lex nova*, which is the grace of the Holy Spirit given to those who believe. This is true for Augustine and Thomas regardless of era, and this right standing before God is the substance of Jeremiah's new covenant.⁷²

Thomas' strong view of unity between the two eras here - and the debt to Augustine - is not unusual within high medieval theology (unsurprisingly, given the prominence of the Cathars). Thus, in a direct citation of Augustine on this issue, Prepositinus of Cremona (c.1145-c.1210) - a Lombardian theologian likely familiar with the Passagini and certainly with the Cathars (and known and read by Thomas) - makes use of this reading:

We say, that those mandates [of the old law] did not justify nor were able to justify by their being followed, and only external works were ordered by them. Yet there were some who spiritually believed in those mandates: Love the Lord your God, etc. For, as was stated above, love is twofold, exterior and interior: the exterior are signs of love, the interior consist in the devotion of the mind; and only those which were external were ordered for those coarse people. Yet there were some who spiritually understood and they were justified and did not belong to the *vetus testamentum*, but to the *novum*. As an authority says, 'there were some during that time who belonged to the *novum testamentum*, just as now there are some who belong to the *vetus*, who only serve temporal things.'⁷³

72. This also appears the best reading of Thomas' discussion in the commentary on 2 Cor 3:6f: [After citing Jer 31:31-34] 'Vetus ergo testamentum scribitur in libro, postmodum sanguine aspergendo, ut dicitur Hebr... Et sic patet, quod vetus lex est testamentum litterae. Sed novum testamentum est testamentum spiritus sancti, quo charitas Dei diffunditur in cordibus nostris, ut dicitur Rom. V, 5. Et sic dum spiritus sanctus facit in nobis charitatem, quae est plenitudo legis, est testamentum novum, non littera, id est per litteram scribendum, sed spiritu, id est per spiritum qui vivificat.... Est ergo lex sine spiritu interius imprimens legem in corde, occasio mortis. Et ideo necessarium fuit dare legem spiritus, qui charitatem in corde faciens, vivificet.' Aquinas, *Super II Epistolam B. Pauli ad Corinthios lectura* (Opera Omnia 13, Parma, 1863), cap.3,1.2. However, the discussion moves from this absolute contrast to a temporal one in cap.3,1.3.

73. 'Dicimus, quod mandata illa non iustificabant nec iustificare poterant secundum quod eis tradita fuerunt et tantum opera exteriora eis precipiebantur. Erant tamen aliqui, qui spiritualiter credebant in illis mandatis:

Landgraf, in his valuable essay on the subject, makes the same point using a much broader formula found in Hugh of St. Victor's *Summa sententiarum*:

Thus the *Summa sententiarum* puts forward a further interpretation of the axiom, which is nowhere represented as a shift of terminology: 'By this you distinguish the *vetus* and *novum testamentum*: there an act is prohibited, in the new the will and the act', so that - and this is here the 'new' - those who submitted to the commandment 'in the will and act' were no longer to be regarded as men of the old, but rather of the new testament.⁷⁴

These statements are the preservation of the Augustinian view of the contrast between the *vetus* and *novum testamentum* as salvific: the difference between unbelief and faith. The *vetus testamentum* is the possession of the law alone without grace (i.e. written only on tablets of stone) and as such, a ministry of death.⁷⁵

Diliges Dominum Duem tuum etc. Nam, ut in precedentibus dictum est, duplex est dilectio: interior et exterior. Exterior: signa dilectionis; interior consistit in mentis devotione; et illi rudi populo tantum exteriora precipiebantur. Erunt tamen aliqui, qui spiritualiter intelligebant et illi iustificabantur et non pertinebant ad vetus testamentum, immo ad novum. Dicit enim auctoritas, quod tunc temporis erant aliqui, qui pertinebant ad novum testamentum, sicut nunc sunt aliqui, qui pertinent ad vetus, qui tamen habent servire pro temporalibus.' Cited in A. Landgraf, "Die Gnadenökonomie des Alten Bundes nach der Lehre der Frühscholastik," *ZKT* 57 (1933), 225-26. The manuscript cited is to Prepositinus' *Summa Theologica* (Cod. Erlangen. lat. 353: see Lacombe, *Prévostin*, 161).

74. 'So schlägt schon die *Summa sententiarum* eine weitere Deutung des Axioms vor, die allerdings nichts anderes darstellt als eine Verschiebung der Terminologie: *Hoc inter Vetus et Novum Testamentum distare, quod ibi actus prohibetur, in Novo voluntas et actus*, so daß - und das ist hier das Neue - diejenigen, die *voluntate et actu* dem Gebote sich unterwarfen, schon nicht mehr als Menschen des Alten, sondern als solche des Neuen Testaments zu bezeichnen wären.' Landgraf, "Die Gnadenökonomie," 223. Hugh's full statement is this, drawing explicitly on Augustine: 'Hoc inter Vetus et Novum Testamentum distare, quod ibi actus prohibetur, in Novo voluntas et actus. Vetus Testamentum accipit Augustinus litteram non spiritum, sicut et Apostolus ubique facit.' *Summa sententiarum septem tractatibus* (PL 176, ed. by J.-P. Migne. Paris, 1884), IV.6. Landgraf says this solution was already found in Gilbert of Porrée, and traces it in a number of others.

75. See *STh* Ia IIae, q.106, a.2, ad.3. 'Das Gesetz – Gott im Gesetz – tötet nicht effective, sondern nur occasionaliter, nämlich durch seine Unvollkommenheit. Das soll heißen: Tod und Sündenverstrickung sind keinesfalls direkte Intention des Gesetzes.' Pesch, *Theologie der Rechtfertigung*, 431.

The unity of the people of God, stressed through the 12th-13th c. in contradiction to the Cathars, is taken by Thomas and others and applied to the contrast in Jer 31:31-34 with the same force as put forward by Augustine. That Thomas does not solely read or use the text this way simply reveals the ambiguity long involved in Christian interpretations of the text.⁷⁶ That Thomas speaks of the natural, old, and new laws as eras, and then as ‘existential categories’⁷⁷ is likewise not unique: Hugh of St. Victor did the same two generations before. Hugh speaks unabashedly of the three eras in which God worked to restore his people (natural law, written law, and grace), and even corresponds these to the kinds of sacraments in each era.⁷⁸ But the primary reference for these three realities are as states before God in any era:

[T]here are three kinds of men, that is, men of the natural law, men of the written law, men of grace. Those can be called men of the natural law who direct their lives by natural reason alone, or rather those men are called men of the natural law who walk according to the concupiscence in which they were born. Men of the written law are those who by exterior precepts are instructed unto right living. Men of grace are those who[,] breathed upon by the inspiration of the Holy Ghost[,] are illumined to recognize the good which must be done, and are inflamed as they love and strengthened to accomplish good... In the first kind are contained the pagans, in the second kind the Jews, in the third kind the Christians. These three kinds of men have never been wanting at any time from the beginning.⁷⁹

76. A possible avenue of further influence in this direction (without citing Jer 31:31-34), is his statement that ‘sicut enim timor est via ad amorem, ita lex vetus ad novam’, clarified by asserting, ‘quod illi qui in veteri lege ex amore legem observabant, perfecti erant; unde ad legem novam pertinebant, in qua est status perfectionis.’ Aquinas, *Sup. sent.*, lib.3, d.40, q.1, a.4, qc.2, co. and ad. 2.

77. Pesch, *Theologie der Rechtfertigung*, 451.

78. ‘[I]n the time of the natural law man was left entirely to himself, afterwards in the time of the written law counsel was given to him when he realized his ignorance, finally in the time of grace help was furnished him when he confessed his lack.’ *On the Sacraments*, I.viii.3. ‘Sacraments’ for Hugh take a much broader meaning than comes to be the case. Fundamentally there are three ‘sacraments’ always necessarily simultaneous for efficacy: faith, the sacraments of faith (sacraments proper, we would say), and good works. *Ibid.*, I.ix.8.

79. *Ibid.*, I.viii.11.

So the three 'states' properly refer to three ways of standing before God, seen in any era. Hugh emphasizes - again, with the Cathars looming - the unity of the people of God through the work of Christ.⁸⁰ Hugh's positing of the *limbus patrum* as a distinction between the eras certainly shows somewhat of a different conception of this unity to Augustine - or to the later Reformed. But even this is not a contrast between those who live now and those who lived then, but between those dead now and those who were dead then (for we do not reach perfection until after death either!).⁸¹ For the whole Church there is 'the same Saviour, the same grace, the same faith - in the former in what was to come, in the latter in what was shown.'⁸²

80. E.g., 'You should know, therefore, that at no time from the beginning of the world even to the end has there been or is there anyone truly good unless justified by grace and that no one could ever have obtained grace except through Christ, so that you should realize that all whether preceding or following were saved by the one remedy of sanctification. Behold, therefore, the cause of our King and the battle lines of His army resplendent with spiritual arms; behold by what a multitude of peoples preceding and following He is surrounded as He advances.' Ibid., I.viii.11. Hugh disagrees (rather harshly), however, with Augustine's insistence on this 'faith' as entailing knowledge of Christ's death and resurrection: '[M]any before the Saviour's coming, holding to and loving omnipotent God, the gratuitous promise of their salvation, believing Him faithful in His promise, hoping for Him who most certainly pays, were saved in this faith and expectation, although when and how and in what order salvation was promised they did not know (I.x.6).'

81. 'The second difference [between the old and new sacraments] is that the ancient just who were imbued with these sacraments were not yet able to enter the gates of the kingdom of heaven until the Saviour by assuming flesh ascended heaven and opened the way to all who believed in Him and followed Him.' Ibid., I.xi.6. The first difference is the efficacy of the sacraments, seen in a more developed form in Thomas above. But even here faith is still always necessary to join to the sacraments (then as now) - I.ix.8. So the difference is not between us and them (or their benefits and ours), but in the objective substance of the sacraments themselves.

82. Ibid., I.xi.8. Cp. Thomas: 'The ancient fathers, serving the sacraments of the law (*legalia sacramenta*), were brought into Christ through the same faith and love by which we are also brought into him. On account of this the ancient fathers belonged to that same body of the church to which we belong.' *STh* III, q.8, a.3, ad.3.

§3. CONCLUSIONS

Overall, Thomas' uses of Jer 31:31-34 bear the same dual-aspect as Augustine. For our purposes the most important aspect is the preservation of the Augustinian reading: for one to be a member of the *vetus lex* is to have the law without the Spirit in any period of the Church. Conversely, to be a member of the *nova lex* is to have the Spirit in any period. That this reading stands in tension with that of the *mutatio sacramentorum* is clear from an exegetical standpoint: Jer 31:31-34 is said to contrast religio-historical eras in the progression of God's people, and not, at one and the same time. But the tension lies wider than simply this text - as seen in the language of Hugh even apart from Jer 31. In the one case, properly speaking, the ancient fathers were not members of the 'written law', but of 'grace'. But in the other case (regarding the sacraments) they were necessarily members of the 'written law' and not of 'grace', because the difference is the historical work of Christ as future or present. A formal contradiction (p and not-p, in the same way, and the same time) might be avoided by saying that we are speaking of a different 'way': they were members of the new covenant with respect to faith, but of the old covenant with respect to the sacraments. But even if this is possible to defend, the use of the same text in each case is puzzling.⁸³ As was the case in late

83. The appeal to different ways of reading (e.g. literally vs. allegorically) may be possible, but unlikely (which is which?). Such might explain the somewhat odd use in *STh* I, q.106, a.1 ad.2, in which the 'knowledge of God' in Jer 31:34 is said to refer the angelic 'immediate vident Dei essentiam' - which Thomas certainly does not see as now in force. But this use is also an older view (referring to the 'sabbati perenni gloria'): see Rupert of Deutz, *Liber de divinis officiis* (CCL 7, ed. by H. Haacke. Tournholt, 1967), IV.13.

antiquity and will be the case for the early modern Reformed, the medieval tradition reveals the struggle in Christian theological uses of Jer 31:31-34.

IV. Early Modern Reformed and Jer 31:31-34

The ‘Augustinian’ line of interpretation - drawing on Augustine’s absolute contrast of unbelief and faith for reading the contrast of Jer 31:31-34 - survives in an attenuated form in the early modern Reformed theologians through the 16th-17th centuries. I will begin the chapter with Philip Melanchthon’s 1521 *Loci communes*, which represents the continuity of the Augustinian reading into the Protestant mould in an immensely influential text. From there I will look at three models of early Reformed readings: the first two see Jer 31:31-34 as a contrast of accidents (Heinrich Bullinger), or a contrast of two kinds of eras, moving from complex to simple (Johannes Oecolampadius). These are simply variations on the basic reading as a contrast of religio-historical eras. But a third reading emerges in the work of John Calvin and Peter Martyr Vermigli that incorporates - if unevenly - Augustine’s view. Overall this period provides a clear insight into the struggle for Christian interpretation of Jer 31:31-34, especially with the difficulties in asserting the contrast (in de Lubac’s terms) as between ‘two orders, established by God one after the other in order to regulate man’s relationship with him.’¹

§1. AN AUGUSTINIAN START: PHILIP MELANCHTHON

The 1521 *Loci communes* of Philip Melanchthon (1497-1560) stands as one of the most important texts of the early Reformation. Called (somewhat misleadingly) the ‘first

1. de Lubac, *Medieval Exegesis*, 1.227.

summa of the Reformation',² the *Loci* was the first sustained argument of the 'fundamentals' of the Christian faith in the new Protestant position. These fundamental topics (*loci*) were largely drawn out of Melanchthon's reading of the chief points of Romans - following Luther's presentation, under whom Melanchthon earned his (sole) theological degree in 1519.³

Given the early date and immense impact of the 1521 *Loci*, its preservation of Augustine's view of the contrast within Jer 31:31-34 stands out. In one way there is little surprise to such a view. Kenneth Hagen's study of Luther's thoughts on the relationship of the testaments argued explicitly a link to Augustine, summarizing his findings on Luther this way:

The designation of old and new testament does not refer to two different testaments of God; rather during the time covered by the books of both the Old and New Testaments, the one testament of God is the *testamentum Christi*. The testament of God becomes old when it is received by man as law; just as it becomes new when it is received by man as spirit... The difference between

2. S. Caponetto, *The Protestant Reformation in Sixteenth-Century Italy* (Sixteenth Century Essays and Studies, tr. by Anne C. Tedeschi and John Tedeschi. Kirksville, MO, 1999), 22. Indeed, Melanchthon attempts to distance himself entirely from the 'summas' of the Schools: Philip Melanchthon, *Loci Communes Theologici* (1521), in *Melanchthon and Bucer* (LCC ed. W. Pauck. London, 1969), 20-21. For the Latin I have used *Loci communes von 1521* (Melanchthons Werke II.1, ed. by H. Engelland. Gütersloh, 1952).

3. He calls Romans Paul's 'compendium of Christian doctrine': Melanchthon, *Loci* (1521). On the structure of the *Loci*, Maurer states: "Damit [i.e. the *Theologica Institutio in Epistolam Pauli ad Romanos*, 1519] hat Melanchthon den Schlüssel gefunden zu einer exegetischen Methode, in der der Begriff der *Loci* eine entscheidende Rolle spielt. Er bietet – das können wir hier schon feststellen – nicht die Grundlage für eine Systematik, die die Summe der Erscheinungen einheitlich zusammenzufassen trachtet und dabei auch die religiösen Erfahrungen mit einbezieht; sondern die *Loci* sind Hilfsbegriffe, die, aus der Exegese gewonnen, das Verständnis biblischer Texte und damit der Heilsoffenbarung überhaupt erschließen sollen. Die exegetische Methode, in deren Dienste sie stehen, unterscheidet sich formal von der Auslegungsweise, die Luther etwa in seiner Römerbriefvorlesung verfolgt hatte." W. Maurer, "Melanchthons *Loci communes* von 1521 als wissenschaftliche Programmschrift," *Luther-Jahrbuch* 27 (1960), 1-50.

the testaments is the difference between receiving the *testamentum dei et Christi* as letter or spirit, as old or new.⁴

In similar language, Heinrich Bornkamm:

The distinction between the testaments is the equivalent of that between law and gospel. It is primary, and precedes the differentiation between the books; Luther carried it right through the Old Testament writings.⁵

Though there is much to be said here about the differences with Augustine - too easily glided over by Hagen - the main outline is certainly akin to the absolute or 'salvific' contrast of Jer 31:31-34 that emerged in Augustine's later work. More interestingly, Luther's lectures on Hebrews on which Hagen's study is based were finished the same year (1518) that Melanchthon came to Wittenberg. So when examining Melanchthon's views on the difference between the testaments - one of the *loci* drawn from Romans - one is hardly surprised to find a similar line in the (24 year-old) student as in the teacher.

As with much of the text, Melanchthon adopts an elenctic approach to determine the difference between the testaments:

The Schools fail just as miserably in this area as in their distinction between law and gospel; they call the Old Testament a kind of law which demands external works only, and the New Testament a law which demands the heart in addition to external works.⁶

4. Hagen, *Theology of Testament*, 69.

5. H. Bornkamm, *Luther and the Old Testament* (tr. by Gritsch, Eric W. and Ruth C. Philadelphia, 1969), 82.

6. Melanchthon, *Loci* (1521), 120. See the statement of Hugh of St. Victor already cited, given an 'Augustinian' (in my narrow sense here) interpretation by Landgraf (see above): 'Hoc inter Vetus et Novum Testamentum distare, quod ibi actus prohibetur, in Novo voluntas et actus.' *Summa sent.*, IV.6.

Melanchthon will essentially challenge only the second part of this formula. So his definitions of the two testaments are summarily put:

I consider the Old Testament a promise of material things linked up with the demands of the law. For God demands righteousness through the law and also promises its reward, the Land of Canaan, wealth, etc... By contrast, the New Testament is nothing else than the promise of all good things without regard to the law and with no respect to our own righteousness. In the Old Testament good things were promised, but at the same time it was demanded of the people that they keep the law. In the New Testament good things are promised unconditionally, since nothing is demanded of us in turn.⁷

So while Melanchthon is willing to grant the view of the *vetus testamentum* as the external and temporal requirements given under law, he radically departs from the presentation of the *novum testamentum* as he sees it. At issue is the clouding of the *novum testamentum* with ‘law’ rather than ‘gospel’, which is its actual property:

Here [with the *novum testamentum*] you see briefly what the glory of the gospel is; it bestows salvation gratuitously without regard for our righteousness or our works.⁸

Immediately on the heels of these definitions Melanchthon tells us that ‘Jer, ch.31, indicates this difference between the Old and New Testaments.’⁹ More precisely, what is promised in Jer 31:31-34 is the abrogation of the Decalogue or moral law - *not* the abrogation of

7. Melanchthon, *Loci* (1521), 120. Or earlier: ‘[S]ome [promises] are of material things, as are all those of the *vetus testamentum*. Others are spiritual, which properly pertain to the *novum testamentum*.’ (‘Sunt enim aliae rerum coporalium ut veteris testamenti omnes, aliae spirituales, quae proprie ad novum testamentum pertinent.’) One can move from the material to the spiritual (if one has the Spirit), but to do so is to move to the *novum testamentum* (properly). Ibid., 96. Cp. Luther: ‘For the Old Testament, which he gave through Moses, was a promise – not of remission of sins or of eternal things, but of temporal things, namely, of the land of Canaan; no man was thereby renewed in his spirit to lay hold of the heavenly inheritance.’ M. Luther, *The Babylonian Captivity of the Church* (LW 36, tr. by A.T.W. Steinhäuser et al. Philadelphia, 1959), 40. This is not entirely divorced from the Scholastic tradition: e.g. ‘Distat autem Evangelii littera, a legis littera, quia diversa sunt promissa; ibi terrena, hic coelestia promittuntur.’ Peter Lombard, *Sent.*, III d.40 c.2.

8. Melanchthon, *Loci* (1521), 121.

9. Ibid., 121.

the ceremonies.¹⁰ But this is not an ‘abrogation’ leading to antinomianism - a point that would soon become apparent in Melanchthon’s dispute with John of Agricola, beginning the year the *Loci* were published.¹¹ It is an abrogation of the Decalogue’s power to judge and condemn: ‘our freedom consists in this, that every right of *accusing and condemning us* has been taken away from the law.’¹² What we are given in the new covenant is ‘the gospel’, i.e. ‘nothing else than the promulgation of this freedom.’¹³

We merge back into the explicitly Augustinian line at this point with Melanchthon’s identifying of Jeremiah’s new covenant and the gospel, and thus the link with the Spirit. Earlier this connection was already made in the *locus* on grace:

To sum it all up, grace is nothing but the forgiveness or remission of sins. The Holy Spirit is the gift [of grace] that regenerates and sanctifies hearts... The gospel promises grace as well as the gift of grace. The Scriptures are plain on this, and therefore it seems enough to cite one passage, Jer 31:33...¹⁴

10. ‘That part of the law called the Decalogue or the moral commandments has been abrogated by the New Testament. The proof of this is first of all, the passage of Jeremiah quoted in Hebrews where the prophet contends that the law has been divinely abrogated because the people made it invalid... Israel sinned not merely against the ceremonies, but rather against the Decalogue, the highest part of the law, as Christ calls it’. Ibid., 121.

11. See the excellent treatment of the dispute in T.J. Wengert, *Law and Gospel: Philip Melanchthon's Debate with John Agricola of Eisleben over Poenitentia* (Grand Rapids, MI, 1997).

12. Melanchthon, *Loci* (1521), 121. My emphasis. Or in language more directly related to Augustine: ‘Therefore, the law has been abrogated, not that it not be kept, but in order that, even though not kept, it not condemn, and then too in order that it can be kept (125).’ This is the movement from Augustine’s statement: ‘Lex ergo data est, ut gratia quaereretur, gratia data est, ut lex impleretur.’ Augustine, *De spir.*, §34. As in Augustine, this is possible by the ‘gift of grace’ identified as the Spirit (below).

13. Melanchthon, *Loci* (1521), 122-23.

14. Ibid., 88.

What is promised in Jer 31:31-34 is nothing other than the gospel: forgiveness of sins and the Holy Spirit. That Melancthon learned this from Augustine is then made explicit as Melancthon argues that the abrogation of the Decalogue by the new covenant is not so that we do not do it but rather, since we are given the Spirit, in order that we *do* it:

The law is the will of God; the Holy Spirit is nothing else than the living will of God and its being in action (*agitatio*). Therefore, when we have been regenerated by the Spirit of God, who is the living will of God, we now will spontaneously that very thing which the law used to demand.¹⁵

Melancthon assures us that all of this is discussed by Augustine, to which assurance the contrast of Jer 31:31-34 immediately appended:

Augustine discusses Christian freedom at length in this manner in his book *The Spirit and the Letter*. Jer 31:31-34 says... [full citation]. In this passage the prophet mentions a twofold covenant, the old and the new; the old, justification by the law, he says, has been made void. For who could keep the law? Therefore, he says that since the demand has been taken away, the law must now be inscribed in men's hearts so that it can be kept. Therefore, freedom does not consist in this, that we do not observe the law, but that we will and desire spontaneously and from the heart what the law demands.¹⁶

15. Ibid., 123. This is not entirely dissimilar to Thomas' view, citing Gregory: 'caritas non est otiosa; si enim est magna operatur, si uero non operatur non est ibi caritas. Unde manifestum signum caritatis est promptitudo implimendi diuina precepta; uidemus enim amantem propter amatum magnat et difficilia operari'. Aquinas, *De decem preceptis*, in J.-P. Torrell, *Recherches Thomasiennes* (Paris, 2000), II.37-40. 'Caritas', naturally, is the work of the Spirit. Cp. M. Luther, *Lectures on Deuteronomy* (LW 9, tr. by R.R. Caemmerer. St. Louis, MO, 1960), 179: 'The commands of the New Testament are directed to those who are justified and are new men in the Spirit. Nothing is taught or commanded there except what pertains solely to believers, who do everything spontaneously, not from necessity or contrary to their own will.' Or applied directly to Jer 31: 'His [i.e. the Christian's] law is faith, that is, a living spiritual flame, by which hearts are set afire, born anew and converted through the Holy Spirit, so that they desire, will, do, and are exactly what the law of Moses expressly commands and requires. Jer 32 [31:33!] says of it: "I will put my law within their souls and I will write it upon their hearts, etc."' M. Luther, *The Misuse of the Mass* (LW 36, tr. by F.C. Ahrens. Philadelphia, 1959), 200.

16. Melancthon, *Loci* (1521), 123. His next line, 'This no one could ever do before', must be read as 'before the Spirit' or 'before becoming a member of the new covenant', not 'before Christ' - see below.

The contrast is clearly ‘salvific’ in terms of being under the law and under grace - justification by the law vs. the gift of the Spirit. To be a member of the old covenant is to stand under the condemnation of the law.

That the new covenant cannot be denied to the ‘fathers’ is then explicitly stated, again following the Augustinian line:

In this way the fathers who had the Spirit of Christ were also free [from the law] even before his incarnation... [cit. of Acts 15:10]. [T]hey were justified by faith. That is, although the fathers could not fulfill the law, they knew that they also were free through Christ, and they were justified by faith in Christ, not by the merits of their own works of righteousness.¹⁷

Or more firmly:

You will say, however, that if those who have the Spirit of Christ are free, were both David and Moses free? Absolutely! For this is what Peter says in Acts 15:10... [T]hey believed and they were saved by trusting in the mercy of God; when they had received God’s Spirit, they realized they were free from the curse of the law, and also from every burden or demand of the law.¹⁸

The discussion is rounded out by an explanation of the abrogation of the ceremonies.

But Melancthon offers the same treatment as the abrogation of the Decalogue, and again in elenctic fashion:

Generally speaking, men hold that the ceremonies have been abrogated because they were simply shadows of the gospel, and that now there is no need of them since the body, namely the gospel itself, has come. I have no idea whether Paul has anywhere pursued this argument... This goes for Hebrews too; in the whole letter the author teaches that not only ceremonies are abrogated *because they cannot justify*, but also the whole law, or, as we said above, it is abrogated because it cannot be fulfilled.¹⁹

17. Ibid., 124.

18. He uses Acts 15:10 elsewhere also to show the inclusion of the ‘fathers’ into the same justifying grace: after citing the text, ‘Peter therefore means that all the works of the fathers, of David, Isaiah, and Jeremiah, were sin, but that they were justified by trust alone, trust in the mercy of God promised in Christ’. Ibid., 95-96.

19. Ibid., 127. My emphasis.

The fathers, then, were also freed from the ceremonial law in this way (though they generally continued in them since ‘that freedom had not yet been revealed’).²⁰ This leads directly into the next *locus*: the contrast of the ‘old man and the new’, which is once more a salvific contrast centred on the abrogation of the law’s condemning function and the gift of the Spirit.

Melanchthon’s reading of Jer 31:31-34 here is explicitly taken from Augustine’s *De spiritu* and reflects - in an unmistakably Lutheran or Protestant formulation - the salvific contrast Augustine saw there. By the final (German) edition of 1555 there are some changes to this view - most notably the inclusion of Jer 31:31-34 as a part of the *mutatio sacramentorum* (though even here, possibly, the same ‘salvific’ idea is present).²¹ Melanchthon also adopts the language of the Swiss Protestants to express the unity of the people of God:

The promise of grace is the eternal covenant, the eternal testament, for through it eternal salvation is given, for the promise is sure and firm for all times and for all men who accept it with faith.²²

Further, the *vetus testamentum* is still temporal, identified as the externals of the ‘laws and ceremonies’ of Israel, but now more emphasis is placed on its institution to prepare a ‘lodging place for the divine promises of the Savior Christ.’²³

20. Ibid., 130.

21. ‘[W]e must know that in the New Testament worship is not just external forms and showy works, but is a divine light, faith, fear, comfort, and joy in God in the heart; and the beginning of eternal life and suitable works follow the divine light and life in the heart, as the prophet says, ‘I will put my law within them...’. Therefore, the ceremonies and sacrifices of the law of Moses are abolished, for the New Testament demands spiritual sacrifices of the heart.’ Melanchthon, *On Christian Doctrine: Loci Communes 1555* (tr. by Clyde L. Manschreck. Oxford, 1965), 225-26. Similarly in the locus on the kingdom of Christ the text is cited as proof that ‘the kingdom of Christ is spiritual’ (275).

22. Ibid., 148.

23. ‘For the word “testament” the Hebrew language uses this word, “covenant,” or “promise,” or

But the same salvific contrast, including the ‘fathers’ within the *novum testamentum*, is still identifiable. Thus, his definition of the *novum testamentum* is the promise of Christ and the work of the Spirit:

the New Testament is the promise in which God said that he would send his only begotten Son, and through him, on account of his obedience, without any merit on our part, would give to believers forgiveness of sins, grace, the Holy Spirit, eternal righteousness, and blessedness.²⁴

None of these are denied to the ‘fathers’, and in fact we find each aspect directly attributed to them:

It is certainly true men have in all times been turned to God and saved; Adam, Eve, Seth, Enoch, Noah, Abraham, Moses, Samuel, David, Elijah, and Daniel received forgiveness of sins, and were justified; that is, they were pleasing to God, received the Holy Spirit, and were made heirs of eternal blessedness for the sake of the promised Savior, through faith in the promised Savior... The Son of God produced life in them through the promise, and gave them his Holy Spirit.²⁵

Melanchthon’s reading of Jer 31:31-34 in the 1521 *Loci* offers a bridge from the medieval discussions into the Protestant concerns with respect to the location of the contrast of Jer 31:31-34. Though he explicitly distances himself from ‘the Schools’, ‘the Sophists’ and ‘the Parisians’, the similarities in the contrast of ‘old’ and ‘new’ to Thomas above are evident - both owing their position (explicitly) to Augustine. The discourse has shifted, but the contrast is still the law in itself (or by itself) as insufficient, over against the gift of grace and the Spirit.

“obligation”; and the Old Testament, or the Old Covenant, properly speaking, is the promise in accordance with which God gave a certain country to the stem of Israel. He established a worldly government, bound it with his own laws and ceremonies, and promised the people help and protection, all so that this country and government might be a lodging place for the divine promises of the Savior Christ.’ Ibid., 192.

24. Ibid., 193.

25. Ibid., 193. Italics removed.

The impact of Philip Melanchthon on the Reformed tradition has long been known, and has received significant recent attention. His influence on the English Reformation movements has been well outlined in a recent monograph, showing how widely Melanchthon was read in England.²⁶ Further, while the notion of a close friendship between Melanchthon and John Calvin has been recently questioned,²⁷ it still stands that Melanchthon's *Loci* received a warm preface by Calvin in its French translation, and had at the very least a methodological influence on Calvin's structuring of the *Institutes* (below). Naturally, Melanchthon was able to wield a much more direct impact on what developed as the German Reformed tradition, having directly taught a number of prominent 'Calvinist' thinkers - above all the Heidelberg theologian Zacharius Ursinus, with whom Melanchthon corresponded until his death in 1560.²⁸ The remainder of this chapter will turn to the early modern Reformed, located espe-

26. J. Schofield, *Philip Melanchthon and the English Reformation* (St. Andrews Studies in Reformation History. Ashgate, 2006). Another scholar claims that 'Melanchthon's *Loci* was required reading at Cambridge, and Queen Elizabeth I memorized large portions of it in order to converse learnedly about theology.' Clyde Manschreck in his Preface to Melanchthon, *Loci* (1555), xx.

27. T.J. Wengert, "We will Feast Together in Heaven Forever: The Epistolary Friendship of John Calvin and Philip Melanchthon," in *Melanchthon in Europe: His Work and Influence beyond Wittenberg* (ed. K. Maag. Grand Rapids, MI, 1997), 19-44; R. Faber, "The Humanism of Melanchthon and of Calvin," in *Melanchthon und der Calvinismus* (eds. G. Frank and H. J. Selderhuis. Stuttgart, 2005), 11-28.

28. L.D. Bierma, "What Hath Wittenberg to do with Heidelberg? Philip Melanchthon and the Heidelberg Catechism," in *Melanchthon in Europe: His Work and Influence beyond Wittenberg* (ed. K. Maag. Grand Rapids, MI, 1999), 106-07; H.J. Selderhuis, "Ille Phoenix: Melanchthon und der Heidelberger Calvinismus 1583-1622," in *Melanchthon und der Calvinismus* (eds. G. Frank and H.J. Selderhuis. Stuttgart, 2005), 45-59. Selderhuis calls Ursinus 'der bedeutendste Vermittler zwischen melanchthonischem Denken und reformierter Theologie (p.50).' The disputes on this influence can be found in D. Visser, *Zachary Ursinus: The Reluctant Reformer, His Life and Times* (New York, 1983). For deeper influence in the tradition, see also A.J. Beck, "Zur Rezeption Melancthons bei Gisbertus Voetius (1589-1676), namentlich in seiner Gotteslehre," in *Melanchthon und der Calvinismus* (eds. G. Frank and H.J. Selderhuis. Stuttgart, 2005), 317-42.

cially in the Swiss confederacy. But the influence of Melanchthon, his ties (and distance) to the medieval tradition, and his carrying through of the Augustinian position make him an important figure for any remnants of Augustine's reading among the Reformed.

§2. A CONTRAST OF ACCIDENTS: BULLINGER

The centre of the Reformation in the Swiss Confederacy (and arguably beyond) was the city of Zurich and the work of Huldrych Zwingli.²⁹ But in recent years historians have begun to express the enormous influence of his successor Heinrich Bullinger (1504-75) in his 43 years as head of the influential Zurich church.³⁰ The pattern of Augustinian readings of Jer 31:31-34 thus far has been atmospheres shaped by perceived denials of some kind to the Old Testament: the denial of the Holy Spirit to the Old Testament by Julian of Aecclanum or (in general influence) the Catharism in the high medieval era. In line with this, looming over all of the Swiss Reformed discussions of Jer 31:31-34 is the dispute with the Anabaptists.³¹ Zwingli's early responses to the Anabaptists were clearly along the lines of an asserted unity of the covenant through the eras prior to and after Christ.³² And by the early 1530's the ques-

29. 'Huldrych Zwingli was the dominant force in the Swiss Reformation: without his vision, his preaching, his theological profundity and dexterity, and his political acumen, there would have been no Reformation in the Swiss Confederation. It would be impossible to sustain that Zwingli himself was the author of the Reformations in Berne, Basle, or Schaffhausen... but he was responsible for what happened in Zurich, and without Zurich there would have been no other Reformations.' B. Gordon, *The Swiss Reformation* (Manchester, 2002), 142-43.

30. See now above all, P. Opitz, *Heinrich Bullinger als Theologe: Eine Studie zu den "Dekaden"* (Zurich, 2004); B. Gordon, "Introduction: Architect of Reformation," in *Architect of Reformation: An Introduction to Heinrich Bullinger, 1504-1575* (eds. B. Gordon and E. Campi. Grand Rapids, MI, 2004), 17-32.

31. Cf. Gordon, *Swiss Reformation*, 191-227.

32. A developed form is seen in his 1527 U. Zwingli, "Refutation of the tricks of the Baptists," in *Ulrich Zwingli (1484-1531): Selected Works* (Philadelphia, 1972), 123-258.

tion of the place of the Old Testament for theological thought was perhaps the central point of the disputes. In a letter from Bullinger to Berchtold Haller in Bern, as preparation for the 1532 disputation with the Anabaptists, Bullinger advises as the first proposition to be settled:

When tensions and conflicts arise between Christians concerning matters of faith, they should be decided and clarified with Holy Scripture of Old and New Testament.³³

The point at issue, naturally, is the inclusion here of the Old Testament. Bullinger warns Haller to maintain this proposition ('Don't give in an inch; press them and hold them bound to the spot') and to be wary of an equivocation on the term 'Law' and its use to refer to the whole of the Old Testament being done away with: all with a reference to Heb 8 and the conclusion drawn there from Jer 31:31-34.³⁴ The role of the Old Testament in Christian theology, and the place of Jer 31 in that dispute, was clearly of importance. And the issue, as for Augustine, is the definition of terms ('law' or 'old testament').

Bullinger's reading of Jer 31:31-34 is illustrated well by his influential treatise *De testamento seu foedere Dei unico & aeterno*, published in 1534 and ultimately going through 15 editions. The treatise has given rise to Bullinger being named the 'first bona fide federal

33. H. Fast and J.H. Yoder, "How to Deal with Anabaptists: An Unpublished Letter of Heinrich Bullinger," *The Mennonite Quarterly Review* 33 (1959), 84. This had been an emphasis of Bullinger's since at least 1523, as Opitz, *Heinrich Bullinger*, 321. One sees in this letter the seed of the Reformed scholastic insistence on a 'prolegomena' that consists primarily of a doctrine of Scripture: 'What counts is to define at the very beginning with what weapons the battle is to be waged [i.e. the Scriptures].'

34. 'Be forewarned against the word "Law." Most of the argument on this subject [of the authority of the Old Testament] will turn around it, and they will shamelessly misuse the double meaning of the word. For they will set up the following argument: "The Law is done away with (Heb. 8:13). Therefore the authority of the Old Testament for purposes of debate is nil.'" Bullinger's conclusion, as will be consistently seen below, is that the reference there is only to the 'ceremonial law'. "Deal with Anabaptists," 86.

theologian' - though such a claim will hinge entirely on one's definition of the terms.³⁵ The use of the covenant to structure a system of theology, if that is what is meant, does not occur in Bullinger's work. But doubtless the grounds for such a system is present:

[I]t is evident that nothing else was handed down to the saints of all ages, throughout the entire Scripture, other than what is included in these main points of the covenant, although each point is set forth more profusely and more clearly in the succession of times.³⁶

Bullinger's central solution to the Anabaptist arguments, as for Zwingli, rests in a particular view of the continuity and sufficiency of the Old Testament. In the treatise Bullinger aims to establish that there is one single covenant of God that has always been in operation: the same essence, with the same basic requirements (faith and love), even if with different accompaniments.³⁷ The payoff is the continuity of the way in which God deals with the children

35. S. Strehle, *Calvinism, Federalism, and Scholasticism: A Study of the Reformed Doctrine of Covenant* (Bern, 1988), 134. The best recent discussion of Bullinger on the covenant is Opitz, *Heinrich Bullinger*, 317-52. The older study by Baker is still very useful, though flawed by its underlying premise: J.W. Baker, *Heinrich Bullinger and the Covenant* (Athens, 1980). See further below.

36. The English translations are from H. Bullinger, "A Brief Exposition of the One and Eternal Testament or Covenant of God," in *Fountainhead of Federalism* (eds. C.S. McCoy and J.W. Baker. Louisville, KY, 1991), 112. The Latin is from *De testamento seu foedere Dei unico & aeterno* (Zürich, 1534). Likewise, in 1527 he had claimed: 'Hoc certum est: omnes sacrae scripturae libros communem quondam habere scopum, qui, quails sit, videamus: Deus caeli, Deus ille omnipotens pepigit cum humano genere testamentum, pactum seu foedus sempiternum.' *Studiorum Ratio: Text und Übersetzung* (ed. by P. Stotz. Zürich, 1987), §20. This is picked up in later Reformed thought: e.g., 'all the word of God appertains to some covenant; for God speaks nothing to man without a covenant.' R. Rollock, *A Treatise of God's Effectual Calling* (tr. by Henry Holland. London, 1603), 33.

37. As in the *Decades*: 'Verily, there is no difference of the people, of the testament, of the church, or of the manner of salvation betwixt them, among whom there is found to be one and the same doctrine, the same faith, the same Spirit, the same hope, the same inheritance, the same expectation, the same invocation, and the same sacraments.... In respect of the substance there neither was, nor is, any more than one testament; that the old fathers are one and the same people that we are, living in the same church and communion, and saved not in any other but in Christ alone, the Son of God, in whom also we look for salvation.' H. Bullinger, *The Decades* (tr. by Thomas Harding. Cambridge, 1849-52), III.283. See also his discussion of this topic in *Der alt gloub* (1537), given an early English translation by Miles Coverdale in 1541 (*The olde Fayth*, no publisher listed), which was later republished with a more provocative title: *Looke from Adam, And behold the Protestant's Faith and*

of believers – at least as far as baptism.³⁸ The unity, stressed from the start, is stated later with a citation from Augustine:

‘The same church that gave birth to Abel, Enoch, Noah, and Abraham also at a later time gave birth to Moses and the prophets before the coming of the Lord; and that very same church gave birth to everyone who appeared, born at different times but joined together in the fellowship of one people’... From all of this I think it is truly evident that there is only one church and one covenant, the same for the patriarchs and for us.³⁹

This unity is immediately qualified, however, by those texts in scripture that give clear testimony to ‘two’ testaments or covenant. And, though only given brief mention in the treatise, it is in this qualification that we find Bullinger’s view of Jer 31:31f:

[having just cited Jer 31:31, among other texts:] the nomenclature of the old and new covenant, spirit, and people did not arise from the very essence (*substantia*) of the covenant but from certain foreign and unessential things (*accidentibus*) because the diversity of the times recommended that now this, now that be added according to the [difference] of the Jewish people. These additions (*accessere*) did not exist as perpetual and particularly necessary things for salvation, but they arose as changeable things according to the time, the persons, and the circumstances. The covenant itself could easily continue without them.⁴⁰

Religion (London, 1624). A full discussion of this unity, in coordination with the doctrine of sola fide can be found in A.A.G. Archilla, *The Theology of History and Apologetic Historiography in Heinrich Bullinger* (San Francisco, 1992), 37-69. Such is necessary given the critique of, e.g., Strehle, *Calvinism, Federalism*, 136-37.

38. ‘Now is it probable that the most merciful God acted less favourably and more harshly toward our children after he sent the Savior than he had acted toward those children whom he had chosen as his possession before Christ had been sent? No!’ Bullinger, “Brief Exposition,” 108.

39. Ibid., 120. The Augustine citation is from *De baptismo contra Donatistas*. Thus Schrenk’s comment, ‘Die Gläubigen des Alten Bundes stehen mit uns in Glaubensgemeinschaft.’ G. Schrenk, *Gottesreich und Bund im älteren Protestantismus vornhemlich bei Johannes Coccejus* (Giessen, 1985), 43.

40. Bullinger, “Brief Exposition,” 120. For ‘difference’ in the fourth line, McCoy and Baker use ‘contrariety’, which carries a more negative meaning than ‘diuersitate’ ought here: ‘Principio ergo certum est veteris & novi testamenti spiritus ac populi nomenclaturam non oriri ex ipsa foederis substantia, sed ascititiis quibusdam & accidentibus, quae temporum interuallis aliud atque aliud pro diuersitate gentis Iudaicae suadentibus, accessere, non ut perpetua & unice ad salutem necessaria, sed ut mutabilia & pro tempore & pro personarum & caussarum ratione enata, sine quibus ipsum foedus facile subsisteret.’ *De test.*, 29a.

The content of the ‘accidents’ is cited as the ceremonies of the ancient era.⁴¹ By maintaining that the ‘old covenant’ faithful possessed saving knowledge of God, forgiveness of sins,⁴² the work of the same Spirit⁴³ (law on the heart) – i.e. all those things called a part of the ‘new covenant’ in Jer 31:33-34 – Bullinger is left with only the *mutatio sacramentorum*.

Bullinger’s commentary on Jeremiah, written around 1560 (when Calvin begins his work on the book), bears out in more detail this same reading. He claims that the text is undoubtedly addressed to the contrast of law and gospel, and endeavours to show in what way the new is superior to the old and in what way the law is abrogated, assuming throughout that the new applies ‘to the time of Christ’ (*applicauit Christi temporibus*).⁴⁴ Bullinger again ap-

41. ‘Indeed, the ceremonies are of this sort, as well as the Aaronic priesthood itself, the law prescribing the manner of sacrificing, purifying, and slaying...’ Bullinger, “Brief Exposition,” 120.

42. ‘The diversity [regarding the covenant and the people of God with reference to the Decalogue] has arisen from the minds of men and from the additions foreign to the covenant, so that the covenant, which is one among all faithful people, began to be called “old” and “new”, “carnal” and “spiritual,” on account of certain alien elements and rather superstitious people. Indeed, it is called the “old” because the “new” follows it (as the rule of relations demands); *it even promises the remission of sins*, which it offers through Christ; and it also teaches faith and love. But it cannot be called “new” entirely on account of these facts, since it teaches nothing new.... [C]onsequently it is called “new” from the fact that all the ceremonies were fulfilled by Christ, whom alone it proclaims.’ Ibid., 122-23. My emphasis. Or elsewhere, after citing Jer 31:31-34, ‘This full and perfect forgiveness is not therefore called the new Testament, as though there had been no remission of sins among the old Fathers, but because the promise made long before unto the Fathers, is now confirmed and renewed: and the old figures that represented the same are abrogate.’ *Looke from Adam*, 84.

43. ‘[T]he names “old” and “new,” both of the people and of the Covenant, cannot tear asunder the very covenant and the very church of the ancient people and of our people[.] Even the Spirit is the same in both Testaments (ibid., 124).’ Or from the *Decades*, III.286-87. ‘And since it is evident that our forefathers were justified by the grace of God, it is manifest that that justification was not wrought without the Spirit of God; through which Spirit even our justification at this day is wrought and finished. Therefore the fathers were governed by the very same Spirit that we of this age are directed by.’

44. ‘Peculiariter autem vaticinatur de gratia Christi verbis iam recitatis. Confert Legem & Euangelium, & huius praestantiam commendat ac celebrat: disserit & de legis abrogatione, & utroque veteri ac nouo Testamento, praecipue tamen de hoc.’ H. Bullinger, *Ieremias fidelissimus et laboriosissimus Dei propheta*,

peals to the distinction between the *substantia* and the *accidentalia* in the covenant, by this time common for the Reformed.⁴⁵ The Decalogue is part of the former, while the ceremonies are part of the latter, and it is about the latter that we are speaking in Jer 31.⁴⁶ ‘Therefore the *vetus testamentum* is the law itself with the whole of the Levitical cult.’⁴⁷ The substance continues, of course, but the accidents - the cultic accompaniments - change. In short, the contrast is that of the *mutatio sacramentorum* rooted in the fulfillment of the cultic activity.

Even when the question emerges of the possession of the Holy Spirit by the ancient believers - the central question for Augustine and Thomas - we remain in the realm of temporal contrast:

The ancient covenant of God was written in tablets of stone; now the new covenant is written in the heart. And only God through his Spirit writes it in human hearts. God gives the faithful his Holy Spirit in the heart, who regenerates, incites faith through which they are justified, who finally inspires love (*caritas*), and the spontaneous study of the law of God, so now what before displeased us might begin to please. *Certainly the Spirit is given also to the ancient fathers in the old covenant: but everything in the new covenant is brighter, greater, and more common.*⁴⁸

expositus per Heinrichum Bullingerum (Zürich, 1575), 187b.

45. It is an Aristotelian distinction (Bullinger was a ‘scholastic’ here, as was Calvin): *substantia* is that which makes a thing what it is - the concrete essence or *forma*. The *accidentalia* are the nine predicates of a thing (the tenth being its substance), which can change over time without affecting the thing itself: quantity, quality, relation, action, passivity, place, time, circumstance, and state (habit).

46. ‘Obseruandum autem, in foedere esse quaedam substantialia, ut vocant, & quedam accessoria vel accidentalia. Substantialia comprehenduntur in duabis tabulis per decem praecepta: accidentalia sunt tabernaculum cum omnibus suis instrumentis, sacerdotium cum sacrificiis, votes, feriis & reliquis huius generis caeremoniis... Potissimum vero intelligimus caeremonias cum de veteri foedere loquimur: de quo & Ieremias in praesenti loquitur.’ Ibid., 188a.

47. ‘Vetus ergo Testamentum est lex ipsa cum uniuerso cultu Leuitico.’ Ibid., 188a.

48. ‘Foedus Dei antiquum scriptum est in tabulas lapideas: nunc foedus nouum scribitur in corda. Solus autem Deus per spiritum suum scribit in corda hominum. Dat Deus fidelibus suis spiritum sanctum in corda, qui regeneret, fidem excitet, per quem iustificentur, qui denique charitatem inspiret, & spontaneum legis Dei studium, ut iam ea nobis placere incipient, quae displicuerunt prius. Datus est quidem spiritus & antiques

The opening lines are almost precisely what one finds in Melanchthon (or Thomas), but the final line shows the appeal to *accidentalita*. The same contrast is then used throughout: the ancient fathers were the people of God, but in the new testament these people are *illustriora multo*, the knowledge of God is now both *illustrissima* and spread throughout the world. Finally, the forgiveness of sins is now complete and perfect. In short, ‘everything in the new covenant is superior’.⁴⁹ As in the *De test.*, Bullinger posits unambiguously a temporal contrast, with the centrality of the *mutatio sacramentorum* and the general qualitative principle of superiority.

While there may be a diminishing of interest in ‘covenant’ as a lens for the teaching of all of Scripture in Bullinger’s thought (though this can be debated), his view on reading Jer 31:31-34 remains the same throughout his long career. It is already present in a letter of 1526 that substantially presents in outline the argument of the later treatise *De test.*⁵⁰ This letter, not coincidentally, was penned the same time as Bullinger was commenting on the epistle to the Hebrews, where he offers the same reading of the new covenant as the dismissal of the

patribus in veteri foedere: sed omnia sunt in nouo foedere illustriora, ampliora & magis communia.’ Ibid., 188b.

49. ‘Equidem non per alium quam per Messiam consequuti sunt remissionem peccatorum, sub antiquo foedere: at in novuo omnia iam completa & perfecta sunt, quae illi perficienda in venturo Messia credebant. Omnia ergo noui foederis sunt praestantiora.’ Ibid., 188b-9a.

50. ‘Zum ersten ist obgemelt, was das testament sye. Hie wöllend wir nun anzöugen, das es enig und ewig sye, und also wir und die alten vor Christus purt ein volck, ein kilchen, under einem gott, testament und glouben syend.... Worumb gebrucht dann Hieremias deß wörtlins? Antwort: Sidmal durch die zükunfft Christi Jesu all figuren uff Christum, den waren lichnam bedütende, verblichen sind und das testament vervolckomnet, nempt die geschrift das enig testament nüw, angesehen, daß ein nüw liecht kummen und die alten shatten veraltet sind’. H. Bullinger, “Antwort an Burchard,” in *Heinrich Bullinger Werke* III.2 (eds. H.-G. vom Berg and B. Schneider. Zurich, 1991), 151-52. For the dating of the text, see J. W. Baker, “Das Datum von Bullingers ‘Antwort an Johannes Burchard,’” *Zwingliana* 14 (1976), 274-75.

ceremonial law.⁵¹ Indeed, this view of the contrast is already found in Bullinger's 1525 letter 'Von dem Touff', though he does not cite Jeremiah in the discussion: the language of 'new' arises from speaking before and after the Messiah, and with respect to the 'carnal ceremonies'.⁵² But it is also represented in Bullinger's mature works such as the *Decades* - the most influential of Bullinger's writings.⁵³ After citing the alleged differences of the covenants based on Hebrews, he states:

Yet for all this let no man think that the fathers obtained no remission of their sins. For as they by faith had free forgiveness of their sins, so did God both write his law and pour his Spirit into their hearts. For which of us at this day can say, that we excel in knowledge and in faith either Abraham, Moses, Samuel, David, Isaiah, Daniel, or Zacharias? So then the difference is not, in that the fathers of the old testament were without the remission of sins and the illumination of the Holy Ghost, and that we alone, which are the people of the new testament, have obtained them: *but the difference doth consist in the greatness, ampleness, largeness, and plentifulness of the gifts*, to wit, because they are more liberally bestowed and more plentifully poured out upon more now than they were of old.⁵⁴

Bullinger's reading, and the positing of a unity of substance and contrast of accidents, shows what will emerge as the boundary markers of Reformed thought on the subject. Such language becomes common for the Reformed and will influence the whole of the tradition

51. H. Bullinger, "Vorlesung über den Hebräerbrief," in *Heinrich Bullinger Werke* III.1 (eds. H.-G. vom Berg and S. Hausammann. Zurich, 1983), 191-94.

52. The question of unity in the face of being called 'new' and 'old' is handled the same way: 'So es nu ein testament ist, das wir bishar habend für zwey gehalten, worumb nemmend wirs dann das alt und nüw? - Antwort: Es isst nitt me dann ein einigs gmecht, dardurch alle fommgheit imm glouben znn Messiam entspringt. Dorumb aber heissend dise zyten nüwe testament, daß uns Christus gleistet ist. Wann der da nempt das nüw, der vertillget das altö und daß der pundt ouch gemacht ist mitt einem nüwen volck, mitt den heiden, nitt alein mitt den Juden wie vor, besich Ephe. 2.ca. (14)!' H. Bullinger, "Von dem Touff," in *Heinrich Bullingers Werke* III.2, ed. H.-G. vom Berg. Zurich, 1991), 78-79.

53. See P. Opitz, "Bullinger's *Decades*: Instruction in Faith and Conduct," in *Architect of Reformation* (eds. B. Gordon and E. Campi. Grand Rapids, MI, 2004), 101-02.

54. *Decades*, III.297-98. My emphasis.

through the period of orthodoxy and into the contemporary Reformed world.⁵⁵ Bullinger stands firmly in line with Jerome's temporal contrast, but rather than posit a change of people - from Israel to the Church (as Jerome) - the change is only with respect to the 'accidents' of the one covenant. By doing this Bullinger is able to take the main point of Augustine's emphasis on the unity of the people of God, and combine it a religio-historical contrast in Jer 31:31-34. Where the necessity of the Holy Spirit in the ancient era drove Augustine to positing a distinction in uses of *vetus testamentum*, Bullinger presents another option: the quality of the Spirit's work as a part of the *accidentalia* of the covenant. The difficulty of limiting the contrast in the oracle to 'accidents', however, will be felt by a number of the Reformed - and, as I will argue, is entirely mistaken.

§3. FROM COMPLEXITY TO SIMPLICITY: OECOLAMPADIUS

Though the 'boundaries' of Reformed thinking are evidenced in Bullinger's work, this by no means entailed a unanimity on how one reads Jer 31:31-34. Another important reading saw the contrast in the oracle as between two successive eras (pre-Christ and post-Christ), governed by the movement from complexity to simplicity. One illustration of this approach is from the Basel Reformer Johannes Oecolampadius (1482-1531), called the 'greatest scholar of the early Swiss Reformation'.⁵⁶ Oecolampadius remarks in passing on Jer 31:31-34

55. Already in 1527 Martin Bucer uses similar language: 'Idem est utrumque in substantia, quia eodem in utroque Deus spectat: nimirum ut ipse sit per suam bonitatem Deus suorum, & illi eius per fidem populus.' Martin Bucer, *In sacra quatuor Euangelia, enarrationes perpetuae, secundum & postremum recognitae* (Geneva, 1553), 46a.

56. Gordon, *Swiss Reformation*, 204. For introductions to Oecolampadius, see K. Hammer, "Der Reformater

in his commentary on Isaiah, published in 1525 - the brevity is perhaps explained by being written prior to the climactic concerns with the Anabaptists. Oecolampadius is content to speak of the fulfillment of Jer 31:33-34 at Pentecost, and to the 'new law, given not on Mt. Sinai but Zion'.⁵⁷ This *nova lex* is the *lex Spiritus*: the Gospel standing over against the Pharisaical view of the Law as sufficient for justification.⁵⁸ There is a very good chance that Oecolampadius is drawing on Augustine here, though the terminology is straight from the medieval discussions.

But the most significant discussion of the text from Oecolampadius is from his 1527 lectures on Jeremiah, edited and published by Wolfgang Capito two years after Oecolampadius' death. Staehelin has argued against viewing this commentary as a true representation of Oecolampadius' thought because of the explicit admission of Capito to editing and filling in the comments.⁵⁹ And perhaps this explains the divergence with the earlier work on Isaiah -

Oekolampad (1482-1531)," *Zwingliana* 19.1 (1992), 157-70; M.W. Elliott, "Oecolampadius," in *The Dictionary of Historical Theology* (ed. T. A. Hart. Grand Rapids, MI, 2000), 403-04; T.A. Fudge, "Icarus of Basel? Oecolampadius and the Early Swiss Reformation," *JRH* 21.3 (1997), 268-84.

57. Oecolampadius, *In Jesaiam Prophetam Hypomnematon* (Basel, 1558), 266 (on 51:4), cf. p.296 (on 59:21).

58. E.g., on 51:7: 'Consolatur nunc suos, auferens ab eis humanum timorem, & iterum exhortatur ad audiendum, commendans eos a Lege sua, quae est lex Spiritus scripta in cordibus, ut est Hier. 31.' Ibid. Or, on Isa 35:3-4: 'Praecipitur Prophetis & praedicatoribus, ut perfecte humiliatis, & contrito spiritu se peccatores agnoscentibus Euangelium annuncient: nam illis solis prod est. Phariseis autem & his qui in iustitia ac operibus suis confidunt, non item, eo quod nullo medico sibi opus esse credunt. Lex manus remissas, & genua labantia & exterritum cor facit, Euangelium vero confortat.' Ibid., 202.

59. E. Staehelin, *Das theologische Lebenswerk Johannes Oekolampads* (Quellen und Forschungen zur Reformationsgeschichte 21, Leipzig, 1939), 407-08. Capito's comments - as well Matthias Aparius' comments from his preface to Oecolampadius' lectures on Hebrews - are in E. Staehelin, *Briefe und Akten zum Leben Oekolampads* (Quellen und Forschungen zur Reformationsgeschichte 10, 2 vols. Leipzig, 1934), n.970, n.976

though Oecolampadius would have known Bullinger's views on the text very soon after 1525 and very well might have used this new position in his lectures. In any case, the commentary had its influence as the work of Oecolampadius, which is our main concern. Oecolampadius begins by clarifying what is meant by a *foedus*, which, as opposed to a pure (unilateral) *testamentum*, has 'laws on both sides'.⁶⁰ In the covenant God makes, he undertakes 'that he would be who he truly is, namely the God of him whom he elected into friendship.' On the other side, the people are 'to listen to his word and trust him to be for their good'.⁶¹ Oecolampadius then introduces the point at issue:

But we find a two-fold covenant: old and new, carnal and spiritual, external and internal, perfect and imperfect. The former is that which God formerly entered with the people because they⁶² were carnal, imperfect, and old. And, leading them by the hand by shadows but not leading them to perfection, the covenant was therefore abolished. And such a covenant was carnal - as were the people and the promises.⁶³

(esp. p.757).

60. 'Ubi autem foedus, illic sunt & leges utrinque, & certitudo quaedam per signa.' Oecolampadius, *In Hieremiam prophetam commentariorum libri tres Ioannis Oecolampadii* (Argentinae, 1533), II.161a.

61. 'Hanc suam legem Deus recipit, nempe ut sit quod est, Deus videlicet eorum, quos in amicitiam adlegit. Populi vero lex, ut audiate dicto, & confidat sibi bene fore, & propterea obediens sit, & gloriam eius ubique vindicet, permittens se divino regimini ac arbitrio, nunquam suae obsequatur voluntati'. Ibid., II.161a. Or elsewhere, 'Foedus autem, est amicitia inter Deum & populum, ut populus obediat, Deus protegat.... Subiicit verba testamenti [sic! not following his own distinction], ut audiat vos eius, id est, ex parte vestra debet esse obedientia, & erit ex parte Dei defensio ac benedictio'. Ibid., I.66b-7a. The notion of the 'amicitia dei' as the heart of the covenant, which becomes standard in Reformed thought, is seen also in Zwingli's comments published 1531: U. Zwingli, *Jeremia-Erklärungen: Complationis Ieremiae prophetae foetura prima* (Huldrych Zwingli Sämtliche Werke 14, ed. by E. Egli. Zurich, 1959), 612. But again this is a scholastic idea - we have already seen Thomas speak of this as the goal of divine law: *STh Ia IIae*, q.99, a.1, ad.2. More interestingly elsewhere, 'Sic ergo patet quod amicitia est perfectissimum inter ea quae ad amorem pertinent, omnia praedicta includens; unde in genere huiusmodi ponenda est caritas, quae est quaedam amicitia hominis ad Deum, per quam homo Deum diligit, et Deus hominem'. Aquinas, *Sup. sent.*, lib.3, d.27, q.2, a.1, co..

62. Or 'it': in either case, both are called 'carnal' in the following statement.

63. 'Duplex autem foedus inuenimus, antiquum & nouum, carnale & spirituale, externum & internum, perfectum et imperfectum. Hoc quod olim Deus cum populo iniit, quia carnale erat, imperfectum erat, uetus &

At first blush this appears quite distinct from Bullinger's line of thought.⁶⁴ But such a conclusion would be rather hasty. The most important point for understanding Oecolampadius on Jer 31:31-34 is his three-fold distinction of the covenant as made with Abraham, Moses, and Christ. So the 'one gracious covenant' was given first to Abraham, and repeated to Isaac and Jacob, exemplifying the kindness of God and 'pure grace' while requiring 'the simple obedience of faith'. But with Moses are added 'further laws' as a part of the conditions of the covenant - thus, 'if you continue in all that I command, and impress them on your offspring after you.'⁶⁵ Crucially, Oecolampadius sees these conditions added by Moses as entirely external, the 'outer word' commanding what ought not be done, in order to drive one to reliance upon God and the pure grace of the covenant with Abraham:

umbratile manuducens, sed non perducens ad perfectum, & propterea abolendum. Tale autem erat, qualis populus, & quales promissiones, erant autem carnalia.' Oecolampadius, *In Hieremiam*, II.161b. Cp. his earlier statement, after citing Jer 31:33, 'Illa lex a Deo exhibit, qui antea per Mosen legem dedit, quae nihil ad perfectum ducebat: nunc seipsum dans, faciet impleri Legem; & per hanc legem [i.e. the 'lex Spiritus' of Jer 31:33] illustrabuntur Gentes, & augebitur fidelium numerus.' *In Jesaiam*, 266.

64. Thus the accusation of Bullinger's misuse of Oecolampadius: C.S. McCoy and J.W. Baker, *Fountainhead of Federalism: Heinrich Bullinger and the Covenantal Tradition* (Louisville, KY, 1991), 128, n.23.

65. 'Hoc [unum foedus gratia] autem discernuntur, quod foedus quidem Abrahae quod cum Isaac & Iacob idem reperitur, benevolentiam Dei meramque gratiam cum simplici obsequio vel obedientia fidei spectasset, Mosaicum praeterea leges in conditionibus habeat. Unde, si feceris, si manseris in omnibus quae praecepi, & id genus subinde inculcat.' *In Hieremiam*, II.162a.

The same theme is seen in his comments on Ezek 40:28-37, and the three courts of the temple in the vision there representing three covenants with the same substance of the forgiveness of sins through the goodness of God: 'Sunt atria discriminata, & aliud foedus Abrahae, aliud Mosi, aliud Christi est: At Posteriora quid aliud quam stabilitas promissiones Abrahae factas pollicentur? Quid obsecro substantia foederis? annon promissa Dei Patris benevolentia condonantis peccata? haec eadem magis atque magis explicatur. Sperarunt omnibus seculis benedicendas omnes gentes in semine Abrahae & inde vetustissima sententia Hebraeorum, Et Christum Domini cogitationem malam ablatum. Prophetiae haec exposuerunt, qui nihil Mosi adiecerunt, Deut 4,12: sed quod in illo occultum erat, explicuerunt.' J. Oecolampadius, *In Ezechielem: Prophetam Commentarii Ioannis Oecolampadii* (Geneva, 1583), 201.

This ministry, characteristic of Moses, is only external - although [God] arranged for chiefly internal things to be advanced among his own. Thus he promises the circumcision of the heart done by the Lord.... [T]he Lord is ultimately seeking after the whole heart. He [i.e. Moses] promises perfect redemption in the fullness of days, and he prays more than once that the Lord might give to the people a heart that understands. He asked for mercy and wept, having endeavoured for so many years with the Lord not having given to them a heart that understood.⁶⁶

The idea is the second use of the law (as it would come to be called), Oecolampadius even pointing to Paul's speaking of Christ as 'the end of the law'. The law requires of the people what was only possible to be done by the Spirit working in them:

For Moses demands from his people those things that no one fulfills without the Spirit of Christ: to value God above all things, to be beyond all concupiscence, to value their neighbours as themselves: who, I ask, having struggled by human strength, will attain these? Therefore the law is spiritual, since to fulfill it, one must have the work of the Spirit.⁶⁷

But rather than condemning the entirety of the era as one of 'law' apart from the Spirit, the claim is made that 'they generally understood this plan (*ratio*)', which was used by Moses and the prophets to drive to Christ. Thus:

There were members of Christ under Moses, just as under Paul. Here is the light of midday and a proper summer, on account of the plan of the time and the revelation of God; then only the cloud shone, which shielded the heat of divine wrath from the people, which diffused his splendour through a ray of light, although it was this way on account of the plan of the time. For clearly this is not to detract from the merit of Christ's supplication, for the lamb was slain before God from the beginning, this power laying hidden in the dispensation of shadows.⁶⁸

66. 'Et quod ministerium, ut Mosi proprium est, externum tantum sit, etsi interiora praecipue promota apud suos curarit. Inde pollicetur cordis circumcisionem a Domino faciendam.... Dominum sint toto corde tandem quaesituri. Pollicetur in plenitudine dierum redemptionem perfectam, & orat non semel ut populo Dominus det cor quod intelligat, misereque deplorat, post tot annorum conatum Dominum nondum dedisse eis cor quod intelligeret.' Oecolampadius, *In Hieremiam*, II.162a. For the externality of the *vetus testamentum*, cf. Augustine, *De spir.*, §41 (above).

67. 'Nam quae Moses a populo suo exigit, sine Christi spiritu nemo praestabit, ut Deum diligat super omnia, ut sit extra omnem concupiscentiam, ut proximum quisque diligat sicut se ipsum, quis obsecro humanis viribus connixus consequetur? Eoque lex spiritualis est, quia ut impleatur, spiritu opus habet.' Oecolampadius, *In Hieremiam*, II.162a.

68. 'Fateor, sed usu timentes Dominum in futurum mediatorem sunt semper destinati, & si non aequaliter

The appeal to Rev. 13:8 and a (Platonic) conclusion on that ground for the eternal efficacy of the atonement sets another common theme for Reformed thought. Thus Oecolampadius is elsewhere able to characterize the covenant given at Sinai as ‘friendship between God and the people’ - the same characterization as given for the one covenant.⁶⁹ The contrast thus returns to something very similar to Bullinger: the increased clarity and understanding marking the difference between the eras of the the one covenant. In language even closer to Bullinger:

Before God there is one covenant that is eternal, which is dispensed variously on account of the diversity of times. And in the interiority of man also it was always one and will remain so - not only as it exists in eternal predestination. But if you join to it the ministry of those men, with it was at the time contracted, it is necessary that you acknowledge the covenants to be divided also with respect to substance. For when you include the administration of the covenant in the substance, the conditions which are in the covenants [*pacta*] are likewise included. In this way the covenant of Abraham, the covenant of Moses, and the covenant of Christ are by nature very diverse, and they are affirmed to be different through Scripture.⁷⁰

The diversity of the covenants is accidental, centred on their administration (and only substantial if the administration is part of the substance). But the three-fold difference between Abraham, Moses and Christ shows how Jer 31:31-34 is to be read: the contrast lies

mediandi rationem vulgo intelligerent. Sub Mose membra Christi, sub Paulo similiter sunt. Hic lux meridiana, & aestas iusta propter temporis rationem, & revelationem Dei est. Illic nubes tantum lucida fuit, quae ardorem irae divinae a populo defendebat, quae suum splendorem de radiis lucis & si pertenuem, ob temporis rationem diffundebat. Quod sane non est detrahare merito supplicii Christi. Nam ab initio mundi agnus occisus est apud Deum, huius virtus in dispensatione umbrarum occulta latuit.’ Ibid., II.162b.

69. ‘Foedus autem, est amicitia inter Deum & populum’. Ibid., I.66b-7a.

70. ‘Apud Deum unum est foedus illud aeternum, quod pro diuersitate temporum varie disponitur. Et in interioribus quoque hominis semper unum fuit, & usque manebit, non solum ut est in aeterna praedestinatione. Quod si ministerium adiunges eorum hominum, quibuscum quoque tempore contractum, necesse est ut farearis iuxta substantiam quoque foedera discriminari. Nam in substantia foederis dum administrationem simul includes, conditiones quae in pactis sunt, simul includuntur. Unde Abrahe foedus, Mose foedus, Christi foedus, natura inter se diuersissima sunt, & adfirmant diuersa esse per scriptura.’ Ibid., II.162b.

in the ‘conditions’, the ‘plans’ utilized for the one eternal covenant. And this variety is a movement from a simple (Abraham) to a complex (Moses), and back to a simple (Christ) state of affairs:

Now see the kind of difference of the covenants: the Lord covenanted with Abraham by words; nothing other than obedience was stipulated from him. Under Moses many wonders and dreadful things were added, not known to only one leader, but clear to the whole multitude. Further, it was surrounded by so many legal circumstances which all referred to those ten words of the covenantal table. But in Christ is truth and life, extending over the ministry of the church of Abraham....⁷¹

Such a movement may bear some resemblance to the view of Alcuin briefly mentioned earlier, and the covenant of Christ as a return to the simplicity of the covenant with Abraham - a view with some Reformed supporters today.⁷² It is taken up in a more Lutheran-oriented discussion of ‘law’ in the influential *Loci communes* of Wolfgang Musculus in 1560.⁷³ But Oecolampadius (or Capito) is more precise than Musculus by raising an objection to this reading of Jer 31:31-34 - an objection entirely missing in Musculus’ discussion:

I need to ask myself whether Abel, Noah, Abraham and other spiritual persons were not in the *novum testamentum*. For everything that is here said is appropriate to them, for God gave them the law in their hearts and they were taught by the Lord, and their sins were forgiven.... For would God be so unfair that he would disdain the old with this grace, or deny the greatest gifts to his

71. ‘Audi iam qualemcumque foederum diuersitatem. Verbis pactum est cum Abraham Dominus, nec aliud, quam obedientiam stipulatus est ab eo. Sub Mose multa prodigia & horrenda accesserunt, non uni duci nota, sed perspicua omni multitudini. Deinde tot circumstantiis [sic] uallatur legalibus, quae omnes ad decem illa verba tabulae foederalis referuntur, In Christo autem veritas & vita est, supra ministerium ecclesiae Abrahae existense’. Ibid., II.163a. This is cited by Bullinger, *De test.*, 38-39.

72. E.g., ‘The new covenant is anticipated as a renewed Abrahamaic (rather than Mosaic) covenant, for instance, in Jeremiah 31.’ M.S. Horton, *Covenant and Eschatology: The Divine Drama* (Louisville, 2002), 134. Similarly, W. Grudem, *Systematic Theology: An Introduction to Biblical Doctrine* (Grand Rapids, MI, 1994), 521.

73. Wolfgang Musculus, *Loci communes theologiae sacrae* (Ultima ed. Basel, 1599), 140-47. His views here fit well with his description as ‘an independent thinker whose theological formulations fell somewhere between Zurich and Wittenberg.’ Gordon, *Swiss Reformation*, 177.

closest friends? You must admit that the fathers shared in the same Spirit of faith and that they ate the same food that spiritual people in that age ate.⁷⁴

If each part of Jer 31:33-34 can be attributed (indeed, must be attributed) to the ‘spiritual persons’ of the ancient era, then how can one say that they are not members of the new covenant? The answer to this has two parts: first, ‘as long as the *testamentum* is not consecrated by the blood of Christ, it is not said to be instituted.’⁷⁵ This does not mean that the plan (*ratio*) of God was entirely foreign to those before Christ (again, citing Rev 13:8); but that plan was ‘confirmed’ by Christ’s blood being shed.⁷⁶ This appears to be a sleight of hand, changing the terminology from *foedus* to *testamentum*. As stated at the outset of his discussion, a *testamentum* is only valid by the shedding of blood and instead of having requirements on both sides, is unilateral: only revealing the will of the one making it.⁷⁷ So while

74. ‘Nam mihi vide quaeso, an non Abel, Noë, & Abraham, & alii spirituales etiam fuerint in novo testamento. Quia omnia que hic dicunt, conueniunt eis, Deus enim dederat legem in cor eorum, erantque docti a Domino, & remissae errant iniquitates eorum. Et quomodo lex est nova, quum idem praeceptum charitatis habuerunt, & immolatum seruarent patres, quod Iohan. dicit, Non novum mandatum, sed mandatum vetus. Erit ne Deus personarum receptor, ut veteres gratia hac dedignaret? an illa maxima dona negauit amicissimis? Fateri cogeris, quod patres eundem fortiti fuerint spiritum fidei, & eandem escam manducarint ii, qui spirituales illa aetate extiterunt’. Oecolampadius, *In Hieremiam*, II.163a. That only pre-Mosaic figures are named seems to me accidental to Oecolampadius.

75. ‘Sed quamdiu testamentum non fuit sanguine Christi sancitum, non dicitur institutum.’ Ibid., II.163a.

76. ‘Non est enim explicata eius ratio coram nobis. Apud patrum & legis plebem, sublatenter vigit haec nostra novitas mentium. Nam agnus fuerat occisus ab initio mundi, non solum iuxta praedestinationem, sed etiam iuxta fidem patrum, quae ad sequential & in futurum hunc ducem vitae prospectabat, Ubi autem sanguine Christi in mundo effuso confirmatum, nunc spiritus sanctus manifeste datus est magna ubertate, cessaruntque figurae ac umbrae legis discussae praesentia corporis luci.’ Ibid., II.163a-3b.

77. ‘Veteres sanguine pecudum inhiabant foedera, quidam mutuo sanguine hausto se confoederabant, & iuxta sine sanguine ullum foedus constabat. In testamentis donationes mors confirmabat. Nam epistola ad Hebraeos testamentum morituri nominat ברית quia id nominat testamentum hereditarium, quod pactum ubique dicitur. Explanat enim moriens voluntatem suam in eadem herendo sententia. Leges autem foederis, ut utraque pars aliquid alteri praestit, & accipiat vicissim.’ Ibid., II.161a.

Oecolampadius has overlooked the difference in terminology in the intervening discussion, it returns here so that the ‘fathers’ might have all the things promised in Jer 31:33-34, but still not be members of the *novum testamentum*, the latter only validated by death. They were thus members of the one (bilateral) covenant, but not members of the *novum testamentum*.

The second answer, tied as an explication of the first, brings us back to the movement from complexity to simplicity, in which the *foedus* (!) is ‘made new, because it is made with respect to its fulness.’ This fulness has to do with the increased fruitfulness of the Spirit and the fulfillment of the ceremonies - clearly a temporal matter. But, he remarks, it is also due to the new covenant being on the heart, and therefore not being broken.⁷⁸ But in this latter case, ‘you see the new and eternal to be the same’: it is not a contrast of temporal eras alone. God’s words and Spirit are always active in the hearts of the elect.⁷⁹ Thus he can hold that ‘the first covenant was also eternal, when one held fast to God’.⁸⁰ Being eternal, the covenant existed in the ancient era but was not truly the ‘new’ covenant because it was written on tablets of

78. ‘Ubi autem sanguine Christi in mundo effuso confirmatum, tunc spiritus sanctus manifeste datus est magna ubertate, cessaruntque figurae ac umbrae legis discussae praesentia corporis lucis, factque sunt θεοδιδάκτοι omnes credentes. Amplior enim prophetizandi gratia in apostolis... Novatur ex eo foedus, quod ad plenum ictum debilitari ac irritari nequeat, quod sit, cum id spiritu suo cordibus inscribat cum suis omnibus conditionibus, faciatque populum spontaneum’. Ibid., II.163b. Note the similarity to Melancthon and Luther in the last line (below).

79. ‘Vides hic novum & aeternum idem esse, & ex eo aeternum, quod spiritus & verba Dei nunquam auferentur. Neque enim spiritui locus est, nisi in cordibus electorum, ut in his locis spiritus accipitur.’ Ibid., II.163b.

80. ‘Erat foedus primum, quantum ad Deum attinebat, etiam aeternum.’ Ibid., II.161b. Only in this sense, then, is Baker’s summary of Oecolampadius true: ‘All the elect, all people of faith from the beginning of the world participated in the new covenant. It was the new spiritual law written in the heart by God.’ Baker, *Bullinger*, 187.

stone and concerned ‘external things’. But this ‘new, eternal, bare (covenant) is simply of the inner person, and has its beginning, middle and end by the Spirit.’ Such is opposite the covenant with Moses, and the external necessities only ‘obliquely’ leading to the Spirit.⁸¹ The contrast is, once more, with the (merely) external additions to the eternal covenant, and a ‘new’ era marked by pure internality.

So with Oecolampadius a variation on a standard contrast of administration emerges: the movement from the eternal covenant with its external accessories (the ‘old covenant’) to its ‘bare’ (*nudum*) state in Christ. The theological payoff is that Oecolampadius can speak of the ‘fathers’ as having every part of the new covenant in Jer 31:33-34, because these are a part of the eternal covenant promised and known by Abraham and all ‘spiritual persons’ of every age. But it is truly called ‘new’ only when stripped of its external accompaniments. Rather than the covenant surrounded by Mosaic externalities, the Church has the simplicity of the Gospel and worship.⁸² The boundaries seen in Bullinger are maintained in Oecolampadius’ discussion, and the same payoff against the Anabaptist position, but the point of contrast is not simply a *mutatio sacramentorum* or an increase of *qualitas*. The movement is from a complex to a simple era, centred on the sacraments.

81. ‘Cum patribus deserti non erat novum... Tabulis lapideis causa mystereii significandi inscribitur, & pluribus inhaerentibus externarum rerum convestitur. Hoc novum, aeternum, nudum, & interioris hominis simpliciter est, eoque initium, medium, & fine a spiritu habet. Spirituque incipiunt Christiani, eodem consumantur. Contra ministerium Mosi, suis exterioribus necessitatibus ad spiritum oblique demittebat...’ Oecolampadius, *In Hieremiam*, II.163b.

82. Here, naturally, one thinks of the iconoclastic side of the Swiss Reformation.

§4. AUGUSTINIAN REMNANTS: CALVIN AND VERMIGLI

JOHN CALVIN

The most obvious wrestling with both an Augustinian and religio-historical reading of Jer 31:31-34 among the early modern Reformed comes from the French reformer John Calvin (1509-64). Calvin's relationship to the Swiss theologians, somewhat like Geneva to the Swiss confederacy, was a mixture of dependency, protection, and distance.⁸³ But the theological difference between Geneva and Zurich can be easily overstated. Some recent scholarship has done just this on the issue of 'covenant' - clearly a discussion of some interest for the present topic. One influential overstatement of difference has come from J. Wayne Baker, who sees in Bullinger and Calvin a difference between a two-sided responsibility in the covenant theology of the former over against a unilateral soteriology in the latter.⁸⁴ Such a reading, however, has been shown reductive in both its parts.⁸⁵ For our purposes it is sufficient to state that

83. 'Huldrych Zwingli was one of Calvin's least favourite topics'. B. Gordon, "Calvin and the Swiss Reformed Churches," in *Calvinism in Europe, 1540-1620* (eds. A. Pettegree et al. Cambridge, 1994), 65. Calvin's relationship with Bullinger was more fruitful: cf. F. Büßer, "Calvin und Bullinger," in *Calvinus Servus Christi* (ed. W. H. Neuser. Budapest, 1988), 107-26; H. Scholl, "Calvin und die Schweiz - Die Schweiz und Calvin," in *Calvin im Kontext der Schweizer Reformation* (ed. P. Opitz. Zurich, 2003), 303-28.

84. Baker, *Bullinger*; J. W. Baker, "Heinrich Bullinger, the Covenant, and the Reformed Tradition in Retrospect," *The Sixteenth Century Journal* 29 (1988), 359-76.

85. E.g. L.D. Bierma, "Federal Theology in the Sixteenth Century: Two Traditions?," *WTJ* 45 (1983), 304-21; Idem, "The Role of Covenant Theology in Early Reformed Orthodoxy," *The Sixteenth Century Journal* 21.3 (1990), 453-62; C.P. Venema, *Heinrich Bullinger and the Doctrine of Predestination: Author of "the other Reformed Tradition"?* (Grand Rapids, MI, 2002); P.A. Lillback, *The Binding of God: Calvin's Role in the Development of Covenant Theology* (Grand Rapids, MI, 2001); Idem, "Ursinus' Development of the Covenant of Creation: A Debt to Melancthon or Calvin?," *WTJ* 43 (1981), 247-88; M.E. Osterhaven, "Calvin on the Covenant," in *Readings in Calvin's Theology* (ed. D. K. McKim. Grand Rapids, MI, 1984), 89-106. Cf. the remarks of R.A. Muller, *The Unaccommodated Calvin: Studies in the Foundation of a Theological Tradition* (2000), 155.

Calvin expresses a conviction within the same boundaries as his Swiss neighbours on the unity of the covenant, within which he reads Jer 31:31-34.

Calvin's first mention of the contrast of old and new covenants is found in his first theological contribution, his 1534 preface to Pierre Robert Olivétan's French New Testament. And here the contrast is clearly a simple one of two eras. After Adam's fall from his created state into ruin, and God's 'abhorrence' of humanity on that account, God nonetheless gave humanity 'time and opportunity to return to him'.⁸⁶ God extended his hand both through nature and through speaking to Israel in particular:

And as though he were nothing to the other nations, he willed expressly to be called the God of Israel, and to have Israel called his people, on condition that they would recognize no other Lord and receive none else as their God. And this covenant (*alliance*) was confirmed and handed down by authentic instruments of testament and testimony given by himself.⁸⁷

But Israel failed, leaving both Jews and Gentiles unfaithful before God. Thus the young Calvin claims:

Wherefore, if God were to approach his people, whether Jew or Gentile, a new covenant was needed: one which would be certain, sure, and inviolable. And to establish and confirm it, it was necessary to have a Mediator...⁸⁸

86. J. Calvin, "Preface to Olivétan's New Testament," in *Calvin: Commentaries* (LCC, ed. J. Haroutunian. Philadelphia, 1958), 58-59.

87. Ibid., 59.

88. Ibid., 61. The line of argument here is the same in his *Argumentum* of Romans: *Iohannes Calvini Commentarius in Epistolam Pauli ad Romanos* (ed. by T.H.L. Parker. Leiden, 1981), p. 6.50f.. The commentary is based on lectures begun in Geneva in 1536.

Calvin then moves to pointing to the various prophecies that testified to the coming Messiah (including Gen. 3:15, on which he would later change his mind). What we have in the New Testament is the making of this new covenant through the coming of that Messiah:

And this book is called the New Testament in relation to the Old, which, in so far as it had to be succeeded by and related to the New, and was shaky and imperfect in itself, was abolished and abrogated. It is the new and the eternal, which will never grow old and fail, because Jesus Christ is its Mediator.⁸⁹

Ganoczy is right to find little explicit evidence of interaction with fully Protestant views in the preface, though he overstates the matter.⁹⁰ And there is no hint that Calvin has read the literature on the topic of the two testaments from the Swiss.⁹¹ Lacking is any discus-

89. "Preface to NT," 64.

90. 'One has the impression that Calvin used no other source than the Bible itself and - let us willingly add - the responses that his readings of the Scriptures inspired in his own heart. The preface exhibits Lutheran thought in only a few statements.... But the text as a whole primarily praises Christ in elegant terms as the only mediator of the New Testament and as the end and fulfillment of the entire ancient law.' A. Ganoczy, *The Young Calvin* (tr. by David FoxgroverWade Provo. Edinburgh, 1987), 96. Even the 'few statements' of Lutheran thought would by no means be heterodox to many within Roman Catholic positions at the time; though Calvin's Latin forward (only appearing in the 1535 ed.) to the Bible reveals already his distaste for the Sorbonne theologians: *Ioannes Calvinus caesaribus, regibus, principibus, gentibusque omnibus Christ imperio subditis salutem* (Ioannes Calvini Opera 9, ed. by J.W. Baum et al. Brunswick, 1870).

91. Against the (hesitant) suggestion of I. Backus and C. Chimelli, eds. *La Vraie Piété: Divers traités de Jean Calvin et Confession de foi de Guillaume Farel*. (Geneva, 1986), 20-21. The closest parallel would be to H. Bullinger, "De scripturae negotio," in *Heinrich Bullingers Werke* III.2 (ed. H.-G. vom Berg. Zurich, 1991), 12-31. Orig. publ., 1523.

sion of the ‘substance’ of the covenant,⁹² and the unity under discussion regards the unified witness to the promise, not a unity of the ‘covenant’ itself.⁹³

Calvin’s familiarity with the Swiss discussion on the covenants is, however, evident by his *Institutes* of 1539.⁹⁴ This is the first edition in which Calvin used Melanchthon’s *Loci* to overlay the catechetical structure of the earlier editions - thus including a *locus* on the two testaments.⁹⁵ That Calvin made use of the covenant motif in many of his works, from every period of his life, is evident.⁹⁶ But since our goal is not an exhaustive presentation of Calvin’s views or their development, I will focus on the last edition of the *Institutes* (1559) and the

92. Though Beza’s Latin translation fixes this by changing a sentence around to read, ‘And so that the full and lasting faith in the goodness of God might be revealed, the Lord Jesus himself, who is the sponsor of that covenant and is himself the substance of it, appointed the apostles to himself...’ (Atque ut huius Dei beneplaciti plena fides et perpetua exstaret, Dominus Iesus ipse, qui foederis istius sponsor est atque ipsamet illius substantia, apostolos sibi designavit...). The French reads, ‘Pour laquelle [i.e. reconciliation] chose declairer, le Seigneur Iesus, qui en estoit le fondement et la substance, a ordonné ses Apostres....’ Calvin, *A tous amateurs de Iesus Christ, et de son S. Evangile, salut* (Ioannes Calvini Opera 9, Brunnsfield, 1870).

93. Calvin, “Preface to NT,” 65.

94. As Büber, “Calvin und Bullinger,” 119-20.

95. See R.A. Muller, “Ordo Docendi: Melanchthon and the Organization of Calvin’s *Institutes*,” in *Melanchthon in Europe: His Work and Influence beyond Wittenberg* (ed. K. Maag. Grand Rapids, MI, 1999), 123-40; Idem, *Unaccommodated Calvin*, 125-39. Parker speaks of this as a move to a more ‘systematic’ approach over the catechetical: T.H.L. Parker, *Calvin’s New Testament Commentaries* (Louisville, KY, 1993), 89f.

96. See Lillback, *Binding of God*, 126-41; A.A. Hoekema, “The Covenant of Grace in Calvin’s Teaching,” *CTJ* 2 (1967), esp. 141f. Strehle’s claim (*Calvinism, Federalism*, 149-50) that Calvin’s use of ‘covenant’ is ‘intercalated rather sparingly’ in the *Institutes* is only superficially true. Better (if still imprecise) is Vos: Calvin ‘is the forerunner of such Reformed theologians who allocate to it [i.e. the covenant] a subordinate place as a separate locus.’ G. Vos, “The Doctrine of the Covenant in Reformed Theology,” in *Redemptive History and Biblical Interpretation: the Shorter Writings of Geerhardus Vos* (ed. R.B. Gaffin. 1980), 236.

commentary on Jeremiah - published in 1563 from lectures given in 1560-62⁹⁷ - as revealing the mature Calvin's struggle to understand Jer 31:31-34.

As was the case for Bullinger and Oecolampadius, Calvin's interpretation of Jer 31:31f was an important part of his disputes with the Anabaptists.⁹⁸ But a further external influence for Calvin is the treatment of the topic by Michael Servetus, with whom Calvin was familiar at least as early as 1534.⁹⁹ Though Servetus was not unknown to the Zurich and Basel reformers - even spending nearly a year in Basel in 1530, just prior to Oecolampadius' death - the deliberate treatment of his views on the testaments fell to Calvin.

Servetus treats the subject in an appendix to his 1532 *Dialogorum de trinitate*, where the old and new covenant are seen as the contrast between law and gospel, combined with a temporal contrast so that the era of law is set absolutely against the era of the gospel.¹⁰⁰ Thus

97. P. Wilcox, "Calvin as Commentator on the Prophets," in *Calvin and the Bible* (ed. D. K. McKim. Grand Rapids, MI, 1997), 107-30.

98. For full discussion see W. Balke, *Calvin and the Anabaptist Radicals* (tr. by W.J. Heynen. Grand Rapids, MI, 1981).

99. Ganoczy, *Young Calvin*, 86.

100. Thus his claim that 'the Lutherans...do not enough distinguish the law from the Gospel': in "On the Righteousness of Christ's Kingdom", M. Servetus, *The Two Treatises of Servetus on the Trinity* (HTS 16, tr. by E.M. Wilbur. Cambridge, MA, 1932), §3.11. Calvin's grouping of Servetus with the Swiss Brethren at this point might be justified: see the summary of the latter's position in J.D. Roth, "Harmonizing the Scriptures: Swiss Brethren understandings of the relationship between the Old and New Testament during the last half of the sixteenth century," in *Radical Reformation Studies: Essays presented to James M. Stayer* (St. Andrews Studies in Reformation History, eds. W.O. Packull and G.L. Dipple. Aldershot, 1999), 48.

he excludes 'the Jews' from membership in the kingdom of God and adoption,¹⁰¹ from the true forgiveness of sins,¹⁰² and from true justification.¹⁰³ He concludes:

They therefore fall into no mean error who confuse the Testaments... they lessen the grace of the coming of Christ by making the Jews equal to us. They have not the spirit of Paul so as to know how great are those things which have been given us by Christ. Indeed, if they pay attention, they are treating the Spirit of grace with despise. They have their hearts veiled lest the light and glory of the Gospel shine upon them, so that they wish still to live under the shadow of the law.¹⁰⁴

Such statements throw Calvin's discussion into sharp relief. Calvin is best known in this regard for his insistence on the unity of the covenant over all time:

all men adopted by God into the company of his people since the beginning of the world were covenanted to him by the same law and by the bond of the same doctrine as obtains among us.¹⁰⁵

101. 'Under the law there was never any one in the kingdom of heaven, for the kingdom of God had not yet come, which came to us when Christ came.... None of them was ever elect, or predestined by that election which God predestined concerning us, namely, that we should receive the adoption of sons, and be brethren of Christ.' Servetus, *Two Treatises*, §3.1.

102. 'Indeed, in the law no other forgiveness of sins was known than a carnal and earthly one.... For this carnal expiation, sacrifices were appointed in Leviticus, and the shedding of blood for sin and for transgression, in which there was no true forgiveness of sins, as the Apostle teaches. The Lord never gave them rest of conscience, but under this shadow they always had their hearts veiled.' Ibid., §3.2.

103. '[I]n the law it was a righteousness of the flesh; while we have a righteousness of the Spirit. All, even the most holy, who were under the law, were carnal. Although the Holy Spirit spoke prophecies through them, although they foresaw the future, yet in their deeds they savored of nothing but the carnal.' Ibid., §3.3. 'Although Abraham saw the day of Christ in the birth of a son that had been promised, namely, Isaac, yet notwithstanding this he was carnal, and asked God for carnal things, and his righteousness was carnal, prefiguring one that was spiritual.' Ibid., §3.3. Summarily, 'From what has been said above it appears, in the first place, that there was in the law no justification of the spirit, nor was there any true justification, just as there was also no true forgiveness of sins, although for a time it was given them for salvation, that they might live under the shadow.' Ibid., §3.10.

104. Ibid., §3.3. Worth noting is that Servetus appeals to Jer 31:31-34 as a part of this strong contrast (§1.4, 3.2).

105. Calvin, *Institutes of the Christian Religion* (LCC 2 vols., ed. by J.T. McNeill, tr. by F.L. Battles. Philadelphia, 1960), II.x.1. Schrenk states, 'Ja, so stark hat Calvin die innere Einheit der Testamente hervorgehoben, daß er wie Zwingli nachher den Schein abwehren muß, als ob er keine Unterschiede statuierere.' Schrenk, *Gottesreich und Bund*, 47. Strehle refers to it as 'the excessive amalgamation of the two testaments', though such language clearly begs the question. Strehle, *Calvinism, Federalism*, 150.

Or, even more strongly from the commentary on Jeremiah:

He then who once made a covenant with his chosen people, had not changed his purpose, as though he had forgotten his faithfulness. It then follows, that the first covenant was inviolable; besides, he had already made his covenant with Abraham, and the Law was a confirmation of that covenant. As then the Law depended on that covenant which God made with his servant Abraham, it follows that God could never have made a new, that is, a contrary or a different covenant.¹⁰⁶

Calvin summarizes the unity and diversity of the testaments in his famous thesis: ‘The covenant made with all the patriarchs is so much like ours in substance and reality that the two are actually one and the same. Yet they differ in the mode of dispensation [*administratio tamen variat*].’¹⁰⁷ Calvin then spends the next sections of the *Institutes* establishing both parts of this thesis, though the former is given the prominent place.¹⁰⁸

106. J. Calvin, *Commentaries on the Book of the Prophet Jeremiah and the Lamentations* (5 vols. tr. by John Owen. Grand Rapids, MI, 1979), IV.126. Or, ‘God has never made any other covenant than that which he made formerly with Abraham, and at length confirmed by the hand of Moses (4.127).’

107. Calvin, *Institutes*, II.x.2. The same two-fold concern is seen often, e.g. his comments on Isa 2:3: ‘Two things, therefore, must be observed: first, that the doctrine of God is the same, and always agrees with itself; that no one may charge God with changeableness, as if he were inconsistent; and though the law of the Lord be now the same that it ever was, yet it came out of Zion with a new garment; secondly, when ceremonies and shadows had been abolished, Christ was revealed, in whom the reality of them is perceived.’ Calvin, *Commentary on the Book of the Prophet Isaiah* (tr. by William Pringle. Grand Rapids, MI, 1979). He equates the covenant made with Abraham and the ‘eternal covenant’ at, e.g., *The Sermons of M. Iohn Calvin upon the Fifth Booke of Moses called Deuteronomie* (tr. by Arthur Golding. London, 1583), 4a. For discussion, see H.H. Wolf, *Die Einheit des Bundes: Das Verhältnis von Altem und Neuem Testament bei Calvin* (Neukirchen, 1958), 19-24, et passim; Osterhaven, ‘Calvin on Covenant,’ 98f.

108. As Parker: ‘Calvin’s whole intention has been to establish the similarity or unity of the Old and New Covenants. The chapter on the differences should on no account be taken as a balance to that on the similarity. There could be no such balance, but either only a confirmation or a demolition of the case.’ T.H.L. Parker, *Calvin’s Old Testament Commentaries* (Edinburgh, 1986), 50. The insertion of the section on the diversity of the covenants (new to 1559), is thus called ‘an appendix’. Calvin, *Institutes*, II.x.1.

The emergence of a ‘salvific’ contrast in Jer 31:31-34, learned from Augustine, emerges in Calvin’s five-fold difference between the testaments. The third point begins with a citation of Jer 31:31-34, adding this summary of 2 Cor. 3:6-11:

From these words [of Jeremiah] the apostle took occasion to make a comparison between the law and the gospel, calling the former literal, the latter spiritual doctrine; the former he speaks of as carved on tablets of stone, the latter as written upon men’s hearts; the former is the preaching of death, the latter of life; the former of condemnation, the latter of righteousness; the former to be made void, the latter to abide.¹⁰⁹

Calvin, after pointing to a difference between Jeremiah and Paul raised by the *ad hominem* nature of Paul’s more explicit negative view of the law, then defines for us the point of contrast at stake in each:

[B]oth Jeremiah and Paul, because they are contrasting the Old and New Testaments, consider *nothing in the law except what properly belongs to it*. For example: the law contains here and there promises of mercy, but because they have been borrowed from elsewhere, they are not counted part of the law, when only the nature of the law is under discussion. *They ascribe to it only this function: to enjoin what is right, to forbid what is wicked; to promise a reward to the keepers of righteousness, and threaten transgressors with punishment; but at the same time not to change or correct the depravity of heart that by nature inheres in all men.*¹¹⁰

109. Ibid., II.xi.7.

110. Ibid, II.xi.7. My emphasis. Or elsewhere, ‘But as evagelic promises are only found scattered in the writings of Moses, and these also somewhat obscure, and as the precepts and rewards, allotted to the observers of the law, frequently occur, it rightly appertained to Moses as his own and peculiar office, to teach what is the real righteousness of works, and then to show what remuneration awaits the observance of it, and what punishment awaits those who come short of it. For this reason Moses is by John compared with Christ, when it is said, “That the law was given by Moses, but that grace and truth came by Christ.” (John 1:17) And whenever the word law is thus strictly taken, Moses is by implication opposed to Christ: and then we must consider what the law contains, as separate from the gospel. Hence what is said here of the righteousness of the law, must be applied, not to the whole office of Moses, but to that part which was in a manner peculiarly committed to him.’ *Commentaries on the Epistle of Paul the Apostle to the Romans* (tr. by John Owen. Grand Rapids, MI, 1979), at 10:5-10.

In other words, for Calvin the point of contrast in Jeremiah as described here is not concerning eras as such, but the proper definition of the law in itself – the *nuda lex* – apart from the life-giving Spirit of the Gospel.¹¹¹ So he immediately states:

The Old Testament is of the letter, for it was published without the working of the Spirit. The New is spiritual because the Lord has engraved it spiritually upon men's hearts. The second antithesis is by way of clarification of the first. The Old brings death, for it can but envelop the whole human race in a curse. The New is the instrument of life, for it frees men from the curse and restores them to God's favor...¹¹²

The point of contrast for Jeremiah (and Paul) is the letter of the law apart from the working of the Spirit - i.e. the gospel.¹¹³ Calvin is standing squarely in the tradition of Augustine: Jeremiah presents a 'salvific' contrast between faith (the Spirit's work) and unbelief (law without the Spirit).

Further, we can see why the contrast cannot be viewed as temporal succession. Calvin explicitly claims for the ancient Fathers both faith in Christ and possession of the Spirit, which are only available as divine acts of mercy.¹¹⁴ Calvin even claims that, though in com-

111. 'If [Moses] is considered without Christ in his narrow office of lawgiver, his message was only letter that produced death. But if Moses is considered in his whole teaching, he is a preacher of the gospel which is found in the New Covenant.' Lillback, *Binding of God*, 154. For discussion, see Wolf, *Einheit des Bundes*, 38-54. This distinction is missed (despite his citation of it being made in one instance) by M.W. Karlberg, "Reformed Interpretation of the Mosaic Covenant," *WTJ* 43.1 (1980), 12-16.

112. *Institutes*, II.xi.8. Elsewhere, in confrontation with semi-Pelagianism: 'that statement of Jeremiah cannot be refuted by any cavils: that the covenant of God made with the ancient people was invalid because it was only of the letter; moreover, that it is not otherwise established than when the Spirit enters into it to dispose their hearts to obedience.' *Ibid.*, II.v.9.

113. Thus his comment on Deut 30:11: 'Quod si Deus spiritu regenerationis pravitatem cordis corrigit, ac durtiem molliat hoc non legis est sed evangelii proprium.' Cited in Wolf, *Einheit des Bundes*, 44. Cp. the statement of Bucer: 'Unde nullis nouis legibus illud sancit, sed donat suum Spiritum, qui Legem datam in intimum nostrum, & in cor nostrum inscribat: unde ipsum & cognoscimus & amamus, eoque ad voluntatem eius viuimus.' Bucer, *In quatuor Euangelia*, 46b.

114. See *Institutes*, II.x. Cf. II.v.4 (where Augustine's *De spiritu* looms large). Calvin states here that it is the

parison with the present age there were few in ancient Israel ‘who embraced the Lord’s covenant with their whole hearts and minds. Yet, reckoned by themselves without comparison, there were many.’¹¹⁵

Calvin’s debt to Augustine in this way of reading is then explicitly stated. Calvin has just given his first four comparisons between the two testaments - (1) heavenly benefits known through temporal promises vs. known directly (cf. Melancthon!), (2) figures vs. shadows, (3) letter vs. spirit, and (4) bondage of fear vs. joy of freedom. He then comments:

The three latter comparisons to which we have referred are of the law and the gospel. In them the law is signified by the name “Old Testament,” the gospel by “New Testament.” The first [comparison] extends more widely, for it includes within itself also the promises published before the law. *Augustine, however, said that these should not be reckoned under the name “Old Testament.” This was very sensible. He meant the same thing as we are teaching: for he was referring to those statements of Jeremiah and Paul wherein the Old Testament is distinguished from the word of grace and mercy.* In the same passage he very aptly adds the following: the children of the promise, reborn of God, who have obeyed the commands by faith working through love, have belonged to the New Covenant since the world began. This they did, not in hope of carnal, earthly, and temporal things, but in hope of spiritual, heavenly, and eternal benefits. For they believed especially in the Mediator; and they did not doubt that through him the Spirit was given to them that they might do good, and that they were pardoned whenever they sinned. It is that very point which I intended to affirm: all the saints whom Scripture mentions as being peculiarly chosen of God from the beginning of the world have shared with us the same blessing unto eternal salvation. *This, then, is the difference between our analysis and his: ours distinguishes between the clarity of the gospel and the obscurer dispensation of the Word that had preceded it... Augustine’s division simply separates the weakness of the law from the firmness of the gospel.*¹¹⁶

testimony of Moses and the prophets themselves that ‘men become wise only when an understanding heart is given them’. And elsewhere: ‘almost no one can be found in the Christian church who in excellence of faith is to be compared with Abraham’ (II.xi.6). Since ‘faith is the principal work of the Spirit’ (III.i.4), this claim would establish Abraham’s possession of the Spirit.

115. Ibid., II.xi.8. So, commenting on Ps 119:13, he states: ‘In this verse he declares that the law of God was not only deeply engraven on his own heart, but that it was his earnest and strenuous endeavor to gain over many of his fellow-disciples into subjection to God.’ (cf. at 119:54.) *Commentary on the Book of the Psalms* (tr. by J. Anderson. Grand Rapids, MI, 1979).

116. *Institutes*, II.xi.10. My emphasis.

Calvin agrees explicitly with Augustine that the contrast in Jeremiah is a salvific one, and further that all the ‘children of promise... have belonged to the new covenant since the world began.’ Yet in the next breath Calvin also affirms that the contrast is concerned with the *claritas* of the two covenants, clearly a temporal contrast.¹¹⁷ The only way in which he is able to do this without blatant contradiction is through the broadening of the term ‘Old Testament’ in the first of the comparisons, as he admits to doing (‘The first extends more widely...’). This notion is given summary form in an earlier statement: ‘where the *whole law* is concerned, the gospel differs from it only in clarity of manifestation.’¹¹⁸ The ‘whole law’ is clearly the period of the law, or the books of the Old Testament, rather than the law properly defined as the *nuda lex*. Thus it appears that properly speaking the contrast in Jeremiah is salvific. But improperly, the contrast is one of clarity.¹¹⁹

117. Cp. his comment on Matt 5:17 in Calvin, *Commentary on a Harmony of the Evangelists, Matthew, Mark and Luke* (3 vols. tr. by William Pringle. Grand Rapids, MI, 1979): ‘God had, indeed, promised a new covenant at the coming of Christ: but had, at the same time, showed, that it would not be different from the first, but that, on the contrary, its design was, to give a perpetual sanction to the covenant, which he had made, from the beginning, with his own people. “I will write my law (says he) in their hearts, and I will remember their iniquities no more” (Jer 31:33-34). By these words he is so far from departing from the former covenant, that, on the contrary, he declares, that it will be confirmed and ratified, when it shall be succeeded by the new.’ The unity is the central point here, but it is a unity in temporal succession.

118. *Institutes*, II.ix.4. My emphasis. This general use of ‘law’ is explicitly in mind in the later discussion of the use of the ‘law’: ‘I understand by the word “law” not only the Ten Commandments, which set forth a godly and righteous rule of living [what was called ‘proper’ earlier], but the form of religion handed down by God through Moses. And Moses was not made a lawgiver to wipe out the blessing promised to the race of Abraham. Rather, we see him repeatedly reminding the Jews of that freely given covenant made with their fathers of which they were the heirs. It was as if he were sent to renew it. This fact was very clearly revealed in the ceremonies (II.vii.1).’ (Note the contrast here to Oecolampadius!) Though even here it appears that the following discussion wavers back and forth.

119. So, more broadly, Wolf: ‘Wenn es bei der Einheit des Bundes bleiben soll, dann kann diese Unterscheidung von Gesetz und Evangelium nur eine uneigentliche sein, die das Verhältnis von A.T. und N.T. in keiner Weise letztgültig bestimmen kann.’ Wolf, *Einheit des Bundes*, 44.

Calvin offers another instance of adding a qualitative contrast to the salvific in his discussion of the two eras as ‘bondage’ vs. ‘freedom’:

But suppose that our opponents object that, among the Israelites, the holy patriarchs were an exception: since they were obviously endowed with the same Spirit of faith as we, it follows that they shared the same freedom of joy. To this we reply: neither of these arose from the law. But when through the law the patriarchs felt themselves both oppressed by their enslaved condition, and wearied by anxiety of conscience, they fled for refuge to the gospel. It was therefore a particular fruit of the New Testament that, apart from the common law of the Old Testament, they were exempted from those evils. Further, we shall deny that they were so endowed with the spirit of freedom and assurance as not in some degree to experience the fear and bondage arising from the law.¹²⁰

Calvin depends upon the proper definition of ‘law’ for the first answer establishing the continuity of experience: they had the Spirit as fruit of the ‘new testament’. But he adds a contrast of quality for the sake of preserving the discontinuity of experience. The conclusion is then explicitly temporal.¹²¹

Calvin, like Melancthon, distances his reading of Jeremiah from the matter of the *mutatio sacramentorum*, while affirming this change in the language of old and new testaments:

[The law which is abrogated] is to be referred to the ceremonial law. For because the Old bore the image of things absent, it had to die and vanish with time. The gospel, because it reveals the very substance, stands fast forever. Indeed, Jeremiah calls even the moral law a weak and fragile covenant. But that is for another reason: by the sudden defection of an ungrateful people it was soon

120. *Institutes*, II.xi.9. For the last point, cp. Bullinger, *Decades*, III.296: ‘The liberty of the fathers was by the weight and heap of ceremonies so oppressed and covered, that although they were free in spirit before the Lord, yet notwithstanding they did in outward shew differ little or nothing from very bond-slaves, by reason of the burden of the law that lay upon their shoulders. For insomuch as the law was not as yet abrogated, they were compelled precisely to observe it.’

121. ‘Hence, they are rightly said, *in contrast to us*, to have been under the testament of bondage and fear, when we consider that common dispensation by which the Lord at that time dealt with the Israelites.’ *Institutes*, II.xi.9. My emphasis.

broken off. However, because the people were to blame for such a violation, it cannot properly be charged against the covenant. Now the ceremonies, because by their own weakness they were abrogated at Christ's advent, had the cause of their weakness within themselves.¹²²

Calvin distinguishes between the weakness of the 'old' in Jeremiah, which referred to the moral law and thus a weakness in the people, and the weakness of the ceremonies, which was inherent in their being *figurae*. In any case, in the *Institutes* we are left with an unresolved tension. On the one hand is the (necessarily) temporal distinction between the old and the new as less and then more 'clear'. On the other is the contrast between old and new as salvific, the contrast of unbelief and faith without reference to temporal eras.

This same tension is evident in the commentary on Jeremiah.¹²³ The 'newness' does not lie in the 'substance', but the 'form' of the covenant, defined as 'first Christ, then the

122. Ibid., II.xi.8. Calvin thus appears to agree with Melancthon that Jeremiah's point of contrast is the moral law (above), though avoiding the consequence of its abrogation by his appeal to the narrow definition of law.

123. Worth comparison is the commentary on Hebrews (from 1549), in which a similar tension exists but the contrast is more clearly qualitative: 'Yes, it is evident that they worshipped God with a sincere heart and a pure conscience, and that they walked in his commandments, and this could not have been the case except that they had been inwardly taught by the Spirit; and it is also evident, that whenever they thought of their sins, they were raised up by the assurance of a gratuitous pardon. And yet the Apostle, by referring the prophecy of Jeremiah to the coming of Christ, seems to rob them of these blessings. To this I reply, that he does not expressly deny that God formerly wrote his Law on their hearts and pardoned their sins, but he makes a comparison between the less and the greater.' But what of the example of Abraham, for 'hardly any such an example can at this day be found in the whole world'? Calvin retorts that the point of contrast is not the individuals, but the general 'economic condition'. These 'spiritual gifts' were 'accidental as it were to their age.' Thus he resorts again to the narrow use of Law: 'Hence it was not without reason that the Apostle, in comparing the Gospel with the Law, took away from the latter what is peculiar to the former. There is yet no reason why God should not have extended the grace of the new covenant to the fathers. This is the true solution of the question.' J. Calvin, *Commentaries on the Epistle of Paul the Apostle to the Hebrews* (tr. by John Owen. Grand Rapids, MI, 1998), 190-91.

grace of the Holy Spirit, and the whole external way of teaching.’¹²⁴ Calvin’s difficulty comes

in the second as a part of the temporal contrast. So he states:

But the coming of Christ would not have been sufficient, had not regeneration by the Holy Spirit been added. It was, then, in some respects, a new thing, that God regenerated the faithful by his Spirit, so that it became not only a doctrine as to the letter, but also efficacious, which not only strikes the ear, but penetrates into the heart, and really forms us for the service of God.¹²⁵

Tying the law on the heart to the regenerating work of the Spirit is not unique here.¹²⁶ But as

Graafland points out, how can the regenerating work of the Holy Spirit be considered in any respect temporally ‘new’ within Calvin’s thought, or be regarded only as part of the ‘form’ or

124. *Jeremiah*, IV.127.

125. *Ibid.*, IV.127.

126. Esp. in his sermons on Deuteronomy: e.g., on Deut 9:15-21: ‘we have as it were a figure or image, that God’s once writing of his Law is not enough for us: but that we have need of a second writing of it, to the intent it may avail us, and the doctrine thereof benefit us by showing itself to be lively and of effectual force and power. And that is the thing which the Prophets mean in saying, that God will make a new covenant with his faithful ones, not as he did with their fathers in Egypt, but by writing his Law in their hearts.... And so, as oft as we come to any sermon, or read the holy Scripture: let us pray God to touch us inwardly, and to make the doctrine available which we shall have heard, so as it may not be spoken to the stones, but to such as have been foretaught by his holy spirit.’ Calvin, *Sermons on Deut.*, 404a-b. Cf., 421b-22a (on 10:1-8); 132a-b (4:10-14); 912a (26:16-19). In all of these instances it can be argued that Calvin reads Jer 31:31f as a non-temporal contrast: it is the law without the Spirit vs. the efficacious work of the Holy Spirit (at 132a it is even the contrast of the Gospel and the Law in this sense of efficacy by the Spirit); and Calvin could not in his soteriology – and more importantly does not – deny the work of the Spirit in the lives of the Old Testament believers (as explicitly below). But in one or two of these texts there is ambiguity, which is only complicated by the non-ambiguity of the sermon on 32:44-47 (p.1175a-b). There the contrast is obviously temporal, centred on the ‘full opening’ of the eternal covenant.

accidental shape of the covenant?¹²⁷ This is the same question faced by Oecolampadius and Melancthon, here answered in Augustinian language:

A question may however be here moved, Was the grace of regeneration wanting to the Fathers under the law? But this is quite preposterous... [T]he Fathers, who were formerly regenerated, obtained this favour through Christ, so that we may say, that it was as it were transferred to them from another source. The power then to penetrate into the heart was not inherent in the Law, but it was a benefit transferred to the Law from the Gospel... But still the main thing is, to consider what the Law of itself is, and what is peculiar to the Gospel... [The Law] only sets before the eyes of men what is right, and sounds it also in their ears... But the Gospel—what is it? It is spirit, that is, God not only addresses his word to the ears of men and sets it before their eyes, but he also inwardly teaches their hearts and minds. This is then the solution of the question: the Prophet speaks of the Law in itself, as apart from the Gospel, for the Law then is dead and destitute of the Spirit of regeneration.¹²⁸

Further on he remarks that

to write the Law in the heart imports nothing less than so to form it, that the Law should rule there, and that there should be no feeling of the heart, not conformable and not consenting to its doctrine. It is hence then sufficiently clear, that no one can be turned as to obey the Law, until he be regenerated by the Spirit of God... in a word, that the doctrine of the letter is always dead, until God vivifies it by his Spirit.¹²⁹

127. 'Man fragt sich, ob dieser Unterschied zu der Form des Bundes gerechnet werden könne. Wohl ist deutlich, daß Calvin in diesem Fall am engsten an Jer 31 anknüpfen kann, weil auch im Text explizit über den Geist gesprochen wird, der im neuen Bund das Gesetz ins Herz schreiben wird. Calvin war also vom Text hier gezwungen, diesen Unterschied zu nennen.... Ist das aber wirklich gut möglich? In bezug auf Jer 31 ist das jedenfalls fragwürdig, aber auch im Rahmen von Calvins Theologie ist es nicht sofort akzeptabel. Denn aus Calvins Theologie wird deutlich, daß das Werk des Geistes zu der Substanz des Heils gehört.... Denn diese Gnade ist nichts anderes als der Bund zwischen Gott und seinem Volk selbst als eine wechselseitige Beziehung.' C. Graafland, "Alter und neuer Bund: Calvins Auslegung von Jeremia 31,31-34 und Hebräer 8,8-13," *Zwingliana* 19.2 (1993), 131. He is drawing on Calvin's reference to the covenant formula (31:33) as 'the nature of the covenant with God'.

128. *Jeremiah*, IV.130-31.

129. *Ibid.*, IV.133. Here he is close to Melancthon's and Luther's notion of the Holy Spirit as immediately compelling obedience to the decalogue, but does not assert the necessary causality that is important for the Lutheran approach. Instead he draws the conclusion of the need for the Holy Spirit for a life lived according to the Law, showing he is here drawing on Augustine rather than Melancthon or Luther.

The borrowing from Augustine is no less strong in these passages than is admitted in the *Institutes*, and is invoked to resolve the question of the attributes of the member of the new covenant which are clearly evidenced in the ancients. If the new covenant member is identified by the law on the heart, which is regeneration, then those who were regenerate before Christ were members of the new covenant. But Calvin has simply side-stepped the difficulty raised in identifying the law on the heart (regeneration) with the ‘form’ of the covenant. Further, as in the *Institutes*, Calvin adds a temporal contrast based on clarity, reverting to the ‘improper’ use of ‘Law’ and ‘Gospel’ as successive realities in redemptive history. This is immediately evident:

Here is mentioned another difference between the old and the new covenant, even that God, who had obscurely manifested himself under the Law, would send forth a fuller light...¹³⁰

The Law here must be seen as the era of the Old Testament with its (dim) promises. The conclusion to the text reveals the tension of both the salvific and the temporal readings pressing unresolved on Calvin:

I answer... that the Law was not destitute of those benefits which we at this day receive under the Gospel, but that these benefits were then, as it were, adventitious, and that they do not properly belong to the Law... If Moses be regarded, not as opposed to Christ, he was the herald and witness of God’s paternal kindness towards his people; his doctrine also contained promises of a free salvation, and opened to the faithful the door of access to God. But if Moses be set in opposition to Christ, he becomes the minister of death, and his doctrine leads to destruction; for the letter, as Paul in 2 Cor. iii.6, calls it, killeth... It then follows that nothing remains in Moses when con-

130. Ibid., IV.134. Or, ‘[The prophet] shows to us the superior brightness of the gospel light, as God, under the Law, did not so perfectly teach his people as he does us at this day (4.135).’ ‘Though, then, many are now ignorant among the children of God, and among those who are really of the number of the faithful, yet if we consider how great was the obscurity of the Law, those who are at this day the least among the disciples, are not otherwise than prophets and teachers (4.137).’ Cp. Bullinger, above.

sidered in himself. But God promised salvation to his ancient people, and also regenerated his chosen, and illuminated them by his Spirit.

Such a statement is directly in line with Augustine's suggestion. But the next sentence reverts once more to the contrast with law 'broadly' understood:

This he did not do so freely and extensively as now. As then God's grace is at this day more abundant, it is justly extolled in high terms by all the Prophets; and then, as I have already said, whatever God at that time conferred, was, as it were, adventitious, for all these benefits were dependant on Christ and the promulgation of the Gospel.¹³¹

With Calvin we see a clear exposition of Augustine's reading of Jer 31:31-34, but placed directly alongside a contrast of the two religio-historical eras of 'Old Testament' and 'New'. A number of commentators have noted this tension in Calvin's work¹³² - a tension produced by having (at least metaphorically) Augustine open on one side of the desk and Jerome (or Bullinger) on the other. The necessary equivocations, however, show the incompatibility of such an approach.

PETER MARTYR VERMIGLI

An unapologetic endorsement of the Augustinian line is found in the Italian Reformer Peter Martyr Vermigli (1499-1562). Vermigli left his native Italy under threat of persecution

131. Ibid., IV.141.

132. E.g. Graafland, "Alter und neuer Bund", 132: 'Calvins Antwort ist mindestens merkwürdig zu nennen.' Also L.D. Bierma, *German Calvinism in the Confessional Age: The Covenant Theology of Caspar Olevianus* (Grand Rapids, MI, 1996), 45-47; Wolf, *Einheit des Bundes*, 47-48. It is missed, however, by D.L. Puckett, *John Calvin's Exegesis of the Old Testament* (Louisville, KY, 1995), 41ff. Puckett rightly states that for Calvin some in the ancient era 'were reborn of God obeyed out of faith working through love and thus belonged to the New Covenant (43)', but gives no recognition of the exegetical tension this might create with the temporality of the contrast. Lillback's resolution of the tension is interesting, but cannot count for either proper exegesis of Jer 31 or of Calvin: Lillback, *Binding of God*, 158f.

for his reforming convictions in 1542, and spent the rest of his life as a teacher, variously at Strassburg, Oxford, and finally as professor of Old Testament at Zurich.¹³³ Vermigli had been living in the Augustinian Order prior to fleeing Italy, and was fluent in scholastic theology: interestingly for our purposes, he claims for himself a great debt to Thomas Aquinas.¹³⁴ Recent scholarship has further shown Vermigli's debt to the reception of Augustine.¹³⁵ The two debts form a tempting invitation to see whether the influence of reading Augustine and Thomas might have trickled into his reading of Jer 31:31-34.

Vermigli's published theological work was almost entirely in the form of commentaries, following Martin Bucer's style of including the *loci* of theology at what is deemed appropriate places throughout one's studies. Such an approach made it possible shortly after his death to put together a '*Loci communes*' by abstracting the *loci* from the commentaries. The use of such a derivative compendium is, naturally, filled with pitfalls - as one scholar states, it puts us 'twice removed from their original oral form'.¹³⁶ But the work is nonetheless a useful

133. The early biography by Josiah Simler (of 1563) is given in Vermigli, *The Life, Early Letters & Eucharistic Writings of Peter Martyr* (Courtenay Library of Reformation Classics, ed. by J.C. McLelland and G.E. Duffield. Oxford, 1989), 22-94. More recently, see P. McNair, *Peter Martyr in Italy: An Anatomy of Apostasy* (Oxford, 1967).

134. Thus Donnelly's pronouncement that Vermigli shows that 'a Protestant theology could rest on a Thomistic base.' J.P. Donnelly, *Calvinism and Scholasticism in Vermigli's Doctrine of Man and Grace* (Leiden, 1976), 27. His claims are nuanced helpfully by Frank James (below).

135. For Vermigli's debt to the *schola Augustiniana moderna*, and especially Gregory of Rimini on predestination, see F.A. James III, *Peter Martyr Vermigli and Predestination: The Augustinian Inheritance of an Italian Reformer* (Oxford, 1998). More broadly, A. Schindler, "Vermigli und die Kirchenväter," in *Peter Martyr Vermigli: Humanism, Republicanism, Reformation* (ed. E. Campi. Geneva, 2002), 37-43.

136. M.W. Anderson, *Peter Martyr, A Reformer in Exile (1542-1562): A chronology of biblical writings in England & Europe* (Nieuwkoop, 1975), 29. Of course, the second step of editing the lectures into published

tool for our purposes so long as we keep this in mind, not least because of its tremendous influence on the developing Reformed tradition - particularly in England.¹³⁷

Peter Lillback rightly emphasizes Vermigli's agreement in the generalities of understanding the covenant with the Swiss Reformed, including Calvin.¹³⁸ Vermigli holds to one covenant in two parts, old and new, and 'in either covenant, the thing itself and the substance is entirely one and the same - only certain qualities vary.'¹³⁹ The variation is found chiefly in the difference between the Messiah as promised and the Messiah as come, the extension of the covenant to the Gentiles, and the external aspects of the sacraments.¹⁴⁰ In sum, 'all things

form was (at least generally), taken by Vermigli himself.

137. Diarmaid MacCulloch goes so far as to claim for this work with Bullinger's *Decades* that, 'Between them, one might consider these two works to have been more central to the Elizabethan Church of England than all the writings of John Calvin.' D. MacCulloch, "Peter Martyr and Thomas Cranmer," in *Peter Martyr Vermigli: Humanism, Republicanism, Reformation* (ed. E. Campi. Geneva, 2002), 200. Or Christoph Strohm: 'Heinrich Bullingers in den Jahren 1549 bis 1551 entstandene *Dekaden* sind nach Calvins *Institutio* und vor Petrus Martyr Vermigli's 1576 postum veröffentlichten *Loci communes* als die einflussreichste Gesamtdarstellung christlicher Lehre im frühen reformierten Protestantismus anzusehen.' C. Strohm, "Bullingers *Dekaden* und Calvins *Institutio*. Gemeinsamkeiten und Eigenarten," in *Calvin im Kontext der Schweizer Reformation* (ed. P. Opitz. Zurich, 2003), 215. See below.

138. P.A. Lillback, "The Early Reformed Covenant Paradigm: Vermigli in the Context of Bullinger, Luther and Calvin," in *Peter Martyr Vermigli and the European Reformations: Semper Reformanda* (ed. F.A. James III. Leiden, 2004), 70-96.

139. '[Foedus] Distinguitur in Novum, & Vetus. Quae sane partitio, non est generis in species, verum subiecti in accidentia: quandoquidem in utroque foedere res ipsa & substantia omnino eadem est, qualitates tantummodo quaedam variant.' Vermigli, *Loci Communes D. Petri Martyris Vermiglii. ex varis ipsius authoris scriptis in unum librum collecti & in quatuor Classes distributi* (London, 1583), §2.16.2. The discussion appears to be drawn in the main from: (in English) *The Most fruitfull & learned Commentaries of Doctor Peter Martir Vermil [on Judges]* (tr. by John Day. London, 1564), 2:23. Perhaps importantly, these lectures - given first in Strasbourg in 1554-56 - were revised by Vermigli while in Zurich, according to Anderson, *Peter Martyr*, 291, 383. Cf. also Vermigli, *In Epistolam S. Pauli Apostoli ad Romanos* (3rd ed. Basel, 1568), 11:26-27; Idem, *In Mosis Genesim. Commentarii* (Basel, 1554), ch.17.

140. Though he holds *quoad res*, there is no difference between the sacraments: 'Suntque in utroque Testamento Sacramenta eadem [cites I Cor. 10]... Concedimus porro, quoad signa externa, in Sacramentis eorum & nostris, aliquam esse varietatem: quae tamen, quoad significatas res per Sacramenta, nulla utique

are contained more openly, plainly, and manifestly in the *novum testamentum* than in the *vetus*.¹⁴¹ Such makes possible the following statement, in line with Bullinger:

So then they [the ‘fathers’] had the fruits of those things which God promised to give in the new covenant. The only difference was touching the largeness and perspicuity.¹⁴²

But the discussion becomes complicated as the various passages on the contrast of old and new covenant emerge. So, regarding Gal and 2 Cor 3, Vermigli asserts,

But in these sorts of places Paul speaks of the *vetus testamentum* as it was thrust upon them by the false apostles - apart from Christ and faith. Then it is just as if you take away its soul and leave nothing but death and the punishment of the flesh.¹⁴³

Vermigli appeals to an *ad hominem* view of the *vetus testamentum* in Paul’s discussions. The similarity to Augustine’s view in the *De spiritu et littera* - a text known by Vermigli - is clear.¹⁴⁴ Vermigli applies this line of thinking to Jer 31:31f (and Heb 8) while answering the objection that forgiveness of sin is reserved to the ‘new covenant’:

If we look upon the sacraments or ceremonies with respect to the work (*quoad opus*), they did not remit sins - and nor do our sacraments do so. When Paul says to the Hebrews, that ‘the blood of goats, bulls, and calves, could not take away sins’, we do not deny it. But neither does Paul deny

reperitur.’ Vermigli, *Loci comm*, §2.16.3. Cf. his “Treatise on the sacrament of the Eucharist,” from Oxford, 1549: ‘Our opponents... would have our sacraments completely distinguished from the mysteries of the ancients in many ways. We grant this too, both as to the different symbols and different times, as well as other properties. But concerning the reality (*res*) of the sacraments, which was received by the holy patriarchs, we hold it to have been the very same meat and drink as forms the substance of our sacraments.’ in Vermigli, *Life*, 183.

141. ‘Et denique omnia magis aperta, dilucida & perspicua in novo Testamento continentur, atque in veteri.’ Vermigli, *Loci comm*, §2.16.2.

142. ‘Quamobrem illi etiam iis fruebantur, quae Deus in foedere novo se daturum pollicebatur. Discrimen tantum in eo fuit, quoad amplitudinem & perspicuitatem.’ Ibid., §2.16.5.

143. ‘Verum in huiusmodi loci, Paulus de veteri Testamento loquitur, prout a pseudoapostollis obtrudebatur absque Christo & fide. Tunc est, ceu animam illi detraxeris, ita ut nil supersit nisi mors & noxa carnalis.’ Ibid., §2.16.8.

144. He cites the *De spir.* at, e.g., Ibid., §2.15.22.

that the faith of the ancients, by which they had seen Christ and embraced him in the signs of those sacrifices, justified and obtained the casting off of their sins. The blood of those sacrificial victims certainly did not wash away the sins of the world, but only the blood of Christ, as he himself says: This cup is the *novum testamentum* in my blood which will be shed for the remission of sins, for you and for many.¹⁴⁵

Vermigli no doubt has the medieval scholastic discussions in mind here, and denies the sacramental views of Thomas as well as Biel. But more relevant to our concern is that Vermigli is reading Hebrews as contrasting the sacraments *apart from Christ* and the sacraments with Christ - the latter of which is the 'new covenant', and was effective for the 'ancients'. Applied directly to Jer 31:31 he says:

There the covenant is taken for Law as distinguished from Gospel, which is clear from his saying that he will write his laws in their hearts, and carve them in their inward parts, which does not agree with the Law at all - which only reveals sin, condemns and accuses. Nor does it give strength, but rather in a certain way it commands infinite things, and imposes a burden on us that we cannot bear. Therefore it is said there by the prophet that 'they did not remain in his *testamentum*'. So this word *foedus*, or *testamentum* is not taken there in the way taken by us [in the preceding discussion]. As we have discussed it here, it includes both Law and Gospel together. And in this respect there is no difference between the *vetus* and *novum testamentum* except what we have already said.¹⁴⁶

145. 'Sin vero spectes sacramenta seu caeremonias, non quidem remittebant peccata quoad opus, verum neque nostra sacramenta id praestant. Quod vero Paulus dicat ad Hebraeos, sanguinem hircorum, taurorum & vitulorum non potuisse auferre peccata, non negamus verum, at neque Paulus interim negat fidem veterum, qua Christum spectabant & amplectebantur, in significatione illorum sacrificiorum iustificasse, atque condonationem peccatorum obtinuisse. Non utique sanguis illarum victimarum peccata mundi abluit, sed solum sanguis Christi, ut ille dixit: Hic calix novum Testamentum est in meo sanguine, quod pro vobis & pro multis effundetur in remissionem peccatorum.' Ibid., §2.16.10.

146. '[I]bi accipi foedus pro lege, ut contra Euangelium distinguitur: quod ex eo patet, quoniam dicit se scripturum leges in cordibus eorum, & daturum eas in interioribus illorum excultas: quod minime Legi convenit, quae tantum peccata demonstrat, damnat & accusat, neque dat vires, quin potius quodammodo infinita, praecipit, & sarcinam importabilem nobis imponit: ideo illic dicitur a Propheta, eos non permansisse in suo Testamento. Quare non ita ibi sumitur foedus, aut Testamentum, prout modo a nobis sumitur: ut enim hic de eo tractamus, & Legem & Euangelium una complectitur. Hocque modo null est differentia inter vetus & novum Testamentum, nisi ut diximus.' Ibid., §2.16.11.

Thus the contrast in Jeremiah is different from the contrast of accidents that he has discussed above, differentiated along the lines similar to Augustine. One can speak of the old covenant as ‘both Law and Gospel’ - this would be the *era* of the Old Testament. And Vermigli takes the term this way in his earlier discussion. But this is explicitly not the way in which he reads Jer 31:31f, which is a contrast between the *nuda lex* and the Gospel. In other words, this is quite clearly a ‘salvific’ contrast. So the faithful of the ancient era had the law written on the hearts by the Spirit - indeed, this was necessary for faith; and they had the knowledge of God and forgiveness of sins.¹⁴⁷ The only potential difference between the eras is the accidental qualities of these things: but Vermigli claims that this difference is not at stake in Jer 31:31f.

Vermigli seems to recognize that this is a minority reading (especially given his location in Zurich!). So he states that if one reads Jeremiah as a contrast of eras - holding both law and Gospel in each part - then the general structure of the earlier discussion is applicable:

But if you prefer to understand the prophet there using this word *testamentum* as we now speak of it, we will concede that some things are abrogated through the coming of Christ - when those accidents, conditions, and qualities which we pointed out in the *vetus testamentum* are abrogated. Then it is said by the figure of a synecdoche, by which something is said *simpliciter* to be antiquated or abolished, when it is only removed to some extent.¹⁴⁸

147. ‘Nec inducere in animum debemus, veteres Patres, qui obediendo mandatis Dei, & recte credendo pure illum coluerunt, haec suis viribus vel naturali facultate valuisse praestare. Nisi enim in animo ac mente sua per spiritum sanctum conscriptas divinas leges ac promissiones habuissent, nec non voluntatem per gratiam Dei ad parendum imperio eius propensam, neququam talia obire valuissent. Non itaque defuit eis divina lux, quae ipsis ad credendum praelucet. Quin & peccata illis per Christum condonata fuerunt.’ Ibid., §2.16.5. He also unapologetically claims full possession of the spirit of Christ for the faithful in the ancient era (even if it was mitigated for some by their own weakness): §2.16.25.

148. ‘Quod si velis Prophetam ibi quoque Testamentum intelligere, prout ipsi nunc de eo loquimur, adhuc

But this is a covering comment, his own view of the passage being given above. For Vermigli the contrast in Jeremiah is the salvific one between the law apart from Christ, and the Gospel. Whatever differences in *accidentalia* exist between the two eras, this is not what is at stake in Jeremiah's contrast. In this he is very clearly in the line of Augustine, who never denied differences between the eras or the use of *vetus* and *novum testamentum* to talk about those eras. But this is something other than what is being said in Jer 31:31-34.

§5. CONCLUSIONS

The Augustinian line of reading which I am pursuing is well-represented by Melancthon and Vermigli, and in part by Calvin. But the struggle within the early Reformed tradition is clearly seen in the latter's ambivalence on the point of contrast in Jer 31:31-34. The boundaries of the Reformed tradition determined a unity to the people of God in terms of God's one single redemptive act - the covenant of grace grounded in the work of Christ. For the early Reformed this unity was stressed over against the Anabaptist positions denying the place of the Old Testament in the Christian life. But how then does one read the contrast of covenants in Jer 31:31-34? If nothing in the new covenant can rightly be denied to the 'fathers', then how is the contrast construed? For Bullinger the answer was an appeal to the *accidentalia*,

concedemus aliquam factam abrogationem per Christi adventum, quando accidentia illa, conditiones & qualitates, quas in veteri fuisse ostendimus, abrogatae sunt. Erit igitur figura synecdoche, qua simpliciter aliquid antiquari, vel aboleri dicitur: quum solum tollatur, quoad aliquam sui partem.' Ibid., §2.16.11. Such a line of argument was already presented in §2.16.5: 'Quoad haec verba, cum Ieremiae, tum Epistolae ad Hebr. intelligendum est, ea non testificari utriusque Testamenti discrimen penes ipsam rem atque substantiam esse, sed quoad proprietates vel qualitates, ut antea diximus.'

and the *mutatio sacramentorum* in particular. What continues is the essence, so what is contrasted in Jer 31 can be nothing other than the accidents.

Similarly Oecolampadius' commentary on Jeremiah saw the contrast as one of accidents. But he put the contrast in terms of a movement from a complex era, in which existed both the (eternal) covenant of grace and the Mosaic (external) covenant, to a simple era of the covenant of grace promulgated alone. Vermigli was able to circumvent the contrast by appeal to the Augustinian view of an absolute or salvific contrast - entertained by Calvin as well: a contrast of the *nuda lex* and the work of the Spirit. But Calvin is the example of the ambivalence in the Reformed tradition on this matter. In certain points - namely, those concerning the place of Old Testament believers - he appeals to the Augustinian contrast. But in other points he is happy to read Jer 31 as a contrast of *qualitas* between two eras.

At the least, we can draw the conclusion that there is no single 'Reformed' reading of Jer 31:31-34 even if there are set boundaries within which those readings take place. Whether one can sustain a reading of simple 'accidents' being contrasted will be an important question for the inheritors of the Reformed tradition, but generally what we see is a continuation of the struggle typified in Calvin between a 'salvific' Augustinian contrast in Jer 31:31-34, and a contrast of two successive eras of God's dealings with his people. Jerome's and Augustine's shadows continue to loom, though direct citation of these figures begins to fade.

V. 17th Century Reformed: The Continued Struggle

The legacy of the early modern Reformers was an uneasy situation between Augustine and Jerome. The boundaries of Reformed thought - above all the unity of the covenant of grace - provides a unique challenge to a religio-historical contrast in Jer 31:31-34. These challenges led to the three main models discussed above: Bullinger's contrast of accidentals, centred on the *mutatio sacramentorum*, Oecolampadius' movement from a complex to a simple era, and Vermigli's assertion of a salvific contrast (abandoning the religio-historical contrast for reading Jer 31:31-34). Calvin provides the best explanation of Augustine's own position, but reveals the equivocating necessary if one is to live with both a salvific and religio-historical contrast within Reformed thought.

This chapter is a further exploration in this tradition, looking at the fate of the Augustinian reading in the later development of Reformed orthodoxy.¹ I have chosen three representatives of this period, each a significant figure in Reformed orthodoxy and showing the continued wrestling with an Augustinian approach. These are supplemented with coordinating positions and figures, but a full examination - much less a full history - is unnecessary for

1. Following Muller, I use the term 'Reformed orthodox' to indicate 'an individual or a theology that stands within the confessional framework of the Reformed churches and which is understood as conveying the "right teaching" of those churches, whether scholastic, catechetical, exegetical, or homiletical, as determined by the standards of the era. "Orthodoxy," in other words, functions as a historical denominator - and reference to the era of orthodoxy indicates the time of the institutionalization of the Reformation according to its confessional norms'. R.A. Muller, *Post-Reformation Reformed Dogmatics* (4 vols. Grand Rapids, MI, 2003), 1.30.

our modest purpose. The three parts are meant to cut across the three main centres of Reformed thought as it develops: German Reformed centred in Heidelberg (Caspar Olevianus), British Reformed centred in the theology of the Westminster documents (John Ball), and the Dutch Reformed of the mid- to late-17th century (Herman Witsius). The very diversity of the three parts shows the unity of the struggle of Reformed orthodoxy.

§1. CASPAR OLEVIANUS

One of the strongest statements of an Augustinian theology leading to a contrast of ‘accidents’ in Jer 31:31-34 lies in the work of the German Reformed theologian Caspar Olevianus (1537-87). As far as is known, Olevianus came into the Protestant tradition while studying law at Orleans in 1552.² He was quickly brought into the centre of the Reformed discussions in 1558 when, after a brief visit to Zurich where he met with Bullinger and Vermigli (with whom he would continue to correspond), he began theological studies at the newly-formed Genevan Academy. Olevianus arrived in Heidelberg in 1561 after a tumultuous time in his hometown of Trier. He would remain in Heidelberg with his colleague Zacharius Ursinus, producing one of the classics of Reformed orthodoxy,³ until the banishment of the ‘Calvinists’ in 1576. He spent his remaining years - the most productive for publishing - in the Wetterau counties just to the North, chiefly in Herborn. Olevianus’ theological

2. See R.S. Clark, *Caspar Olevianus and the Substance of the Covenant: The Double Benefit of Christ* (Edinburgh, 2005), 9-38.

3. Though Olevianus’ role has been challenged, see the cogent discussion in L.D. Bierma, “Olevianus and the Authorship of the Heidelberg Catechism: Another Look,” *The Sixteenth Century Journal* 13.4 (1982), 17-27.

world was, thus, deeply informed by just those figures here discussed: Melancthon, Bullinger, Calvin, and Vermigli.

Olevianus' main strategy was to use Jer 31:33-34 as an exposition of the substance of the covenant of grace (thus valid for all time), but to use the contrast of 31:31-32 as an appeal to the increased *qualitas* (an accidental property) of the new era. The most noticeable aspect of Olevianus' theology, in contradistinction to his mentors, is the more explicitly covenantal shape of the whole of his thought. Olevianus casts his Christology, and even more blatantly his soteriology (both justification and sanctification), in terms of 'covenant'.⁴ This is done in his 1585 *De substantia foederis gratuiti* by opening with a citation of Jer 31:31-34.⁵ After which, as Strehle remarks, 'much of the ensuing discussion becomes either an exegesis or paraphrase of this one central pericope.'⁶ What we find is the 'substance of the covenant' of grace - which he explicitly identifies as the concern here - outlined according to our text: 'this covenant [of 31:33-34] is such that truly promises to us knowledge of God, which also includes the gracious forgiveness of sins in Christ, as well as the renewal of man to the image of God.'⁷ The text of Jeremiah encapsulates the central parts of the substance of the covenant:

4. See Bierma, *German Calvinism*; Clark, *Olevianus*, 104-209.

5. Caspar Olevianus, *De substantia foederis gratuiti inter deum et electos, itemque De mediis, quibus ea ipsa substantia nobis communicatur* (Geneva, 1585), §I.1.i. Mark Karlberg refers to this treatise as 'Perhaps the most important and influential treatise on the covenant to appear in the sixteenth century' (though there is no explanation or defence of the statement). Karlberg, "Reformed Interpretation," 19.

6. Strehle, *Calvinism, Federalism*, 170.

7. 'Hoc foedus huiusmodi vero Dei cognitionem nobis promittit, quae & gratuitam remissionem peccatorum in Christo amplectatur, & hominis quoque renouationem ad Dei imaginem.... Dupliciter autem accipitur foedus: primum pro ipsa foederis substantia, siue pro rebus ipsis a Deo promissis: deinde pro eius administratione in

God as the author, the one for whom the covenant is promised,⁸ the kind of covenant,⁹ the end to which it is promised,¹⁰ and all the ‘essential parts of the covenant promised by God.’¹¹ He summarizes this way:

The whole of the gracious substance of the covenant is: with respect to God, he properly strikes the covenant with us with promises of gracious reconciliation obtained in the gospel, sealed in our hearts by the Holy Spirit, and establishes the renewal unto eternal life, daily advanced and finally perfected... With respect to us, who were dead in sin, the covenant is received, provided that by grace the Holy Spirit is given to us, by whom we might be aroused from death into life, that we might not only desire and be able to believe of the gracious promises of reconciliation through Christ and the renewal of ourselves until we might approach the inheritance of the kingdom of heaven, but also that we might believe or grasp faith itself.¹²

visibili Ecclesia. In priore significatione accipitur apud Ieremiam loco iam citato: eaque electis est peculiaris.’ Olevianus, *De subst. foed.*, §I.1.i-ii.

8. ‘De hominibus itaque quibus Deus foedus hoc promittit atque etiam puraestat, sic habendum est: Hi sunt omnes quos Deus e turba damnatorum hominum decreuit gratis adoptare,’ Ibid., §I.1.ix.

9. ‘eiusmodi foedus promittit cuius uniuersa essentia a se solo pendeat, & in Christo suo fundata sit.’ Ibid., §I.1.x.

10. ‘Finis, cuius gratia foedus hoc suum Dominus gratuitum esse voluit, duplex est: unus, ut omnis Gloria salutis nostrae ad se solum redeat... Alter finis est conscientiarum nostrarum firma & aeterna tranquillitas.’ Ibid., §I.1.xii.

11. ‘Dicturi itaque de substanti foederis primum omnium causeas in illo loco Ieremiae comprehensas summatim explicabimus. 1. Quis sit Deus foederis author: secundo quis homo sit cui foedus hoc promittit: tertio quae foedus velit ferire: quarto in quem fine. Deinde utramque foederis partem essentialem a Deo promissam.’ Ibid., §I.1.iii.

12. ‘Uniuersa foederis substantia gratuita est: Quoad Deum, is foedus proprie nobiscum percutit cum promissionem reconciliationis gratuita in Euangelio oblatam per Spiritum Sanctum cordibus obsignat, & renouationem ad vitam aeternam inchoat, indies promouet ac tandem perficit.... Quoad nos, qui mortui eramus in peccatis, recipitur foedus, dum gratis nobis donatur Spiritus Sanctus, per quem excitati e morte in vitam sit, ut non modo velimus & possimus credere gratuita promissioni de reconciliatione per Christum & instauratione nostri ad adeundum haereditatem regni coelestis, sed etiam ut credamus, seu ipsam fidem accipiamus.’ Ibid., §I.1.xiii.

In short, Jer 31:33-34 outlines the whole of the substance of the covenant.¹³ This is the same approach already taken in his 1576 exposition of the Apostle's Creed, which was already published in English by 1581. The covenant in Jer 31:31-34 is that which 'the Lord has made with us through faith in Christ.'¹⁴ Indeed, every part of the new covenant promise is listed in this context:

...God says that this whole covenant is free and undeserved, and that it consists in the knowledge of him, or rather by faith: and through which after he has abolished the remembrance of our sins, he will renew our hearts - which he called 'writing his laws in our hearts'.¹⁵

These things cannot be reserved to only that era after Christ: 'the same favour of justification in Christ is common to all under the old & new Testament.'¹⁶ As he makes clear regarding forgiveness of sins and over against the doctrine of the *limbus patrum*:

Now the beginning of the error concerning Lymbus, is that many thought and yet do think, that sins were not forgiven before Christ suffered. But the passion of Christ had its effect and power from everlasting. For Christ yesterday and today, is for ever and the same world without end. Hebr. 13.18. And Paul to the Romans, ch.4, defines justification by David: Blessed are they whose iniquities are forgiven. Therefore in the time of David, before Christ had suffered, sins were forgiven by confidence and trust in that sacrifice of Christ to come. And in the same Chapter he saith, that we obtain happiness and remission of sins by no other means, than whereby Abraham obtained it who is the father of all believers.¹⁷

13. 'Agnitio Dei Ierem.31. eiusmodi promittitur, qua & de gratuita remissione peccatorum certi simus & qua in nobis instauretur Dei imago.' Ibid., §I.1.xiv. 'ipsa fides promittitur in nouo foedere, cum inquit, Dabo cognitionem mei in medio ipsorum. Ier.31.' Ibid., §I.9.i. 'Credo in mente diuina peccata omnia & toti Ecclesie catholicae esse remissa secundum promissionem foederis: peccatorum eorum non memor ero amplius Ierem.31.' Ibid., §I.1.x.

14. Caspar Olevianus, *An Exposition of the Symbole of the Apostles, or rather of the Articles of Faith. In which the chiefe points of the everlasting and free covenant betweene God and the faithfull is briefly and plainly handled* (tr. by John Fielde. London, 1581), 53. He also cites Isa 53:54 and Hos 2.

15. Ibid., 55. Translations are slightly updated.

16. Ibid., 240.

17. Ibid., 169.

Jeremiah's oracle teaches the two-fold benefit of the work of Christ: ingrafting into Christ by the Spirit (justification), and the testimony of that ingrafting by the Spirit's working of a 'new obedience' - neither of which are denied to the ancient era.¹⁸

Further, Olevianus characterises the covenant of 31:31 as a 'legal pact' entirely unlike the one God makes with his adopted children. Those living under that covenant were twice condemned: by the order of creation and by this *pactum*, supplying perfect obedience from their own strength. Rather, God makes with his children the free and gracious covenant as found in Jer 31:33-34.¹⁹ In all of these ways Olevianus seems akin to an Augustinian reading: an absolute contrast between an unfaithful and faithful state before God.

18. Ibid., 244-45. Olevianus does not deny this work of the Holy Spirit to the believers in the ancient era: e.g., Olevianus, *A Firm Foundation: An Aid to Interpreting the Heidelberg Catechism* (tr. by L.D. Bierma. Grand Rapids, MI, 1995), q.129 (original publ., 1567): 'Is it absolutely necessary, then, that we have the Holy Spirit? A: Yes, unless we should want to do without all the fruits mentioned above. For there is no other means whereby we can share in Christ and all his benefits than the Holy Spirit, who incorporates us into Christ. As it says in Romans 8[:9], "Whoever does not have the Spirit of Christ, he is not his."... Thus we can understand how necessary it is for each person to have the Holy Spirit.' With q.135, A: 'just as there is only one Head of the Church, Christ, so also all believers from Adam to the end of the world are His members and one body through the Holy Spirit.' Thus Schrenk: 'Aber Olevianus sagt diese Gliedschaft nicht nur von den Gläubigen des Neuen Testaments aus. Weil Christus von Anfang an der einzige Weg des Heiles war, schon im Alten Bunde, sind auch alle, welche je seit Adam geglaubt haben, Glieder Christi durch den Heiligen Geist.' Schrenk, *Gottesreich und Bund*, 62.

19. 'Qui cum tales sint, nolle se, ait Dominus, eiusmodi foedus cum iis percutere, cuius vel minima pars in ipsorum viribus fundata sit, quale illud fuerat, quod percusserat cum patribus eorum, cum educeret eos ex Aegypto. Rationem assignat: Quia non seruauerunt illud. Cur autem non seruauerunt? An quia non debebant? Imo iure creationis debebant: deinde etiam ex pact. Foedus enim legale erat pactum solemniter confirmatum, quo obligabatur populus ad praestandam propriis viribus (Mat.22) perfectam obedientiam Legi, cum sit aeterna norma iustitiae in mente diuina: cui vult omnes rationales creaturas esse conformes: ac a Deo promittebatur vita aeterna perfecta e seruantibus: maledictio vero denunciabatur transgredientibus.' Olevianus, *De subst. foed.*, §I.1.ix.

But instead, Olevianus turns to explain the contrast of the text as a change of accidents: Jer 31:31-34 does not describe ‘a change in the substance of the covenant, but makes a distinction in the *qualitas* or *claritas* of revelation on the part of God and in turn of the knowledge in us... and further in the *quantitas* or fullness of the Spirit.’²⁰ This latter is then applied directly to the sacraments under the new testament (*sub nouo testamento*) as the means by which the Spirit confirms increasingly our ingrafting into Christ, our regeneration, adoption, and our fellowship with Christ.²¹ The implication is that these sacraments do this work of confirming more effectually.

Bierma attempts to mitigate the difficulty of Olevianus’ discussion on the subject by maintaining (chiefly through the commentaries) that the old era had the covenant of grace, but also had this legal covenant: but ‘[a]fter Christ, the covenant of grace and its covenanters

20. ‘Gradus autem communionis non mutant quicquam de substantia foederis, sed constituunt discrimen in qualitate seu claritate reuelationis a parte Dei, & svicissim cognitionis in nobis.... Deinde in quantitate seu copia Spiritus, quo ceu vinculo cum Christo... in eoque cum foederis unimur.’ Ibid., §I.9.xvi. Cp. Ursinus: ‘[Unity of the testaments is found] In the promise of grace concerning the remission of sins, and eternal life granted freely to such as believe by and for the sake of Christ, which promise was common to those who lived under the old covenant, as well as to us; although it is now delivered more clearly... [The two testaments differ] In the gifts which they confer: In the old, the effusion of the Holy Spirit was small and limited; in the new it is large and full. “I will make a new covenant.”’ Zacharius Ursinus, *Commentary of Dr. Zacharius Ursinus on the Heidelberg Catechism* (tr. by Williard, G.W. Cincinnati, OH, 1852), 99-100.

21. Olevianus, *De subst. foed.*, §I.9.xvii. This is the way the text is read in the second part, on the sacraments: ‘sed ut haec ipsa doctrina legis, in qua fideles se exercent dies & nocte Psal.1.& 19. instrumentum sit siue medium, quo Spiritus Sanctus vult sensim refigere corda nostra ad Dei imaginem, & non alias sed has ipsas leges inscribere cordibus, & quidem maiore efficacia Spiritus, quam sub testamento vetere, prius sepulta per Christum peccatorum memoria. Ad quam copiam maioremque efficaciam Spiritus sub nouo foedere, respexit Dominus per Ieremiam, cum diceret, nullo fere labore docendi proximum opus fore, nempe si conferatur efficacia Spiritus & copia cum ea portione ac dispensatione donorum, quae errant sub testamento vetere.’ Ibid., §II.41.

move forward unfettered by the covenant of law.’²² Such would place Olevianus close to Oecolampadius and the movement from a complex era (legal covenant and covenant of grace), the faithful being saved only in the covenant of grace, while the other existed to drive them to the first: the law was given to drive to the promise.²³ But unless we limit the ‘old covenant’ to the ceremonial and cultic laws - which Olevianus does not allow - we cannot say that there is a distinction between the eras here, for the use of the moral law as driving to Christ still exists for Olevianus.²⁴ Or from the other side and similar to Melancthon’s question, are we going to say that the ancient believers were somehow *not* freed from the covenant of law? But this would be difficult to state given the natures of the covenants. If Bierma is right, then Olevianus leaves us with a rather tenuous reading of Jer 31:31-34.

22. Bierma, *German Calvinism*, 136.

23. This is even closer to the view developed by the Scottish Reformed theologian Robert Rollock: ‘Veteris Testamenti nomen latius patet ad legem siue foedus operum pariter & *foedus gratiae cum lege coniunctum*. Apostolus ad Hebraeos sic accipiendum docet veteris Testamenti nomen. Heb.8.8.&9.’ R. Rollock, *Quaestiones et responsiones aliquot de foedere Dei* (Edinburgh, 1596), B5b-6a. My emphasis. Or, ‘*Q: An fuit etiam cum veteri Ecclesia & populo percussum foedus gratiae?* R: Fuit: etsi obscuri eius fuerit mentio in doctrina foederis operum & legis.’ Ibid., A6a. Or elsewhere, ‘Veteris foederis nomine, non foedus legale tantum, quod conditionem habuit operum legalium, neque gratuitum tantum, quod cum foedere legali obscure propositum fuit, verum nomine veteris foederis intelligo utrumque, & legale, & gratuitum; Legale cuius expressa mentio facta est: Gratuitum cuius non nisi obscure meminit vetus Scriptura.’ R. Rollock, *Analysis Logica in Epistolam ad Hebraeos* (Edinburgh, 1605), 105.

24. ‘Testimonio hoc legis promulgato...homo peragitur reus peccati & damnationis ipsius capiti iam incumbens. Quod Apostolus vocat esse sub peccato, id est, propter peccatum iam esse sub damnatione & manere donec fiat reconciliatio... Hinc horrores conscientiae, qui electis quaedam sunt ad fidem praeparatio Rom.7:9,10,24 quatenus scilicet Spiritus Sanctus in iis accendit desiderium reconciliandi se Deo.’ Olevianus, *De subst. foed.*, §II.6-7.

Olevianus shows how the parts of the new covenant of 31:33-34 cannot be called *accidental* of the covenant. But then we are in an odd position of the new covenant describing the *substantia*, but the contrast regarding the *dispensatio*. What is ‘new’ is not what is described as the new covenant, but the way in which such is given (e.g. quality) - appealing to something *not said* (like Oecolampadius or Bullinger). The logic of the solution in its various forms is clear: (1) the point of contrast is with the state of affairs begun at Sinai; (2) that state of affairs had all the benefits described as the ‘new covenant’; (3) therefore the contrast can only be accidental.²⁵ But leaning on what is not said for the point of ‘newness’ - a recurring problem we will face - is insufficient.

§2. JOHN BALL

In English Reformed orthodoxy a large dispute consumed much of the early 17th century on the nature of the Mosaic covenant, taking into its fold discussion of Jer 31:31-34. That the ‘covenant’ was a central uniting theme for the British Reformed has been affirmed

25. Already seen in this shape in Bucer’s 1535 dialogue between Synnprecht and Friedlieb (the latter, clearly being the ‘correct’ view): ‘Synnprecht: Der Herr verhaißt als ain besondere eigenschaft des neuen Testaments, das er wölle yetz sein gesatz in die hertzen schreiben. Fridlieb: Diß hatt er im neuen Testament etwas reichlicher thün woolen dann bei den alten. Er hatt aber solche gnaden allen erwöleten im alten Testament auch gethon. Dann schlecht die allweg Got ain grewel gewesen seind, die Gottes wort nicht in der warhait geglaubet und in von hertzen geliebet haben. Das volck Gotes seind ye und ye allain die gläubigen gewesen. “On den glauben mag Gott nyeman gefallen” [Heb. 11,6]. Den glauben aber hatt der Herr nach der erhöhung Christi ettwas reicher und dann auch allen völkere gegeben und derhalb hat er auch seine gläubigen nit mehr mit so vilen eüsserun gebreüchen üben und treiben wöllen.’ Martin Bucer, *Dialogi oder Gespräch von der gemainsame und den Kirchenübungen der Christen und was yeder Oberkait von ampts wegen auß Göttlichen befelch an denselbigen züversehen und zü besserteb gebüre* (Martin Bucers Deutsche Schriften 6.2, ed. by R. Stupperich. Gütersloh, 1984).

by a number of studies and is clear in any examination of the texts.²⁶ The general shape of this covenant theology, given confessional status at the Westminster Assembly (begun 1643), followed the two-fold division already seen throughout this discussion: the *foedus operum* and *foedus gratiae*. The roots of this system have been the source of much inquiry, though only rarely is the close connection of these terms to the (far) older discussion of Law/Gospel or *vetus/nova lex* considered.²⁷ But that these covenant theologians themselves saw Law/Gospel as closely related to the covenant of works/grace shows this is an older discussion than can be restricted to ‘Reformed orthodoxy’ and its terms of the discussion.²⁸

26. ‘There is good reason to view the development of English theology – from Lambeth and the Irish Articles through the thought of Ussher, Downham, Ball, Leigh and their contemporaries, to the Westminster Standards – as a cohesive movement in Reformed theology. The central issues confronting the Reformed in this movement – divine sovereignty and human responsibility and the doctrinal *loci* of Scripture, predestination, covenant and the Person of the Mediator – were drawn together into a confessionally defined orthodoxy.’ R.A. Muller, “Reformed Confessions and Catechisms,” in *Dictionary of Historical Theology* (ed. T.A. Hart. Grand Rapids, MI, 2000), 482b. Or David Mullan’s comments on Scottish theology: ‘In evaluating the [Scottish] religious thought of the period 1600-40 the most obvious feature, along with the Augustinian-Calvinist view of grace, is the notion of the religio-political covenant.’ D.G. Mullan, *Scottish Puritanism 1590-1638* (Oxford, 2000), 171.

27. Most conspicuous in this regard is D.A. Weir, *The Origins of the Federal Theology in Sixteenth-Century Reformation Thought* (Oxford, 1990). Better (though still with only passing prominence) are R. Letham, “The Foedus Operum: Some Factors Accounting for Its Development,” *Sixteenth Century Journal* 14.4 (1983), 457-67; M. McGiffert, “Grace and Works: The Rise and Division of Covenant Divinity in Elizabethan Puritanism,” *HTR* 75.4 (1982), 463-502; Idem, “From Moses to Adam: The Making of the Covenant of Works,” *Sixteenth Century Journal* 19.2 (1988), 131-55.

28. See, e.g., William Pemble: ‘By the Covenant of Grace we understand in one word, the Gospel.... By the Covenant of Works, we understand that we call in one word the Law.’ W. Pemble, *Vindiciae Fidei, or A Treatise of Justification by Faith* (Oxford, 1625), 136. This connection is already present in Dudley Fenner: ‘Foedus cum Iudaeis ictum, est foedus operum, quo Deus stipulatur Iudaeos fore ipsi peculium prae omnibus populis, si permanserint in omnibus quae scripta sunt in libro legis.’ D. Fenner, *Sacra Theologia, sive Veritas quae est secundum Pietatem* (n.a., 1585), VIII.282. Also William Perkins (latin publ. 1590): ‘the Decalogue, or Ten Commandments, is an abridgment of the whole law and the covenant of works.’ W. Perkins, *A Golden Chaine* (Cambridge, 1591), §19. Cp. the language of *pactum legis* and *Evangelii testamentum* in Paul Alvarez (above, p.40).

But the issue of definition of terms - a constant concern, and one that by no means disappears - emerges again. What does one mean by the ‘covenant of works’ - or, more precisely for our concerns: if Jer 31:31-34 contrasts with the ‘Mosaic covenant’, then how is this Mosaic covenant to be understood? Anthony Burgess, a representative at the Westminster Assembly, reported four main options:

In expressing this Covenant there is difference among the Learned: some make the Law a Covenant of works, and upon that ground that it is abrogated: others call it a subservient covenant to the covenant of grace, and make it only occasionally, as it were, introduced, to put more luster and splendour upon grace: Others call it a mixed covenant of works and grace; but that is hardly to be understood as possible, much less as true. I therefore think that opinion true... that the Law given by Moses was a Covenant of grace.²⁹

The ‘mixed covenant’ is seen in the work of Robert Rollock, hinted at above in Bierma’s discussion of Olevianus, and the ‘subservient covenant’ is from the work of John Cameron - the influential Scottish theologian at Saumur, who first delivered and published his main theses on the covenant in Heidelberg while Olevianus was still present.³⁰ The option of the Mosaic

29. A. Burgess, *Vindiciae Legis: or, A Vindication of the Morall Law and the Covenants* (London, 1646), 213. Cf. S. Bolton, *The True Bounds of Christian Freedom* (ed. by S.M. Houghton. Carlisle, PA, 1964), 93-94. Orig. publ., 1645. Discussions of this topic are less than outstanding. The best work with sympathies towards the majority Reformed position is E.F. Kevan, *The Grace of Law: A Study of Puritan Theology* (Grand Rapids, MI, 1976). For more sympathy toward the ‘Antinomian’ party, see J. W. Baker, “*Sola Fide, Sola Gratia*: The Battle for Luther in Seventeenth-Century England,” *The Sixteenth Century Journal* 16.1 (1985), 115-33; T. Cooper, “The Antinomians Redeemed: Removing Some of the “Radical” from Mid-Seventeenth-Century English Religion,” *JRH* 24.3 (2000), 247-62; M. W. Karlberg, “The Mosaic Covenant and the Concept of Works in Reformed Hermeneutics: A Historical-Critical Analysis with Particular Attention to Early Covenant Eschatology” (Ph.D, Westminster Theological Seminary, 1980). The last is significantly flawed in its largely unargued insistence to delimit the ‘true’ or ‘pure’ Reformed line around a particular view of the ‘Mosaic covenant’, and the odd result of Crisp or Saltmarsh becoming more ‘purely’ in the Reformed tradition than the Westminster documents or Calvin.

30. See Rollock, *De foed.*; John Cameron, “*De triplici Dei cum homine foedere theses*,” in *Ioannis Cameronis Scoto-Britanni Theologi Examii TA ΣΩΖΟΜΕΝΑ siue Opera Partim ab auctore ipse edita* (Geneva, 1642), 544-51. Thus Cameron: ‘Dicimus ergo Foedus aliud esse Naturae, aliud Gratiae, aliud Foederi gratiae subseruiens (quod in Scriptura a Foedus vetus appellatur) (§7).’ More fully: ‘Vetus foedus, siue Foedus

covenant as solely a covenant of works is often thought to be represented by the ‘Antinomians’ such as John Saltmarsh or Topias Crisp, though John Preston would be a more orthodox (if less consistent) illustration, and one more potentially convergent with the Augustinian line.³¹

But the dominant line, which Burgess endorses, saw the Mosaic covenant as a covenant of grace. A number of treatises along these lines emerged in this period - most prominently by Burgess, Samuel Rutherford, Thomas Blake, John Ball and George Gillespie.³² By the time of these writings, all surrounding the time of the Westminster Assembly (only Blake was not a member of the Assembly), the ethos of Reformed thought in its British context had shifted from the almost fully dominant Calvinist structures, to a Puritan movement of outsiders (non-conformity becoming a mark of the ‘truly’ Reformed) fighting a strong Arminian

subseruiens, illud appellamus quod iniit Deus cum populo israelitico in monte Sina, ad eos preaepparandos ad fidem, atque inflammandos desiderio Promissionis, & Foederis Euangelici (quod alioqui in eorum animis oblanguisset) eosque simul velut iniecto fraeno a scelieribus reprimendos, ad illud usque tempus quo Spiritum adoptionis missurus erat in suorum corda, atque eos lege libertatis gubernaturus (§42).’ Both proposals are variations of Oecolampadius, above.

31. Preston’s discussion makes much of the absolute contrast of the old/new covenant as law/gospel in his posthumously published sermons: J. Preston, *The New Covenant, or The Saints Portion* (London, 1629), II.71ff. Thus his exhortation to his hearers to move from one covenant to the other - e.g., Idem, *The Law Out-Lawed or, The Charter of the Gospel shewing the priviledge and prerogative of the Saints by vertue of the Covenant* (Edinburgh, 1631), 2f. But he also treats Jer 31:31-34 as a qualitative difference of the same covenant: *New Covenant*, 82-83. How these can both be true is unclear.

32. Burgess, *Vindiciae Legis*; S. Rutherford, *The Covenant of Life Opened: or, a Treatise of the Covenant of Grace* (Edinburgh, 1654); T. Blake, *Vindiciae Foederis: or, A Treatise of the Covenant of God entered with Man-Kinde, in the several Kindes and Degrees of it* (2nd ed. London, 1658); J. Ball, *A Treatise of the Covenant of Grace wherein The graduall breakings out of Gospel grace from Adam to Christ are clearly discovered* (London, 1645). And the two-part work by G. Gillespie, *The Ark of the Testament Opened* (London, 1661); Idem, *The Ark of the Covenant Opened* (London, 1677).

rise associated with the rise of Archbishop Laud.³³ With the return of Charles II to the throne, this outsider status would become even more acute. These treatises should not, then, be considered simply abstract theological works, but a part of the theological crisis that was felt by the increasingly marginal Reformed orthodoxy in Britain.

By far the most influential treatise in this group was Ball's *Treatise of the Covenant of Grace*, published posthumously in 1645. Ball's reputation had already been established through his earlier (pre-1617) treatise on the structure of theology – a structure that is carried over in large part to the Westminster Standards.³⁴ Richard Muller names Ball 'one of the theologians most influential in the development of English Reformed theology in the transition from the early orthodox position of Perkins... to the full development of Puritan and Presbyterian theology in the Westminster Standards.'³⁵ Ball received his B.A. from Oxford in 1604 – incidentally the same year that William Laud took his B.A. from Oxford. It was the start of much ferment at the institution between the Calvinist majority and the movement

33. See N. Tyacke, *Aspects of English Protestantism c.1530-1700* (Manchester, 2001), 132-75.

34. J. Ball, *A Short Treatise: Containing all the principall grounds of Christian Religion* (London, 1617). This edition is the 'second impression'; I have been unable to find the first. Richard Muller ("Reformed Confessions," 483a) mistakenly cites for the treatise the date of 1629, by which time it had gone through seven editions.

35. Ibid., 482b-3a. Ball has also been called 'perhaps the most important ecclesiological scholar of his generation', but that would take us to another aspect of his work. T. Webster, *Godly Clergy in Early Stuart England: the Caroline Puritan Movement c.1620-1643* (Cambridge, 1997), 25. Cf. p.301ff for discussion of Ball and the ecclesiological disputes.

away from that majority coming from the increasing patronage of non-Reformed figures like Laud.³⁶

Ball's treatise traces the history of the covenant of grace through its development as presented in Scripture - a similar approach to the later work of Cocceius. But Ball's conclusions are not those of Cocceius (below). Ball will maintain the view of the Mosaic covenant as a covenant of grace - and hence the contrast of Jer 31:31-34 to be one of accidents - but he is clearly puzzled by the discussions surrounding this point. His summary is worth citing as bringing together many of the options and contrasts already seen:

Most Divines hold the old and new Covenant to be one in substance and kind, to differ only in degrees: but in setting down the differences they speak so obscurely, that it is hard to find how they consent with themselves. For most commonly they distinguish them thus: The old Testament promises life to them that obey the Law, and condemns all not perfectly conformable: the new doth freely pardon sins, and give Salvation to them that believe in Christ. The old was written by the finger of God in tablets of stone: the new by the Spirit of God in the fleshy tables of the heart. The old was the ministry of death, a killing letter: the new the ministry of the quickening Spirit. The old did lay upon the necks of the Fathers an intolerable yoke of rites and commandments: the new doth impose the easy yoke of the Spirit, enduing us with the Spirit of Adoption and liberty of the Sons of God. The old doth involve the Doctrine of the Grace of the Messiah under the shadows of types and rites: the new doth contain the fulfilling of the types and figures. Moses is the typical mediator of the Old Testament: Christ is the true Mediator of the New... The old was imperfect, intolerable, weak, and therefore to be abolished: the new perfect, easy, and to continue forever, etc.³⁷

Ball points precisely to the central difficulty in these common (orthodox) statements: 'many things herein are spoken truly, but how all these differences should stand, if they be not Cov-

36. See C.M. Dent, *Protestant Reformers in Elizabethan Oxford* (1983), 221-37. The main source for details of Ball's life is S. Clarke, *A General Martyrologie, containing a collection of all the greatest persecutions which have befallen the Church of Christ* (London, 1677), 147-54.

37. Ball, *Covenant of Grace*, 95-96.

enants opposite in kind, it is not easy to understand.³⁸ How can one be the ministry of life and the other of death, yet still be the same covenant? Ball's solution to this question is the following:

[The law] was so delivered as it might serve to discover sin, drive the Jews to deny themselves and fly to the mercy of God revealed in Jesus: but it was given to be a rule of life to a people in Covenant, directing them how to walk before God in holiness and righteousness, that they might inherit the promises of grace and mercy.³⁹

So the continuity of the law is established, provided its proper setting: as given it might 'serve' in its familiar second use, but its purpose in being given was for ordering one's life (third use). Ball looks at Jer 11, the discussion of the 'broken covenant', and asks what kind of covenant that broken covenant is which stands opposite the new covenant. He concludes unambiguously that it is one 'of grace and mercy':

What Covenant, but of grace and mercy? even that wherein God promises to be their God, and take them to be his people, if they obey his commandments. For since the fall of Adam, the Covenant which the Lord hath entered into with all his people, was ever free and gracious: For when all men are sinners by nature, dead in trespasses, and enemies to God, how can a Covenant betwixt God and man be stricken without forgiveness of former transgressions?⁴⁰

The covenant had to be one of grace, and so the law had to be given simply as a rule of life within the covenant. Further, in language that brings us back towards Jer 31:

the Law given by Moses is engraven in the heart of the spiritual seed, or people effectually in Covenant, as they are called a people in whose heart is the Law. No man will deny the Covenant

38. Ibid., 96.

39. Ibid., 102. The distinction between the law as a rule of life and as a covenant is made early: Ibid., 15. This becomes a standard way of phrasing the issue: e.g. Bolton, *True Bounds*, 28.

40. Ball, *Covenant of Grace*, 103. 'It was such a Covenant whereby the spiritual seed was made a Kingdom of Priests, a holy nation, and a peculiar treasure unto the Lord. The word *Segulla* signifies one's own proper good, which he loves, and keeps in store for himself, for his special use: a rare and exquisite treasure; a thing desired, dear and singular or proper to a man himself.' Ibid., 103.

which God keepeth with them that love him and keep his Commandments, to be the Covenant of Grace. But the Covenant which Israel entered into, is that which the Lord keeps with them that love him, and keep his Commandments.⁴¹

The law on the heart is the property of those ‘effectually in covenant’ with God, and as such was known in Israel.

This fits Ball’s earlier claim that the ‘covenant of promise’ (the promised covenant of grace) – of which the Old Testament believers were a part – was written on the heart, had forgiveness of sins, and the Spirit of adoption.⁴² In fact, all of the benefits of reconciliation and access to the Father were known and communicated to the believers of the ancient era.⁴³ In short, ‘the faithful before Christ were saved by the free mercy of God in Christ, did know God and Christ, had the spiritual promise of life eternal, and were equal to us Christians in all substantial graces of the Covenant.’⁴⁴ The content of the ‘new covenant’ in Jer 31:33-34,

41. Ibid., 108. Or, ‘As Adam in the state of Innocency was made able to fulfil the Covenant made with him: so is the Covenant of Grace written in the hearts of them that be heirs of the Promise in Christ.’ Ibid., 24-25.

42. ‘Internally the Spirit doth seal up the truth of this Covenant in the hearts of the faithful. For when the adoption and the inheritance pertained to the Fathers under the Covenant of promise, the Spirit of adoption and earnest of the inheritance pertained unto them likewise.’ Ibid., 29. Cp. Rutherford: ‘Abraham, David... and the Jews by faith, have remission of sins and salvation, as also the Gentiles have.’ They have ‘the condition [of the covenant] and perseverance therein, and a new heart, righteousness, pardon, and life.’ Rutherford, *Covenant of Life*, 62.

43. ‘...the fruit of them [i.e. reconciliation and access to the Father, which demanded Christ’s coming in the flesh] was communicated to the Fathers under the Old Testament, by force of the divine Promise, and certainty in the things to come.’ Ball, *Covenant of Grace*, 28. He continues, in a way anticipating some of the debate on the Continent (below), likely with an eye on the doctrine of *limbus patrum*: ‘If it be objected, that the cause is before the effect, and therefore the incarnation and death of Christ must go before the communication of the fruit and benefit thereof unto the Fathers... The answer is, That in natural causes the proposition holds true, but in moral causes the effect may be before the case: and so the fruit and virtue of Christ’s death was communicated to the Fathers before his Incarnation... yet the manner and reason of that Mediation was proposed more obscurely, the force and efficacy of it was less, and did redound to fewer.’ Ibid., 28.

44. Ibid., 30.

then, was known to the faithful before Christ. Rutherford is similar in speaking of Jer 31:33 to mean ‘gifted with a new heart, and such as shall never be cast off, but shall persevere to the end’, contrasted with the ‘stiff-hearted Jews’ who were God’s people ‘by external calling only.’⁴⁵ The contrast appears ‘salvific’. The matter is put even more strongly by Thomas Blake:

There is not a promise in the New covenant, whether it be for privileges, conferred upon us, or graces wrought in us, but by the help of that light, we may find in the Old covenant, the same held out.⁴⁶

To explain the contrasts of Law and Gospel, Ball sounds much like Augustine (though perhaps via Calvin or Vermigli):

Paul proves the Law... *separated from faith*, to be the cause, not of life, but of death: as that which did not only want Christ, who is the soul of the Law, but is opposite to him. And therefore Paul doth this, because the Jews, (faith being let pass) did seek righteousness in the dead works of the Law, and did oppose the Law to the Gospel and Christ, who was the end and scope of the Law.⁴⁷

Paul is confronting a view of the law without faith, in which sense it is opposed to the Gospel since it does not lead to Christ by faith, ‘the end and soul of the Law’.⁴⁸ But if this is the case, and if the faithful of the Old Testament era had the Spirit of faith and grace as well as the Law written on the heart, then Paul’s contrast does not address them. In fact, we can speak of them as simply being members of the *one* covenant – even the ‘new’ covenant:

45. Rutherford, *Covenant of Life*, 347. My emphasis.

46. Blake, *Vindiciae Foederis*, 208.

47. Ball, *Covenant of Grace*, 115. My emphasis. Cp. Rutherford, even closer to Augustine or Calvin: Paul ‘speaks of the Law absolutely, as contradistinguished from the Gospel... so it is a Covenant of Works begetting children to bondage.’ Rutherford, *Covenant of Life*, 63.

48. Ball, *Covenant of Grace*, 105.

Unto such as used the old Testament as they ought, only as an Introduction to the new, there was indeed but one Testament: For as the Schools speak, *Ubi unum propter aliud, ibi unum tantum*. But such as rested in the Law, and used it not as a pedagogy to Christ, but sought justification by the observation of the Law Moral or Ceremonial, and opposed Christ the soul of the Law, such were held under damnable bondage, and cut from Christ.⁴⁹

Following Calvin, Ball points out that there is no new ‘law’ offered in Jer 31:33.⁵⁰

The text in fact says nothing more than what was already promised in the Law at Deut 30 and the circumcision of the heart. What is promised in Jeremiah is nothing other than the work of the Holy Spirit through faith on the heart:

Therefore the words of the Prophet as touching the writing of God’s Law in our hearts, can import nothing but this, that the Laws which were before by the ministry of Moses delivered only in ink and paper, should by the power of the holy Ghost, through the faith of Christ be wrought and written in the affections of the heart: that God in Christ would not only administer outwardly the letter of the Law, whether in writing or preaching, but would by the regeneration of the Spirit, give grace inwardly to the obedience thereof... The Law is not opposed to the Law: but the writing to writing. Writing in tables of stone pertained to Moses or to the Old Testament: writing in the heart to Christ, or the new Covenant. The Law is the same, but otherwise administered in the hand of Christ, then in times past in the hand of Moses. Moses gave the Law in tables of stone, but could not give power or ability to do what the Law required: but Christ writeth the Law in the heart, and enableth the faithful in some measure to do what he commandeth.⁵¹

But this work of Christ through the Spirit cannot be restricted to a future era, as we have seen. The contrast of law and gospel, and of the testaments, is for Ball the Augustinian contrast of the law without the Spirit over against the work of the Spirit in grace and faith. So the author of Hebrews disputes as ‘old’ a covenant which in and of itself could ‘not be rested

49. Ibid., 117.

50. Ibid., 118.

51. Ibid., 118. Cp. another polemicist against the antinomians: ‘The Spirit of God doth write this [moral] law in the heart of all God’s children; according to the promise, “I will put my Law in their inward parts, and write it in their hearts.”’ J. Sedgwick, *Antinomianism Atomized* (London, 1643), 17.

in', since it was only the shadows rather than the substance ('as if we could be justified by the works of the law').⁵² Likewise, Paul's polemic in Gal 4 and 2 Cor 3 stems from those who 'perverted the right use and end of the law'.⁵³ Further, as Blake remarks, as one can 'in a rigid interpretation' make Old Testament texts to hold out a covenant of works, one can do the same to texts in the New Testament. But this does not make it *in se* a covenant of works.⁵⁴

But Ball, in a somewhat startling turn akin to Olevianus, fails to apply this reading once he turns to the second part of his treatise, 'Of the New Testament or Covenant'. In fact the discussions here bear almost no resemblance to the examinations of the same passages earlier in the treatise. Thus:

the Covenant of Grace is fitly called the new Covenant or Testament, Jer 31:31, Heb 8:8, 2 Cor 3:6, for it is diverse from that which God made with the Fathers before Christ, most necessary and excellent, never to wax old, or to decay. By it a new light of the doctrine of the Gospel shined to the world, it had new worship, new adoration, a new form of the Church, new witnesses, new tables, new Sacraments and Ordinances.⁵⁵

The newness lies in the change of worship, the 'form of the church', and its lasting nature – but none of these are the contrasts of Jer 31, Heb 8, or 2 Cor 3 which he has already

52. Ball, *Covenant of Grace*, 118-19. This is already seen, in fact, at the very opening of the treatise (p.15): Hebrews 8:7 is cited as a contrast between the covenant of grace and that covenant which 'could not give life', i.e. the covenant of works made with Adam.

53. Ibid., 122.

54. Blake, *Vindiciae Foederis*, 215-16.

55. Ball, *Covenant of Grace*, 195. Cp. Rutherford: 'The Author to the Hebrews, ch.8, applieth the saying of Jeremiah to Christ and his dispensation under the Gospel, and the former covenant to the law and dispensation of the old testament...' S. Rutherford, *A Survey of the Spirituall Antichrist* (London, 1648), I.308. Or, The contrast is 'comparatively spoken... because forgiveness of sins is promised darkly in the first covenant, but plainly in the other, because Grace is promised sparingly in the former, but here abundantly, the Law being written on the heart.' Idem, *Covenant of Life*, 63.

provided. Ball returns to acknowledging the status of the ‘faithful before Christ’ in defining the nature of the ‘new covenant’ and does so in terms almost entirely given over to the *mutatio sacramentorum* and the clarity that comes from the covenant now ‘plainly and openly propounded’.⁵⁶ Thomas Blake is similar, the full statement of which a part was cited above reveals the point:

There is not a promise in the New covenant... [but] we may find in the Old covenant, the same held out.... The betterness is, in the greater ease being freed from that bondage of the ceremonial yoke, and in their more distinct clearness.⁵⁷

In Ball - as with Blake and Rutherford - we come closest among the British to an Augustinian reading of an absolute contrast: unbelief vs. faith and the work of the Spirit. But after the opening exegetical discussions he reverts once again to the contrast of two religio-

56. Ball, *Covenant of Grace*, 196-97. This is in some form anticipated in the earlier remarks: ‘The Covenant of Grace is either promised or promulgated and established. Promised to the Fathers, first to *Adam*, and afterwards to the Patriarchs, and lastly to the people of Israel, and that before their coming into the Land of Canaan, and after their return from the Babylonish captivity. Promulgated, after the fullness of time came. And hence the Covenant of Grace is distributed into the Covenant of Promise, or the New Covenant, so called by way of excellency. For the Foundation and Mediator of the Covenant of Grace is our Lord Jesus Christ, but either to be incarnate, crucified, and raised from the dead, or as already incarnate, crucified, and truly raised from the dead, and ascended into Heaven (p.27).’

57. Blake, *Vindiciae Foederis*, 208. He appeals to the Geneva Bible here (published first in 1560), to show that some things spoken absolutely are really meant only comparatively. In the words of Daniell, the ‘almost incalculably influential’ Geneva Bible offers a standard contrast of accidents: ‘Though the covenant of redemption made to the fathers, and this which was given after, seem diverse, yet they are all one, and grounded on Jesus Christ, save that this is called new because of the manifestation of Christ, and the abundant graces of the holy Ghost given to his Church under the Gospel.’ *The Bible: That is, the Holy Scriptures, contained in the Olde and Newe Testament. with most profitable Annotations upon all the hard places, and other things of great importance* (London, 1595), ad loc. See D. Daniell, “Review of *Translating the Bible. From the 7th to the 17th century*. By Lynne Long,” *JEH* 54.4 (2003), 765. The Bible was the standard translation for the English Reformed until the Authorized Version of 1611, and according to Bebbington was the preferred text in Scotland until the 18th century. See D. G. Danner, “The Contribution of the Geneva Bible of 1560 to the English Protestant Tradition,” *The Sixteenth Century Journal* 12.3 (1981), 5-7; D. Bebbington, “Evangelicals and Eschatology in Britain” (paper presented at St. Andrews University, 30/04/2007).

historical eras marked out by the ‘accidents’, undercutting his earlier comments. Like Calvin before him (no Calvin vs. the Calvinists here!), the tension stands in the text and the question of how one ought to read Jer 31:31-34 receives two mutually exclusive answers.

§3. DUTCH REFORMED ORTHODOXY

The struggle in Reformed readings of Jer 31:31-34 is further exemplified by Dutch Reformed orthodoxy in the 17th century. The Dutch provinces in this century became the most important location for Reformed thought, with only the possible exception of Britain.⁵⁸ But the ‘Golden Age’ of the Dutch Republic was by no means a calm period for theological development. One of the most divisive periods in the Dutch Reformed tradition was the ‘theologico-political *Kulturkampf*’ between the ‘Voetians’ and ‘Cocceians’ in the 17th century.⁵⁹ Gispertus Voetius (1588/89-1676) was a popular preacher and academic in Utrecht, and a leader of the *Nadere Reformatie* (‘Further Reformation’) in Holland - a movement largely parallel to the ‘Puritans’ in the English church of the time.⁶⁰ Like its counterpart in

58. On the rise of Reformed thought in the Dutch provinces, see A. Duke, *Reformation and Revolt in the Low Countries* (London, 1990); A. Pettegree, “Coming to terms with victory: the upbuilding of a Calvinist church in Holland, 1572-1590,” in *Calvinism in Europe, 1540-1620* (eds. A. Pettegree et al. Cambridge, 1994), 160-80. For the Dutch provinces generally through the 17th century, see the lengthy work of J. Israel, *The Dutch Republic: Its Rise, Greatness, and Fall 1477-1806* (Oxford History of Early Modern Europe Oxford, 1995).

59. The phrase is from *Ibid.*, 664.

60. See the summaries of the *Nadere Reformatie* in J. R. Beeke, “The Dutch Second Reformation (Nadere Reformatie),” in *Christian's Reasonable Service* (Grand Rapids, MI, 1992), lxxxv-cxi; M. E. Osterhaven, “The Experiential Theology of Early Dutch Calvinism,” *Reformed Review* 27.3 (1974), 180-89; J.N. Geisler, *The Thousand Generation Covenant: Dutch Reformed Covenant Theology and Group Identity in Colonial South Africa, 1652-1814* (Studies in the History of Christian Thought Leiden, 1991), 68-79. And cf. K.L. Sprunger, *Dutch Puritanism: A History of English and Scottish Churches of the Netherlands in the Sixteenth and Seventeenth Centuries* (Studies in the History of Christian Thought Leiden, 1982).

Britain, the movement made much of the public enforcement of the norms of behaviour found in their reading of Scripture. The fault-line between the two parties was opened by the arguments against the continuity of the Sabbath regulations in the 'New Testament' era by the Hebraist scholar at Utrecht, Johannes Cocceius (1603-69). The fallout on this issue began to tear apart the Dutch churches and would ultimately cause both the North and South synods to split, the universities to draw lines within their faculties, and the political leaders to enforce a silence on the issues in a (failed) effort to quiet the matter.

The dispute is complex and ranges over other topics of the day, moving from the Sabbath to views of contingency within divine action - thus raising fears of the still-ongoing Remonstrant disputes. The debate also enfolded the important disagreements between the Cartesians and anti-Cartesians in the Dutch Universities - the followers of Cocceius often (though not always) agreeing with the 'new philosophy', to Voetius' chagrin.⁶¹ But one aspect of the dispute, which seems to have most impressed Voetius and Cocceius themselves, was the theological divide on the relationship between the eras before and after Christ with respect to the covenant. Willem van Asselt has recently summarised the point of the dispute precisely along such lines:

61. The dispute over Cartesian thought, with Voetius as a central figure against it, is well-addressed in English scholarship with the works of J.A. van Ruler, *The Crisis of Causality: Voetius and Descartes on God, Nature and Change* (Leiden, 1995); A. Goudriaan, *Reformed Orthodoxy and Philosophy, 1625-1750: Gisbertus Voetius, Petrus van Mastricht, and Anthonius Driessen* (Leiden, 2006). The particulars of the immediate dispute between Voetius and Descartes in the events of 1643 are presented in the editorial appendix to R. Descartes, *The Correspondence of René Descartes: 1643* (ed. by T. Verbeeck et al. Utrecht, 2004), 183-92.

The main issue was a different interpretation of the continuity and discontinuity of redemptive history in the Old and New Testaments. Whereas the Voetians stressed the substantial unity of salvation for believers in the Old and New Testament dispensations, Cocceius underlined the progression of salvation in history and, therefore, the different status of the Old and New Testament believers.⁶²

Instead of examining the dispute in its main protagonists and the views of Jer 31:31-34 in each case, I will look at one of the figures standing in the wake of the divide, staunchly orthodox but trying to mitigate the language and potency of the rift in the Dutch churches. Herman Witsius (1636-1708) was a student at Utrecht under Voetius, and more importantly, has been said - along with Wilhelmus à Brakel (seen briefly below) - to 'represent the normative form of Reformed federalism fashioned in the wake of debate over Cocceius' doctrine.'⁶³ With Witsius we see another form of that structure seen in Oecolampadius, the contrast being a movement from a complex to a simple era. Witsius posits a third (a 'national') covenant that covers much the same ground as Oecolampadius' discussion of the Mosaic 'additions' to the covenant of grace - now in dialogue with Cocceius rather than the Anabaptists. What is held out in Jer 31:33-34 is an abrogation of this national covenant and a full pronouncement of the bare covenant of grace.

62. W.J. van Asselt, "Amicitia Dei as Ultimate Reality: An Outline of the Covenant Theology of Johannes Cocceius (1603-1669)," *Ultimate Reality and Meaning. Interdisciplinary Studies in the Philosophy of Understanding* 21.1 (1998), 37. Van Asselt's recent treatment of Cocceius is very valuable: W.J. van Asselt, *The Federal Theology of Johannes Cocceius (1603-1669)* (Studies in the History of Christian Thought, tr. by Raymond A. Blacketer. Leiden, 2001).

63. R.A. Muller, "The Covenant of Works and the Stability of Divine Law in Seventeenth-Century Reformed Orthodoxy: A Study in the Theology of Herman Witsius and Wilhelmus à Brakel," *CTJ* 29 (1994), 80, n.12.

§4. HERMAN WITSIUS

Witsius has sometimes been considered a mediator of the Voetian-Cocceian dispute who betrays significant influence from Cocceius.⁶⁴ The title and structure of Witsius' greatest theological work on the covenant, *The Economy of the Covenants between God and Man*, does show a willingness to depart somewhat from Voetius' approach. But from the outset Witsius is explicit in distancing himself from the 5-fold gradual abrogation of the covenant of works central to Cocceius' system.⁶⁵ Thus, after listing the things supposedly abrogated he states:

[I]t will be more proper to treat of these things when we speak of the fruits and effects of the covenant of grace, than when considering the abolition of the covenant of works: which is on no account abolished, but insofar as it is become impossible for man to attain to life by his own personal works.⁶⁶

64. Thus, e.g., H. Bavinck, *Reformed Dogmatics* (4 vols. ed. by J. Bolt. tr. by John Vriend. Grand Rapids, MI, 2003-07), III.210, n.33. More helpful is the chart of Cocceius' influence given by van Asselt, *Federal Theology*, 340. Witsius appears standing directly between Voetius and Cocceius, with à Brakel more directly under Voetius.

65. In summary: 'Abolitio autem Legis sive Foederis Operum hiscegradibus [sic] procedit. Antiquatur 1. quoad possibilitatem vivificandi, per Peccatum. 2. quoad damnationem, per Christum in Promissione propositum & fide apprehensum. 3. quoad terrorem, sive efficientiam metus mortis & servitutis, per Promulgationem foederis Novi, facta peccati expiatione. Qua facta, ii, qui redempti sunt, sub lege Redemptoris. Ita ut eadem lex, in Redemptore abolita ut lex peccati, fiat lex Servatoris & justitiam addicat iis, qui sunt ipsius... 4. quoad luctam cum peccato, per Mortem Corporis. 5. quoad effect omnia, per Resurrectionem ex mortuis. J. Cocceius, *Summa doctrinae de foedere et testamento Dei* (Opera 6, Amsterdam, 1673), §58. For the difficulties of interpreting Cocceius on this, see W.J. van Asselt, "The Doctrine of the Abrogations in the Federal Theology of Johannes Cocceius (1603-1669)," *CTJ* 29 (1994), 101-16; van Asselt, *Federal Theology*, 271-87.

66. H. Witsius, *The Economy of the Covenants between God and Man* (tr. by William Crookshank. London, 1822), §I.9.xxiii. Emphasis are removed throughout, except when stated.

Witsius often separates himself from Cocceius in discussing the contrast of the covenants, but he does not escape the tension we have repeatedly seen in his attempt to make sense of Jer 31:31-34 within the boundaries of Reformed orthodoxy. We find the tension already appearing in the discussion of the covenant of grace, which was made with the elect as the outworking of the eternal *pactum* between Father and Son. Two aspects of this are of interest: first, this covenant is made with the elect and so embracing all believers in any time:

...as we restrict this covenant to the Elect, it is evident that we are speaking of the internal, mystical, and spiritual communion of the covenant. For salvation itself, and everything belonging to it, or inseparably connected with it, are promised in this covenant, all which, none but the Elect can attain to.⁶⁷

Second, the promises of this covenant, namely of ‘grace and glory’, are summarized in Jer 31:33:

We may likewise not improperly say, that in the covenant of grace are promised both salvation itself, and all the means leading to it, which the Lord hath briefly comprised, Jer 31:33... [full citation].⁶⁸

This is precisely the move made by Olevianus, with the clear conclusion that one cannot deny Jer 31:33 to the elect without denying to them salvation itself and/or its means, since the text is the summary of the covenant of grace itself. Thus the ancient believers, who were among the elect, would have to be a part of the new covenant.

67. Ibid., §III.1.v.

68. Ibid., §III.1.vi. Or, ‘when God proposes the form of the covenant of grace, his words, to this purpose, are mere promises, as we have lately seen, Jer 31 and 32.’ Ibid., §III.1.xii. Likewise, his use of Cloppenburg who refers to the *new* covenant, in explaining the nature of the covenant of grace: Ibid., §III.1.xv.

But, like Olevianus, Witsius moves from this point into the use of Jer 31 as a contrast between the two eras of the one covenant of grace. Witsius begins his more thorough discussion of the matter by insisting that the contrast of old and new covenant is not that of the ‘legal covenant’, but of the two parts of the covenant of grace: ‘that dispensation, which subsisted before the coming of Christ in the flesh, and was proposed formerly to the fathers’ and ‘that dispensation, which succeeded the former, after being consecrated and established by the blood of Christ.’⁶⁹ Thus Witsius reverts (momentarily) to the standard religio-historical contrast within the covenant of grace.

The central point of dispute between Witsius and Cocceius is the latter’s (inconsistent) denial of what Witsius calls the ‘permanent benefits’ of the covenant of grace to the believers of the ancient era. These benefits are the *sine qua non* for membership in the covenant of grace. The tendency to the contrast of degree in the question over against Cocceius is made explicit:

It is one thing to say that Israel had not some degree or measure of true and permanent benefits; another, that they had not the blessings themselves. He who would assert the former, which is true, should not use words that signify the latter, which is absolutely false.⁷⁰

But the discussion becomes more involved than merely a contrast of quality once particular issues arise, such as the law on the heart in the ancient era. Witsius opens with the assertion that ‘The excellence of the Old Testament is too much lessened by asserting, that the

69. Ibid., §III.3.i. This is tied directly to Jer 31:32 at §III.3.xxvii.

70. Ibid., §IV.12.xii. Or, ‘[I]t is wrong to infer...that under a mutable economy which was, in due time, to be changed, there were no permanent blessings either bestowed or made known.’ Ibid., §IV.12.xiv.

circumcision of the heart, mentioned, Deut 30:6 was a blessing peculiar to the New Testament.⁷¹ Witsius cites Cocceius' definition of circumcision of the heart as 'regeneration by the spirit of adoption', or 'sanctification by the spirit of faith and the love of God and consolation in hope of eternal life', and then Cocceius' positing that circumcision of the heart was reserved for the 'New Testament' era.⁷² This appears to entail that the Old Testament era had no regeneration or sanctification, but, as Witisus notes, Cocceius does not grant the point of 'the fathers' being without circumcision of the heart.⁷³ Instead Cocceius appeals to a sense of 'fullness',⁷⁴ and then to a third aspect of the circumcision of the heart – i.e., *ablationem veli*, the removal of the veil of the ceremonies to serve without such a 'yoke':

Third, it concerns the removal of the veil from the eyes and the yoke from the conscience for the serving of God without fear of death, in liberty and delight. For in circumcision, the removal of the substance of flesh doubtless also signifies from afar the casting-out of 'trust in the flesh' (Phil 3:3...), that is, in his strength and the external work of the law of flesh; and partly liberation from the yoke of such a law.⁷⁵

71. Ibid., §IV.12.xvi.

72. Cocceius, on Deut 30:6, 'Ante omnia significant *Regenerationem* sive sanctificationem per spiritum fidei & amoris Dei.... *Secundo*, notat *Consolationem* in spe vitae aeternae, per Expiationem Christi.' J. Cocceius, *De ultimis Mosis considerationes* (Opera 1, Amsterdam, 1673), §337-38. Put together with J. Cocceius, *Summa Theologiae ex Scripturis Repetita* (Opera 6, Amsterdam, 1673), §53.7; Cocceius, *Sum. doct.*, §352.

73. 'Utramque habuerunt & Patres. Neque enim sine Spiritu Dei... & creatione cordis puri... & circumcisione cordis, potuerunt Christum *dominum* dicere: ut David, Psal. 110:1. Et habuerunt spem & gaudium salutis.' Cocceius, *De ult. Mos.*, §339.

74. 'Atque ita apparebit, hic significari gratiam spiritualem aliquatenus communem hominibus Veteris Testamenti & Novi, in plenitudine vero hisce propriam: atque ita promitti superaddendum acceptis aliquid proprium Novi Testamenti.' Ibid., §335.

75. '*Tertio*, notat *ablationem veli* ab oculis & jugi a conscientia ad serviendum Deo sine timore mortis in *libertate & laetitia*. Nam in circumcisione ablatio substantiae carnalis significant procul dubio etiam partim abjectionem *fiduciae in carne* (Phil. 3:3. *Et non in carne confidentes*) hoc est, in viribus suis & opere externo legis carnalis; partim liberationem a jugo talis legis.' Ibid., §340.

Witsius uses strong language to assert the experience of circumcision of the heart as a necessary part of the covenant of grace,⁷⁶ and essentially doubts only the third aspect of Cocceius' understanding - both because the text of Deut 30:6 cannot be taken to be referring to the abrogation of the ceremonies, and because 'carnal' can only be applied insofar as the external rite is performed without 'the spirit or mind, but [merely] in the members of the body.'⁷⁷

Witsius then immediately turns to the similar promise of Jer 31:33 and the law on the heart, again using a *reductio ad absurdum*:

In the same base manner, they make the writing the law on the heart, a blessing peculiar to the New Testament: because Heb 8:10 it is said from Jer 31:34 [he means v.33, cited in full]...; that is, says our author [Cocceius]... 'I will cause them to receive my law, delight therein, and not forget it.' If these words be taken as they lie, it follows, that the ancient believers, who lived before the times of the New Testament, did not receive the law of God, nor delight in it but forgot it. But that these things are most eminently false, appears from the example of David alone...⁷⁸

Witsius attaches this to Cocceius' statement that the ancient fathers could not fulfill the commandment to 'love the Lord thy God' because they had fear (and, 'where there is fear there is

76. 'And as circumcision of the heart, is this very regeneration and sanctification, without which none can see God, we must of necessity say, that it is the privilege of all those that were saved at any time. A greater or less degree of sanctification alters not the species. Nor do I imagine any believer at this time will, even as to the degrees of sanctification, claim to himself a superiority above David, or Moses, or Abraham.' Witsius, *Economy*, §IV.12.xix. This last line is reminiscent of Bullinger, *Decades*, III.298: 'For which of us at this day can say, that we excel in knowledge and in faith either Abraham, Moses, Samuel, David, Isaiah, Daniel, or Zacharias?'

77. Witsius, *Economy*, §IV.12.xx-xxi.

78. Ibid., §IV.12.xxiii.

no perfect love', 1 Jn 4:18). But the difficulty Witsius has is the witness of the Old Testament itself:

But I do not meet with these things in the sacred writings; for they declare that even the ancient believers loved God, Ps 18:1 and 116:1. And that as their Father, Isa 63:16... and without any fear that did become the children of God, Ps 46:2 and 33:3, nay, that they had a joyful sense of the love of God shed abroad in their hearts, Ps 4:7.⁷⁹

So what *is* the contrast in Hebrews and Jeremiah? Witsius here gives an answer that takes us back towards Oecolampadius, though now in the terminology of a 'national covenant':

I answer: the apostle does not here oppose the covenant of grace, as it is dispensed after the coming of Christ, to the same covenant of grace, as it was dispensed before: but opposes the covenant of grace, as in its full efficacy under the New Testament, to the national covenant made with the Israelites at mount Sinai; and as a spiritual covenant to a typical.... Here a better covenant is opposed to that Israelitish covenant, which is not formally the covenant of grace, but is only considered with respect to typical or shadowy pomp, the effect of which is the writing the law on the heart, and communion with God as the fountain of salvation.⁸⁰

This runs against what Witsius has already said on the matter of contrast of dispensations above. Nonetheless, in this 'national covenant' God 'did not promise to give them a heart to obey... And therefore, in consequence of *this* covenant, the law was not written on the heart of the people of Israel.'⁸¹ This third covenant is, more or less, the commands of the theocratic state, with the ceremonies, divorced from any spiritual promises - the externals of the Mosaic era, akin to Oecolampadius' Mosaic 'additions'. The ancient believers were members of *both* the covenant of grace via Abraham and the 'national covenant' of types and

79. Ibid., §IV.12.xxv. Emphasis original.

80. Ibid., §IV.12.xxvi.

81. Ibid., §IV.12.xxvi. My emphasis.

shadows which in itself was weak and unprofitable for spiritual benefit.⁸² So the temporal contrast is a movement from complex to simple: a time of the covenant of grace bound up with the national covenant, to the covenant of grace alone.

In the most thorough discussion of Jer 31:31-34, Witsius is explicit that the point of contrast for the new covenant is the state of affairs ‘which Moses has fully set forth, Exod 24:3ff.’ More specifically, the ‘*manner* of ratifying this covenant [of Moses], consisting in ceremonies and sacrifices, is, in this place, called the old covenant.’⁸³ This being so, the nature of the new covenant is the *ablationem veli*, brought back into the discussion:

To that old covenant is contradistinguished the new, which can be no other, but God’s agreement with Israel, without the vail of ceremonies; in which there can be nothing typical or shadowy, but all things real and substantial.⁸⁴

The old covenant ‘had not...the promise of sanctifying grace’, even though the believers had such grace, as above. The old covenant was ‘external’ but the new ‘spiritual’ - even though the old believers also had the spiritual. In fact, the only points of temporal novelty come in the claim that the new will have ‘true expiation’ rather than ‘typical’, and that the new holds out an ‘irrevocable grace...without the vail of ceremonies.’⁸⁵ The latter is the standard *mutatio sacramentorum*. The former is grounded in Witsius’ agreement with Cocceius that those be-

82. ‘However, the elect among Israel, even in the ancient times, besides their engagements by the Sinaitic covenant, were joined to God by the covenant of grace which he had solemnly renewed with Abraham. And from that covenant they had everything that the writing the law on the heart comprises, and God himself for their God, that is, the fountain of salvation.’ Ibid., §IV.12.xxvi.

83. Ibid., §IV.14.xviii. My emphasis.

84. Ibid., §IV.14.xix.

85. Ibid., §IV.14.xxi.

fore Christ did not have ‘true expiation’, though he maintains that they themselves had their sins fully forgiven and had pure consciences.⁸⁶ By this he means that the sins still existed ‘in the account of the surety, who was to answer them’.⁸⁷ But such a move transfers the temporal distinction to the abstract ‘account’ of the *sponsio*, Christ - the experience of the benefits by the elect remains unaffected between the eras. In any case, for Witsius the contrast here is patently between a covenant of grace without the ceremonies (‘new covenant’), and a ‘national covenant’ of external commands (‘old covenant’). Thus Witsius’ most important contribution places the contrast in the same essential realm as seen in Oecolampadius: a covenant of temporal and national concerns contrasted to the one eternal covenant of grace.

Witsius has found some following in recent studies.⁸⁸ But as an exegetical solution this clearly has a long way to go. First, if the nature of the ‘old covenant’ is the cultic activit-

86. For the latter points, see Ibid., §IV.12.xxix-xliii and §IV.12.l-iv. See the discussion in H. Witsius, *Sacred Dissertations, on what is commonly called the Apostles' Creed* (2 vols. tr. by Donald Fraser. Edinburgh, 1823), §XXV.8-14.

87. Witsius, *Economy*, §IV.13.iv. And, ‘This then was the first defect of the Old Testament, that it had not the cause of salvation completed, and consequently not a true expiation of sins.’ This was a central point of contention among the orthodox (cf. Olevianus on *limbus patrum* above). For the opposite view, see (e.g.) Francis Turretin: ‘Yea, since the works of God are known to him from eternity (Acts 15:18) by the light of omniscience that sponson was observed by God not only as future, but even as present, yea, as actually performed; and its efficacy gave the same benefits to the fathers which we enjoy’. F. Turretin, *Institutes of Elenctic Theology* (4 vols. ed. by J.T. Dennison Jr. tr. by George Musgrave Giger. Phillipsburg, NJ, 1994), Loc.12.q.IX.viii. Or Witsius’ younger contemporary, Wilhelmus à Brakel: ‘The apostle shows that the death of Christ had to occur but once, and that this one sacrifice was efficacious from the foundation of the world. He thus forcefully confirms that this one death of Christ was already efficacious then [in the ancient era], this being such as if He both at that time and since that time had actually suffered.’ W. à Brakel, *The Christian's Reasonable Service* (4 vols. Tr. by Bartel Elshout. Grand Rapids, MI, 1992), 1.453-54.

88. E.g. H. Blocher, “Old Covenant, New Covenant,” in *Always Reforming: Explorations in Systematic Theology* (ed. A.T.B. McGowan. Leicester, England, 2006), 240-70.

ies and theocratic laws, then we are given no indication whatsoever of this in the book of Jeremiah. Indeed, as we will see, the exact opposite is the case: the broken covenant is explicitly distanced from proper cultic activities and is everywhere concerned with the broader concern of fidelity in relationship to Yhwh. And second, the difficulty is again with the description of the ‘new covenant’ being completely divorced from the supposed ‘old covenant’ to which it is contrasted. What is ‘new’ is what is *not said*, since all that is called ‘new’ was known and experienced in the ancient era as part of the substance of the covenant of grace. Like Ball or Olevianus, Witsius expresses the difficulty of denying any aspect of the ‘new covenant’ to the faithful in the presentation of the Old Testament. But his conclusion of what this must mean for reading Jer 31:31f leaves much to be desired.

§5. CONCLUSIONS: THE WIDE STRUGGLE

The struggle of Reformed orthodoxy to read Jer 31:31-34 is widely attested, especially among the Dutch Reformed. The influential Leiden *Synopsis* of 1625 - fashioned as a handbook for dogmatic disputations in the wake of the Synod of Dort by four Leiden professors - reveals a similar dual-presentation as expressed by Ball. The University of Leiden in the 17th century has been called ‘the most renowned university of the Republic in its most flourishing period’,⁸⁹ and the value of the *Synopsis* ought to be seen in this light. The disputation

89. P.T. van Rooden, *Theology, Biblical Scholarship and Rabbinical Studies in the Seventeenth Century: Constantijn L'Empereur (1591-1648) Professor of Hebrew and Theology at Leiden* (Leiden, 1989), 13.

De veteri et novo testamenti fell to the French theologian Andre Rivet and again opens with the issue of definition:

Properly, the name of *vetus testamentum* means the Law, which was given through Moses to the Jewish people, promising life under condition of curse against transgressors, together with the intolerable burden of legal ritual and the yoke of strenuous policies, which is therefore called the letter that kills, the ministry of death and condemnation, begetting servitude... This is opposed in its proper meaning by the *novum testamentum*, teaching, of course, spiritual grace and salvation.⁹⁰

Thus, defined properly, the terms are mutually exclusive, contrasting *essentialiter*, with all salvation and grace being found in the *novum testamentum*.⁹¹ The old kills, the new is the life giving Spirit - all in words that could have been drawn straight from Augustine and, importantly, applied to Heb 10:1.⁹² Figuratively the terms are applied to the books of the Old and New Testaments, but 'strictly speaking' the two are direct opposites that cannot be reconciled.⁹³ Such language is by no means unique to the *Synopsis* given the interests in definitions

90. 'Proprie, nomine Testamenti Veteris significatur Lex, quatenus per Mosem data est Judaeorum populo, vitam promittens sub conditione maledictionis contra transgressores, una cum onere intolerabili rituum legalium, et jugo strictissimae politae, quod propterea dicitur litera occidens, ministerium mortis et condemnationis, generans ad servitutem, Agarism instar... Huic opponitur in propria significatione Novum Testamentum, doctrina nempe spiritualis gratiae et salutis.' J. Polyander et al., *Synopsis Purioris Theologiae* (ed. by H. Bavinck. Leiden, 1881), §23.v.

91. 'In hac significatione differunt Vetus et Novum Testamentum non solum circumstantiis quibusdam et accidentibus, sed essentialiter'. Ibid., §23.vi.

92. 'Hoc igitur sensu, Vetus Testamentum dicitur Ministerium mortis, litera occidens, 2 Cor. 3.6. intolerabile jugum servitute cultores premens, Act. 15,10. Umbra tantum futurorum bonorum, Heb. 10.1. imperfectum, abolendum, etc. Cui oppositum Novum Testam. ea quae diximus significatione, est ministerium Spiritus vivificantis, lene Christi jugum, donans nos spiritu adoptionis, et libertate filiorum Dei... habens veram imaginem rerum, perfectum et aeternum.' Ibid., §23.vii.

93. 'Stricte autem utrumque sumitur, in ea significatione quam propriam diximus, et qua ita directe opponuntur, ut conciliari non possint; ac proinde non opus est ut prolixam inter ea collationem instituamus.' XXIII.xii. Or, 'Sic etiam Novum Testamentum late sumitur, pro doctrina tum gratiae et fidei, tum resipiscentiae et gratitudinis, sive novae obedientiae.' Ibid., §23.xi.

in the Reformed scholastics, but of note here is the nearness to Augustine's formulation of the distinction.⁹⁴

But this does not rule out the use of *vetus testamentum* for the era of the lesser state of the covenant of grace:

But nothing hinders the lesser covenant of grace, or the promise made to the fathers, dressed in the circumstances of its pedagogy, coming to be called the *vetus testamentum*, since something in it was altered (*innovatum*) and antiquated - just as Paul in Heb 8:13 and 9:1... takes the cult of the old tabernacle for the whole religion, in which promises were surely contained and confirmed. Though as we said, strictly speaking, it properly designates the covenant of works.⁹⁵

The use of Heb 8 makes it likely that Rivet envisioned Jeremiah to be read according to this use, rather than the proper use, of the terms. The discussion then turns to a comparison of the covenant of grace in the ancient era with the fullness of the covenant in Christ, almost entirely consisting in contrasts of degrees (with the '*mutatio Sacerdotii*') and using some of the same texts that before were used for the strict (absolute) contrast: Heb 8 and 10, Rom 8,

94. Elsewhere see, e.g., Voetius who (in a series of definitions of 'law' and 'gospel'), defines 'gospel' as 'Laetum nuntium & doctrinam continentem foedus novum, seu promissiones novi foederis, sive ante Christi adventum, sive post eundem praedicata fuerit; prout & quousque a doctrina legis distinguitur.' Or, 'Nova enim foederatio, est unica ratio quum, per quam sub quam confertur & acquiritur salus, unio nostra cum Deo, beatitudo.' G. Voetius, *Selectarum Disputationum Theologicarum* (5 vols. Utrecht, 1648-69), 4.17, 24.

95. 'Sed nihil obstat, quo minus foedus gratiae, seu promissio facta, circumstantiis suis paedagogicis vestita, Testamenti Veteris nomine veniant, quia aliquid in eo erat innovandum et antiquandum. Sic enim Paulus, Ebr. 8,13. et 9,1.... primum Testamentum quod antiquavit Deus, accipit pro toto Religionis cultu veteris tabernaculi, in quo certe promissio continebatur et confirmabatur. Etsi, ut diximus, ἀπλῶς operum foedus proprie designet; novi autem appellatione non nisi foedus gratuitum intelligatur.' Polyander et al., *Synopsis*, §23.xiii.

Acts 15, and Gal 4.⁹⁶ The same dual-exegesis as Ball - with the same puzzling result - is anticipated.

Likewise, the Polish theologian Johannes Maccovius (1588-1644), long-time professor in the Netherlands and sometime colleague of Cocceius at Franeker, appeals to Jer 31:31f as a part of both the *principalia* and the *accessoria* of the covenant of grace. The promises of the new covenant are explicitly those of the *principalia*: ‘the goods of heavenly and eternal life’ and the means of obtaining them - the latter of which is explicitly tied to Jer 31:33-34.⁹⁷ This is emphatically *not* a contrast of ‘substance’ with the covenant of works, but concerns the ‘efficacy’: the covenant of grace having been broken.⁹⁸ And the most basic reason for calling these things ‘new’ (which cannot be denied to the ancient members of the covenant of grace by virtue of being the *principalia*) is due to degree of clarity.⁹⁹ But the text for Mac-

96. Jer 31:31 only emerges as showing that the cause of our salvation lies not in regeneration or the conditions of the Gospel (‘faith and new obedience’: i.e. the work of the Spirit), but in God’s promise: ‘Etsi enim Christus etiam regenerantem gratiam attulerit, qua legem suorum cordibus inscribit, non tamen in ea, salutis causa versatur, aut proprie Novi Test. ratio, sed in hac promissione, propitiabor iniquitati eorum et peccati eorum non memorabor amplius, Jer 31,31.’ Ibid., §23.xxix.

97. ‘Principalia sunt; primo, bona caelestis aeternaeque vitae; secundo, media, quae ad ipsum ducunt, qualia sunt, iustificatio, regeneratio, fides, & in his perseverantia. Et quidem hoc etiam posterius promitti in foedere gratiae, liquet clarissime, *Ierem.* 31. Pollicetur enim ibi Dominus, fore, ut foedus ineat cum suis, non quale fuit foedus, quod iniit cum populo Israël; quod, inquit, illi violarint. Itaque foedus iniit Deus cum populo N.T. quod populus N.T. non est violaturus.’ J. Maccovius, *Loci communes theologici* (Amsterdam, 1658), 501a. The reference to ‘perseverance’ may be borrowed from Zanchius: see J. L. Farthing, “*Foedus Evangelicum*: Jerome Zanchi on the Covenant,” *CTJ* 29 (1994), 149-67.

98. ‘Non enim, quo est valde observandum, eo loco agitur de substantia foederis, sed de efficacia. Nempe Propheta in nomine Domini non sic ait; *Non feriam vobiscum foedus, quo exigam ut faciatis, & vivatis*: sed inquit, *Non feriam vobiscum foedus, quod violetis*. Cuius rei rationem subjungit; quia *scribam legem meam in cordibus vestris*.’ Maccovius, *Loci comm.*, 501a.

99. ‘Et haec uidem dicuntur in tempore futuro, non quod iam tum non essent, sed quod non essent tam illustria; quodmodo Deus pollicitus iisdem in loci remissionem peccatorum, non quasi iam tum nulla esset, sed

ccovius is also concerned with the *accessoria*, not called new with respect to time, but due to its ‘nature’ standing over against ‘the legal covenant’. The era is called ‘new’ because of the change of sacraments.¹⁰⁰ So it is not a contrast of *substantia* but one of *natura* (distinction without difference)? Not with the *foedus operum*, but with the *foedus legale* known to us by nature and creation (another distinction without difference)? The contrast is that of temporal efficacy, yet not with respect to time? Like Olevianus, Jer 31:33-34 is a perfect illustration of the promise of the essential aspects (*principalia*) of the covenant of grace in any era, but then ‘new’ can only mean ‘new degree’, which is conjoined to the change of sacraments.

The emphasis on ‘quality’ or the ‘accidents’ - perhaps the most widely used resolution - is stated most bluntly by the influential *Nadere Reformatie* theologian Wilhelmus à Brakel. So (writing against Cocceius and his followers) he states unambiguously concerning the promises of Jer 31:33-34:

[W]hatever is promised to the New Testament church in this text, already existed in the Old Testament church. The contrast does not pertain to the matter itself, but to the manner of administration and the degree of application.¹⁰¹

quia non fuit ita illustris.’ Ibid., 501a.

100. ‘Jeremias vocat novum, cap.31, ex causa jam paulo ante allegata; quamvis & dicatur novum, non respectu temporis, quod ante Messiam non extiterit, sed ratione naturae ejus, & in collatione ad foedus illud legale, cujus nempe notitia nobiscum nata & naturae praecognita erat. Foedus vero Evangelii totum novum, & ex sinu Patris ab aeterno prolatum, totique mundo incognitum fuit. Quamvis eo nomine sub N.T. foedus hoc Christi tempore novum dici potuerit, quod abrogatis veteribus caeremoniss, novorum Sacramentorum signis fuerit promulgatum.’ Ibid., 501b-2a.

101. à Brakel, *Christian's Service*, 4.475. There is a helpful introduction to his life by W. Fieret, “Wilhelmus à Brakel,” in *Christian's Reasonable Service* (Grand Rapids, MI, 1992), xxxi-lxxxii. This pietistic dogmatics was immensely popular, going through twenty Dutch editions in the 18th century and has been called the ‘crowning achievement of the Nadere Reformatie.’ (John Bolt, in the ‘Editor’s Introduction’ to Bavinck, *Reformed Dogmatics*, I.12, n.6)

This is more fully explained in the standard form of the *qualitas* response:

Answer: It is a fact that there is a distinction here between the Old and New Testaments. It is equally certain that the New Testament did not exist during the days of the Old Testament, but came after the Old Testament; that is, it replaced and set aside the Old Testament. Furthermore, it is true that the New Testament is the covenant of grace, comprehending the spiritual benefits in Christ – and to remain with the text: the writing of the law in their hearts, to have God as their God (v. 33), to have enlightened eyes of the understanding, and to have the forgiveness of sins (v. 34). Moreover, it is equally certain that the Old Testament comprehended all these benefits of the covenant of grace and the covenant of grace itself...

It is also agreed that the covenant of grace has been since Adam and will remain the same in essence until the end of the world... Consequently it follows with equal certainty that the contrast between the Old and New Testaments cannot be one of essence. Since the New Testament is the covenant of grace – the New Testament having been nonexistent during the Old Testament, existing subsequent to, instead of, and the setting aside of the Old Testament being implied – then all who lived prior to the time of the New Testament would not have had a covenant of grace. There would then have been no fear of God, no knowledge of the mystery of salvation, and no forgiveness of sins; whereas people were indeed saved and did possess all the benefits of the covenant of grace.

Therefore, the contrast pertains to the circumstances, the manner of administration, and the measure of light, faith, hope, and love. Old Testament believers had the law written in their hearts, had God as their God, had the knowledge of the mystery of salvation, and had the forgiveness of sins. They did not have this, however, with the same clarity as New Testament believers.¹⁰²

À Brakel is transparent in the reasons undergirding the appeal to degree of clarity or quality.

There is nothing listed that can in fairness be called ‘new’, and so the move is made to the contrast of degree: a coherent solution, but one finding no support in the contrast in the book of Jeremiah.

This struggle within Reformed confessional orthodoxy does not cease after the fall of institutional orthodoxy, and in the mid-19th century the Augustinian option reappears in its strongest form in the work of the American Reformed theologian Robert Dabney (1820-98) -

102. à Brakel, *Christian's Service*, 4.409-10.

drawing on Witsius in contradistinction from ‘Cocceians’.¹⁰³ But by this time the entire discourse of biblical studies has shifted, and our story is aimed towards the modern exegetical disputes shaped by that shift. What we find is that the issues do not disappear by virtue of the rise of historical criticism; they are merely transposed once again into a different theological atmosphere and played out again, right up to the present.

103. R.L. Dabney, *Lectures in Systematic Theology* (Grand Rapids, MI, 1972), 440-63, esp. 456-60. ‘There is unquestionably, a difference asserted here [in Jer 31:31f]; and it is the difference between law and grace. But it is the Covenant of Sinai viewed in one of its limited aspects only, which is here set in antithesis to the Covenant of Grace.... The prophet points out to [the people] that the fate of the nation, under that theocratic bond, had been disaster and ruin; and this, because the people had ever been too perverse to comply with its legal terms, especially, inasmuch as God had left them to their own strength. But the spiritual covenant was to differ (*as it always had*), in this vital respect: that God, while covenanting with His people for their obedience, would make it His part to write His law in their hearts (456).’ My emphasis.

VI. Jer 31:31-34 in Modern Discourse

§1. MODERN DISCOURSE AND THE SEARCH FOR A CONTEXT

There are many ways in which one can tell the story of modern readings of Jer 31:31-34. Since my own proposal will hinge on a reading of the oracle as a part of the book of Jeremiah, I will tell the story with reference to the struggle for a proper ‘context’ in which to read the oracle.¹ One of the most significant aspects of contemporary philosophy of language is the widespread conviction that meaning in communication is underdetermined by the semantics of an utterance, and so dependent on ‘context’.² Thus what a speaker (writer/utterer) means by an utterance must be understood within the role that the utterance is made to play in a particular situation. Such a statement is vague enough that one can turn any number of places to find avenues of defence: from Gricean pragmatics,³ relevance-theory pragmat-

1. Throughout I use ‘context’ in its broader sense - the ‘world’ (total state of affairs) in which an utterance plays its role.

2. ‘Indeed, it is now a platitude that linguistic meaning generally underdetermines speaker meaning. That is, generally what a speaker means in uttering a sentence, even if the sentence is devoid of ambiguity, vagueness, or indexicality, goes beyond what the sentence means.’ K. Bach, “Context ex Machina,” in *Semantics vs. Pragmatics* (ed. Z. Szabó. Oxford, 2005), 15.

3. Most formatively, see the essays in H.P. Grice, *Studies in the Way of Words* (Cambridge, MA, 1989). In more recent discourse, see the work of Kent Bach: esp. “Conversational Implicature,” *Mind and Language* 9 (1999), 124-62; Idem, “Minding the Gap,” in *The Semantics/Pragmatics Distinction* (eds. C. Bianchi and C. Penco. 2004), 27-43.

ics,⁴ speech-act theory,⁵ discourse analysis,⁶ or a number of other proposals.⁷ Thus, holding the semantics of an utterance - say, for instance, Jer 31:31-34 - is insufficient for determining what one means (how one uses) the utterance. One must take into account ‘the total speech act in the total speech situation.’⁸ Much, naturally, can be said of this topic as interesting in itself, but the point is introduced here to point towards a part of the struggle in modern readings of Jer 31:31-34, and the difference of this struggle to that of pre-modernity.

To put the distinction simplistically, in pre-modern interpretation the text played its role primarily as a part of the world of divine revelation. God is ultimately responsible for the oracle - or its ontology as divine communication was taken as necessary for proper interpretation. Thus, given the unity of God, the oracle must be understood as a part of the coherent world of discourse created by who God is and what he has done. Modernist interpretation,

4. The best defence of this is R. Carston, *Thoughts and Utterances: The Pragmatics of Explicit Communication* (Oxford, 2005). The classic statement is found in D. Sperber and D. Wilson, *Relevance: Communication and Cognition* (Oxford, 1989). A recent re-statement is given in D. Wilson and D. Sperber, “Relevance Theory,” in *Handbook of Pragmatics* (eds. G. Ward and L. Horn. Oxford, 2004), 607-32.

5. Either on the model of J.R. Searle, *Speech Acts: An Essay in the Philosophy of Language* (Cambridge, 1969), or more recently (and adequately) W.P. Alston, *Illocutionary Acts and Sentence Meaning* (Ithaca, 2000).

6. ‘We shall consider words, phrases and sentences which appear in the textual record of a discourse to be evidence of an attempt by a producer (speaker/writer) to communicate his message to a recipient (hearer/reader). We shall be particularly interested in discussing how a recipient might come to comprehend the producer’s intended message on a particular occasion, and how the requirements of the particular recipient(s), in definable circumstances, influence the organization of the producer’s discourse.’ G. Brown and G. Yule, *Discourse Analysis* (Cambridge Studies in Linguistics Cambridge, 1983), 24.

7. Especially the work of François Recanati: see most recently *Literal Meaning* (Cambridge, 2004). This could even be made true in the (overly) attenuated view of pragmatics in the proposals of H. Cappelen and E. Lepore, *Insensitive Semantics: A Defense of Semantic Minimalism and Speech Act Pluralism* (Oxford, 2005).

8. J.L. Austin, *How to Do Things with Words* (2nd ed. Cambridge, MA, 1975), 148.

however, places the oracle within another ‘world’ (context): the historical development of religion in ancient Israel. This is not to say that pre-modern interpretation cared little for history, nor that all modern interpretation has cared little for theology or the theological issues surrounding this text - as in the case for the Hegelian critics, for whom ‘theology’ just *was* this historical development of *Geist* as revelation.⁹ But the general point still stands: 20th century interpretation of the new covenant oracle aimed to locate it within a publicly accessible historical context - to provide a narrative in which the utterance can be seen to play a role (the *Einleitung* of 19th-20th century biblical studies).¹⁰ Whether this is the psychological experience of the ‘great life’ of Jeremiah,¹¹ the wishes of an over-zealous scribe, the propaganda of the Deuteronomist reform or the response of later anti-Deuteronomists - or any number of

9. The dismissals of the pre-modern readers along these lines is an unfortunate caricature - e.g.: ‘Orthodoxy... [saw] in the prophets the mere mechanical instruments of a simply supernatural revelation’. H. Gunkel, “The Secret Experiences of the Prophets,” *Expositor* 9.1, 9.2 (1924), 356. For Hegelian readings, most prominent in Vatke, see the study of L. Perlitt, *Vatke und Wellhausen: Geschichtsphilosophische Voraussetzungen und historiographische Motive für die Darstellung der Religion und Geschichte Israels durch Wilhelm Vatke und Julius Wellhausen* (Berlin, 1965).

10. I use ‘publicly accessible’ as the post-Enlightenment insistence on only evidence acceptable by all as worthy of ‘scientific’ pursuit; thus the dismissal, by and large, of the perceived dogmatic ‘constraints’ of earlier studies: ‘It is an *historical* investigation for which we are preparing. That involves in it that all dogmatic pre-suppositions are set aside - that we continually consult the documents, and allow ourselves to be guided exclusively by their well-guaranteed testimonies.’ A. Kuenen, *The Prophets and Prophecy in Israel* (tr. by Adam Milroy. London, 1877), 22. Or Vatke, ‘Als historische Wissenschaft ist die biblische Theologie unabhängig von der Kirchenlehre und von den dogmatischen Systemen, und entlehnt ihren Stoff bloß aus der Schrift’. Cited in Perlitt, *Vatke und Wellhausen*, 94-95. For the programmatic statement of this shift, see Immanuel Kant, “An Answer to the Question: What is Enlightenment?,” in *Practical Philosophy* (ed. M. J. Giger. Cambridge, 1996), 11-22.

11. The phrase is from G.A. Smith, *Jeremiah* (London, 1923), 7.

other options - the search for a context or narrative construct in which to place the oracle is one way to see its disputed interpretations in modern biblical studies.¹²

One significant result of the shift from pre-modernist to modernist approach is that, while the issues that hovered around pre-modernist interpretations still linger, they are often either ignored or displaced by different concerns. The theological claim of the unity of Scripture is displaced by the anthropological claim of historical development (*Entwicklung*). Thus, questions regarding whether Jer 31:31-34 can be harmonized with theological claims (as Augustine), or even with the witness of other biblical texts, are easily sidestepped or dismissed as inappropriate to the 'historical view of religion'.¹³

So I will tell the story of modern readings of Jer 31:31-34 in line with the above claims about the nature of discourse and the search for a context in which the oracle can be made to play its 'original' role. Reading 20th century interpretations is something like watching Odysseus hold down Proteus. Though one thread ('interiority') stands out - typically in an overly vague or vacuous sense - the placement of the oracle in the numerous possible 'contexts' makes for a puzzling scene of how to read the text. In the end I will suggest that modern readers have largely been asking the wrong question, and remain in the theological and

12. I say nothing here about the continued discussion of the text in dogmatic circles (e.g. Karl Barth, Hans Urs von Balthasar), which would be another topic.

13. J. Skinner, *Prophecy and Religion: Studies in the Life of Jeremiah* (Cambridge, 1961), 331.

exegetical difficulties that have always plagued readings in the non-Augustinian line. This will start the turn to a constructive ‘Augustinian’ re-reading of the text.

§2. BERNHARD DUHM AND THE NEW COVENANT

Bernard Duhm’s 1901 commentary was a seminal work for modern study of Jer 31:31-34, and represents well the continuity of the struggle and the discontinuity of the governing narrative from earlier readings. Duhm’s discussion is dominated by the conviction of the opposition between deuteronomistic and prophetic views of religion, developing Graf’s and Ewald’s distinction between the law and the prophets and indebted in no small part to Hegelian *Entwicklung*.¹⁴ As early as 1875 Duhm had put forward a view of the prophets in the model of preachers of ‘ethical monotheism’ standing outside and against the cultic and increasingly ‘externalist’ religion that would become Judaism.¹⁵ Thus his narrative construct: the struggle between two views of religion in Israel’s religious development as it progresses into the ‘consummate religion’ (to borrow Hegel’s term) of Christianity. The meaning of Jer

14. This is most clear in B. Duhm, *Über Ziel und Methode der theologischen Wissenschaft* (Basel, 1889). Duhm is also considerably influenced by German Romanticism, centering true religious thought in ‘prophetic’ (direct) communion with God. Thus the task of the theologian: ‘Der Theologe hat, wenn er einem Jeremia, oder Paulus, oder Muhammed, oder Buddha gegenübersteht, erst noch zu prüfen, was an diesen Gestalten prophetisch ist und was nicht; diese Autoritäten grosser Religionsgesellschaften sind für ihn komplizierte Grössen und noch mehr sind es ihre Nachwirkungen (7).’ For mention of Duhm’s mysticism (‘a strong divinatory strain’) - which fits well with a Romantic view of the organic nature of the world into which one is drawn (*das Absolut*), and in which the ‘prophetic’ engages - see R. Smend, *From Astruc to Zimmerli: Old Testament Scholarship in Three Centuries* (tr. by Margaret Kohl. Tübingen, 2007), 106-07.

15. B. Duhm, *Die Theologie der Propheten als Grundlage für die innere Entwicklungsgeschichte der israelitischen Religion* (Bonn, 1875), esp. 73-91.

31:31-34 is inextricably bound within this context, leading to Duhm's despair in the text's fulfillment of his expectations for the 'prophetic view of religion':

I have long struggled to understand this as those for whom it is undoubtedly a document from Jeremiah's hand.... Already this text, if due to Jeremiah, would be very important for other reasons, because in it the contrast between the prophetic and deuteronomistic views of religion would have to reveal itself. But such is not the case here. Admittedly, it promises a 'new covenant', but no new law - rather only an inner healing of the people with the law, and it lays the accent on the good consequences of this for the people, but it has no need for a higher kind of religion.¹⁶

Duhm maintains that as long as one is not 'dazzled' by some of the language ('new covenant' or 'written on the heart'), then what is seen is nothing more than what was already envisioned as desirable and promised in Deuteronomy (citing 6:6-8 and 30:11). Thus, the text does not fit the great prophetic view of religion and cannot be attributed to Jeremiah:

It is impossible for me to hold any longer to the jeremianic origin of this text. I find in it only the outburst of a scribe, who has for his highest ideal that everyone among the Jewish people know and understand the law - that everyone might be Jewish scribes.¹⁷

The key point for Duhm is the continuity of the *torah* in each case, which is clearly distasteful: a mere 'pious wish' that all would follow the same *torah*:

Had the author meant another law to be written on the heart, built on substantially different contents and character and better suited than the old, then he would have had to speak of it and in detail, for such would have been more important than everything of which he speaks - it would have been the truly reformed thought that one seeks in this text.... He is a fervent follower of the Torah and wishes nothing more ardently than that all Jews would be the same way, but throughout he offers us nothing more than this wish dressed up as a promise, without being able to say to us from where he takes the right to promise what until now could only have been a pious wish (*ein frommer Wunsch*).¹⁸

16. B. Duhm, *Jeremia* (Tübingen, 1901), 254.

17. Ibid., 255.

18. Ibid., 256. The same basic arguments recur, with more focus on the continuation of the cultic laws, in B. Duhm, *Israels Propheten* (2nd ed. Tübingen, 1922), 456-58.

The text lacks the ‘creative spirit’ expected of a prophet. Indeed, ‘When he calls it a new covenant, it is yet in truth only a renewed covenant and the only difference is that in the future Yhwh will better ensure that the Israelites remain true to him.’¹⁹ Even the final thought of the forgiveness of sins is pointed out to have already existed, and far from ushering in a period governed by this principle, future sins would yet be punished in this pictured order if necessary (31:30). So there can be nothing ‘new’ here, other than the fulfillment of a ‘pious wish’ grounded in an inadequate view of religion.

Duhm was by no means the first to question the authenticity of the oracle to Jeremiah.²⁰ But he does so in two steps: first, claiming there is nothing here that would be foreign to the hopes and promises already testified in the Old Testament, and especially in Deuteronomy and the Torah Psalms (1, 19 and 119). We find the same law, and the same mentality. This was a point already seen in (e.g.) John Ball, and referencing the same texts. But the second, decisive, step for Duhm is governed by his narrative concerning the inner-develop-

19. Duhm, *Jeremia*, 256-57.

20. Rowland Williams in 1871 speaks of chs. 30-31 (including 31:31-34) as ‘a song of encouragement by some Baruch or later Isaiah, far on in the exile, who yet may have used relics of the older prophet (perhaps his master?) as key-notes, from which to start his strain.’ R. Williams, *The Hebrew Prophets* (2, London, 1871), 277. He is following the suggestion of F.C. Movers, *De utriusque recensiois vaticiniorum Ieremiae, Graecae Alexandrinae et Hebraicae marorethicae, indole et origine commentatio critica* (Hamburg, 1837), 37f. But in the judgment of one earlier scholar, ‘It was Smend... who first clearly set forth the internal evidence against the Jeremianic authorship of both chaps.’ N. Schmidt, “Jeremiah (Book),” in *Encyclopaedia Biblica*, vol.2 (eds. T.K. Cheyne and J.S. Black. London, 1901), 2384b. Schmidt follows the late dating here and in “Covenant,” in *Encyclopaedia Biblica*, vol.1 (eds. T K. Cheyne and J.S. Black. London, 1899), 934b - it is set in ‘the time of the Graeco-Persian war, when the writer confidently looked for extraordinary proofs of Yahwe’s pardoning grace’. For Smend the oracle concerned a post-exilic ‘Realisierung des prophetischen Ideals’. R. Smend, *Lehrbuch der alttestamentlichen Religionsgeschichte* (Leipzig, 1893), 239-41, n.1.

ment of Israelite religion. Thus, while for Ball this similarity of the oracle to Deuteronomy entailed a unity in the covenant (via a doctrine of the unity of God and Scripture), for Duhm the same similarity effects a dismissal of the oracle as a misguided religious approach. Duhm thus limits the contrast to one factor, a healing of the old way of things:

[T]he old and new covenants... do not stand as two substantially different views of religion, as the Christian likes to think, but only as two opposite historical periods: the first of which ended badly, but the second should run better. The new covenant is only new, therefore, because God will once more heal instead of simply abolishing the fragile covenant.

Whatever else one can say here, the traditional issues are still present, transposed within a new realm of discourse. The only moment of theological questioning comes when Duhm asks, ‘why did Yhwh not do this same thing the first time?’²¹ In essence this is similar to the question from Oecolampadius, ‘would God be so unfair that he would disdain the old with this grace?’ But what Oecolampadius asks to render a more precise reading, Duhm asks to render the ‘scribe’ a fool.

There were many early responses to Duhm, but the general narrative remained more or less unquestioned: the concern became to show the oracle worthy of the prophet over against the deuteronomic view of religion. The oracle was spoken of in prominence scarcely seen in older commentaries, with the full flourish of late Victorian rhetoric.²² Among the

21. ‘Aber zunächst hat man doch zu fragen: warum hat Jahwe das nicht gleich das erste Mal gethan?’ Duhm, *Jeremia*, 256.

22. E.g. S.R. Driver, *The Ideals of the Prophets* (Edinburgh, 1915), 44: ‘This prophecy of the New Covenant is one of those great passages in the prophets, perhaps the greatest of all, which stand out from the rest and impress us by the wonderful spirituality of their tone, and by their evangelical character. Though this particular passage is not among those recorded to have been quoted by our Lord, it breathes emphatically His spirit, and is a striking declaration of the great principles of spontaneous personal service [!] on which in His ministry He so

earliest responses is that of C.H. Cornill. Cornill acknowledges the two views of religion but exempts the Decalogue as playing a part in this: 'Is not the foundation of religion and morality for all time written into the Decalogue?'²³ Citing Jer 7:22-23 he claims that the contrast cannot be 'cultic-religious' laws, but 'practical-ethical regulations'.²⁴ Such could not be removed, and 'even Jesus did not waive it'. Citing Vatke, and with clear Hegelian overtones, Cornill remarks:

Thus the content of the new covenant is not new in principle, and does not need to be... The newness is much more concerning 'the aspect of its reality', it is a 'covenant of conviction or the spiritual reality (*geistigen Realität*) of the earlier covenant'.²⁵

This is, in one sense, not entirely different from earlier readings where the point of contrast is the Decalogue (understood as the 'Mosaic covenant'), which is not abolished but made a 'spiritual reality'. But clearly the context (and so the function) of the claim has shifted drastically. Cornill finds the 'novelty' in the classic internal vs. external distinction, set in contrast to the state of affairs presented in Exodus and now given form in Kantian moral categories:

If we think of the obvious relationship of our words to Ex. 31:18, their full content becomes clear: that the eternal moral law, whose observance Yhwh demands of humanity, and which he once wrote on cold stone at Sinai so that humanity faced it as something objective - as a rigid norm of a heteronomous morality - in the future, in the new gracious covenant with Israel, he will

frequently insists.' This comes from a sermon, published posthumously.

23. C.H. Cornill, *Das Buch Jeremia* (Leipzig, 1905), 350. His view of the development of Israelite religion (again, a dialectical development) is clear in C.H. Cornill, *The Prophets of Israel* (tr. by Sutton F. Corkran. 4th ed. Chicago, 1899). There the 'sublime figure of Jeremiah' stands over against 'the disastrous consequences of the priestly reforms' of Deuteronomy, and presents the 'ideality and universality of religion' (91, 98).

24. Cornill, *Jeremia*, 349. Cf. W.J. Moulton, "The New Covenant in Jeremiah," *The Expositor*, 7th Series 1 (1906), 374.

25. Cornill, *Jeremia*, 350.

write on the warm heart of the one converted, that it would become for humanity as one's own internal voice, as a living impulse of an autonomous morality.²⁶

Thus, with the great movement of interiority and its moral imperative springing from a new heart, acting in 'justice and righteousness' - which he takes from 22:16 as the 'formal definition' of 'know Yhwh' - we have 'the quintessence of [Jeremiah's] whole theology and one of the greatest triumphs of faith'.²⁷

A similar line is taken by W.J. Moulton, though less overtly theological. Moulton asserts that the terminology used (כרת ברית) is not used by P. Thus for Moulton, 'we find ourselves driven back in our search for the old Covenant to the two descriptions of the transactions at Sinai contained in Exod 20-23 and in the early chapters of Deuteronomy'.²⁸ This move being made, 'we are at once arrested' by the language of Deut 4:13:

And he declared to you his covenant, which he commanded you to perform - even the ten commandments. And he wrote them on two tablets of stone.

The point of contrast is found, from this, in the Decalogue itself understood as a 'covenant' and written on tablets of stone. Moulton concludes rather confidently:

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 Jer 31:31ff. means the Decalogue and nothing else.²⁹

26. Ibid., 351. In Kantian moral philosophy the heteronomous moral principle stands outside and commands, the autonomous is within and spurs one on. Since the heteronomous can be followed out of impure motives, the autonomous is seen as a higher ethical principle. See I. Kant, *Groundwork for the Metaphysics of Morals*, in *Practical Philosophy* (ed. M.J. Giger. Cambridge, 1996), 83ff..

27. Cornill, *Jeremia*, 352.

28. Moulton, "New Covenant," 374.

29. Ibid., 376.

This, Moulton suggests, render Duhm's skepticism about the import of the oracle rather benign. The true teaching is that the 'same Divine Hand' writes the Decalogue 'no longer on cold and lifeless stone, but on the warm and fleshly tables of the heart', pointing to Paul in 2 Cor 3 (claims that in a previous generation would have been clearly 'salvific').³⁰ Hence, for Moulton the prophet is exonerated from the charge of being linked to deuteronomic theology.

§3. THE NEW COVENANT IN THE LIFE-EXPERIENCE OF JEREMIAH

Already in these early responses, the theme of the 'interiority' of the new as an improvement on the old is evident. This, we will see, remains a constant thread throughout the modern period. But worth noting is that this is not new in interpretation. Beyond the immediate predecessors of Duhm,³¹ we have seen the notion of 'internal' vs. 'external' at every point we have examined in the history of interpretation. But precisely what this means for the point of contrast has consistently been at the heart of the discussions. Now we find that defining the contrast between internal/external emerges by identifying that moment in which the oracle's birth is located and the struggle of two 'views of religion' in Israel's development.

30. Ibid., 377.

31. E.g. Graf, again in Hegelian garb: 'Das am Sinai bekannt gemachte Gesetz wird nicht etwa aufgehoben und durch ein anderes ersetzt, es treten keine neuen Rechte und Verpflichtungen ein, aber die Beziehung Israels zu dem unveränderlichen göttlichen Gesetze wird eine andere; das Gesetz steht ihm nicht mehr als etwas äusserlich Gegebenes und Auferlegtes gegenüber, von dem es sich mit Leichtsinn oder Widerwillen abwendet oder dem es als einer Last und Fessel widerspenstig und feindselig entgegentritt, sondern dasselbe wird ihm ein innerliches, geht in seine eigene Gesinnung über, der Wille jedes Einzelnen im Volke fühlt sich mit dem göttlichen Willen Eins, und die Forderung, die von Anfang an an das Volk gestellt (vgl. 7,23. 11,4. Lev. 26,12. Deut. 26,17f.), aber bis jetzt unerfüllt geblieben war, geht jetzt in Erfüllung'. K.H. Graf, *Der Prophet Jeremia* (Leipzig, 1862), 396.

In the early part of this century this reading of a new interiority was combined with an emphasis on ‘individualism’, especially within the psychological approaches to the prophetic literature - an approach seen in lesser form in Duhm or Cornill, and inherent to the whole image of the prophet as given by Ewald.³² The oracle is now to be understood as a part of the life-experience of the prophet: the scholar is to ‘penetrate... into the psychological and ethical and religious experience of his inner life’.³³ The individualistic emphasis as well as the interiorisation are seen in H.W. Robinson’s discussion in 1925:

This [Jer 31:31-34] is a description of *personal religion in its individualized experience*, and it implies fundamentally three things: (1) the moral inwardness of true religion; (2) its dependence on supernatural agencies; (3) its realization of a direct personal fellowship with God.... This recognition of the inwardness of sin is one of the definite contributions of Jeremiah to the truth about man.³⁴

32. ‘If, then, a phenomenon, which refers also or chiefly to others, creates in an individual’s mind so vivid and divine a conception that he recognizes it not as his own but as God’s conception, its irresistible, intense power will urge him to declare it as such publicly to others; and with the same immediateness and strength with which it lives in him he will communicate it in that quarter where it was occasioned and where it appears necessary for the welfare of men.... It is precisely this that brings us to what we call *prophecy*.’ H. Ewald, *Commentary on the Prophets of the Old Testament* (5 vols., tr. by John Frederick Smith. London, 1875-81), 1.6-7. And see the discussion of Jeremiah (‘the prophet of such a tender heart, of such purity and innocence of mind, who was only too sincere, too affectionate, and too sympathetic towards his age’), who stands at the turning of prophecy, the ‘evening star of the declining day of prophecy’, allowing the ‘feelings of the heart’ to intrude upon the otherwise purely (‘manful’) prophetic discourse: *Ibid.*, 3.69f.

33. H.W. Robinson, *The Cross of Jeremiah* (London, 1925), 4.

34. *Ibid.*, 67-68, 76. My emphasis. Or, ‘Because the root of all the trouble is in the evil will of individual men, and habit has made it impossible for them of themselves to repent, the prophet dares to conceive some new realization of the eternal covenant-relation... Yahweh will not again give an external law, which men will disobey as before; He will work from within and by a spiritual change inspire a new and effectual knowledge of Himself in the hearts of men. The new relation will be upheld like that between the prophet and his God in the intimacies of personal religion, which has got beyond the stage at which a human teacher is needed.... Jeremiah, psychologist as he is, is content to emphasize the inner conditions of such divine activity, the individual relation, the inner change, the touch of God’. *Ibid.*, 85.

Jeremiah becomes ‘the pioneer of a new individualism’³⁵ or ‘the prophet of personal religion.’³⁶ The narrative context for understanding the oracle is still, as in Duhm, locating its moment of utterance in the history of (Israelite) religious thought. But now it is within a more narrow history of the experiences of Jeremiah. So, representing the same dichotomy as Duhm but finding the opposite teaching in the oracle, John Skinner writes:

If anything is vital in Jeremiah, it is his experience of religion as immediate fellowship with God, and his conviction that the reality of it consists in a right inward disposition, in the instinctive response of the heart to the revelation of God. The [Deuteronomic] Covenant, on the contrary, only establishes an external relation... It represents a view of religion which was natural and beneficial in the early history of Israel, but could only produce a false sense of security in the age of Deuteronomy.³⁷

Skinner is not far from a number of more traditional positions, the contrast seen as between the external commands of Deuteronomy and a future internal reality. But by making the matter simply one of explanation of religious development one no longer can ask what this means for the ‘fathers’ of the Old Testament as was done for the whole of the history since Augustine. The concern is simply a description of Jeremiah’s life-experience and the

35. H.W. Robinson, “Hebrew Psychology,” in *The People and the Book* (ed. A.S. Peake. Oxford, 1925), 373. Cp. Volz: ‘Und so wird endlich auch Jeremias Religion eine ganz persönliche, Gesinnung, Herzenssache, jedes Menschen Beruf, innerlichste Gemeinschaft zwischen Gott und der Seele.... Bei Jeremia quillt alles aus dem persönlichsten Erfahren heraus: von Mutterleib an persönlich ausersehen und geführt, keine größere Lust kennend als die Zweisprache mit Gott, von allen anderen Quellen der Freude und des Trostes abgeschnitten, in den verzweifeltsten Kampf hineingestellt, ist er der eigentliche Gründer der persönlichen Religion geworden.’ D.P. Volz, *Der Prophet Jeremia* (2nd ed. Leipzig, 1928), xxvii.

36. A.R. Gordon, “A Study of Jeremiah,” *The Biblical World* 22.2 (1903), 100. This movement stands against the earlier (and better) estimation of Smend: ‘ist auch hier von einer eigentlichen Individualisierung der Religion nicht die Rede’: Smend, *Religionsgeschichte*, 239.

37. Skinner, *Prophecy*, 325. Or George Adam Smith: ‘Jeremiah was called to prophesy about the time that the religion of Israel was re-codified in Deuteronomy - the finest system of national religion which the world has seen, but only and exclusively national - and he was still comparatively young when that system collapsed for the time and the religion itself seemed about to perish with it.’ Smith, *Jeremiah*, 5.

oracle as an expression of it. And for Skinner this means proclaiming the oracle as promising ‘a new religious relationship’, centering on individualism and inwardness.³⁸ The pathos of the narrative is captured well in George Adam Smith’s Baird lectures of 1922:

But when the rotten surface of the national life thus broke under the Prophet he fell upon the deeper levels of the individual heart, and not only found the native sinfulness of this to be the explanation of the public and social corruption but discovered also soil for the seed-bed of new truths and new hopes. Among these there is none more potent than that of the immediate relation of the individual to God.³⁹

In Paul Volz a similar reading takes a different shape. The narrative of the two kinds of religion remains, but here with the emphasis on Jeremiah’s own perception of human character over against the ‘deuteronomistic-Josianic reforms’. The latter failed to see that the Mosaic covenant itself was insufficient: what is needed is that ‘Yhwh create new humans’.⁴⁰ Volz’s discussion is not entirely absent from the emphasis on individuality (the communion of ‘God and the soul’), though he puts this a step away from the oracle.⁴¹ The oracle offers

38. ‘The central truth, therefore, on which the emphasis of the prophecy lies, is the inwardness of true religion - the spiritual illumination of the individual mind and conscience, and the doing of the will of God from a spontaneous impulse of the renewed heart.’ Skinner, *Prophecy*, 329-30. Note the similarity in language of ‘spontaneous impulse’ to the earlier Lutheran views. Further, in language that would have been clearly ‘salvific’ in a previous generation: ‘If this is not to create a new heart in the Christian sense, it is only because the figure employed is inadequate to express the fulness of the idea which the writer has in his mind (331).’

39. Smith, *Jeremiah*, 368.

40. ‘Es machte auf die nachdenklichen Geister tiefsten Eindruck, daß die deuteronomisch-josianische Reform den Charakter des Volkes nicht geändert hatte, ja an ihm zerbrochen war.... Nicht etwa bloß Josias Beritschluß, nein die MoseßBerit muß aufgehoben werden; damit ist überhaupt die gegenwärtige Weltzeit zu Ende, Jahwe schafft neue Menschen, Menschen des Wohlgefallens.’ Volz, *Jeremia*, 298.

41. ‘Die Hoffnung bleibt zunächst noch im Rahmen Israels; an die Stelle der idealen Mosegemeinde, die sich im geschichtlichen Verlauf nicht halten konnten, tritt das neue Israel der dauernden Zukunft. Wie überall im A.T. sind auch hier Gott und das Volk verbunden, noch nicht Gott und die Seele, und in gewissem Sinn behält dies ja auch für alle Zeiten seine Geltung. Aber Jeremias Weissagung leitet doch über von der nationalgefaßten Religion Israels, in der Jahwe das Volk geführt und sich in der Geschichte geoffenbart hatte, zu der neuen, unbeschränkten Religion, in der die Stimme Gottes an die Seele ergeht. Und so verschwindet bei

the ‘seed (*Keim*) of the future development’ regarding ‘the independence of the religious individual’.⁴² The oracle, hence, is one step closer to the full realization of true ‘religion’ in its fully individual state.

§4. THE NEW COVENANT IN JEREMIAH’S PROPHETIC CAREER

The general views of the prophets as great ‘inspired’ individuals expressed in the above readings have largely been dismissed by later studies. Into the middle of the century these ways of speaking were still prevalent, but with the increasing recognition that the prophets could not be seen as the visionary individuals outside of the cult and tradition that Ewald had proposed. In part this is due to Gunkel’s and Mowinkel’s influential work in the forms of prophetic discourse borrowed from existing cultic activities, and more recently due to the fall from academic grace of romantic hermeneutics.⁴³ Increasingly the prophets were seen as a part of Israel’s traditions, and the books which bear their names as given shape by and in those (often opposing) traditions. So by the middle of the century one still finds refer-

dieser Berit alles Nationale, aller Erwählungsglaube in dem rein Menschlichen und Innerlichen: wer Gott erkennt, gehört zum Volke Gottes.’ Ibid., 297.

42. Ibid., 298.

43. The former - perhaps accidental to the shift at best - is emphasised by R.E. Clements, *A Century of Old Testament Study* (London, 1976), 70. Helpful surveys of modern prophetic scholarship can be found in Clements (ibid); and R.P. Gordon, “A Story of Two Paradigm Shifts,” in *The Place Is Too Small for Us: The Israelite Prophets in Recent Scholarship* (ed. R. P. Gordon. Winona Lake, 1995), 3-26. German-language studies from mid-19th c. to the 1960’s are well covered by P.H.A. Neumann, “Prophetenforschung seit Heinrich Ewald,” in *Das Prophetenverständnis in der deutschsprachigen Forschung seit Heinrich Ewald* (ed. P.H.A. Neumann. Darmstadt, 1979), 1-51.

ences to the phenomenon of ‘prophetic religion’, but this is itself put forward as essentially a particular ‘tradition’ in which the prophet stood.⁴⁴

The locating of the oracle in Jeremiah’s life thus takes a somewhat different shape in Gerhard von Rad than in the earlier psychological readings. Von Rad saw the prophets as standing self-consciously in the unfolding traditions of Israel and Israel’s history:

If the prophets’ teaching can no longer be derived simply from their religious experience, the question of its origin has to be put in a different way - in what theological milieu was their unique independence and religious authority active?⁴⁵

Von Rad presents a reconstructed history of Israel’s traditions as Israel’s continual re-reflection on their existence as the people of Yhwh with an eye both to their traditions and current situations, and sets Jeremiah in that history. Jer 31:31-34 is thus seen as pointing to a new interiorization, now placed within Jeremiah’s role in the unfolding tradition. Von Rad begins by claiming that chs. 30-31, oracles originally given to the North, might lead one to think that ‘the time of salvation of which Jeremiah speaks is in all essentials a restoration of previous conditions. The truth’, he claims, ‘is quite opposite.’⁴⁶ Von Rad sets Jeremiah over against the

44. So, e.g., J.P. Hyatt, *Prophetic Religion* (New York, 1947). This is not to say the influence of the earlier line disappeared - see, e.g., Artur Weiser’s comments: ‘Jeremia redet hier aus eigener Erfahrung. Diese Gedanken... sind gewonnen auf dem Weg, den der Prophet in der Unmittelbarkeit seines persönlichen Verhältnisses zu Gott und seinem Auftrag geführt wurde...; daher auch die eigenartig individuelle Zuspitzung des Bundesverhältnisses und die persönliche Vertiefung der Erkenntnis Gottes, die dem Bundesgedanken jene neue Note gibt, welche den neuen Bund vom alten abhebt.’ A. Weiser, *Der Prophet Jeremia 25,14-52,34* (Göttingen, 1955), 295. The emphasis on a distinct ‘prophetic tradition’ has received significant recent support, and most relevantly for our project in H. Lalleman-de Winkel, *Jeremiah in Prophetic Tradition: An Examination of the Book of Jeremiah in the Light of Israel's Prophetic Traditions* (Leuven, 1997).

45. G. von Rad, *Old Testament Theology* (2 vols. tr. by D.G.M. Stalker. Edinburgh, 1962-65), II.5.

46. Ibid., II.212.

previous 'basis of salvation' on which Israel relied and paints the contrast in the starkest terms:

The adjective 'new' in Jer 31:31 implies the complete negation of the saving events on which Israel had hitherto depended [the election traditions, etc.]. Such a judgment was infinitely harsher than any previous one for it was an out and out challenge to the validity of the basis of salvation on which Israel relied. It is as though these prophets had changed the outlook of faith by 180 degrees. The saving power of the old ordinances is abolished, and Israel can only find salvation in new, future saving appointments on Jahweh's part.⁴⁷

The point of novelty that drives this great wedge between the past and the future 'saving events' is found in 'one essential feature': the law on the heart.

[H]ere is the point where the new factor comes into operation - there is to be a change in the way in which the divine will is to be conveyed to men. At Sinai, Jahweh had spoken from the mountain top, and the Elohist - thus early - reports that Israel could not endure this address... If we understand Jeremiah correctly, the new thing is to be that the whole process of God's speaking and man's listening is to be dropped. This road of listening to the divine will had not led Israel to obedience. Jahweh is, as it were, to by-pass the process of speaking and listening, and to put his will straight into Israel's heart.⁴⁸

Von Rad admits that this ideal was present on 'every page of Deuteronomy': but it is the *mechanism* that von Rad sees as new. The hope in Deuteronomy was that the law would be placed on the heart through its being heard, studied, and memorized. Now that whole way of demanding obedience from the outside is eliminated and God will put his will into the heart directly, creating 'a man who is able to obey perfectly because of a miraculous change of his nature.'⁴⁹

47. Ibid., II.271.

48. Ibid., II.213.

49. Ibid., II.213-14.

We have moved out of earlier ideas of ‘individualism’, which von Rad rightly sees as having nothing at all to do with the oracle.⁵⁰ But in a way structurally similar to Oecolampadius, the novelty of the ‘new covenant’ in the future era is what is *not* said: i.e. no further mediating of the law. Yhwh himself will place the torah on the heart, thus eliminating the need for teaching/hearing. Von Rad is by no means the only modern interpreter to take this approach.⁵¹ Yet the argument is difficult to sustain. The oracle’s statement that Yhwh will put the law on the heart says nothing about the way in which this is to be done.⁵² Indeed, there are plenty of instances in Jeremiah of divine action as mediated, yet still spoken of as the direct work of Yhwh: the judgment is everywhere discussed in just this way (e.g. 30:14, ‘I have

50. Ibid., II.216.

51. So Moshe Weinfeld: the Torah ‘would not be enforced from without through learning and indoctrination which could be forgotten and put out of mind.’ M. Weinfeld, “Jeremiah and the Spiritual Metamorphosis of Israel,” *ZAW* 88.1 (1976), 28. Or more bluntly, Unterman: ‘This [transmission of the Torah to the heart] will be accomplished without any intermediary - a direct transmission without the use of an agent, neither human (a prophet or a priestly instructor) nor material (tablets or book). Furthermore, the re-giving of the torah will not be accompanied by a revelation which affects the senses of sight and hearing.’ J. Unterman, *From Repentance to Redemption: Jeremiah's Thought in Transition* (JSOTSup 54, Sheffield, 1987), 98. Or, ‘A new law is not properly envisaged at all, but only a new way of Israel’s knowing and keeping the existing law of the covenant made on Sinai (Horeb).’ R.E. Clements, *Jeremiah* (Atlanta, 1988), 191. See also J. Krašovec, *Reward, Punishment, and Forgiveness: The Thinking and Beliefs of Ancient Israel in the Light of Greek and Modern Views* (VTSup 78, Leiden, 1999), 455; B. Ego, “‘In meinem Herzen berge ich dein Wort’: Zur Rezeption von Jer 31,33 in der Torafrömmigkeit der Psalmen,” *Jahrbuch für Biblische Theologie* 12 (1997), 280-81; Lalleman-de Winkel, *Jeremiah*, 201; Gräbe, *New Covenant*, 54-55. Or, Potter: ‘God will give direct, intuitive knowledge of his law... This then is what is new about the covenant: it will no longer be mediated by scribes and the élite, but will be universally apprehended by one and all, from the greatest to the least.’ H.D. Potter, “The New Covenant in Jeremiah XXXI 31-34,” *VT* 33.3 (1983), 353.

52. So, in a fashion, Coppens, ‘Le texte de Jérémie...entrevoit la présence future de la loi dans la sein des croyants comme un don de Dieu. Il reste que ce don n’exclut pas nécessairement la grâce simultanée d’une promulgation externe des volontés divines.’ J. Coppens, “La nouvelle alliance en Jer 31,31-34,” *CBQ* 25.1 (1963), 17.

dealt you the blow of an enemy'). If the judgment can be mediated yet the direct act of God, why not the restoration? This is not to say that the text requires mediation, but that it does not address the issue: it is Yhwh's work, however it may come about. Von Rad is dependent upon the text not mentioning mediation for Yhwh's work, but this cannot be said to be a conclusive 'novelty' by its absence.⁵³

Another significant attempt at locating the oracle in the career of Jeremiah, similar in shape to Volz's suggestion, is in the efforts of John Bright. The structure of Bright's commentary - arranging the oracles to be commented on in their reconstructed chronological order - is itself a sign of the power of the contextual narrative as determinate in the meaning of the disparate oracles (i.e. reconstructed history displaces the canonical shape). The oracle, Bright claims, 'is complete in itself and without original connection with the sayings that precede it and follow it.'⁵⁴ He places it in Jeremiah's preaching to Judah after 587, though allow-

53. This, not to mention the theological issues that would return us to Augustine: if they had the law on the heart apart from divine action, we are back with Julian of Aeclanum. Such comes into focus especially in the discussions of Thiel and Coppens. Thiel states, 'Was im Dtn als Forderung genannt wird, steht hier als Gabe Jahwes in Aussicht... Der vom Propheten überwiegend als Desiderat in der Anklage oder in der Jahweklage verwendete Begriff wird von D als Gabe Jahwes in die Zukunft projiziert.' W. Thiel, *Die deuteronomistische Redaktion von Jeremia 26-45* (Neukirchen-Vluyn, 1981), 25-26. Or Coppens: 'Une différence subsiste toutefois notable entre ces textes et Jer 31,31-34. Le Deutéronome considère la présence de la loi dans le coeur des fidèles comme l'aboutissement d'actes que les enfants d'Israël auront à accomplir généreusement pour s'assimiler les commandements divins.' Coppens, "Nouvelle alliance," 16. Against this way of division, Dumbrell states: 'Of course, the Old Testament calls upon the individual to ensure that the law is in the heart. This does not mean, however, that the individual puts it there... Whatever tensions may exist between calls to lodge the law in the heart and the implication that only God may put it there, they are not peculiar, as we well know, to the salvation experience of the Old Testament.' W.J. Dumbrell, *Covenant and Creation: A Theology of the Old Testament Covenants* (Exeter, 1984), 180. Such tensions, naturally, have long been common in Christian theologies.

54. J. Bright, "An Exercise in Hermeneutics: Jeremiah 31:31-34," *Int* 20.2 (1966), 192.

ing some re-working by later editors.⁵⁵ In order to ‘grasp its force’, however, we must first see the situation in which Jeremiah is standing. Jeremiah ‘was plainly convinced’ that Israel had broken the covenant and had become ‘incorrigible’ in their sins; the reforms of Josiah had only disillusioned Jeremiah, who became increasingly pessimistic. Thus judgment was the only possible solution. Jeremiah, however, was convinced that this could not be ‘the end of God’s dealings with Israel’ and so pronounces this ‘renewed covenant’ that will overcome Israel’s inability to live in the covenant.⁵⁶ The emphasis is again on the interiority of the new state of affairs, now arising from Jeremiah’s increasing pessimism on external means of producing fidelity.

Though clearly seeing the main teaching of the text as a contrast between the era of the Old Testament and that of a future era (brought in by Christ), in the sermon attached to his treatment of the text there is a sudden turn to the subjectivity of the contrast that Jeremiah pronounces: what Bright calls the ‘B.C.’ aspect of every person and every era.⁵⁷ The hope that Jeremiah offers is also for this subjective aspect of standing before God and our covenantal failures, he remarks. These statements are not far from the way of thinking for Au-

55. The text ‘is an accurate representation of the mind, if not necessarily the precise phraseology, of the Prophet himself.’ Ibid., 193. Or, ‘Although the passage may not preserve the prophet’s *ipsissima verba*, it represents what might well be considered the high point of his theology.’ Idem, *Jeremiah* (The Anchor Bible, New York, 1965), 287.

56. The full pathos of the narrative construal is seen in J. Bright, *Covenant and Promise* (London, 1977), 140-98; Idem, “Exercise in Hermeneutics,” 196-98.

57. ‘[T]heologically speaking, B.C. is not an epoch that ended with the birth of Christ; it is a condition of living. Whoever is not subject to the lordship of Christ is B.C.: for him, Christ has not yet come. So our world is still largely a B.C. world... Moreover, B.C. continues in the church and in each one of us.’ Ibid., 200.

gustine's reading, but the contrast is entirely displaced. The central difference between Bright and any Augustinian reading is Bright's dismissal of deuteronomic thought as essentially Pelagian. For Augustine the contrast of *vetus* and *novum testamentum* as 'salvific' meant that one could not speak of that previous era as simply the *vetus testamentum* (in Jeremiah's sense). But Bright has moved the entire issue into the life-story of Jeremiah, which becomes paradigmatic for ourselves: the theological concerns become anthropological. So until we become disillusioned with any human efforts to bring about true reform in ourselves and our society (as attempted by Josiah, Ezra and Nehemiah), we stand needing to hear the promise of the 'new covenant', which is the hope of the Gospel.⁵⁸ The narrative of Jeremiah's life (despair in human reforms becoming hope in divine action) that he has reconstructed becomes the paradigm Christian narrative moving from (continual) belief in ourselves into trust in God (the new covenant). In other words, the Pelagian deuteronomists are overcome by the Augustinian Jeremiah.⁵⁹

Such a reading of the life of Jeremiah, moving from despair in outward reforms to hope in a divine working on the heart, has been a popular modern option.⁶⁰ And this typically

58. The link to earlier readings is clear, if somewhat less overt (cp. Volz above). Another earlier interpreter is less subtle: '[J]ust as Paul and Luther were led through the errors of Pharisaism and Romanism to their matchless insight into the gospel of salvation by faith, so Jeremiah was led through practical experience of the impotence of the "renewed covenant" [of Josiah and Deuteronomy] to his almost Christian [sic!] conception of the "new covenant" - the covenant, not of the letter and of law, but of the Spirit and of grace.' Gordon, "A Study of Jeremiah," 106.

59. Or, as Carroll critiques such readings: 'Jeremiah emerges as a Luther opposing the Catholic Church's devotion to rituals, images and superstitions and preaching an alternative religion of the heart.' R.P. Carroll, *From Chaos to Covenant* (London, 1981), 97.

60. 'The passage may be the fruit of reflection on the failure of the Deuteronomic reform of 621: Jeremiah

set over against the hopes of the deuteronomistic reforms.⁶¹ Thus the summary of Artur Weiser, who claimed that the prophet speaks ‘from his own experience’ and maintains the same basic distinction between the two covenants:

[The new covenant is ‘new’ only] to the extent that the people’s relationship to God experiences a reorganization (*Neugestaltung*) in the new covenant, as the demand of God becomes the gift of God in which God gives his law to the people in the heart and thus provides the voluntariness and power of a joyful obedience.⁶²

The oracle shows Jeremiah’s own movement from a covenant of ‘demand’ to one of ‘gift’.

Another large-scale reconstruction of the life of Jeremiah is that offered by William Holladay. Holladay reads chs. 30-31 as initially preached by Jeremiah to the north, and then reworked by the prophet in the context of the fall of Jerusalem. But Holladay closes this redacted scroll at 31:28, leaving 31:31-34 as an even later supplement (though still Jeremianic).

has realized that you cannot save human beings by telling them to behave. He will thus anticipate teaching on grace.’ B.P. Robinson, “Jeremiah’s New Covenant: Jer 31,31-34,” *Scandinavian Journal of the Old Testament* 15.2 (2001), 197. Similarly, W.E. Lemke, “Jeremiah 31:31-34,” *Int* 37.2 (1983), 183-87; R.E. Clements, *Prophecy and Covenant* (London, 1965), 113. Clements later distances the oracle somewhat from Jeremiah: Clements, *Jeremiah*, 189-90.

61. Again Robinson: ‘I take the passage to be Jeremianic in substance. The individual heart, it implies, is so corrupt that it cannot of itself make the necessary response, so a bilateral covenant as made between YHWH and his spouse Israel on Sinai/Horeb will not serve... Through experience of the Deuteronomic reform, and reflection on the Hosea tradition, Jeremiah came to see the need for unilateral action on YHWH’s part on the heart of the individual’. Robinson, “New Covenant,” 204. Somewhat uniquely, but still in this same line is Koch: the oracle holds out an ‘eschatological future’ in which ‘God and man will come close to one another in spirit and discernment - so close that the divine will that creates community and fellowship will be freely accepted by the mind of every individual and will be followed understandingly.’ Given that this rules out apostasy, he claims the oracle stands ‘in diametrical opposition to Deuteronomy, where election to the covenant counts as irrevocable’. K. Koch, *The Prophets* (vol.2: The Babylonian and Persian Periods. London, 1983), 68, 67. Setting aside the reading of Deuteronomy, the Jeremianic side of this statement is only possible by ignoring 31:35-37 entirely (among others).

62. Weiser, *Jeremia* 25-52, 295.

The oracle, Holladay suggests, arose in Jeremiah's 'counter-proclamation to the recitation of Deuteronomy in Jerusalem at the festival of booths in September/October 587'.⁶³ The narrative context is provocative: standing in the newly-destroyed temple with a straggling remnant of people reciting Deuteronomy, Jeremiah rises and delivers this oracle deliberately using deuteronomic diction and themes. In uttering the 'shocking' words, he 'implies that Yahweh will draw up a fresh contract without the defects of the old, implying in turn that he could improve on the old one, that he had learned something from the failure of the old'.⁶⁴ Offering a reading most similar to Cornill, Holladay points to two contrasts for the new covenant - sin engraved on the heart (17:1) and the law engraved on stone (Deut 5:22) - then concludes:

The difficulty with the old covenant, then, is that it was written exteriorly and allowed for insincere obedience... or for outright rebellion on the part of the people. Yahweh's new action will bring about a new situation wherein the people will obey freely and gladly, and rebellion will be a thing of the past.⁶⁵

Holladay's narrative is interesting, not only for the unique location of the oracle in Jeremiah's career, but also for the shift from a changing view of religion in the prophet or community (anthropological perspective) to a changeability in God - Yhwh himself 'had learned something' from the failure of the deuteronomic reforms. In another movement within Yhwh we find the forgiveness of sins in v.34: 'What Yahweh yearned to do before, he will

63. W.L. Holladay, *Jeremiah* (Hermeneia, 2 vols. Minneapolis, 1986-89), 2.165. This setting is reiterated in W. L. Holladay, "Elusive Deuteronomists, Jeremiah, and Proto-Deuteronomy," *CBQ* 66.1 (2004), 70-73.

64. Holladay, *Jeremiah*, 2.197.

65. Ibid., 2.198.

now be able to do.’⁶⁶ Duhm’s question (‘Why did God not do this before?’) seems to be answered: because either he couldn’t, or didn’t know better.

A final illustration of this line of thought is developed, without the large-scale reconstructions of Holladay or Bright, in the work of Bernard Renaud. Renaud asserts that the ‘theological originality of the oracle favors its jeremianic authenticity’.⁶⁷ Again, Jeremiah’s ‘anthropological pessimism’ is emphasized as the (psychological?) cause of the turn to the ‘pure grace’ of 31:31-34.⁶⁸ Renaud sees the oracle as a strong contrast to the deuteronomistic ideals and a rejection of them in favor of a future (eschatological) act of divine grace that would transform all ‘Israel and Judah’ so that the law is accomplished ‘spontaneously’ from the ‘depths of one’s being’.⁶⁹ Thus, as opposed to the ‘externalities’ of the earlier covenant, there is a ‘radical novelty of the covenant to come, a novelty characterised by the interiorisation of the law in the heart and the intimate and direct knowledge of God that results from it.’⁷⁰ But this leaves a problem for Israel as they wait for this future divine act: what is to ensure that they will survive as a people with Yhwh until it is brought about? Instead of appeal-

66. Ibid., 2.199.

67. B. Renaud, *Nouvelle ou Éternelle Alliance? Le message des prophètes* (Paris, 2002), 73.

68. Ibid., 71, 70, cf. 55f. et passim.

69. ‘la nouvelle alliance offre une telle immédiateté au cœur, c’est-à-dire à la conscience de l’homme, que de l’être profond (*b’qirbam*) jaillira l’élan spontané vers son accomplissement.’ Ibid., 56.

70. Ibid., 75. Elsewhere he adds to these two, ‘une personnalisation des relations au cœur même de la communauté d’alliance (55).’ For the interior/exterior contrast, see his remark on 31:33, ‘Il y aurait donc contraste entre un passé marqué par le don d’une loi extérieure et un futur caractérisé par l’internalisation de cette loi (34).’

ing to Jer 31:35-37, which he brackets out of the discussion, he appeals to a history of reception of the oracle by Jeremiah's and Ezekiel's disciples and the terminology of the ברית עולם ('eternal covenant'). This latter concept emerges to fill the gap to guarantee Israel as a people before Yhwh until the fulfillment of the ברית חדשה.⁷¹

§5. THE NEW COVENANT AND THE DEUTERONOMISTIC REDACTORS

For a number of surveys of modern Jeremiah interpretation the governing divide for most 20th century scholarship is between those who find a great amount of authenticity in the oracles and those who accentuate deuteronomistic redaction of the book.⁷² Duhm's suggestions for dividing up the material was revised in an important way by Sigmund Mowinckel in 1914, who focused attention on another source behind the book's composition: the deuteronomist.⁷³ Since that time the debates about the identification of any given text as Jeremianic

71. See also his earlier article on this development, B. Renaud, "L'alliance éternelle d'Ez 16,59-63 et l'alliance nouvelle de Jr 31,31-34," in *Ezekiel and his Book* (ed. J. Lust. Leuven, 1986), 335-59. He is disputed in this by Vermeeylen, for whom 'comme en Ez 16, la seule différence entre les deux alliances réside dans le fait que la fidélité d'Israël et désormais assurée par Dieu lui-même, et que la trahison n'est donc plus possible.' J. Vermeeylen, "L'alliance renouvelée (Jr 31,31-34). L'histoire littéraire d'un text célèbre," in *Lectures et relectures de la Bible* (eds. J.-M. Auwers and A. Wénin. Leuven, 1999), 78. For full discussion of ברית עולם in the Pentateuch (and against Renaud), see S.D. Mason, "The Contours of an Elusive Phrase: *Berit Olam* and Some Contributions to Covenant Theology in the Pentateuch" (Ph.D, Univ. of St. Andrews, 2006).

72. Such a scheme is used by R.P. Carroll, *Jeremiah* (London, 1986), 38f; J.G. McConville, *Judgment and Promise: An Interpretation of the Book of Jeremiah* (Leicester/Winona Lake, 1993), 12f; W. Brueggemann, *A Commentary on Jeremiah: Exile & Homecoming* (Grand Rapids, 1998), 7f. See also the two essays, "Jeremiah: Portrait of the Prophet" (1983) and "Recent Scholarship: Intense Criticism/Thin Interpretation" (1988), in W. Brueggemann, *Like Fire in the Bones: Listening for the Prophetic Word in Jeremiah* (ed. by P. Miller. Minneapolis, 2006). Brueggemann adds Brevard Childs as a third way. More recent studies (feminist, rhetorical, etc.) naturally make such a scheme simplistic.

73. S. Mowinckel, *Zur Komposition des Buches Jeremia* (Dybwad, 1914). Naturally, the discussions have become more tentative in recent years: see the essays by N. Lohfink, "Was There a Deuteronomistic Movement?," in *Those Elusive Deuteronomists* (eds. L.S. Shearing and S.L. McKenzie. Sheffield, 1999), 36-66; R. Coggins, "What Does 'Deuteronomistic' Mean?," in *Ibid.*, 22-35; R.R. Wilson, "Who Was the

or deuteronomistic have divided commentators, a division found in the discussions of 31:31-34. Thus a number of authors have agreed, for various reasons, with Duhm's assignment of the text to a later school of thought than Jeremiah, and often in this school of 'deuteronomists'.

In one strand of this position the argument is mounted on a reconstruction of the development of 'covenant' as a theological term. Following the lead of Wellhausen, three more recent scholars - Kutsch, Perlitt and Nicholson - have presented arguments that would place the notion of 'covenant' as a theological understanding late in the tradition. In such a scheme the earlier traditions were largely concerned with ברית as 'obligation' (*Verpflichtung*), and only in later developments did this become a theological expression of a relationship between Yhwh and the people.⁷⁴ For Kutsch the oracle of Jer 31:31-34 is, correspondingly, a contrast of two sets of obligations, the latter of which is the divine 'self-obligation' to make the torah interior and so followed 'automatically'.⁷⁵ The same line is taken in Nicholson, who places

Deuteronomist? (Who Was Not the Deuteronomist?): Reflections on Pan-Deuteronomism," in *Ibid.*, 67-82. So now Christl Maier, for instance, speaks of standing 'zwischen pan-Deuteronomismus und null-Deuteronomismus'. C. Maier, *Jeremia als Lehrer der Tora: Soziale Gebote des Deuteronomiums in Fortschreibungen des Jeremiabuches* (Göttingen, 2002).

74. Kutsch puts off the development of ברית as initiating relationship between two parties until the translations of the Old Testament (Targumim, LXX, and Jerome). Perlitt and Nicholson find the development in the Old Testament traditions themselves. E. Kutsch, *Verheissung und Gesetz* (Berlin, 1973); L. Perlitt, *Bundestheologie im Alten Testament* (Neukirchen-Vluyn, 1969); E.W. Nicholson, *God and His People: Covenant and Theology in the Old Testament* (Oxford, 1986).

75. 'Der Sinn von v.31-33 ist somit folgender: Jahwe hat bei der Herausführung aus Ägypten den Israeliten eine *berît* = Verpflichtung festgesetzt. Diese Verpflichtung haben die Israeliten nicht eingehalten, sie haben sie zunichte gemacht, gebrochen.... Nun will Jahwe - "nach diesen Tagen" (v.33aα) - noch einmal einen Neuanfang setzen mit Israel. Er wird eine "neue *berît*" festsetzen, eine neue Verpflichtung. Im Unterschied zu der früheren werden die Israeliten diesmal die Verpflichtung nicht brechen, sondern einhalten; denn: die Verpflichtung wird

the oracle late in the deuteronomic tradition, holding out a ‘paradoxical theory according to which God himself promises to make possible the very response which he inexorably demands.’⁷⁶ The goal and pattern of the two covenants (old and new) are the same, with this single difference of divine enablement.⁷⁷

H.-J. Kraus, akin to Duhm but without the negative portrayal, offers a reading of the oracle as a fulfillment of deuteronomistic hopes, from a later stage of deuteronomistic development. ‘Deuteronomistic preaching and teaching pursued only one goal: that the Torah penetrate into the heart of people’.⁷⁸ Jeremiah looked and saw that the failure of the people was just this problem with the heart (17:9). But now, with the promise of the law on the heart, the Torah finally reaches its goal and is fulfilled through this future ‘new relationship with God’.⁷⁹ Kraus then turns to see how this promise was received in post-exilic Judaism and be-

derart sein (כי זאת הברית), daß Jahwe seine Tora den Israeliten “in ihr Inneres gibt und auf ihr Herz schreibt”, so daß sie dann ohne gegenseitige Belehrung “Jahwe kennen” (v.34a.bα), ihm gehorchen, seine Tora befolgen werden.’ The movement is from the ‘Verpflichtung der Israeliten’ to a ‘Selbstverpflichtung’. Kutsch, *Verheissung*, 145-46.

76. Nicholson, *God and His People*, 216. Cp. his earlier view ‘that the “new covenant” passage... is entirely the work of the Deuteronomists’. E.W. Nicholson, *Preaching to the Exiles: A Study of the Prose Tradition in the Book of Jeremiah* (Oxford, 1970), 138, n.1. The ‘paradoxical theory’ here, Nicholson fails to comment, has been a mark of Christian theology for quite some time.

77. ‘What is different is that in a new act of grace Yahweh is so to transform the will of Israel that it will henceforth spontaneously live as his people.’ Nicholson, *God and His People*, 212. Or, ‘the new covenant like the old involves a response from Israel in terms of observance of the Law, with this major difference, however, that Israel’s past failure to obey it is now to be replaced by both the will and the ability to obey which Yahweh will graciously place in her heart’. Idem, *Preaching*, 83. Likewise Perlitt, who explicitly uses von Rad: Perlitt, *Bundestheologie*, 180.

78. H.-J. Kraus, *Biblisch-theologisches Aufsätze* (Neukirchen-Vluyn, 1972), 182.

79. ‘Jahwes *tora* soll unter allen Umständen zum Ziel gelangen sie soll aufgenommen, befolgt und erfüllt werden. Mehr noch: Jahwes *tora* wird - das ist der Inhalt der Verheißung - tatsächlich erfüllbar sein in einem neuen Bund, in einem neuen Gottesverhältnis der Zukunft.’ Ibid., 183.

gins with the ‘Torah-Psalms’ (1, 19b, 119). The Psalms ‘stand in an unmistakable relationship with the deuteronomic and deuteronomistic tradition.’⁸⁰ Further, their standing in the line of Jeremiah is supported by the individualism (once again) implied in Deuteronomy’s and Jeremiah’s emphasis on ‘heart’.⁸¹

Kraus continues this emphasis on continuity with deuteronomistic hopes in a more recent essay - perhaps due to the influence of such views as Lohfink and Zenger (below). In contradistinction to Bultmann, he states:

It must be very strongly stressed that no one can deem what is said in v.32 about the election, liberation and leading - about this love of Yhwh for the fathers - to be ‘the old’, ‘the surpassed’, ‘the previous’, which had to be removed and replaced by something ‘entirely new’.⁸²

He points to Calvin’s (and Barth’s) view of the contrast as between ‘economies’ rather than ‘substance’. The previous covenant of ‘love’ becomes ‘new’ by the inscribing of it on the heart - a ‘more intensive way’ of God’s taking his people by the hand.⁸³ Thus the truly ‘new’

80. Ibid., 185. This thesis is challenged by Ego, “Zur Rezeption.” But this challenge is grounded on the latter’s (mis)reading of Jer 31:31-34. Kraus’ view of the Psalms as part of the reception-history of Jer 31:31-34 is anticipated by the remarks on Ps 40:8 (‘I delight to do your will, my God/ Your law is in my heart’) by W.F. Cobb, *The Book of Psalms* (London, 1905).

81. ‘Aber es wird zu beachten sein, daß namentlich das Deuteronomium, und dann auch die Prophetie Jeremias, durch das Du der Gemeinschaft hindurch das Du des einzelnen gesucht, angesprochen und aufgerufen haben. Das Herz des Menschen - darum ging es.’ Kraus, *Biblisch-theol.*, 185.

82. H.-J. Kraus, “Der Erste und der Neue Bund,” in *Eine Bibe - zwei Testamente* (eds. C. Dohmen and T. Söding. Paderborn, 1995), 65.

83. ‘Wie könnte auch der liebende, rettende Gott, der die “Väter bei der Hand nahm”, diese Hand zurückziehen und die Erretteten sogar von sich stoßen?! Müßte nicht der “neue Bund” darin bestehen und sich erweisen, daß dieses “Bei-der-Hand-Nehmen” jetzt auf eine neue, noch festere und innigere Weise vollzogen und bewährt wird?! So ist die ins “Innere” und ins “Herz” eingeschriebene Tora eine neue, intensivere Weise des “Bei-der-Hand-Nehmens”, des Erbarmens Gottes mit seinem Volk.’ Ibid., 65.

thing is the overcoming of the need for external teaching: ‘With the inscribing of the law on the hearts of Israel the oral Torah-instruction and the whole institution of priestly and prophetic teachers is abolished (*aufheben*).’⁸⁴ The oracle, placed in the story of deuteronomistic thinking, is a climax in this ‘school’s’ hopes, with this new promise of interiority.

A more radical approach is seen in the work of Robert Carroll. Carroll’s distancing of 31:31-34 from the prophet is in line with two of his critical assumptions. First is because the oracle is in prose, using ‘deuteronomistic phrasings’.⁸⁵ Carroll, standing in a line of scholars, takes it as axiomatic that ‘a major poet... does not use banal prose for the majority of his most important statements’ - especially not prose as ‘banal’ as the deuteronomists.⁸⁶ Second is the general argument against the viability of the restoration oracles stemming from the same source as the judgment oracles:

If the figure detected behind the poetic tradition of the judgment oracles is at all a reliable one (a very large if), then it is very difficult to see how a man who proclaimed judgment against all false sense and objects of security could subsequently with equanimity reinstate those objects within a permanent restoration of the community to its land. The climate of the salvation oracles would suffocate a Jeremiah, or send him into paroxysms of rage against such smug belief in the perfectibility of human society.⁸⁷

84. Ibid., 68.

85. Carroll, *Chaos*, 217.

86. Ibid., 9. He clarifies the (obviously tenuous) first statement: ‘It is not simply a question of whether he only wrote poetry or whether he wrote prose as well! It is a matter of whether he spoke or wrote this kind of prose, i.e., deuteronomist material. If the prose elements were distinctive or unique in the biblical traditions, then a case might be made out for accepting them as the prophet’s. That they are not and, furthermore, that they are traceable to specific sources (i.e., deuteronomistic) warrant their rejection as part of the prophet’s original work (10).’ So the assumption is that a great poet does not use prose that other people use (must be ‘distinctive or unique’): quite where this conviction springs (or why to believe it) is unclear.

87. Ibid., 199-200.

Carroll maintains a strained link to the prophet Jeremiah's early preaching to the North founded in hopes that Assyria would be 'crushed soon by Yahweh', which hopes were taken up in the tradition and expanded to give us these oracles in chs. 30-31.⁸⁸ But this is a far cry from Bright (and even further from Skinner). For Carroll the teaching of 31:31-34 is deuteronomistic, and in language sounding much like Duhm he asserts, 'What is envisaged by the text remains essentially the core of the deuteronomistic view of community religion, except that it will be realized more effectively in the future.'⁸⁹ Or, more negatively:

If ever an institution was created which was a complete failure from the beginning it must be the deuteronomist covenant! Yet here in Jer 31.31-34 the redactors are proposing yet another covenant, a new one. What a triumph of hope over experience!⁹⁰

Carroll sets the prophet over against the oracle, claiming that, 'For Jeremiah, the only grounds for national deliverance is the return of the people to Yahweh; for the deuteronomists the answer lies in a *new* covenant.'⁹¹ But, as I will argue, this misconstrues the oracle entirely by producing false alternatives: the new covenant is precisely about the return of the people to Yhwh.

88. Ibid., 200.

89. Ibid., 221. In his 1986 commentary this is somewhat shifted: 'I would regard the relation between 31.31-34 and the Deuteronomistic strand in the tradition to be one of critical dialogue'. This is not yet 'anti-deuteronomist', however: 'It is a post-Deuteronomistic hope but one which has learned its theology from Deuteronomism and made the leap of hope into the utopian future.' Carroll, *Jeremiah*, 613-14. A similar view, again akin to Duhm, is the 'curious hypothesis' (Renaud, *Nouvelle ou Éternelle?*, 48) of the oracle as simply one further step in the devotion to the torah in the Jewish community - perhaps even responsible for the beginning of wearing phylacteries - put forward by J. Swetnam, "Why was Jeremiah's New Covenant New?," in *Studies on Prophecy* (VTSup 26, ed. J. A. Emerton. Leiden, 1974), 111-15.

90. Carroll, *Chaos*, 217.

91. Ibid., 217. His emphasis.

Like Duhm, Carroll admits a novelty in the internalization of the Torah, thus abolishing the need for teachers.⁹² Carroll takes clear delight in pointing out that this has not been the case in either Judaism or Christianity, who each have produced their great teachers and continue to need them. In the end Carroll's comparison to Duhm is apt: each find the oracle a simple heightening of a deuteronomistic (covenantal) view of religion they find unsatisfactory, both find it a part of that line of thought that flowered in Pharisaism,⁹³ and what Duhm calls a 'pious wish', Carroll dismisses as a 'pious hope' - a 'utopianism... [that] represents a fundamental weakness of biblical prophecy.'⁹⁴

In different ways, then, Carroll and Kraus make the thread of a new interiority play a role as the fulfillment of the deuteronomic program. But a number of other scholars who locate the text in the later development of Israel's religious traditions take the opposite view and set the oracle against that deuteronomic program. So, for instance, Adrian Schenker posited a difference between the deuteronomistic hope of Deut 4:25-31 and 30:1-14 over against Jer 31:31-34. The former holds out the possibility of a never-to-be-withdrawn Torah, waiting for Israel to seize it. The latter, however, has as its necessary pre-condition the inability of Israel

92. 'The only difference between the old and new forms of the covenant would appear to be the internalization principle employed in the new covenant.' Ibid., 218.

93. 'If fulfilment of the new covenant expectation must be sought, let it be found in the achievements of the Pharisees, who helped to create the spiritual way of life of a very practical but deeply internalized rabbinical religion.' Ibid., 225. Carroll gives this a veneer of praise, under which lies his already stated views on the 'defects' of the whole line of thought.

94. Carroll, *Jeremiah*, 612.

ever to be able to do so.⁹⁵ The opposition is between the Torah as ‘external’, yet to be ultimately grasped by Israel through an act of eschatological grace (Deut 30), and the ‘jeremianic theology’ of a ‘new creation’.⁹⁶ Such a reading stands parallel to that of Bright and the overcoming of the Pelagian deuteronomists, but now located in a later point in Israel’s religious development.

A more forceful argument in this direction is that of Walter Groß, arguing against the readings of Lohfink and Zenger (below). Groß claims that Yhwh is pictured as working ‘neither with regard to the *berit* that Israel broke, nor another older *berit*, rather he makes a new one’ that ‘replaces the *berit* that the people broke with a *berit* that will no longer be broken.’⁹⁷ The oracle contrasts, according to Groß, with the Deuteronomic ‘theology of teachers and learners’: rather than the ‘dtr-dtn principle of the written Torah’, the text puts forward a view of the torah written on the heart.⁹⁸ Groß (distinct from most) presents a textual

95. ‘In Jer 31,33f. bleibt die Tora auch, denn es ist dieselbe Tora... Aber im gegenwärtigen Zustand bleibt die Tora außerhalb des Menschen; sie kann nicht bei ihm ankommen; Tora und Mensch kommen nicht zusammen. So ist die Lösung von Dt 4,25-31; 30,1-14 für Jer 31,33f. ein Ding der Unmöglichkeit: Die Tora ist zwar angeboten, aber sie kann nicht ergriffen werden! Jer 31,33f. hat ein krankes, gelähmtes Israel vor Augen, das seine Hand nicht mehr der Tora entgegenstrecken kann; Dt 4,25-31; 30,1-14 erinnert ein gesundess, aber störrisches Israel an das Angebot der Tora, das nie zurückgezogen wurde, und das Israel ergreifen kann, sobald es will.’ A. Schenker, “Unwiderrufliche Umkehr und neuer Bund: Vergleich zwischen der Wiederherstellung Israels in Dt 4,25-31; 30,1-14 und dem neuen Bund in Jer 31,31-34,” *Freiburger Zeitschrift für Philosophie und Theologie* 27 (1980), 102.

96. ‘Bei den Deuteronomisten ist die eschatologische Gnade bekehrend, heilend und festigend im Guten, bei Jeremia ist sie Neuschöpfung und Vereinigung mit Gottes Denken und Wollen.’ Ibid., 106.

97. W. Groß, *Zukunft für Israel: Alttestamentliche Bundeskonzepte und die aktuelle Debatte um den neuen Bund* (Stuttgart, 1998), 144.

98. Ibid., 145-46. Cp., e.g., Ego: the oracle signifies ‘das Ende allen Lernens und Lehrens’. Ego, “Zur Rezeption,” 288.

argument for this contrast. 31:33 presents a chiasm, whose central facet is the location of the torah:

I will place my law *in their inner parts*,
And on *their hearts* I will write it.⁹⁹

Groß concludes on this ground that the chiasm carries the implicit question, ‘on the heart *rather than where?*’, to which the answer is naturally the scroll of the deuteronomists.¹⁰⁰

But this is unlikely as a grammatical point for chiasms, which simply cannot hold such a load. Take another standard chiasm:

Prov 7:1 My son keep my sayings
and my commandments treasure up within you.

The centre is ‘my sayings/commandments’, but to claim as a grammatical point that this carries the implicit contrast ‘rather than keeping *whose* sayings?’ (probably the ‘deuteronomists’...), is surely somewhat suspect. The focused attention of the law on the heart or inner parts in 31:33 is because this is where it is most needed. As will be emphasized below, the demand was always for a faithful heart, but the present state of affairs (rhetorically) consisted in nothing but infidelity. If there is emphasis to be drawn from the centre of a chiasm, then the emphasis within the book of Jeremiah is clear: the *heart* - the centre of the person - will be changed.

99. See the final chapter for a full discussion of the verse.

100. Groß, *Zukunft*, 145. Also Schmid: ‘in Jer 31 liegt der Ton nicht auf der Aufhebung der Sünde bzw. der Pervertierung der Tora, sondern auf dem Schreiben על לבם, wie die Pendenskonstruktion in V.33aγ andererseits zeigt.... Nicht auf eine Buchrolle oder auf die Türpfosten, sondern “auf ihr Herz“ wird Jhwh seine Tora schreiben.’ K. Schmid, *Buchgestalten des Jeremiabuches: Untersuchungen zur Redaktions- und Rezeptionsgeschichte von Jer 30-33 im Kontext des Buches* (WMANT 72, Neukirchen-Vluyn, 1996), 68.

In Schenker and Groß the same tensions seen throughout emerge again, Jer 31:31-34 standing over against the ‘deuteronomists’ and their view of religion. The oracle is ‘anti-deuteronomic’,¹⁰¹ standing against that view of the law as needing to be put on the heart by human means. Where earlier discussions were concerned to identify the nature of the ‘old covenant’ (*nuda lex? accidentalia?* whole of the era?), we now have a different, but related answer: (Pelagian) deuteronomic theology. The context of the contrast is no longer the theological question of God’s dealings with his people, but the anthropological one of the developing views of religion in ancient Israel.

§6. A RENEWED COVENANT?

On Nov. 17, 1980 Pope John Paul II gave impetus to a renewed discussion of Christian understandings of Jer 31:31-34 in his speech to the Central Council of Jews in Mainz, Germany:

The first dimension of this dialogue, namely the meeting between the people of God of the old covenant, never revoked by God, and the people of God of the new covenant is likewise a dialogue within our Church, as it were between the first and second parts of her Bible.¹⁰²

101. Ibid., 299.

102. ‘Die erste Dimension dieses Dialoges, nämlich die Begegnung zwischen dem Gottesvolk des von Gott nie gekündigten Alten Bundes und dem des Neuen Bundes, ist zugleich ein Dialog innerhalb unserer Kirche, gleichsam zwischen dem ersten und zweiten Teil ihrer Bibel.’ The forerunner for such a statement is in the declaration *Nostra Aetate* from the Vatican Council in 1965: ‘the Jews should not be presented as rejected or accursed by God, as if this followed from the Holy Scriptures (§4).’ Just as intriguing is the statement from the Protestant Rhineland Synod, also from 1980: ‘Wir glauben die bleibende Erwählung des jüdischen Volkes als Gottes Volk und erkennen, daß die Kirche durch Jesus Christus in den Bund Gottes mit seinem Volk hineingenommen ist... Durch Jahrhunderte wurde das Wort “neu” in der Bibelauslegung gegen das jüdische Volk gerichtet: Der neue Bund wurde als Gegensatz zum alten Bund, das neue Gottesvolk als Ersetzung des alten Gottesvolkes verstanden. Diese Nichtachtung der bleibenden Erwählung Israels und seine Verurteilung zur Nichtexistenz haben immer wieder christliche Theologie, kirchliche Predigt und kirchliches Handeln bis heute

The statement itself would be interesting for our examination in its assumptions, but the more pressing issue is the spark that this language of an ‘unrevoked old covenant’ gave towards a re-reading of Jer 31:31-34, especially in German scholarship. The discussions have ranged over all of the standard biblical texts on the subject as well as dogmatic issues. But given our concerns I will remain with those who have focused on Jer 31:31-34 within this discussion.

Only five years after the above declaration a sustained argument for reading the ‘new covenant’ as a ‘renewed’ covenant in some form came from Christoph Levin. Levin, taking apart the various pieces of the oracle, weaves them into a story of the development of Israelite covenantal traditions, producing a complex text in an even more complex narrative.¹⁰³ In his discussion of the emergence of the phraseology ברית חדשה Levin argues that the term חדשה ought to be taken as ‘renewed’, whose opposite is an ‘earlier’ covenant.¹⁰⁴ The emphasis is not on ‘new’ as a developmental way of thinking, but rather as bringing something out yet again - akin to the ‘new day’, ‘new moon’: ‘fresh’ as opposed to ‘progressive’. Levin

gekennzeichnet. Dadurch haben wir uns auch an der physischen Auslöschung des jüdischen Volkes schuldig gemacht.’ Both Pope John Paul II’s statement and that of the Protestant synod are found in R. Rendtorff and H. H. Henrix, eds. *Die Kirchen und das Judentum. Dokumente von 1945-1985*. (Munich, 1989), 75, 594-95.

103. Levin begins with 31:27a,20aβγb-30a and 31:31a,34abα as the core to which is later added 31:31b-32, 33b, and 34bα2βγ, and then much later comes 33a. C. Levin, *Die Verheißung des neuen Bundes: in ihrem theologiegeschichtlichen Zusammenhang ausgelegt* (Göttingen, 1985). As Christl Maier tersely comments, ‘Die Forschung ist der literar-kritischen These Levins zu Recht nicht gefolgt.’ Maier, *Jeremia*, 339. Another bluntly speaks of it as ‘rather wild literary criticism’. F. Crüsemann, *The Torah: Theology and Social History of Old Testament Law* (tr. by A.W. Mahnke. Edinburgh, 1996), 41, n.81. Multiple recensions of the text are also supported (without success) by Vermeylen, “L’alliance renouvelée.”

104. Levin, *Verheißung*, 138-41. The discussion provides plenty of illustrations of the point, though ignores plenty of illustrations on the other side. He has been followed at this point by, among others, E. Zenger, *Das Erste Testament: Die jüdischen Bibel und die Christen* (2nd ppb. ed. Düsseldorf, 2004), 115; B. Becking, *Between Fear and Freedom: Essays on the Interpretation of Jeremiah 30-31* (Leiden, 2004), 260.

thus reads this original addition to the oracle as a statement of a renewed relationship: ‘*restitutio ad integrum*’ set over against the brokenness of the relationship in the covenant.¹⁰⁵

Such a reading, which is similar in some respects to what will be proposed below, clearly can converge with the Augustinian understanding of the contrast as one of unbelief over against faithfulness. But in Levin this is only one moment of the text’s development. Levin asserts that the later addition of v.33a (the law on the heart) assumes - distortingly - a ‘qualitatively new relationship with God’ stemming from Jer 7:23f.¹⁰⁶ Its addition stems from the apparent discrepancy of the earlier parts:

The cause of this second addition of the promise of the new covenant is without doubt the discrepancy that initially a ‘new covenant’ (v.31) was promised that would be different than that made with the remnant from the land of Egypt, but then this covenant was in fact nothing other than a re-validation of the long-known covenant formula (v.33b). This would have the consequence for the post-history of the covenant-promise that the keyword ‘new covenant’ would from now on be avoided – only in Qumran does it re-emerge – so that the qualitative surplus of the now available keyword necessarily had to induce further interpretations within Jer 31:31-34, a process that is observable in interpretive-history to the present day.¹⁰⁷

Further, for the even later promise of v.34b and the forgiveness of sins Levin speaks in the strongest terms of the novelty of this announcement: prior to this ‘the statement of forgiveness was practically non-existent.’¹⁰⁸

105. Levin, *Verheißung*, 140.

106. Ibid., 141.

107. Ibid., 257. Thus, with this shift, ‘Der verheißene Bund, bei dem es bisher um die Wiederherstellung der heilsgeschichtlichen Kontinuität gegangen war, erhält hier nun eine auch inhaltlich neue Bestimmung.’ Ibid.

108. ‘Für den Bibelleser, der in der neutestamentlichen Tradition steht, ist kaum mehr zu erkennen, in welchem Maße die Botschaft der Vergebung damals als unerhört neues, befreiendes Evangelium gehört worden ist. Die Begriffsgeschichte zeigt, daß in den seinerzeit vorliegenden Texten des Alten Testaments von Vergebung so gut wie nie die Rede war. Selbst in der exilischen und späteren Literatur begegnet das Thema fast ausschließlich in

Levin's division of the text into its various strands is entirely grounded in a reconstructed theological history of 'covenant' thought in Israelite religion. In some sense he is the best illustration of the power of a governing narrative to allow meaning: by isolating one or another aspect of the promise (its semantics) one can satisfactorily construct a coherent meaning for it as an utterance by constructing a narrative in which it plays a determined role. But the approach begs far more questions than it answers and requires of the reader an agreement in Israelite theological development (a development based in part on its own confusion) that is hard to garner. Further, there is very little reason to follow Levin's reading outside of the narrative that he constructs: he evidences his reading by the reconstruction and the reconstruction by the reading. A degree of circularity will always be operative in these discussions, but some circles are more vicious than others.

More helpful and influential discussions of the 'new covenant' as 'renewed', or as 'never revoked' have been offered by Norbert Lohfink and Erich Zenger - explicitly attempting to re-read the text in light of contemporary Christian-Jewish relations.¹⁰⁹ Lohfink acknowledges the difficulty in discussions of speaking of 'one' covenant with respect to the biblical data: there are clearly many covenants already in the Old Testament. But this does not mean we cannot speak of a unified 'something' for which we use the terminology of 'covenant':

der Bitte oder unter Bedingung oder in kultischer Verklausulierung, am deutlichsten in Bekenntnis, Dank und Lob. So ist die unbedingte Vergebungs-verheißung als freie Zusage Gottes weithin ohne Parallele.' Ibid., 134.

109. See esp. E. Zenger, "Thesen zu Hermeneutik des Ersten Testaments nach Auschwitz," in *Eine Bibel- zwei Testamente* (eds. C. Dohmen and T. Söding. Paderborn, 1995), 143-58.

[W]e cannot speak of *the* “covenant” in the field of the Old Testament. There is “something” that is spoken about; there are images and ideas with which the biblical writers try to grasp what is meant by that “something”; and they can change. This is where talk about “covenant” belongs.¹¹⁰

Or, from elsewhere with Zenger:

In the Hebrew Bible “covenant” designates the relationship between YHWH and Israel not as something static, but as a dynamic event. “Covenant” evokes the ever-changing history of God with God’s people Israel. It is true that there is talk about a covenant in diverse contexts and eras. There are also differing conceptions of “covenant,” and they occur in differing systems of discourse. Despite this, however, a “canonical” discussion of covenant is also legitimate. Here, then, it is not a question of several “covenants,” but of the one covenant from Sinai that unfolds and is actualized and becomes new (that is, is renewed by YHWH) again and again.¹¹¹

The connections with earlier covenantal statements - especially of Oecolampadius - is evident, though naturally re-set into modern discourse. And, in a similar way, such statements allow Lohfink to produce a reading of a one-covenant approach whereby Jer 31:31-34 is a contrast for a renewal of the covenant, without dismissing the development of ‘covenants’ and covenantal thinking. Central to the issue for Lohfink is that both the covenant formula and the torah remain constant between the ‘old’ and ‘new’:

This very content at least is common alike to the broken “covenant” and the promised “new covenant”: God institutes between himself and Israel that special God-people relationship which is expressed in the “covenant formula,” and Israel takes over the torah. From the standpoint of this actual content, it is clearly a question of the same “covenant.”¹¹²

110. N. Lohfink, *The Covenant Never Revoked: Biblical Reflections on Christian-Jewish Dialogue* (tr. by John J. Scullion. Mahwah, NJ, 1991), 21. Cf. his “Ein Bund oder zwei Bünde in der Heiligen Schrift,” in *L'interpretazione della Bibbia nella Chiesa* (Vatican City, 2001), 272-97. This is not far at all from Eichrodt’s position on ‘covenant’ or Vriezen’s use of ‘communion’: W. Eichrodt, *Theology of the Old Testament* (The Old Testament Library 2 vols. tr. by John Baker. London, 1967), I.15; T. Vriezen, *An Outline of Old Testament Theology* (tr. by S. Neuijen. 2nd ed. Oxford, 1970), 153ff.

111. N. Lohfink and E. Zenger, *The God of Israel and the Nations: Studies in Isaiah and the Psalms* (tr. by Everett R. Kalin. Collegeville, MN, 2000), 191.

112. Lohfink, *Covenant Never Revoked*, 47.

The founding of a renewed covenant after its being broken, with the same torah and entirely on the grace of God, is by no means a novelty in the Old Testament: it is already embedded in the narrative of Exod 32-34.¹¹³ Yet, Lohfink claims, the ‘newness’ here lies in a promise of a great change of heart, an immediacy of obedience in freedom to the torah of God set over against the way of learning present in the Old Testament (e.g. Deuteronomy). Lohfink owes more to von Rad than a simple *leitmotif* here, as he phrases the whole previous ‘way of learning’ in a near summary of von Rad’s approach:

So the covenant in Israel had to be handed on from generation to generation through instruction. Each new generation (and each individual in Israel, again and again through the different phases of her or his life) had to try to know God ever anew and ever deeper. This took place as people continually instructed and assured one another about God’s Torah. That was the only possible way for Israel to remain in this unique relationship, the covenant with the God of the Exodus from Egypt.

But in the new covenant, according to the promise given us, it will be different. There each one already has God’s Torah written on her or his heart, and thus each one already knows the whole from inside. That endlessly weary and in the end not entirely functional system of learning the Torah is no longer the ultimate recourse.¹¹⁴

The consequences of this ‘new covenant’ include its inviolability: it will never be broken, since the people will all have the torah ‘where human freedom has its true place, in

113. Zenger, *Erste Testament*, 116; N. Lohfink, *In the Shadow of Your Wings: New Readings of Great Texts from the Bible* (tr. by L.M. Maloney. Collegeville, MN, 2003), 51; C. Dohmen, “Sinaibund als neuer Bund nach Ex 19-34,” in *Der neue Bund im Alten: Zur Bundestheologie der beiden Testamente* (QD ed. E. Zenger. Freiburg, 1993), 51-83. Lohfink explores the connections with Deuteronomy, but concludes against a parallel: N. Lohfink, “Der Neue Bund im Deuteronomium?,” in *Studien zum Deuteronomium und zur deuteronomistischen Literatur V* (ed. N. Lohfink. Stuttgart, 2005), 9-36.

114. Lohfink, “Jeremiah and the Sacred Heart of Jesus. The ‘New Covenant’,” in Lohfink, *Shadow*, 49. Or, ‘While the covenant with the ancestors was outwardly proclaimed, written on material substances, and had to be handed on through teaching, the same covenant will now be given as something internal, written on the heart, so that handing it on through teaching will be superfluous. This, then, is a renewed gift, a different kind of establishment, of the old relationship.’ “Children of Abraham from Stones: Does the Old Testament Promise a New Covenant without Israel?” *Ibid.*, 168.

the heart.’¹¹⁵ What this means for Jewish-Christian dialogue is a movement away from language of ‘supercessionism’, in which the Christian covenant came and replaced the old way of things represented by the Old Testament. Indeed, Lohfink goes so far as to claim that the prayers of a ‘new heart’ (e.g. Ps. 51:12) show that ‘God disposed to confer on Israel the very essence of the promised “new covenant,” a heart stamped with the torah.’ The prayer and the prophecy of Jeremiah (with others) were bound together in the canon so that the prayer presumes the fulfillment of the prophecy.¹¹⁶ The language is unabashedly theological at this point:

As a sinner he [i.e. the Jew at prayer] was excluded from the community of those who proclaimed God’s praise in community worship. When he prayed to God for the gifts he needed to enter again into this community, then he could ask that God would create for him what was of the essence of the statement of the promise of the new covenant: a heart renewed interiorly and completely attuned to the recognition of the will of God.¹¹⁷

Even more theological is Lohfink’s claim that Jeremiah speaks here of the concept of ‘justification’ that runs throughout the whole of the Old Testament:

This view of history... is one of the multiform figures within the Old Testament doctrine of justification.... That human beings in themselves are incapable of achieving a right situation before God, that all their attempts fail and that God alone, in divine forgiving grace, can effect the creative work of new love, is expressed here in the book of Jeremiah in the saying about the new covenant that consists of a Torah written on hearts.¹¹⁸

115. Ibid., 49. Or, ‘The earlier “covenant” was in fact broken. Hence, it must have been given to Israel in such a way that it could be broken. The “new covenant” will be given in a new way; it will be something within, with a torah written on the heart, it not being necessary to teach it from without.’ Ibid., 168.

116. Lohfink, *Covenant Never Revoked*, 56.

117. Ibid., 56.

118. Lohfink, *Shadow*, 51.

Links with the ‘Augustinian’ line are immense at this point: that the issue is justification is obviously a ‘salvific’ kind of concern, the possession of the new covenant in the ancient era is further evidence of this. But the Augustinian interpretation of this would stand strongly at odds with the above remarks on a new immediacy. The coming of the ‘new covenant’ in Christ for Christian teaching is linked directly to the concept of it as an ideal renewal of the heart: for, Lohfink tells us, it is only in Jesus that this new covenant is entirely fulfilled - only Jesus needs no one to teach him to know Yhwh, or have teaching from the outside.¹¹⁹ But this is neither ‘supercessionism’ or a reductive ‘promise-fulfillment’ model. The one covenant is found in its fullness only in Jesus, but it is that same covenant that was ‘never revoked’ and in which the Jewish people still have a prominent role to play.¹²⁰

A strong view of continuity is likewise stressed by Erich Zenger, in a way even more obviously convergent with earlier Reformed positions:

When we Christians admit, with the witness of the New Testament, that this renewed covenant with God was opened for us through the death and resurrection of Jesus so that we also live in his grace, then it is not a further covenant that will take the place of the renewed Sinai covenant. It is one and the same covenant of grace (*Gnadenbund*), to which the Jewish people and the people of the Church have a part in a different way. The covenant was made first of all with Israel, but the Church ‘through Jesus Christ has been brought into the covenant of God with his people’.¹²¹

119. ‘Christian faith tells us that since Jesus of Nazareth it has been fulfilled. Therefore, since then, there *must* be a heart on which the Torah is written in such a way that it unites the greatest degree of freedom with the fullness of desire for God’s will... I am saying that there is such a heart. It is just *one* heart. It is the heart of *Jesus*.’ Ibid., 53-54. His emphasis.

120. Ibid., 151.

121. Zenger, *Erste Testament*, 118-19. The great difference at this point between the early Reformed and Zenger (or Lohfink) is the consequence: for the Reformed, it was to show that Christians and (faithful) Israel were a part of the same people; for Zenger the consequence is the further consequence of the continuation of Israel.

Once more Jer 31:31-34 is playing its role in discussions of a one or two-fold view of covenantal theology, and Lohfink and Zenger have offered significant proposals for seeing a one-covenant view and reading Jeremiah in this way. The language of an ‘unrevoked’ covenant with Israel has by no means been universally adopted, even among Roman Catholic scholars.¹²² But the significance of these proposals, and their similarities (and differences) to previous ways of thought - and to much of what will be proposed here - make an intriguing moment in the history of interpretation. The strong Augustinian insistence on the unity of the people of God rules out a blunt supercessionism. But for Lohfink especially, the contrast of Jer 31:31-34 is still between the deuteronomic teaching/learning and some more immediate work on the heart - the means of Yhwh’s work - which suffers from the same deficiency as von Rad.

§7. AN AUGUSTINIAN HERITAGE?

The differences between Jerome and Augustine in reading Jer 31:31-34 have been largely forgotten in modern interpretation.¹²³ But a handful of recent proposals have been sug-

122. Prominent in exception is A. Vanhoye: see his “Salut universel par le Christ et validité de l’Ancienne Alliance,” *Nouvelle Revue Théologique* 116 (1994), 815-35; Idem, “Réaction à l’exposé du prof. Norbert Lohfink «Ein Bund oder zwei Bünde in der heiligen Schrift»,” in *L’interpretazione della Bibbia nella Chiesa* (Vatican City, 2001), 298-303. The most thorough response centred on Jer 31:31f is from Groß, *Zukunft*.

123. The two still figure in the comments of one mid-19th century scholar, though not in a very convincing manner: (explaining 31:31f) ‘St. Augustine is more right than St. Jerome, since the first makes every law of the letter, and of Old Testament literalism, abolished in Christ, while the second abolishes only the ceremonial law; all which Luther and the Galatians well shows. Hence all that the nobler mystics and more reasoning Quakers have said from St. Paul in 2 Cor. 1 and 3 down to the purer neologians of our time, is justified; here is a charter which makes freedom of thought orthodox, so that without neology is no Christianity.’ Williams, *Prophets*, 287.

gested that fall more directly in the ‘Augustinian’ line of interpretation of Jer 31:31-34 as an absolute (‘salvific’) contrast of standing before God. In 1969 Wilber Wallis suggested that the oracle be read as an instance of irony. The reason for this is that every part of 31:33-34 ‘is but a repetition of some familiar aspect of salvation already known in the Old Testament.’¹²⁴ The solution, Wallis suggests, is to look at the audience to whom Jeremiah is (portrayed as) preaching: ‘The open implication of the passage is that many in Jeremiah’s day did not “know” the Lord, in contrast to the time when all would know him.’¹²⁵ By listing what was already assumed by the people (that they had the law on the heart, were the people of Yhwh, knew Yhwh, and had forgiveness of sins), but placing them in terms of something that would have to be ‘new’, Jeremiah deconstructs the people’s confidence:

So in Jeremiah’s prophecy the very commonplaceness, the familiarity, the banality of the oft-repeated words all become the leverage to drive home the stinging irony of the words “new covenant” - all this “new” to complacent sinners who thought it was theirs all the while!¹²⁶

Wallis’s suggestion was taken up in two studies and given a better formulation. In an article in 1985, Fredrick Holmgren gave a sharper focus to the suggestion by framing the question, as new ‘*for whom*’?¹²⁷ Holmgren raises the issue of the characterization of the people of Jeremiah’s time, in words not entirely dissimilar to what is claimed by Bright and others:

124. W.B. Wallis, “Irony in Jeremiah’s Prophecy of a New Covenant,” *JETS* 12 (1969), 107.

125. *Ibid.*, 108.

126. *Ibid.*, 108. Wallis also suggests this for the ways in which the contrast is used in the New Testament (109-110).

127. F. Holmgren, “A New Covenant? For Whom?,” *The Covenant Quarterly* 43.1 (1985), 39-44.

Yahweh wanted the Judeans of Jeremiah's time to be just, merciful, and loyal in the heart. But it is there - in the heart - that the problem lies. At the center, something is terribly wrong.¹²⁸

But where Bright sees a turn in Jeremiah to something other than the deuteronomists, Holmgren remains at this level of contrast as reads the oracle as confronting this situation of infidelity:

This "new" covenant would not be new to Moses, to the prophets, or to Yahweh. For whom, then, is this covenant a "new" covenant? It is "new" to those Judeans who are blind, but think they see; who are deaf, but believe they hear; who are hard of heart, but represent themselves as children of God. This covenant is "new" to a people who are supremely confident that they are Yahweh's people, when in truth their whole way of life is alien to Yahweh's teaching.¹²⁹

Holmgren goes on to point out that what is required in having the 'law on the heart' is simple covenant fidelity, and what is at stake in 'knowing Yhwh' is 'to be kind to the weak, just to the poor' (22:16). The issue, Holmgren states, is about standing (or not) in the 'true covenant'.¹³⁰

Two closely related differences from the dominant lines of interpretation should be pointed out. First, the location of the oracle (its 'context') is now a part of the standard preaching of the prophet to a hard-hearted people, rather than a part of the religious development of Jeremiah or Israelite religion. Thus Wallis and Holmgren read the oracle as ironic, a disillusionment of the people's security. Related to this, the point of contrast is no longer

128. Ibid., 39.

129. Ibid., 40. Or elsewhere, 'If these people, who are "accustomed to do evil," could recognize the covenant for what it truly was, it would be a new teaching *for them*.' Idem, *The Old Testament and the Significance of Jesus* (Grand Rapids, 1999), 92. Emphasis his.

130. 'People who must be taught basic response to the poor and weak are those who stand outside the *true* covenant (that is, what Jeremiah calls the "new" covenant).' Holmgren, "New Covenant?", 42.

Deuteronomy, a deuteronomic view of religion, or the reforms along those lines that (in the reconstructed context) surrounded Jeremiah's career or the exilic and post-exilic communities. Instead the contrast is with the people *as characterised* in the book of Jeremiah. This second point I view as an immense step forward in the discussion, and will be taken up in the final chapters. The first point, however, and its consequence of viewing the oracle as a piece of irony, is more difficult to maintain. Interestingly, Cornill had already dismissed the option of irony here - though without argument - so the suggestion is not entirely unknown.¹³¹ But it is also unlikely to garner much support.¹³²

Wallis's suggestion was also taken up in a 1978 Ph.D. dissertation by Robert Rayburn. Rayburn offers the most thorough discussion from this line of interpretation, showing some of the difficulties of modern readings, typically by pointing either to the theological difficulty of denying any part of 31:33-34 to the faithful living before the new covenant,¹³³ or

131. He sees it as a possible application of Smend's view of irony in 4:4, but does not develop it and instead asserts that these words were spoken 'in heiligen Ernst.' Cornill, *Jeremia*, 351.

132. Though to have Jeremiah presented as undercutting established comforts would by no means be novel: 'the governing agenda of the first scroll [chs.1-25] is the tearing down of existing symbol systems and institutional supports. All sacred supports of the old world order are bravely deconstructed in the text. No temple, no covenant, no appeal to election or a Davidic ruler can deliver the community from imminent disaster.' L. Stulman, *Order amid Chaos: Jeremiah as Symbolic Tapestry* (Sheffield, 1998), 117.

133. E.g., 'it is impossible to maintain that Jeremiah regarded the Lord's writing of the law on the heart as a new feature of his relationship with his people because this would leave Jeremiah (and Ezekiel) without an explanation for the conversion and redemption and obedience of all the saints who lived before the new covenant including himself.' R.S. Rayburn, "The Contrast Between the Old and New Covenants in the New Testament" (Ph.D, Univ. of Aberdeen, 1978), 150. Or, 'according to Old Testament covenant thought, there is no place for a setting-aside of one covenant in favor of another. All the covenants were everlasting, even if broken. A "new" covenant could only be a final, complete, or perfect expression of *the* everlasting covenant (cf. Jer. 33:17ff).' Ibid., 163.

more often to the witness of the rest of the Old Testament.¹³⁴ The decisive point, however, comes in the analysis of the point of contrast for the two covenants:

What then is the difference between the two covenants? The first was the relationship established by God with Israel which Israel in unbelief and disobedience broke. That posture of unbelief was maintained from the beginning through to Jeremiah's time (cf. 7:25ff) with, of course, many individual exceptions. For this unbelief and for Israel's hard-hearted response to God's appeal to her to repent and come back to him, God is now going to punish Israel and destroy many of the people. But in this time of judgment Jeremiah looks forward to a new act of salvation which God will perform in the future and which will have complete and unalterable success.¹³⁵

The advance from Wallis is that the oracle is no longer tied to a particular moment in Jeremiah's ministry (though potential 'moments' might easily be imagined for such a message). Thus the oracle is not 'irony', but promise over against the realities of the judgment and its causes. Rayburn concludes in strong Augustinian language:

We have already suggested that Jeremiah is not concerned with the contrasting of two objective economies or two consecutive religio-historical states of affairs. The contrast is of another sort entirely. It is the contrast of two subjective states of affairs: unbelief with faith, no peace with God with fellowship with him, and God's wrath and judgment with his salvation. The subject of Jer 31:31ff is subjective redemption, which redemption will come in its consummate fullness in a future act of God.¹³⁶

I will argue that this line of discussion is exactly right by re-focusing the question of the nature of the contrast. Throughout the history of interpretation the defining of the point of contrast has been *the* central concern: the *vetus testamentum* (Augustine), the *vetus lex*

134. E.g. the Psalms (103, 119). In other words, criteria implying a unity of God and Scripture that are most easily dismissed by examinations of the oracle as a part of the historical development of Israelite religion, and Jeremiah's part in that development. This is not to say that the criteria are invalid (I happen to think they are very good), but that they can be easily circumvented by claims regarding the chronology of the texts (e.g. Levin) or the incoherence of the theologies in the Old Testament.

135. Ibid., 158.

136. Ibid., 164-65.

(Thomas), *nuda lex* (Calvin), ‘Mosaic covenant’ (Ball), or more recently ‘deuteronomic’ thought. This, therefore, must be our first question: where do we turn to find the contrast to the ‘new covenant’ of Jer 31?

Such a survey by no means exhausts the numerous readings of the text in the 20th century, though it gathers the most typical. Among these varied readings the two main struggles, closely related, are for a determining ‘world of discourse’ or ‘context’ in which the oracle can function, and the point of contrast that is then created for the oracle. If nothing else, the last century has revealed the ‘overabundance’ of meaning in the words of the oracle - or, to put it another way, it has demonstrated the underdeterminacy of semantics for any determinate meaning. The semantics of an utterance can be made to fit any number of varied circumstances, with its meaning (use) shifting accordingly.¹³⁷ The oracle has been read as jeremianic against the deuteronomist, as jeremianic in line with deuteronomic thought, as non-jeremianic and pro-deuteronomist, and as non-jeremianic and anti-deuteronomist. And any of these can be made coherent with the semantics of Jer 31:31-34. I will suggest that the initial context for understanding Jer 31:31-34 is the communicative act(s) of the book of Jeremiah. If this is done, the point of contrast for the ‘new covenant’ is not difficult to find.

137. A strong version of this line is put forward by J.R. Searle, “The Background of Meaning,” in *Speech Act Theory and Pragmatics* (eds. J. R. Searle et al. Dordrecht, 1980), 221-32.

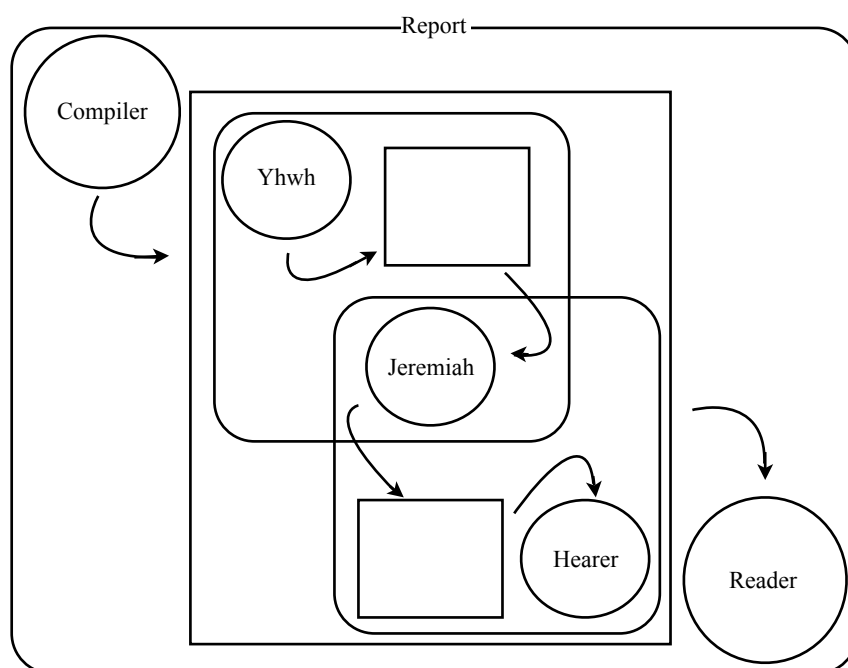
VII. The Context of the New Covenant

In what follows I will begin constructing a reading of Jer 31:31-34 in the role that it plays in the book of Jeremiah. In this chapter I will outline the two most important contextual questions for answering this question: the nature of the ‘broken covenant’ to which the ‘new’ is contrasted; and the role played by the oracles of restoration in chs. 30-31. The nature of the broken covenant in Jeremiah is that unfaithful state of affairs painted as both universal and absolute: the infidelity that led to divine judgment. The oracles of restoration, especially in chs. 30-31, are made to play the role of reversing or overturning the causes and effects of divine judgment. Their result is an idyllic state: making everything the way that it always ought to have been. These two points being made, the following chapter will draw them together with respect to the ‘new covenant’ as an overturning of the infidelity of the people and a making of things the way that they always ought to have been. The concluding section will reflect on this reading as a part of the Augustinian tradition.

§1. FINDING A CONTEXT

The above examination of the modern era stressed the significance of a ‘context’ for making sense of Jer 31:31-34. In what follows I will make the initial point of context the (edited) book of Jeremiah. Such a view can be defended at length from a number of viewpoints, but here I only use it as an important aspect of reading the oracle. I do not consider the book of

Jeremiah as a context-less literary artefact, or a ‘world of the text’ floating independently of authorial considerations - I have already pointed to the underdeterminacy of semantics, a point that holds no matter how large the semantic group might be. But the book of Jeremiah stands, in its complexity, as an act, or set of acts of communication. In an article in 1994, H. Van Dyke Parunak sketched the levels of communication within the oracles of Jeremiah as presented in the book:¹



The rounded boxes are acts of communications, while the square boxes represent the content of the communication. On one level there is Yhwh’s communication to Jeremiah (1). Then there is also, at least sometimes, Jeremiah’s communication to an audience/hearer (2).² The

1. H. Van Dyke Parunak, “Some Discourse Functions of Prophetic Quotation Formulas in Jeremiah,” in *Biblical Hebrew and Discourse Linguistics* (ed. R. D. Bergen. Winona Lake, 1994), 494. I have adapted some of the terminology.

2. If Jeremiah’s words are made to ‘count as’ Yhwh’s own, as in Wolterstorff’s presentation, the schema still stands - likewise for thinking that the recording, editing and preserving of the words are made to ‘count as’ God’s own: the acts of communication are distinct (if inseparable) whatever further role they are made to play.

(canonical) ‘report’ of these embedded discourses is clearly recognized as its own communicative act - one that for our purposes can coincide with the inclusion of the oracle in the larger whole.³

The chart is clearly rather simplistic and operates only with respect to the surface presentation of certain oracles within the book.⁴ But the point at issue is a distinction of levels (2) and (3) and the reading of level (3) as ‘discourse’. The modern search outlined above has clearly been governed by level (2): a placement of the oracle in the role that it plays within a reconstructed religious history of Israel (or of Jeremiah). While such a mode of research continues unabated in some circles of Old Testament scholarship,⁵ a number of other studies have focused on the importance of the editing of Jeremiah for supplying ‘meaning’ to the oracles: in other words, focusing variously (and for various reasons) on the use made of the or-

See N. Wolterstorff, *Divine Discourse: Philosophical Reflections on the Claim that God Speaks* (Cambridge, 1995).

3. Thus bypassing the question of independent circulation of ‘reported’ oracles (as is possible for chs. 30-31, but could easily be included in the chart). I suppose the final inclusion does not have to be an ‘act of communication’, which I understand to be an intentional act: one might ‘accidentally’ include an oracle, or include it without any sort of independent reflection on its inclusion in the scroll (someone told me it was Jeremiah’s, so I threw it somewhere in the middle of the scroll that said ‘Jeremiah’). The former is rather unlikely, and even the latter is stronger than the skeptical account for the book as a ‘rolling corpus’ by W. McKane, *Jeremiah* (ICC, 2 vols. Edinburgh, 1986-96), 1.xlix. But for strong skeptics, the following investigation can be taken as a hypothesis: ‘If the oracle is included with some kind of intentionality, then how might we understand it?’

4. Thus Biddle’s critique is correct, but not fatal: M.E. Biddle, *Polyphony and Symphony in Prophetic Literature: Re-reading Jeremiah 7-20* (Macon, GA, 1996), 65.

5. E.g. T. Collins, “Deuteronomist Influence on the Prophetic Books,” in *The Book of Jeremiah and its Reception* (eds. A.H.W. Curtis and T. Römer. Leuven, 1997), 15-26. Or the recent work re-positing Jeremiah as a propagandist for Josiah’s reforms, by M. Leuchter, *Josiah's Reform and Jeremiah's Scroll: Historical Calamity and Prophetic Response* (Sheffield, 2006).

acles in their inclusion in the book of Jeremiah.⁶ Taking Jer 1 for an example, whatever one thinks of its formal history or its referentiality to the prophet himself, Brueggemann rightly claims that:

the intent of this narrative is to affirm that the text which follows is not merely a human construction, but is in fact the purposeful governing assertion of Yahweh, who will have history move as Yahweh asserts it.⁷

This is neither an interest in the recesses of another's psyche (or motivation), nor a neglect of history: it is a claim of the role the text (utterance) is made to play in an act of communication. Whether or not one accepts the narrative provided by Jer 1 as reliable does not alter the role that it is made to play in the discourse.⁸ The issue is clearly seen in Robert Carroll's complaint, speaking of himself in the third person:

What is fundamental to Carroll's reading of the book of Jeremiah is the conviction that the editorial framework... especially the colophon of i 1-3, is a secondary but shaping feature of the book which has misdirected generations of readers into reading the book as if its utterances and events actually took place during that specified period.⁹

6. Some of the more prominent or relevant readings include: L. Stulman, "The Prose Sermons as Hermeneutical Guide to Jeremiah 1-25: The Deconstruction of Judah's Symbolic World," in *Troubling Jeremiah* (JSOTSup 260, eds. A.R.P. Diamond et al. Sheffield, 1999), 34-63; Idem, *Order amid Chaos*; K. O'Connor, *The Confessions of Jeremiah: Their Interpretation and Role in Chapters 1-25* (SBLDS Atlanta, 1988); McConville, *Judgment*; Idem, "Jeremiah: Prophet and Book," *TynBul* 42 (1991), 80-95.

7. Brueggemann, *Jeremiah*, 25.

8. This is in parallel to Alston's comment: 'Whether I told you that the dean is coming to dinner or asked you to bring me a towel does not hang on whether you heard or understood me. If you didn't my communicative purpose has been frustrated. But it doesn't follow that I didn't tell you or ask you.' Alston, *Illocutionary Acts*, 24.

9. Carroll, *Chaos*, 52.

The complaint is that people have *believed* the editorial framework, not that they have misunderstood its function in communication. So the ‘misdirected generations of readers’ are in fact (potentially) reading the book correctly, even if Carroll thinks the book is wrong.

My proposal is to read Jer 31:31-34 in the role that it is made to play in the book of Jeremiah. Such will provide the necessary context for an understanding of the oracle, though it will not answer all of the questions regarding the historical moment of its inclusion, the author, or many other (potentially valid) questions.¹⁰ Rather than beginning within a reconstructed context of the oracle’s ‘original’ location that works out towards its inclusion in the book, I will turn the matter on its head and begin with the ‘report’ of the oracle and its role in Jeremiah.¹¹ In other words, this study is an attempt to heed Wittgenstein’s advice: ‘Let the

10. That I argue both (a) for a contextually-sensitive pragmatics of understanding an utterance, and (b) the unavailability (at least for the purposes of this study) of the precise location of the utterance (understood as the inclusion of the oracle in the larger collection), is unproblematic - contrary to what is implied by D.R. Stiver, *Theology after Ricoeur* (Louisville, 2001), 132. My interest is not the psychological state or intention of the author - ‘He uttered *x* (Jer 31) because of *p* (he was dissatisfied with the deuteronomists)’, but rather communicative action - ‘He did *y* by uttering *x*’. There are different kinds of factors necessary to determine different kinds of communicative (Alston’s ‘illocutionary’) actions: so I must know more contextually to understand the utterance ‘Guilty!’ as an act of judicial sentencing than I must know to understand ‘These are the words of Jeremiah...’ as an act of reported speech. For the one I must know (among other things) that the speaker is a judge, speaking in a court of law, at an appropriate time, about an appropriate person, and in English. For a ‘report that *x*’, while the utter implicitly takes responsibility for the accessibility to *x*, I need not know (for instance) that he or she *has* that accessibility in order to understand what is done. It may be a wrong report, ill-grounded report, etc. But it is still a report. Much less do I need to know the name or background of the utterer. I know very few of the names, life-stories, sources, or ideological orientations of the reporters of my newspaper. I can guess some of these some of the time, but this would be venturing into psychological rather than communicative intentions (still valid, but rather less obvious). Some contextual factors for Jer 31:31-34 are necessary (e.g. uses classical Hebrew normally), and sometimes more precise information is necessary (e.g. for metaphors: ‘law on the heart’): but what is sufficient is significantly less than the *Einleitung* searches imply.

11. ‘The received location of prophetic messages in descriptions (!) of speaking situations is primarily not a speaking situation that can be immediately reconstructed. Instead, the received location is a book. We only possess the book, and only the book is the ground upon which we can pose our questions.’ O.H. Steck, *The*

use teach you the meaning.¹² How is Jer 31:31-34 *used* in the book of Jeremiah (what is *done* by it)?

§2. THE BROKEN COVENANT

Jože Krašovec begins his examination of Jer 31:31-34 by asking, ‘what kind of covenant was the previous one, nowhere specifically described?’¹³ One advantage of reading the oracle as a part of Jeremiah is that the ‘previous one’ is very often described: indeed, the nature of the previous covenant is broadly the theme of chapters 1-25. ‘Covenant’ is rightly seen by Böhmer to be simply one metaphor among many in Jeremiah, both in its positive and negative appearances.¹⁴ It is one of a multiplicity of ways of speaking about that ‘relationship of obligation’ between Yhwh and his people - that state of affairs in which Yhwh and Israel can expect faithfulness from one another.¹⁵ Understood in this way, the theme of the *broken*

Prophetic Books and their Theological Witness (tr. by J.D. Nogalski. St. Louis, MO, 2000), 9. That Steck sees this as demanding a source-critical analysis of the text *first* is debatable. For an application of Steck’s general position relevant to our text, see Schmid, *Buchgestalten*.

12. L. Wittgenstein, *Philosophical Investigations* (tr. by G.E.M. Anscombe. 3rd ed. Oxford, 2001), p.181.

13. Krašovec, *Reward*, 455.

14. S. Böhmer, *Heimkehr und neuer Bund: Studien zu Jeremia 30-31* (Göttingen, 1976), 75.

15. The phrase is from the excellent discussion of ברית in G.P. Hugenberger, *Marriage as a Covenant: Biblical Law and Ethics as Developed from Malachi* (VTSup 52, Leiden, 1994), 168-215. Kutsch’s arguments (in *Verheissung und Gesetz*) for ברית as *Verpflichtung* without a notion of ‘relationship’ has found little support in more recent discussions of the term. Even Nicholson (*God and His People*, 216), who follows Kutsch to some extent, sees ברית here as including relationship (though concludes it must be therefore late). Likewise, Lalleman-de Winkel (*Jeremiah*, 203) points to the similarity between Hosea and Jeremiah in that ברית ‘indicates a relationship’ that demands loyalty. For full discussions interacting with Kutsch, see Hugenberger (op.cit.); P.J. Naylor, “The Language of Covenant: A Structural Analysis of the Semantic Field of ברית in Biblical Hebrew, with Special Reference to the Book of Genesis” (D.Phil, Oxford, 1980); D.J. McCarthy, *Treaty and Covenant: A Study in form in the Ancient Oriental Documents and in the Old Testament* (AnBib 21a, Rome, 1981); J. Barr, “Some Semantic Notes on the Covenant,” in *Beiträge zur alttestamentlichen Theologie* (eds. H. Donner et al. Göttingen, 1977), 23-38.

covenant is simply one of the various ways of expressing the unfaithfulness of the people that governs the theme of Jeremiah from the call narrative through to the close of the book.

The first point to note is the terminology used for the previous covenant. As Kraus points out, the text never in fact calls the previous covenant an 'old covenant'. But neither does it call it a 'first covenant' as Kraus does,¹⁶ or simply the 'covenant with the fathers' as Renaud - all of which might be taken as neutral terms.¹⁷ Rather, the way in which that contrary covenant is presented is as a *broken* covenant.¹⁸ An 'old' or 'first covenant' might be sound or helpful for certain ends, though perhaps imperfect (e.g. the 'old law' in Thomas). But because the contrast is with 'that covenant of mine which they broke', we can no longer read it as a neutral state of affairs. The new covenant is contrasted with that state of affairs consisting of the covenant being broken. The contrast to the new covenant, in short, is infidelity.

JER 11:1-13

To show this I will briefly outline the broken covenant in the book of Jeremiah. To focus the discussion I will look first at the most obvious text for our purposes: 11:1-13. The text has three parts, the first two of which can be handled together:

⁽¹⁾ The word that came to Jeremiah from Yhwh:

16. Kraus, "Der Erste," 63.

17. Renaud, "L'alliance éternelle," 41, et passim.

18. 'Die Eigenschaft des gebrochenen Bundes ist nach eindeutiger Aussage des Textes nicht, daß er alt oder anders, sondern daß er gebrochen ist. Deshalb und nur deshalb ist der Schluß eines neuen Bundes erfordert.' Levin, *Verheißung*, 141.

(2) ‘Hear the words of this covenant, and speak them to the men of Judah and to the inhabitants¹⁹ of Jerusalem.

(3) And you shall say to them:

“Thus said Yhwh, God of Israel:

‘Cursed be the one who does not hear the words of this covenant ⁽⁴⁾ that I commanded your fathers on the day when I brought them out of the land of Egypt, from the iron furnace, saying:

“Hear²⁰ my voice and do according to all that I command you, and you will be my people and I will be your God, ⁽⁵⁾ in order that I might perform the oath that I swore to your fathers, to give them a land flowing with milk and honey - as at this day.”’

And I answered and said, ‘Amen, Yhwh.’

(6) And Yhwh said to me:

‘Call out all these words in the cities of Judah and in the streets of Jerusalem:

“Hear the words of this covenant and do them.”

(7) “For I strongly warned your fathers - from the day I brought them up from the land of Egypt until this day, warning them persistently,²¹ saying:

‘Hear my voice.’

(8) But they did not hear, and they did not incline their ear, and each man walked in the stubbornness of his evil heart.

So I brought upon them all the words of this covenant which I commanded them to do, but they did not.”’

There are a few exegetical details that make the text difficult, most prominently the plural in the MT of 2a (שְׂמַעוּ). Holladay deems the text ‘impossible’, but this is unnecessary.²² The three chief options are, either (a) to remain with the MT, with the recognition that this is not

19. אֶל-אִישׁ ... וְעַל-יִשְׂרָאֵל. The phrase could be translated ‘to the men of Judah and *against* the inhabitants of Jerusalem’ (cf. 18:11). But the overlap between the two prepositions makes a hard case for significance in divergence. The singular אִישׁ is common for this expression: e.g. 4:3, 4; 11:9; 17:25; 18:11; 32:32; etc.

20. I have translated שָׁמַע ב as ‘hear’ throughout rather than the standard ‘obey’ in order to draw attention to the repetitions of שָׁמַע.

21. הַשְׁכֵּם וְהִקְדָּם: For above translation see Carroll, *Chaos*, 88.

22. Holladay, *Jeremiah*, 1.346. He and Bright both excise the text as borrowed from 6b. Levin brands the whole section an ‘unglaublichen Konfusionen’. Levin, *Verheißung*, 73. The decision to end the section at v.13 is somewhat arbitrary: Levin (as Duhm) includes v.14, while Maier, as Holladay, includes through v.17. Maier, *Jeremia*, 165ff. Neither decision makes an impact on what is here said.

the only divine command to Jeremiah in the plural.²³ In which case the reversion to the singular in 2b (דִּבְרֵתֶם) is formulaic. Or, remaining with (a), Lundbom has suggested that 2a ('Hear the words of this covenant') functions as the content of the message Jeremiah is to deliver, reversing the normal order of the message following the messenger formula.²⁴ Alternately, (b) the Targum and Vulgate read 'speak' as plural (repointed to דִּבְרֵתֶם) to match 'hear', with a similar reason as (a) and the reversion to the singular in 3a as expected. Or (c) we might follow the LXX and read both as singulars: ἀκούσατε and λαλήσεις. In this case all of v.2 functions as a thematic introduction to the oracle.

Many have also lodged complaints against 4b (וַעֲשִׂיתֶם אוֹתָם), where the LXX leaves out the direct object.²⁵ Though the MT reading is defensible, the result is clumsy at best: 'Hear my voice and do them [i.e. the words of 3b], according to all which I commanded you.'²⁶ The MT is likely mistakenly taken from 6b. In either case, the meaning is unaltered.

More significantly, the whole of vv.7-8 are reduced in the LXX to the simple negative, καὶ οὐκ ἐποίσαν. Most commentators express preference for the MT on stylistic grounds,

23. E.g., 5:20: 'Declare (הִגִּידוּ) this in the house of Jacob and make it heard (וְהִשְׁמִיעוּהָ) in Judah...' Also 5:1 (below). Calvin (*Jeremiah*, 2.70) saw the plurals as evidence of Jeremiah's having help, while some Jewish commentators (e.g. the *Mezudath David*) read them as commanding the prophets themselves to hear and understand the covenant: A.J. Rosenberg, *Jeremiah: A New English Translation of the Text, Rashi and a Commentary Digest* (1, New York, 1985), 99.

24. J.R. Lundbom, *Jeremiah 1-20* (The Anchor Bible New York, 1999), 616-17.

25. Cornill (*Jeremia*, ad loc.) calls the MT 'völlig unmöglich'.

26. The MT is defended by Lundbom, *Jeremiah 1-20*, 622. See the mention of Schenker, below.

but then explaining why the LXX is missing the text ‘is difficult to say’.²⁷ The best suggestion is that of haplography from the formulaic 6b (which has already caused the problem in v.4b).²⁸ The main content of 7-8, in any case, is not unusual to Jeremiah as a book (see below), described well by McKane:

[T]he function of vv.7-8 is to establish that from the time of the Exodus up to the present Yahweh, through his (prophetic) spokesmen, has unremittingly and urgently laid on his people the necessity of obedience to the terms of the covenant. Despite these solemn representations they have a record of unrelieved apostasy.²⁹

Jer 11 has played its primary role in modern scholarship within discussion of Jeremiah’s role (or non-role) in the Josianic reforms.³⁰ Such an interest is already seen in Bullinger’s remarks, reading the *sermo* as a result of the failure of the people to follow through Josiah’s reforms.³¹ Such is possible, naturally, but our concern is the role the text is made to play in the compiled work.³² The two-part structure of 11:1-8 reinforces the point of the breaking of

27. Duhm, *Jeremia*, 109. Those preferring the MT include Holladay, Rudolph, Cornill, Hyatt, and Lundbom. Volz (*Jeremia*, 129-30) unconvincingly claims that 2-5 and 6-8 are doublets, and so functionally excises the latter. Naturally, a preference based on ‘style’ is a tenuous category.

28. G.J. Janzen, *Studies in the Text of Jeremiah* (Cambridge, MA, 1973), 39. For suggestions of deliberate abridgment, see W. Thiel, *Die deuteronomistische Redaktion von Jeremia 1-25* (Neukirchen-Vluyn, 1973), 148-50.

29. McKane, *Jeremiah*, 1.238.

30. See the two essays compiled together by H. Cazelles, “Jeremiah and Deuteronomy,” in *A Prophet to the Nations* (eds. L. G. Perdue and B. W. Kovacs. Winona Lake, 1984), 89-112; J. P. Hyatt, “Jeremiah and Deuteronomy,” *Ibid.*, 113-27.

31. ‘videtur esse dicta non sub pio rege Iosia, sed sub filiis eius impiis. Nam hi a Deo, lege & foedere eius recessisse leguntur, de Iosia vero nouimus quod legem reparauit, & totum populum foedere cum Deo uniuit.’ Bullinger, *Ieremias*, 84b.

32. ‘If the editors intended 11:1-13 to represent Jeremiah as the preacher of the covenant at Josiah’s reform, then they have failed singularly to indicate that information in their presentation here. What they have done is to present him as a covenant preacher, but in such general terms that no precise historical setting can be established for his activity.’ Carroll, *Jeremiah*, 269.

the covenant. Verses 1-5 contain an abbreviated mock covenant ceremony structured on the model of Deut 27. The second part, vv.6-8, is a confrontation of 'Judah and Jerusalem' with the failure of their fathers in that covenant.

Brueggemann distinguishes between the 'fathers' of v.4 (the wilderness fathers) and those in v.5 (the patriarchal ancestors).³³ This is probably true, but the point of the text is simply to establish the relationship between the hearers and the 'fathers'. The hearers have a place in the story as the heirs of those who received the promise of the land and the covenant tied to that promise. In v.7 the hearers are also the heirs of the 'fathers' who have been constantly warned. The effect is a uniting of the history of Israel - at least since the Exodus - into one familial line of those called to 'hear'. The purpose clause in v.5 ties the covenant directly to the promise of land, to which we will return as a function of the restoration oracles.

William McKane has objected that 11:6-8, referring to a judgment already brought about (8b), does not fit the present context.³⁴ But as Lundbom points out, the referent for 'them' is the 'fathers': the 'words of the covenant' (its curses) were brought upon the preceding generations. The precise nature of this judgment - the content of the 'words' - is not spelled out, and so is clearly not the concern. Thus one could follow Lundbom and under-

33. Brueggemann, *Jeremiah*, 110. Similarly, Lundbom, *Jeremiah 1-20*, 622; McKane, *Jeremiah*, I.238. They are seen as the same 'fathers' by Maier, *Jeremia*, 175. Her citation of כִּי־זֶה as demanding this is unconvincing. The main difficulty is that the promise of the 'land flowing with milk and honey' only emerges in Exod 3 (my thanks to Nathan Macdonald for this point). Nonetheless, the promise could still be to the patriarchs described anachronistically (as 32:22).

34. McKane, *Jeremiah*, I.238-39. The same is expressed by Skinner, *Prophecy*, 102.

stand this as being the judgment in the wilderness after the Exodus,³⁵ or Cornill and the judgment of the Northern kingdom.³⁶ Or more broadly, Graf's suggestion that the curses of Deut 28 had already come into play in various ways throughout the life of Israel, with only the most significant being the exile of the North.³⁷ In any case, the rhetorical effect is to establish a pattern of rebellion and judgment that has been the defining characteristic of the people from the very beginning - from the birth of the promise until now. And in the third movement (vv.9-13) that continuity is carried into the condemnation of the present generation:

⁽⁹⁾ And Yhwh said to me:

‘A conspiracy is found among the men of Judah and among the inhabitants of Jerusalem:

⁽¹⁰⁾ They turned to the iniquities of their forefathers who refused to hear my words; and they went after other gods to serve them.

The house of Israel and the house of Judah broke my covenant which I made with their fathers.’

⁽¹¹⁾ Therefore thus said Yhwh:

‘Behold, I am bringing disaster upon them, from which they cannot escape. And they will cry to me, and I will not hear them. ⁽¹²⁾ And the cities of Judah and the inhabitants of Jerusalem will go and cry to the gods to whom they burn incense, but they will surely not deliver them in their time of disaster. ⁽¹³⁾ For the number of your cities is the number of your gods, O Judah. And the number of the streets of Jerusalem is the number of altars you have set up to Shame - altars to burn incense to Baal.’

The link with the ‘fathers’ is made again, but now standing directly over against Jerusalem.

The summary statement at the close of v.10 is the centre of the whole: ‘The house of Israel and the house of Judah broke my covenant which I made with their fathers.’ The punishments

35. Lundbom, *Jeremiah 1-20*, 623; Brueggemann, *Jeremiah*, 111.

36. Cornill, *Jeremia*, 146.

37. Graf, *Jeremia*, 179.

that follow are standard prophetic pronouncements of the punishment fitting the crime: they did not hear, now I will not hear.³⁸

The two central aspects for characterizing the ‘broken covenant’ in this text are the central demand of the covenant, and the universal failure to follow the command. The command to ‘hear’ is the central demand of the broken covenant, a near ubiquitous manner of speaking of covenant fidelity. The phrase שָׁמַע בְּקוֹל, as Lohfink points out, is often used in covenantal clauses of blessing and curse.³⁹ Its imperatival form in 11:4, 7 (and 7:23) is somewhat unique, but the meaning is still transparent. The use of the ‘voice of Yhwh’ as parallel to Yhwh’s תּוֹרָה or the prophet’s message (i.e. the ‘word of Yhwh’) is clear in (e.g.) 9:12 (MT); 10:13; 25:30; 32:23 and 44:23, and is a natural reading of the imagery.

Though many commentators have asked after the precise content of the ‘words of the covenant’ in 11:4 and 6, the open-ended nature of the language may be significant. The explicit concern is the fundamental infidelity of the people, and the command to ‘hear my voice’ is likely the general concern for ‘obedience to the will of Yahwe in whatever way it may be re-

38. Thus the link to 11:14-17. See the classic study on the correspondences of sin and Yhwh’s judgment by P.D. Miller, *Sin and Judgment in the Prophets* (Chico, CA, 1982).

39. N. Lohfink, *Das Hauptgebot: Eine Untersuchung literarischer Einleitungsfragen zu Dtn 5-11* (AnBib 20, Rome, 1963), 65. Cf. Deut 4:30; 8:20; etc.

vealed.⁴⁰ The people have not simply broken some of the precepts, but have rejected the entire call to obedience of Yhwh: they have refused to ‘hear’.

The second aspect of note in 11:1-13 is the universal failure of Israel to ‘hear the voice of Yhwh’. Important in this regard are the two ways of phrasing Yhwh’s bringing the people out of Egypt in vv.4 and 7. The two phrases are nearly identical, and there is no reason to see significance in the variations:⁴¹

בְּיוֹם הוֹצִיאֵי אוֹתָם מֵאֶרֶץ מִצְרַיִם (4)

בְּיוֹם הַעֲלוֹתִי אוֹתָם מֵאֶרֶץ מִצְרַיִם (7)

The deliverance from Egypt is seen as the constitutive event for Israel as the people of Yhwh: Yhwh’s action by which he laid claim to Israel, in accordance with the promise to the fathers. This function of the deliverance from Egypt is quite clearly bound up in the narrative of Exodus,⁴² and comes clearly into focus throughout much of the deuteronomic literature:

Deut 4:20 But Yhwh took you and brought you out (וַיּוֹצֵא) of the iron furnace, from Egypt, in order to be a people of his inheritance, as at this day.

Or, famously:

40. Skinner, *Prophecy*, 100. The parallel to Exod 19:1-8 is relevant, with the people’s accepting of the covenant’s ‘words’ (even described as ‘hear my voice and keep my covenant’, v.5), *prior* to their being spelled out.

41. This is done most woodenly by Levin, *Verheißung*, 136f. Better is von Rad: ‘for the most part the expression is already of the nature of a formula - in many cases it is clearly simply already taken over from hymnody. On the other hand, another of its characteristics is its great variability and elasticity, as the very different length in which it is formulated make apparent. This confession could be summed up in the juxtaposition of three words, but it could also find expression in a long hymn.’ von Rad, *Theology*, I.176.

42. ‘As [Exodus] xix 4 and xx 2 make clear, the covenant at Sinai is grounded in the redemption from Egypt.’ J.G. Janzen, “On the Most Important Word in the Shema (Deuteronomy VI 4-5),” *VT* 37 (1987), 282.

Deut 5:6 I am Yhwh your God who brought you up (הוֹצִיאָתִי) from the land of Egypt, from the house of slavery.⁴³

Yhwh's action in bringing the people from Egypt is the ground for Yhwh's claim upon them, as testified in Deut 6:20-25 and 8:14f, and I Sam 10:18-19: it 'established Israel's identity'.⁴⁴ The point of the reference to the deliverance in Jer 11:4, 7 (as in 7:22, 25) is to point to the 'birth' of Israel as Yhwh's people, and the action of Yhwh that made them so. In Jeremiah this is universally the way the phrase (in its variety) is used:

2:6 [Your fathers] did not say, 'Where is Yhwh who brought us up (עֲלָה) from the land of Egypt...?'

Here the reference is clearly to Yhwh's claim on the people and the ground upon which they owed him their allegiance. In 32:20-23 we have a near repetition of the main themes of 11:1-13 in which the reference to Yhwh's bringing up from Egypt clearly plays this same role: Yhwh has done this great work, according to his promise of the land, and so demands obedience (hearing his voice).

32:20-23 You offered signs and wonders in the land of Egypt until this day in Israel and among humankind, and you have made for yourself a name, as at this day. ⁽²¹⁾And you brought your people Israel up (אֶצְרָא) from the land of Egypt with signs and wonders and by a strong hand and

43. Thus, e.g., Patrick Miller: 'The single ground for identifying the Lord and *explaining why* that one claims to be "your God" is the clause "who brought you out of Egypt, out of the house of bondage".' P.D. Miller, "The Most Important Word: The Yoke of the Kingdom," *Iliff Review* 41 (1984), 20. Cf. Deut 29:25: [the judgment came upon Israel] 'because they abandoned the covenant of Yhwh, God of their fathers, *which he made with them when he brought them up out of the land of Egypt*.' The phrase points to the moment of birth for the covenant and, thus, for Israel as the people of Yhwh (cf. Deut 27:9), in accordance with the promise to the patriarchs.

44. B.S. Childs, *Biblical Theology of the Old and New Testaments: Theological Reflection on the Christian Bible* (Minneapolis, 1992), 131. 'Israel became the people of God, not by a natural bond, but by its experience of redemption from Egypt which it understood as an act of divine favour (138).'

outstretched arm, and by great terror. ⁽²²⁾And you gave to them this land, which you swore to their fathers to give to them - a land flowing with milk and honey, ⁽²³⁾and they entered and possessed it.

But they did not hear your voice, and in your law [*Qere*] they did not walk. All that you commanded them to do, they did not. And so you have caused all these disasters to occur against them.

Likewise in 34:13-14, with more content given to the ‘covenant’:

34:13 Thus said Yhwh, the God of Israel: ‘I myself made a covenant with your fathers in the day I brought them up (אֲנִי) from the land of Egypt, from the house of bondage, saying:

⁽¹⁴⁾ “After seven years you are to release the Hebrew brother who was sold to you...”

And your fathers did not hear me, and they did not incline their ears.’

The reference to the slave-laws underwrites that the ‘words’ throughout most of Jeremiah (as in 11) are some form of the torah. But the function of the relevant phrase is the same: to point to that time when Yhwh’s claim on the people began.

Finally, the same reading should be seen in the (nearly identical) references of 16:14-15 and 23:7-8, where we find a climax of sorts regarding these statements:

16:14-15 Therefore, behold, the days are coming - oracle of Yhwh - and it will no longer be said ‘As Yhwh lives who brought the people of Israel up (אֲנִי) out of the land of Egypt’, ⁽¹⁵⁾rather, ‘As Yhwh lives who brought the people of Israel up (עֲלֶה) out of the north country and all the countries where he had driven them.’

That great act by which Yhwh claimed the people for his own, out of the promise to the fathers, is now to be eclipsed by another act of Yhwh claiming the people for his own. Where the Exodus grounded the covenantal obligations of Israel, now the return from exile will function in the same way. But this is no ‘replacement’ or ‘substitution’ theology (or von Rad’s ‘rejection’ of the ‘older basis of salvation’). Better is Calvin:

[Jeremiah] does not mean that the memory of God’s favour towards the Israelites, when he brought them from Egypt, was to be abolished; but he reasons here from the less to the greater, as though he had said that it was an evidence of God’s favour that could not be sufficiently praised,

when he delivered his people from the land of Egypt, that if it were taken by itself, it was worthy of being forever remembered; but that when compared with the second deliverance it would appear almost as nothing.⁴⁵

The reference, then, to ‘the day when I brought them up out of Egypt’ - and its form in 31:32 - is not provided to identify ‘which covenant’ is being contrasted (Mosaic rather than Josianic), nor is it a reason to jump into that state of affairs described in the book of Exodus or Deuteronomy. Rather the phrase functions to point to the start of the relationship between Yhwh and this people. The broken covenant - which is the point of contrast for the new covenant - is characterized in ch.11 as a state of affairs consisting in the universality of Israel’s unfaithfulness to Yhwh, from the time of her birth as the people of Yhwh.

Such a single-stroke manner of characterizing Israel’s history is prominent in the poetry and prose of Jeremiah. The universal failure is seen, e.g., in 5:1-5 - and tied to the language of ‘knowing’, which will come back in 31:34:

⁽¹⁾ ‘Run throughout the streets of Jerusalem and look and know (יִדַע) and search her squares:
if you can find a person,
if there exists one who does justice, who seeks faithfulness,
in order that I might forgive (סִלַח) her.’ ...

⁽⁴⁾ And I said,
‘They are only the poor -
they act foolishly because they do not know
the way of Yhwh, the justice of their God.

⁽⁵⁾ I will go to the great and speak to them,⁴⁶ because they know
the way of Yhwh, the justice of their God.’

45. Calvin, *Jeremiah*, III.148. Interestingly, Calvin claims for 16:14-15 a different function: intimating the exile as even more painful than the slavery in Egypt. This appears to be owing to לִבְנֵי opening 16:14, which gives his reading some credence.

46. MT reads וְאֶדְבַּרְהָ אוֹתָם, but there is no obvious reference for the object. The LXX has the above, αὐτοῖς.

Yet they together had ‘broken the yoke’, they had ‘torn apart the bonds’.⁴⁷

The entirety of the community is seen as not ‘knowing’ the way of Yhwh: ‘The city has refused in all parts of the citizenry to accept its proper vocation as Yahweh’s covenant partner destined for submission and obedience.’⁴⁸ This is stated again in 9:1-6, a section structured by the parallel conclusions, ‘and they do not know me - oracle of Yhwh (v.3)... they refuse to know me - oracle of Yhwh (v.6).’ Lundbom speaks of this oracle as ‘a sweeping condemnation...of the entire society.’⁴⁹ Or in 6:13 and with the same encapsulating phraseology as 31:34:

6:13 ‘For from the least of them to the greatest (מִקְטָנָהּ וְעַד גְּדוֹלָתָהּ), everyone is greedily pursuing profit, and from prophet to priest, everyone commits falsehood.’⁵⁰

But the universality of unfaithfulness runs deep as well as wide, through the generations of Israel from the moment of her ‘birth’ in the deliverance out of Egypt. This is the clear point in 11:7-8. McKane’s comment is worth citing again:

[T]he function of vv.7-8 is to establish that from the time of the Exodus up to the present Yahweh, through his (prophetic) spokesmen, has unremittingly and urgently laid on his people the ne-

47. The statements should likely be taken as ironic citations of the ‘great’, parallel to 2:31. The parallel of 5:1 to Gen. 18, with the even less stringent demand for Jeremiah, is already noted by Jerome (*Hieremiam*, §I.xcii.1), and mentioned by most modern commentators.

48. Brueggemann, *Jeremiah*, 63. For ‘know’ as having covenantal overtones, see below on 31:34a.

49. Lundbom, *Jeremiah 1-20*, 378.

50. Cornill’s translation (*Jeremia*, 76) of ‘jeder Einzelne’ for כָּלֹו makes the point even stronger. Cf. also 7:18: ‘the children gather the wood, the fathers kindle the fire, and the wives knead the dough to make cakes for the Queen of heaven.’ Or, 25:1ff: ‘The word that came to Jeremiah... which Jeremiah the prophet spoke to *all the people of Judah and all the inhabitants of Jerusalem*: From the thirteenth year of Josiah son of Amon king of Judah to this day, these twenty-three years, the word of Yhwh has come to me, and I have spoken to you - constantly speaking - but you have not heard. And Yhwh sent to you all his servants, the prophets - constantly sending - but you have not heard, and you have not inclined your ears to hear’.

cessity of obedience to the terms of the covenant. Despite these solemn representations they have a record of unrelieved apostasy.⁵¹

Adrian Schenker has posited a difference between the LXX and MT on this matter, drawing from the reduction of vv.7-8 in the LXX. In the MT, he claims, we have a history traced that points to God's 'long patience' since the same covenant continues to exist even after being broken by the 'fathers'. In the LXX, however, he finds two different covenants: in 11:1-7 we have no concern for the history between the Exodus and the Jeremiah's present. Jeremiah simply re-presents the same covenant as was presented in Egypt, but it again failed (11:8, 'but they did not'). Schenker concludes that by assuming the need for a new covenant after one is broken, the LXX presents a state of affairs where 'Judah and Jerusalem are now *without a covenant*.'⁵² Thus, ultimately, the MT sees the 'new covenant' as a renewal of the same covenant, while the LXX presents grounds for seeing the 'new' as different.

But the point is difficult to maintain. The silence on the breaking of the covenant by the 'fathers' in the LXX is insufficient for such a large difference. That they did break the

51. McKane, *Jeremiah*, I.238. Or Calvin: 'Here the Prophet does not accuse a few men of perverseness, but says that, from the time they had been redeemed, they had been rebellious against God'. Calvin, *Jeremiah*, II.82. Painting the history of Israel in this way is not unique here: in narrative form, see Deut 1:26-46, as well as much of the Numbers and Exodus narratives. More closely to the diction and themes of Jer 11, see the protracted apology for the exile in 2 Kgs 17:7-40; 21:15 ('they have done what is evil in my sight and have provoked me to anger from the day their fathers came out of Egypt, even to this day.'). Cf. Deut 9:7, 24; Jer 2:6f; 32:23; 34:13; and below. Such a description is represented in second-temple literature at Baruch 1:19.

52. A. Schenker, *Das Neue am Neuen und das Alte am alten: Jer 31 in der hebräischen und griechischen Bibel, von der Textgeschichte zu Theologie, Synagoge und Kirche* (Göttingen, 2006), 38. His emphasis. See pp.35ff for discussion.

covenant is clear in v.10 where it is the *fathers* who ‘refused to hear my words.’⁵³ Further, that the MT does not necessarily entail here an ending to the covenant is benign: the MT does in fact speak this way elsewhere (below). Finally, Schenker is dependent upon the repetition of the covenant from Sinai in the LXX 11:1-5 as entailing that it had come to the end and the ‘new-proclamation’ of it is itself a ‘new covenant’. But this is unconvincing: even in the LXX it is given as a re-proclamation of that same covenant that shows the pattern of rebellion and breaking (11:10).⁵⁴ The issue in 11:1-13 - in both LXX and MT - is not whether or not the covenant will continue. The covenant has been broken, and now the people will reap the curses of it: God’s ‘long patience’ has run out.

Thus to Kraus’ question, ‘When did the covenant-breaking begin?’, there is a clear answer: from the day the covenant began.⁵⁵ The absoluteness with which the people are painted in the book of Jeremiah is striking. That it is hyperbolic, as is often remarked, is likely. But we must not replace the hyperbolic (rhetorical) world with one of our own construction until we see the whole of the picture - for 31:31-34 plays its contrast within this rhetorical world rather than a (de-hyperbolized) reconstruction.

53. ἐπεστράφησαν ἐπὶ τὰς ἀδικίας τῶν πατέπων αὐτῶν τῶν πρότερον, οἳ οὐκ ᾔθελον εἰσακοῦσαι τῶν λόγων μου.

54. This beyond the simple point that the text of 7:25 (below) is the same in both LXX and MT. Schenker makes too much out of too little by isolating the one case.

55. Kraus, “Der Erste,” 64. Not, as Kraus holds, *after* the entry into the land. How this theme in Jeremiah sits with 2:2 is another matter, though quite simply one could say that the rhetorical device in each is just that: a rhetorical device. Thus to expect them to fit *as such* an ostensive world of reference is misguided.

JER 7:21-28

Both of the key aspects of the broken covenant in 11:1-13 - the centrality of ‘hearing’ as the expression of fidelity in the covenant and the universality of Israel’s failure to do so - are seen in the closely related oracle in 7:21-28:⁵⁶

⁽²¹⁾ Thus said Yhwh of hosts, the God of Israel:

‘Add your burnt offerings to your sacrifices and eat the meat! ⁽²²⁾ For I did not speak to your fathers, nor did I command them in the day when I brought them out of the land of Egypt concerning burnt offerings and sacrifices.

⁽²³⁾ Rather, this command I gave them:

“Hear my voice, and I will be your God and you will be my people. And walk in all the way as I command you, that it may go well with you.”⁵⁷

⁽²⁴⁾ But they did not hear or incline their ear. And they walked in their own counsels and in the stubbornness of their evil heart, and they turned backward rather than forward.⁵⁸ ⁽²⁵⁾ From the day that your fathers came out of the land of Egypt to this day I sent - I repeatedly sent - all my servants the prophets to them, daily. ⁽²⁶⁾ But they did not hear me or incline their ear. They stiffened their neck and did more evil than their fathers.

⁽²⁷⁾ And you will speak all these words to them,

but they will not hear you,

And you will call to them,

but they will not answer.

⁽²⁸⁾ And you will say to them:

“This is the nation (גוי) that did not hear the voice of Yhwh their God and did not accept discipline. Truth perished, it was severed from their mouth.”⁵⁹

56. The similarities of the texts are shown in tabular form by Thiel, *Jeremiah 1-25*, 149.

57. וְהִלַּכְתֶּם בְּכָל הַדֶּרֶךְ: Note the similarity to Deut 5:33 (the only other occasion of ‘walk in all the way’): ‘In all the way which Yhwh your God commanded you, you shall walk.’

58. וַיִּהְיוּ לְאָחוֹר וְלֹא לְפָנִים: This unique phrase is somewhat difficult, though the idea is clear. I have followed Holladay, *Jeremiah*, I.257.

59. Whether v.29 should be included here or as an introduction to 7:30f is unclear, and for our purposes immaterial.

The main themes are clear: the repetition of ..., and the universal failure to do so from the moment of their coming out of Egypt to the present. The emphasis on the constant work of the prophets to make the people ‘hear’ multiplies their guilt.

The most controversial text in this passage is the mocking irony of v.21 and the statement of v.22. In classic modern commentaries this was taken as a model of the prophet standing over against the cultic activities: the prophetic view of religion over against the ‘popular’ or cultic.⁶⁰ More recently, in a similar vein, the verse has been seen as a later perspective of a ‘cult-less’ foundation to the relationship between Yhwh and the people, compensating for the loss of the temple.⁶¹ But such readings are not necessary. Lundbom suggests bypassing the wooden readings of, e.g., Hyatt by pointing to the ‘idiom of exaggerated contrast’ seen in other Hebrew and Semitic texts: the idiom backgrounds something by negating it to make clear the point at issue, or to make the negated aspect false outside of the asserted one.⁶² Nor does the backgrounding of the cultic activities speak necessarily of a ‘cult-less’ view of reli-

60. E.g., Duhm, *Jeremia*, 81f; Skinner, *Prophecy*, 178f. Hyatt speaks of this as the ‘plain meaning.... [I]t is best to take Jeremiah’s words here at their face value and see in them his belief that the sacrificial system was man-made and not willed by Yahweh.’ J.P. Hyatt, “The Book of Jeremiah,” in *The Interpreters Bible* (New York, 1956), 875.

61. Maier, *Jeremia*, 107-09. In another way, Jerome: ‘manifeste intellegitur, quod primum decalogum dederit in tabulis lapideis scriptum digito dei et post offensam idololatriae caputque uituli postea iusserit sibi magis fieri quam daemonibus auferens puram religionem mandatorum dei et concedens sanguinem victimarum carniūque desiderium.’ In *Hieremiam*, §II.xl.2.

62. E.g. Deut 5:3; cf. the similar rhetorical device at 7:19, ‘Is it me they are provoking to anger? (oracle of Yhwh) Is it not themselves to the shame of their own faces?’. See Lundbom, *Jeremiah 1-20*, 488-89. The terminology comes from J.G. Carleton, “The Idiom of Exaggerated Contrast,” *The Expositor* 4th Series, 6 (1892), 365-72. For other options and discussion of the text, see E.C. Lucas, “Sacrifice in the Prophets,” in *Sacrifice in the Bible* (eds. R.T. Beckwith and M.J. Selman. Carlisle/Grand Rapids, 1995), 62-63.

gion. The backgrounding simply makes clear that the issue is the more fundamental one of fidelity to Yhwh. In the setting in which the text plays its role within ch.7, the issue surrounding it on both sides (as in 11:13) is Israel's idolatry. Jeremiah is initially portrayed (7:1ff.) as condemning the presumption of hope in the temple apart from adherence to the 'ways' of Yhwh, the heart of which is seen in vv.9-10:

Will you steal, murder, commit adultery, swear deceitfully, and offer incense to Baal, and walk after other gods whom you did not know, and come and stand in my presence, in this house which is called by my name, and say 'We are delivered'?

The absurdity of the proposition leads into a description of the cult of the Queen of Heaven, the judgment that results, and then the sarcasm of v.21. Then v.30f picks up on the theme of idolatry within 'the house that is called by name' and the 'high places of Topheth.' By placing the idolatrous activities in the foreground before and after this unit, and backgrounding any reference to a proper cultic alternative, the discourse clearly focuses the failure of the people on covenantal infidelity: violations of the Decalogue (7:9) and above all the infidelity to Yhwh by the service of foreign gods.

Rashi, reading 7:22 more literally, still avoids Hyatt's conclusion by appeal to the narrative of Exodus, where the very first recorded incident after the Exodus is the 'trial' at Marah (well before the commands at Sinai), in which lies this - the first - command:

Exod 15:26 If you will diligently *hear the voice* (שָׁמַעְתָּ לְקוֹלִי) of Yhwh your God, and do what is right in his eyes, and give ear to his commandments and keep all his statutes, I will place on you none of the diseases I placed on the Egyptians, for I am Yhwh your healer.⁶³

63. Rashi points to Exod 19:4-5 ('As for you, you saw what I did to the Egyptians, and how I carried you on eagles' wings and brought you to me. So now, if you will indeed hear my voice and keep my covenant, then you

The primary command is that of ‘hearing the voice of Yhwh’: covenantal loyalty and fidelity. ‘Obedience, not sacrifice, was the original command, and by that standard the nation’s history has been one of complete and continual rebellion against Yahweh. Hence its destruction is warranted.’⁶⁴

What is important for our purposes is the challenge this raises against the traditional efforts at defining the contrast of the new covenant as centering on the *mutatio sacramentorum*.⁶⁵ Defining the ‘old covenant’ as the cultic activities (accidents) in the Mosaic era cannot be sustained in the book of Jeremiah, where that covenant is explicitly distanced from commanded cultic activities in order to focus on the central task of ‘hearing’. In short, it is impossible to hold that the contrast at stake in Jer 31:31-34 is concerned with a change in the cultic activities of Israel. The ‘broken covenant’ in Jer 7 (as in 11) is determined by covenant infidelity to Yhwh, rather than a set of cultic norms that Yhwh had established. And the result in 7:28 is an implicit judgment of the people (made explicit in v.30f) as simply one of the

will be to me a treasured possession...’), which plays the same purpose *prior* to the Sinaitic laws. Rosenberg, *Jeremiah*, 70. So also, citing Kimchi, C.F. Keil, *The Prophecies of Jeremiah* (tr. by David Patrick and James Kennedy. Edinburgh, 1866-91), 102.

64. Carroll, *Jeremiah*, 216.

65. This point is already made in Cornill, *Jeremia*, 349.

יג. ⁶⁶ The infidelity of the people to Yhwh results in a real ending in the relationship between Yhwh and the people.

If we were to define the nature of the ‘broken covenant’ from this brief sketch, the clear centre would be the requirement of fidelity, and the universal failure in it. The new covenant does not stand in contrast to a neutral or simply imperfect (in the Thomistic sense) state of affairs: the new covenant stands in contrast to the universal infidelity of Israel, within the rhetorical world of Jeremiah: ‘This has been your way from your youth, that you have not heard my voice (22:21).’ The new covenant’s opposite (‘not like’, 31:32a) is this broken covenant, this state of universal infidelity.

We must ask one more question: is it the case that, as von Rad claimed, ‘the old covenant is broken, and in Jeremiah’s view Israel is altogether without one’?⁶⁷ This may seem suspect given the recent work of Lohfink and Zenger, but their concerns can be met by the distinction between the covenant as a metaphor for the relationship between Yhwh and his people, and the fundamental cause of that relationship. Thus we can and should say with von

66. So already, Jerome: ‘Pulchre, ut ante iam dixi, nequaquam populum suum, sed gentem vocat.’ Jerome, *In Hieremiam*, II.xliii.2. Or Abarbanel’s explanation: ‘Then you shall say to them that this nation is not of the children of Israel who heard the voice of the Lord their God on Mount Sinai, but they are like another nation, who did not hear His voice on Sinai and who has not received correction.’ Rosenberg, *Jeremiah*, 71-72. More recently, see Aelred Cody, “When is the Chosen People called a *gôy*?”, *VT* 14.1 (1964), 2.

67. von Rad, *Theology*, 2.212. See T.M. Raitt, *A Theology of Exile: Judgment/Deliverance in Jeremiah and Ezekiel* (Philadelphia, 1977), 64, 81. Nicholson: ‘The presupposition of the declaration which stands at the centre of the “new covenant” - “I will be their God, and they shall be my people” (v.33) - is “I am not your God, and you are not my people” (cf. Hos. 1:9).’ Nicholson, *God and His People*, 212. Buis: ‘la première est rompue de façon irrémédiable.’ P. Buis, “La nouvelle alliance,” *VT* 15 (1968), 6.

Rad that there is a very real ending to the relationship in Jeremiah. The people can no longer claim Yhwh as their God, and he will no longer claim them for his people:

5:10 'Go up through her vine rows and destroy, but make not a full end; strip away her branches, for they are not Yhwh's.'

12:7-8 'I have forsaken my house, I have abandoned my heritage. I have given the beloved of my soul into the hands of her enemies... she has lifted up her voice against me; therefore I hate her.'

15:6-7 'You have rejected me... so I have stretched out my hand against you and destroyed you... I have destroyed my people.'

23:39 'I will surely lift you up and cast you out of my presence, you and the city that I gave to you and to your fathers.'

The people are uncircumcised of heart (4:4) and so are considered simply as one from among the nations (9:24-25 MT). This is the language of 'cast out', 'uprooted', 'torn down', 'divorced' that governs so much of the book. There is something that is truly at an end, and the 'covenant' is one of the metaphors used to express it. Yet the language of 'unrevoked' is right nonetheless, for there is something more fundamental than the metaphors of relationship - the whole point, as we will see, of 31:35-37.

Can a covenant bond be broken - and at the same time persist? Can God sever a relationship as a result of covenant violations - and nevertheless maintain it in perpetuity? The Bible seems to answer in the affirmative.⁶⁸

Such takes us directly into consideration of the oracles of restoration, funded by this more basic reality.

68. D.N. Freedman, "Divine Commitment and Human Obligation: The Covenant Theme," in *Divine Commitment and Human Obligation: Selected Writings of David Noel Freedman* (ed. J. R. Huddleston. Grand Rapids, MI, 1997), 177.

§3. THE ORACLES OF RESTORATION: CHS. 30-31

The character of chs. 30-33 as ‘consolatory’ and their similarity in this regard to Isa. 40f (two observations already made by Bullinger) leads to modern scholars labeling them a part of the ‘book of consolation’.⁶⁹ In this section the goal is to support the claim that the oracles of restoration play a role in the book of Jeremiah of overturning the oracles of judgment. This is by no means a novel claim, though little has been done to explore the idea throughout the whole of the book (which I will not venture to do either).⁷⁰ I am essentially building on the work of John Bracke in his examination of chs. 30-31. Bracke states:

In the context of the Book of Jeremiah, Yahweh’s promise to restore the fortunes of his people (*šûb šebûl*) of Israel and Judah becomes clear. It describes the reversal of Yahweh’s judgments. That which God’s people lost because of their sin is restored to them. The initial relationship between Yahweh and Israel and Judah is reestablished: Yahweh’s care for his people is once more to be matched by their faithfulness and obedience. Yahweh will be God to all the families of Israel, and they will be his people.⁷¹

69. ‘Oratio est plane consolatoria, scripta ad imitationem Isaiae, qui hoc ipsum argumentum tractat a capite 40 usque ad caput 49.’ Or, ‘Pergit verbis consolatione refertissimis, & ad imitationem isaiae compositis, captivos & afflictos propter pietatem consolari.’ Bullinger, *Jeremias*, 177b, 178b. The first is deeper in the tradition, e.g. ‘Post comminationem hic incipit consolationem ponere’: Aquinas, *In Jeremiam*, cap.30, l.1.

70. The relationship of the judgment and salvation preaching as relates to the prophet Jeremiah (rather than their relationship in the book) has been a significant source of dispute: see the skeptical remarks denying salvation oracles to Jeremiah by Carroll, *Chaos*, 200. The most thorough discussions in opposition to Carroll’s view with regard to the career of the prophet are N. Kilpp, *Niederreißen und aufbauen: Das Verhältnis von Heilsverheißung und Unheilsverkündigung bei Jeremia und im Jeremiabuch* (BThSt 13, Neukirchen-Vluyn, 1990); Unterman, *Repentance to Redemption*. Cf. Raitt’s view that the salvation preaching ‘opened an authentic and dramatic new episode’ in Jeremiah’s career: Raitt, *Theology of Exile*, 107. Similar resolution by appeal to changing experiences of the prophet is given by O. Eissfeldt, “Unheils- und Heilsweissagungen Jeremias als Vergeltung für ihm erwiesene Weh- und Wohltaten,” in *Kleine Schriften* (vol. 4, Tübingen, 1968), 181-92. See the summary of positions in J. Applegate, “‘Peace, Peace, when there is no Peace’: Redactional Integration of Prophecy of Peace into the Judgement of Jeremiah,” in *The Book of Jeremiah and its Reception* (eds. A.H.W. Curtis and T. Römer. Leuven, 1997), 51-71.

71. J.M. Bracke, “The Coherence and Theology of Jeremiah 30-31” (Ph.D, Union Theological Seminary,

Such a reading of chs. 30-31 is not unique to Bracke, though his is the most thorough explication of this view from the ‘present form’ of Jeremiah.⁷² That chs. 30-31 stand in a close relationship with the rest of the book has been emphasized in a number of ways: Fischer has compiled an impressive list of verbal and thematic links and characterizes the whole as ‘reversal’ (*Umkehrung*) of the previous state,⁷³ while McConville has gone as far as claiming that ‘the relationship between the “Book of Consolation” and the rest of *Jeremiah* constitutes the distinctive theological contribution of the work’ - a contribution centred on the ‘illogical’ overcoming of judgment.⁷⁴ My own claim is relatively modest: that at least many of the oracles of salvation play the role in Jeremiah of reversing the state of affairs at the judgment, as painted in the book of Jeremiah. The concluding suggestion, together with the previous discussion, will be that 31:31-34 plays this role in overturning the state of affairs of the broken covenant.

1983), 107.

72. See, e.g., Patrick Miller: ‘These chapters look back to earlier parts of the book, using language and imagery - incurable pain, lovers who have forgotten - that occurs elsewhere and responding to issues and questions, to laments and woes expressed by Jeremiah or the people elsewhere. The judgment that has been announced so thoroughly in the first half of the book is clearly kept in mind, alluded to, and interpreted further. But judgment becomes the stepping-stone for speaking about restoration.’ P.D. Miller, “The Book of Jeremiah,” in *New Interpreters Bible* (vol. 6, Nashville, 2001), 804. Or, ‘The intention of the editor in 30.4 is to contrast oracles of weal to Israel (30-31) with those of doom addressed to Judah (1-25) and the nations (46-51).’ McKane, *Jeremiah*, II.756.

73. G. Fischer, *Das Trostbüchlein: Text, Komposition und Theologie von Jer 30-31* (Stuttgart, 1993), 141-55, 157. Cf. L. Stulman, *Jeremiah* (Abingdon Old Testament Commentaries Nashville, 2005), 260-61.

74. McConville, *Judgment*, 92. See his discussions of similarities to the rest of the book (p.94).

JER 30:12-17

The thematic unity of 30-31 has long been admitted by critical scholarship to one degree or another, and some recent studies have pointed firmly away from the parsing out of the various oracles to different authors and periods.⁷⁵ But more fundamental to any coherence than literary form or verbal resonance is the movement embodied in the poems from the state of judgment to a reversal of that state. The paradigmatic oracle in this regard is 30:12-17:

⁽¹²⁾For thus said Yhwh:

Incurable is your hurt, Grievous is your wound.

⁽¹³⁾There is none to discern a diagnosis for your injury,
there are no healing medicines for you.⁷⁶

⁽¹⁴⁾All your lovers have forgotten you,

For you they care nothing.

For with the blow of an enemy I have struck you,

with the punishment of a cruel foe:

On account of the greatness of your iniquity,

The great number of your sins.

⁽¹⁵⁾Why do you cry out over your wound? Your pain is incurable:

75. For the coherency of the chapters, see esp. Bracke, op cit.; B.A. Bozak, *Life 'Anew': A Literary-Theological Study of Jer. 30-31* (AnBib 122, Rome, 1991); Becking, *Fear and Freedom*, 49-134. Even Böhmer, who takes apart the bits of the oracles throughout his work, nonetheless admits that the chapters 'eine relative Einheit bilden'. Böhmer, *Heimkehr*, 88.

76. אֵין דָּן דִּינָךְ לְמִזֹּר / רַפְאוֹת תַּעֲלֶה אֵין לָךְ: This odd statement has caused significant difficulty and is omitted or emended by many (Bright, Holladay, Duhamel). The difficulty is the abrupt move from an apparently legal metaphor to a medicinal one, but this appears simply an extension of the basic use of דִּין. Carroll and Becking read three different phrases here: 'There is none who procures you justice. For a suppurating wound there are medicines, but for you there is no healing with new flesh.' (Becking's translation, *Fear and Freedom*, 165; Carroll includes the negative in the middle clauses). There is little to choose between this and the above (though the MT would have the above, as the accents show). The use of similar terminology in 46:11 breaks the accent at רַפְאוֹת, but to do so in this case would help very little: either we have לְמִזֹּר רַפְאוֹת together in an odd way (as Carroll and Becking) or רַפְאוֹת תַּעֲלֶה, of which the latter is easiest by appeal to a double predicate ('no medicines, no healing/scarring') or a genitival relationship ('medicines that bring healing', as above). The precise meaning of רַפְאוֹת is hard to determine, but some form of healing is clearly envisioned.

On account of the greatness of your iniquity,
The great number of your sins, I did these to you.

⁽¹⁶⁾That being the case (לָכֵן),

All who devour you will be devoured,

And all your foes - everyone of them - will go into captivity.⁷⁷

Those who plunder you shall be plundered,

And all who prey on you I will make a prey.

⁽¹⁷⁾For I will bring health to you,

and your wounds I will heal - oracle of Yhwh.

For 'Banished One', they call you: 'She is Zion, for whom no one cares.'

The imagery of the 'wound' is common in Jeremiah for Zion's situation, and is put to particularly poignant use here.⁷⁸ The female Zion is stranded with an incurable wound, deserted to her death, crying desperately but without any purpose. But the strong break in the oracle with לָכֵן in v.16 signals the great reversal. The disjunction, a clear *non sequitur*, has led some to parse out the oracle to two different authors, set 'illogically' together here.⁷⁹ Or, some have taken לָכֵן as an adversative conjunction.⁸⁰ Whether or not לָכֵן ever clearly appears

77. Dahood's suggested revocalisation from בָּלֵם to בָּלֵם is unnecessary and demands the subject for יִלְכּוּ to be the plunderers out of the next line, which then destroys the parallel word play to 16a. M. Dahood, "The Word Pair 'AKAL//KALAH in Jeremiah XXX 16," *VT* 27.4 (1977), 482.

78. Cf. 6:14; 8:11, 21; 14:17. In 10:19 the lament of the 'wound' is taken by some to be Jeremiah over his own situation (e.g. Bruuggemann, Lundbom), but probably ought to be read as a personification of Zion or Jerusalem, as is certainly the case in v.20: see Stulman, *Jeremiah*, 108.

79. Bright (*Jeremiah*, 271) calls it 'logically unsuitable' and 'may originally have been uttered in another context'. Or Hyatt ("Jeremia", 1025): 'The two parts of this poem do not fit well together. In the first part, vss. 12-15, it is said that Zion's wound or hurt is incurable, and that God has brought upon the city deserved punishment. But in the second part, vss. 16-17, Zion is promised health and healing, with punishment to be visited upon its enemies.... [T]he connection is awkward and illogical.' Similarly, see Böhmer, *Heimkehr*, 62; Duham, *Jeremia*, 241; Volz, *Jeremia*, 278. Even Lundbom (*Jeremiah* 21-36, 401), normally sensitive to such plays, attributes לָכֵן to the verses being originally independent.

80. Bozak, *Life 'Anew'*, 54; Becking, *Fear and Freedom*, 183; McKane, *Jeremiah*, II.769. Rudolph (*Jeremia*, 176) suggests an emendation to וְכָל, and Holladay (*Jeremiah* 2.151) suggests an original לָכֵי (a supposed archaic form of לָכֵן), but neither have any reason beyond the supposed illogicality. Cornill (*Jeremia*, 327) rearranges the oracle under the same impulse, placing v.17 (with 'aber' for בְּ) prior to v.16. Calvin (*Jeremiah*,

as an adversative is open for discussion, but in Jeremiah the only other text that might support a reading is the structurally similar 16:14 in its context (and what one decides for one ought to determine the other).⁸¹ Simply pointing to another setting for 30:16-17 fails to address why they were included in this way here: perhaps it is awkward, but simply blaming an editor does not resolve anything. More recent commentators have focused on the rhetorical function of לָכֵן as deliberately establishing the *non sequitur* in the text. So Brueggemann:

We discover... that the ‘therefore’ of v.16 is a verbal trick. The term prepares us for one more message of judgment, but in fact the following lines offer exactly the opposite message - a word of God’s powerful, healing intervention.⁸²

IV.32-33) appears to read it as drawing on 30:8-11, while Graf looks the other direction and treats it as anticipating v.17 (*Jeremia*, 375). Weiser reconciles the parts by claiming that ‘die Bestrafung Israels den Heilsabsichten Gottes mit seinem Volke dient’ (*Jeremia*, 280); but this would only resolve the use of לָכֵן if giving a reason for the punishment, not the restoration.

81. In the examples cited by the above scholars (Jer 2:33; I Sam 28:2; Mic 2:5) לָכֵן can be understood without difficulty as ‘therefore’ (or ‘thus’, ‘for’) or the broadened form (given above), ‘that being the case’. Other questionable texts that could be cited include Jdg 11:8 and 8:7. (Though here the LXX apparently reads לֹא כֵן; making the textual question important). Both Bozak and Becking appeal to I. Eitan, “Hebrew and Semitic Particles: Comparative Studies in Semitic Philology,” *American Journal of Semitic Literature and Languages* 44 (1928), 200. But the author there is speaking of the function of כֵּן, strangely misread in its many instances by Becking and Bozak as לָכֵן. Indeed, the only place in which לָכֵן emerges in Eitan’s discussion is a side-reference, explaining עַל as ‘a motivating particle. It introduces a causal clause, wherefore it is often correlative with a לָכֵן starting the principal clause that presents the effect supposed to result’ - the precise opposite of Bozak and Becking. Idem, “Hebrew and Semitic Particles (Continued): Comparative Studies in Semitic Philology,” *American Journal of Semitic Literature and Languages* 46 (1929), 39. More in-depth, but with too little precision to be of help grammatically, is the discussion of W.E. March, “*Laken*: Its Functions and Meanings,” in *Rhetorical Criticism* (eds. J. J. Jackson and M. Kessler. Pittsburgh, 1974), 256-84.

82. Brueggemann, *Jeremiah*, 276. Similarly, Clements (*Jeremiah*, 182): ‘There can be no doubt that this sharp contrast is a deliberate and carefully constructed pattern’.

Whether לִכְן is deliberately provocative, simply a formulaic opening, or a striking way to join the oracles, the tension between the parts is still maintained in the reversal of the people's present state from having Yhwh as enemy to Yhwh as healer and protector.⁸³

The sole reason for this reversal is offered in the last clause in lady Zion's becoming a mockery among the nations.⁸⁴ The only means of this poem functioning is the assertion of a pathos in Yhwh undergirding the whole movement: the jealousy that moves Yhwh to strike as an enemy, and the love that moves Yhwh to heal and avenge. The earlier question of a 'more fundamental reality' undergirding the metaphors of relationship between Yhwh and the people, is given its answer in Yhwh's (otherwise inexplicable) turning towards the people. The poem present Yhwh's devotion to his people as the ground upon which the state of affairs at the judgment is overturned, the restoration standing in direct counterpoint to the judgment. What ought to have always been the case - Yhwh as the protector of his people - is brought about.

83. Kilpp's complaint ('Die Selbigkeit Gottes in Unheil und Heil bedeutet nicht, daß ein Prophet zur selben Zeit denselben Menschen ein doppeltes, in sich widersprüchliches Handeln Jahwes zu verkündigen vermag': *Niederreißen*, 123) betrays a simplistic view of rhetorical possibilities and misreads this movement of Yhwh as 'contradictory' - which is only the case if God promises to judge and not-judge (p and not-p) the same people at the same time in the same way. But there is no reason to think this is what is occurring: the judgment clearly precedes the movement to deliverance.

84. Jacobson's suggestion that this is a play on words (with צִיּוֹן 'a wasteland') makes good sense of understanding the taunt: H. Jacobson, "Jeremiah XXX 17: צִיּוֹן הִיא," *VT* 54.3 (2004), 398-99.

JER 30:4-11

McConville refers to this ‘theology of illogical grace’ as maintained throughout chs. 30-31, though we will only pursue it in a selection of the poems.⁸⁵ The opening poem of 30:4-11 shows the same movement:

⁽⁴⁾ These are the words that Yhwh spoke to Israel and to Judah:

⁽⁵⁾ For thus Yhwh said:

A voice of trembling, we have heard:
of dread, and there is no peace.

⁽⁶⁾ Ask now, and see, whether a male gives birth?

Why then have I seen all the men,
their hands on their loins like a woman giving birth,
and every face turned pale?

⁽⁷⁾ Woe! For great is that day - there is none like it!⁸⁶

And a time of distress, it will be for Jacob,
And from this he will be saved.

⁽⁸⁾ And it will be on that day - oracle of Yhwh of hosts:

I will break his yoke from upon your neck,
and your bonds I will tear apart.

And they will no longer serve strangers in it,

⁽⁹⁾ but they will serve Yhwh their God,
and David their king whom I will raise up for them.

⁽¹⁰⁾ And you, do not fear, my servant Jacob - oracle of Yhwh.

And you shall not be dismayed, Israel.
For behold, I will deliver you from afar,
and your seed from the land of captivity.
And Jacob will turn and have quiet, and ease, and there will be no trembling.

85. McConville, *Judgment*, 95.

86. Repointing יְהוָה to יְהוֹה, with J.R. Lundbom, *Jeremiah 21-36* (The Anchor Bible, New York, 2004), 385. See 10:6-7.

⁽¹¹⁾For I am with you - oracle of Yhwh - to save you.⁸⁷

For I will make a complete end of all the nations where I have scattered you,
though with you I will not make a complete end
And I will discipline you according to justice,
and I will certainly not acquit you.

The subject of 5b (שְׁמַעְנֻ) has been a matter of some dispute, being typically attributed to Yhwh or Jeremiah quoting the people,⁸⁸ or to Jeremiah by emendation with Volz to שְׁמַעְתִּי.⁸⁹ Better, however, is the analogy with 31:15 where the voice heard is a passive: the subject who hears is not the point. The inclusiveness of ‘we’ (30:5) or a passive (31:15) allows the audience to be included in the ‘hearing’ (cp. 25:36). Thus the plural imperative of 6a could be construed as an involving term, and the question of 6b is posed to the audience.

More significant for interpretation is the proposal of some to change 7c, the hinge between the picture of destruction and that of restoration, to a question: ‘And will he be saved from it?’⁹⁰ But this is grounded only in the conviction that the ‘lament cannot end by announcing a miraculous deliverance’.⁹¹ Precisely why this ‘cannot’ be - even granted some uniqueness - is unclear. Becking puts a grammatical justification in the form of a rule: ‘The se-

87. Many commentators (Volz, Rudolph, Bright, et al) insert וְאֵתָה אֶל הַיָּעָא עַבְדֵּי יְעֻקֵּב prior to this colon, as in 46:28; but the Targum does not have the phrase and its addition is unnecessary.

88. Calvin, *Jeremiah*, IV.9; Bozak, *Life 'Anew'*, 35; Holladay, *Jeremiah*, 2.171; Keil, *Jeremiah*, 262.

89. Volz, *Jeremia*, 285; W. Rudolph, *Jeremia* (2nd ed. Tübingen, 1958), 172; Böhmer, *Heimkehr*, 57; Kilpp, *Niederreißen*, 107, n.2. Volz follows Cornill (*Jeremia*, 324) in attributing the plural as taken from 6:24 - though there the subjects of שָׁמַע are clearly the ones experiencing the pain ‘as a woman giving birth’, which is possible here but does not appear to be the case. The LXX reads 2nd person, ἀκούσῃσθε.

90. First suggested by W.L. Holladay, “Style, Irony and Authenticity in Jeremiah,” *JBL* 81 (1962), 54-55.

91. Lundbom, *Jeremiah 21-36*, 385. Lundbom assumes that the saving must refer to the events of 586 BC, but there is no reason that this must be the case.

quence adverb-verb with a *yiqtol*-form indicates that the clause is an interrogative sentence.⁹²

But in my findings there is no other instance of *מָה* followed by a *yiqtol* form that is in fact an interrogative sentence.⁹³

Rudolph heads his comments on 5-7 ‘durch Nacht zum Licht’, a fitting scheme for the whole of 5-11.⁹⁴ The imagery of dread and destruction in 5-7b is overturned from 7c-11: ‘dread, trembling and no peace’ becomes ‘quiet, ease, and no trembling.’ The similarity of 5-7b to an oracle of judgment has led some to interpret it as such, divorced from the reversal of 8-11.⁹⁵ But this similarity is precisely what is played on in the role of the oracle in chs. 30-31:

Verses 5-7ba could have constituted one of those oracles which were common in the earliest chapters of *Jeremiah*, a message of doom. Here, however, it is completed, quite unexpectedly, with the little phrase: *ûmimmennâ yiwwāšēa* ‘... Salvation does not follow from what the body of the oracle prepares the hearer for; yet this is what will come.’⁹⁶

In fact, the tension is not initially in 7c, but in the judgment of 5-7b after the expectations given in 1-4: but it is this tension that lies at the heart of what is communicated.

One would expect the opening lines of the first poem to develop the hope of salvation which was raised in a general way in the introductory verses (30:1-4).... However the opening stanza of

92. Becking, *Fear and Freedom*, 139.

93. So, e.g., Gen 17:6 (cp. 17:16): ‘and I will make you into nations, and kings will come from you (וּמִלְכִּים וּמֵאַרְצֵיךָ מְמַלְכִּיךָ).’ See, with varying degrees of similarity: Exod 10:26; Jdg 7:17; Job 28:5; Isa 49:17; 66:21; Ezek 5:4; Dan 11:31; Zech 10:4. The lone exception is Jer 32:27, where *מָה* is preceded by the interrogative *הֲ* (which, if Becking’s rule held, would be unnecessary).

94. Rudolph, *Jeremia*, 173.

95. E.g. Böhmer, *Heimkehr*, 57f. Schmid (*Buchgestalten*, 113f) treats 5-7, 8-9, and 10-11 as separate units.

96. McConville, *Judgment*, 94. Kilpp’s reads 5-7 as originally Jeremianic and a judgment oracle, later re-worked into a salvation oracle: ‘Der Verfasser... nimmt eine Unheilsverkündigung Jeremias auf und verarbeitet sie in einer außerordentlichen theologischen Leistung zu einer Heilsverheißung.’ Kilpp, *Niederreißen*, 118.

Poem I (30:5-7) does not speak of the anticipated peace and security in the land, but rather portrays the opposite: the sights and sounds of distress.... This divergence in tone between the two stanzas (the first accenting distress, the second salvation) is of the same type as that found between the prose introduction and the opening line of Poem I. Such contrast, with its attention-drawing effect, plays an important role in this first poem as well as in the poetic cycle as a whole.⁹⁷

To cooperate with the rhetoric is to see ‘that day’ (8a) as the greatest moment of punishment and pain - which has led a number of commentators looking for particular points of ostensive reference or appeal to an apocalyptic setting.⁹⁸ But above all this is a rhetorical point setting the promise in disjunction to this chief of all dreadful moments: ‘and from *this* he will be saved.’

The articles of v.8 have caused significant confusion.⁹⁹ Becking offers an explanation for the MT by positing two different speakers: v.8 is the oracle of Yhwh proper, and in v.9 ‘the prophetic author describes its effect.’¹⁰⁰ The two parts would then make some of the pronouns clearer:

(Yhwh:) And it will be on that day - oracle of Yhwh of hosts:

I will break his yoke from upon your neck,
and your bonds I will tear apart.

(Prophet:) And they will no longer serve strangers in it (יַעֲבֹדוּ בּוֹ),

⁽⁹⁾but they will serve Yhwh their God,

97. Bozak, *Life 'Anew'*, 34.

98. Already in Rashi and Kimchi, but more recently in Carroll (*Jeremiah*). The assumption that this is the ‘Day of Yhwh’ used more technically in other prophetic books (cf. Carroll, Lundbom, et al.) is unnecessary, given only one occurrence of ‘day’ in this manner in Jeremiah (46:10). More often it is a general term: e.g. 4:9; 12:3; 16:19; 17:16f; 18:17; 25:33; 39:16f; 44:6.

99. The LXX eases the problem by changing to the 3rd person throughout: συντρίψω τὸν ζυγὸν ἀπὸ τοῦ τραχήλου αὐτῶν καὶ τοὺς δεσμοὺς αὐτῶν διαρρήξω, καὶ οὐκ ἐργάζονται αὐτοὶ ἔτι ἀλλοτριῶς.

100. Becking, *Fear and Freedom*, 150. Also Bozak, *Life 'Anew'*, 41.

and David their king whom I will raise up for them.

The construction עֲבָד בְּ is not overly common. Becking calls it a ‘ב-pretii’ (of price): ‘they shall no longer serve strangers for it’ (for the cost of getting it), but he fails to say to what this ‘it’ might refer.¹⁰¹ Typically the construction it is used to indicate means of service: ‘serve Yhwh with all your heart’ (לְעַבְדוֹ בְּכָל לִבְבְּכֶם).¹⁰² Extended, then, is the suggestion of the construction signifying ‘to work by means of another, to use another as a slave’.¹⁰³ So עֲבָד takes the broader meaning of ‘to do one’s work’, and בְּ indicates the means by which it is done. This is similar to Lundbom’s suggestion that the construction takes a causative meaning, which appears clear in a number of instances.¹⁰⁴ If this is the case, then one must render the phrase, ‘And strangers will no longer make him serve’ - and the problem of pronoun agreement is even more pronounced (‘will no longer make *him* serve, but *they* will serve Yhwh...’). The syntactic choice for ‘they’ in the latter line would be the strangers, but pragmatically this is unlikely.¹⁰⁵

101. Becking, *Fear and Freedom*, 140.

102. Deut 11:13; 10:12; cf. 28:47; Josh 22:5; 24:14a; 1 Sam 12:20; 1 Sam 12:24; 1 Chr 28:9; Ps 2:11; 100:2. Locative uses (‘serve me *in the wilderness*’): Exod 7:16; Num 4:23, 37, 41; 8:19, 21; Josh 24:14b; Jer 5:19. Uses of בְּ for specificity: Gen 29:18 (‘I will serve you...*for Rachel* your daughter’); 30:26; 31:41.

103. This is BDB’s definition, followed by Bozak, *Life ‘Anew*’, 41.

104. Exod 1:14; 34:27; Lev 25:39; Deut 15:19. With a passive perfect with this meaning, Deut 21:3 and Isa 14:3 (or Deut 21:4, in niphal). See Jer 25:14; 27:7; 34:9. Lundbom, *Jeremiah 21-36*, 282.

105. Perhaps, however, shifts from singular to plural are not as disjunctive in Hebrew rhetoric: see above on 11:2-3. The second-person shifts in Deuteronomy would be a case-in-point: see T.A. Lenchak, *‘Choose Life!’: A Rhetorical-Critical Investigation of Deuteronomy 28,69-30,20* (AnBib 129, Rome, 1993), 12-16.

As rendered above, the phrase יַעֲבֹדוּ בּוֹ takes a standard locative use of בּוֹ: thus ‘serving in’ the ‘yoke’ of the above line. The drawback here is that it ignores the construct elsewhere. But the main difficulty with the above is the oddity of Jeremiah claiming to be the one to raise up David - an unlikely prospect. If the MT is to be retained, then the above rendition can be used but not divided with respect to speaker (as Becking), but with respect to audience. Yhwh speaks directly to Jacob in the first stanza, and then to Jeremiah (or the reader) in the second. Or it may be that the LXX has the better text here.

However one explains the change of pronoun, the reversal in 8-9 is still clear: what came about in judgment is overturned. Looking wider in Jeremiah, the judgment being overturned is earlier stated in the same terms:

5:19 [As] you have served foreign gods in your land, so you will serve strangers in a land (תַּעֲבֹדוּ זָרִים בְּאֶרֶץ) that is not yours.

Now this state of affairs is reversed.

Further, the ‘breaking of the yoke’ as divine deliverance repeats what is stated in 2:20 as already having been true, but there with the opposite result of 30:9:

2:20 For from long ago (מֵעוֹלָם) I broke your yoke

I tore apart your bonds

But you said, ‘I will not serve’.

Now the result is what it always ought to have been: the people will respond to Yhwh's liberation by serving Yhwh and 'David their king'. David stands as the rightful and paradigmatic king over the people, with the political overtones of a re-unified nation.¹⁰⁶

The absence of 10-11 in the LXX, its repetition in 46:27-28 (MT), and its similarities to parts of a typically earlier-dated Deutero-Isaiah, have led some to dismiss the verses as out of place here.¹⁰⁷ But others have pointed out both the dissimilarities to Isaiah and the literary and conceptual fit of the verses.¹⁰⁸ The use of 'Jacob' may be important in emphasizing the unity of the restored people - or more precisely, the unity of the people as Yhwh sees them in his promises of restoration. The closure in 10-11b to the opening distress of v.5 completes the movement of a restored people, now made the way that they ought to be if Yhwh is their God. But this leaves 11c-d with little to do, a statement of warning closing the movement of hope:

I will discipline you according to justice,¹⁰⁹

106. Lundbom claims, 'This king will not simply be like David or be a king in the Davidic line; he will be a David *redivivus*.' Lundbom, *Jeremiah 21-36*, 390. I'm not entirely sure what this means - though the idea is surely Messianic to some degree. Perhaps Lundbom states this against the bland remarks of Carroll (*Jeremiah*, 576; likewise Brueggemann, *Jeremiah*, 271) regarding a belief in the 'restoration of the deposed dynasty of David'. The reference hinges on 'David' as the ideal king, in contrast to those who brought about judgment (as in 23:5).

107. E.g. Böhmer, *Heimkehr*, 60; J. Lust, "'Gathering and Return' in Jeremiah and Ezekiel," in *Le Livre de Jérémie* (Leuven, 1981), 131-32.

108. See Becking, *Fear and Freedom*, 155. Kilpp attempts a mediating position: 'In Jer 30,10f kommt ein selbständiger Verfasser zum Vorschein, der auf der einen Seite aus der Gedanken- und Sprachwelt Jeremias schöpft, auf der anderen eine gewisse Verwandtschaft mit Dtjes aufweist.' Kilpp, *Niederreißen*, 117. Lundbom (*Jeremiah 21-36*, 387f.) sees 8-9 and 10-11 as originally independent oracles, placed here (in presumably their original shape) as deliberately overturning 5-7 - which would explain some of the obscurities.

109. The similarity to 10:24 is only superficial: Jeremiah asks to be punished בְּמִשְׁפָּט rather than בְּאֵר, but the

and I will certainly not acquit you.

The statement is both warning and pronouncement of the unchanged nature of Yhwh: Yhwh still stands as the jealous one. The appeals to ‘divine changeability’ with reference to the above movements from judgement to restoration are weak, and in part for this reason.¹¹⁰

Yhwh’s promise of restoration is not inconsistent with his promise of judgment, a point drawn from the future orientation of both in 10-11, and the use of the formulaic **לֹא יִקַּךְ**.¹¹¹

The same Yhwh stands behind both the judgment and the overturning of that judgment.

Once more in this text the restoration oracles have the central role of overturning the state of affairs at the judgment. They stand in deliberate counterpoint to the causes and effects of the judgment, making everything the way it ought to be: Jacob moves from the servant of foreigners, suffering the consequences of his infidelity, to the servant of Yhwh enjoying peace and security.

JER 30:18-22

Throughout the remainder of chs. 30-31 this ‘turning of fortunes’ for the people of Yhwh dominates the nature of the oracles. In 30:18-22 this is given express reversal of the fate of destruction of the city and the people:

^(18b)The city will be rebuilt on its mound,

function of the prepositions are important. Jeremiah’s request in 10:24 has to do with the way in which Yhwh comes to him, while the point in 30:11 is the necessity of discipline on account of justice (**לְמִשְׁפָּט**).

110. W. Brueggemann, “The ‘Uncared for’ Now Cared for (Jer 30:12-17): A Methodological Consideration,” *JBL* 104 (1985), 419-28; Becking, *Fear and Freedom*, 165ff.

111. Most formatively, Exod 34:7; cf. Exod 20:7; Num 14:18; Deut 5:11; Jer 46:28; Nah 1:3.

- and the fortified place¹¹² will stand where planned.¹¹³
- ⁽¹⁹⁾Thanksgiving will go out from them, and the voice of the merry-makers.
I will make them many, and they will not be few;
I will make them glorious (כבוד), and they will not be small.
- ⁽²⁰⁾And his sons will be as formerly,
and his congregation will be established in my presence.
- ⁽²¹⁾His prince will be one of their own,
his ruler (משל) will come out from his midst.
I will make him draw near and he will approach me -
for who is the one that pledged his heart to approach me? - oracle of Yhwh.
- ⁽²²⁾And you will be my people, and I will be your God.

Instead of making the reversal a part of the poetic structure, this poem assumes the negation of all these things and declares that ‘things will become the way they used to be.’¹¹⁴ But this is an idyllic picture: things will become the way they *ought* to have been. So the structures are restored, the people restore, and all stand in a state of joy and honour. The reversal of the previous state of affairs is clearly stated by Hutchinson:

Given that 25:9-11 binds together the disappearance of joyful voices, the devastation of the country and the domination of Babylon, it comes as no surprise that the renewed sound of joyful voices goes hand in hand with a restoration of the conditions that prevailed prior to the exile.¹¹⁵

As in 30:8-9, rather than having a foreign ruler (or a puppet ruler), their ruler will be one of their own - ‘a clear contrast to foreign reign’.¹¹⁶ The focus is on the people no longer

112. אֶרְמוֹן: Understood as ‘temple’ in Targum and LXX, but the term is more general; this would be the sole reference for the rebuilding of the temple in Jeremiah (though it is implied in a number of places).

113. עַל מְשָׁפְטוֹ: See the extended use of מְשָׁפֵט at Exod 26:30; I Kgs 6:38.

114. Carroll, *Jeremiah*, 584.

115. J.H. Hutchinson, “A New-covenant slogan in the Old Testament,” in *The God of Covenant* (eds. J. I. Grant and A. Wilson. Leicester, 2005), 104. Cp. 33:10-11, ‘In this place of which you say “It is a waste...”, there will be heard again the voice of rejoicing and the voice of mirth, the voice of the bridegroom and the voice of the bride, the voices of those who sing... for I will return the fortunes of the land as in its original state.’ For the contrast, see 7:34.

116. Cornill, *Jeremia*, 329. The link to Deut 17:15 (‘from the midst of your brothers you shall set up over

having to serve foreigners. The language of 21b (וְהִקְרַבְתִּי וְנָגַשׁ) is often claimed to be cultic, which might lead away from understanding מֶשֶׁל as functionally equivalent to a king (מֶלֶךְ).¹¹⁷ Alternatively, some take it as related to the Maccabean model of the political high priest.¹¹⁸ The cultic orientation is supported by the way in which the Targum takes the text, though without any hesitation of joining it to the Messianic figure seen as the מֶשֶׁל.¹¹⁹ But the verbs of 21b are very common and are often used in a much less technical sense than appears in cultic settings.¹²⁰ And there is no reason to view them as cultic in this case, especially in the strong sense of a ‘right of access to the altar’.¹²¹ The LXX offers significant support for the non-cultic understanding: ‘I will gather them, and they will return to me, for who is this who sets his heart to return to me?’¹²² Thus the referent for ‘him’ in 21b (‘I will make him

yourself a king’) is helpfully made by (among others) Holladay, *Jeremiah*, 2.179.

117. So suggests McKane, *Jeremiah*, 2.774; Carroll, *Jeremiah*, 584. Though we also do not have any text in which a מֶשֶׁל has cultic responsibilities. The LXX curiously uses a plural, followed by a singular, perhaps seeing a difference between the two figures: καὶ ἔσονται ἰσχυρότεροι αὐτοῦ ἐπ’αὐτούς καὶ ὁ ἄρχων αὐτοῦ ἐξελεύσεται. The characterization of the future leader as מֶשֶׁל is also found in Mic 5:1 (MT).

118. E.g. Duhm, *Jeremia*, 242.

119. ‘Their king (מֶלֶךְ) will be anointed/raised up (וְיִתְרַבָּא) from them, and their anointed one (וּמְשִׁיחֵהוּן) revealed from among them.’ The translation (as throughout) is adapted from R. Hayward, *The Targum of Jeremiah: Translated, with a Critical Introduction, Apparatus, and Notes* (Edinburgh, 1987).

120. For קָרַב, see Deut 1:17, 22; 2:19, 37; 5:23; 20:2; etc. Further, unless ‘cultic’ simply means approaching Yhwh (which is then cultic here by definition), see Exod 3:5; 16:9; 22:7 or Deut 4:11 - none of which is approaching Yhwh to sacrifice. For נָגַשׁ, see (e.g.) Gen 18:3; 27:21; Deut 25:1, 9; etc. For the two together without cultic activity, see Deut 20:2 or Isa 41:1.

121. S.R. Driver, *The Book of the Prophet Jeremiah* (London, 1906), 182. Among modern commentators, Volz (*Jeremia*, 291) protests against a cultic implication.

122. καὶ συνάξω αὐτούς, καὶ ἀποστρέψουσιν πρὸς με. ὅτι τίς ἐστιν οὗτος, ὃς ἔδωκεν τὴν καρδίαν αὐτοῦ ἀποστρέψαι πρὸς με; Followed also by the Vulgate: ‘quis enim iste est qui adplicet cor suum ut adpropinquet mihi.’

draw near') is understood as Jacob - the referent of the singular pronouns in 21a - rather than the מֶשֶׁל.¹²³ The focus never turns to a description of the ruler for his own sake, but only with reference to the restoration of the people (as in 18-20). The thrust of the text becomes Yhwh's prerogative in drawing Israel back when Israel's history (עֶרֶב, *qatal*) is so clearly marked by not pledging their 'heart' to Yhwh.¹²⁴

In using the covenant formula (22) to close the section we find the climax to the people's movement back to Yhwh, addressed directly to the people.¹²⁵ The function of the formula here is to '[spell] out the implications of the great restoration of the nation's fortunes.'¹²⁶ The whole movement is one of restoration to Yhwh *as counterpoint to what was the case*. As in the earlier poems, the judgment of Yhwh is overturned - both in effects and cause - and all is made by Yhwh to be the way it always ought to have been. The covenant formula thus fits quite happily as the final word: 'And you will be my people, and I will be their God.'

123. This is entertained (with the added support of the Chaldee text) and dismissed by Keil, *Jeremiah*, 266. But his sole reason is 'the context evidently requires us to refer the words to the king, with regard to whom one here looks for a further statement.' But the focus of 18-20 is the people, and 21a appears to be the same focus by virtue of the pronouns. So why one need look for a further statement on the ruler is unclear.

124. Thus Calvin's aside (following the Vulgate) on the issue of 'free-will' here (*Jeremiah*, IV.46); an understandable concern even in modern interpretations: '[30:21] closes by emphasizing the distance between an individual... and Yhwh, a distance unbridgeable by any human action yet bridgeable by the action and initiative of Yhwh alone.' Bozak, *Life 'Anew'*, 65.

125. The verse is deleted in the LXX.

126. Carroll, *Jeremiah*, 584.

JER 31

The theme of restoration standing in counterpoint to or overturning judgment continues in ch. 31, to which a series of glances is sufficient for our purposes. The poem of 31:2-6 explicitly dwells on the theme of restoration (שוב) in the climactic repetition of 4-5a:

⁽⁴⁾Again (שוב) I will build you, and you will be built, O virgin Israel.

Again (שוב) you will adorn yourself with your drums, and go out in the dance of merrymakers.

⁽⁵⁾Again (שוב) you will plant vineyards on the mountains of Samaria.

The imagery of 31:7-9 is of return from exile - an obvious overturning of the judgment, and in 31:9 the reason given is similar to that of 30:3 and 30:17 - Yhwh's persistent love.

31:9 For I am a father to Israel, and Ephraim is my firstborn.¹²⁷

Likewise, the declaration to the 'nations' in 31:10-14 speaks of the reversal of the judgment:

^(10c)The scatterer of Israel will gather him,
and will keep him as a shepherd (does) his flock.

⁽¹¹⁾For Yhwh has ransomed Jacob
and redeemed him from a hand stronger than him.

⁽¹²⁾And they will come and sing on the height of Zion,
and they will shine for Yhwh's goodness
on the grain and on the wine
and on the oil and on the sons of the sheep and the cattle.

And their souls will be as a watered garden,
and they will languish no more.

⁽¹³⁾Then the virgins will rejoice in the dance - young men and old together.¹²⁸
And I will turn their mourning to rejoicing,
And I will comfort them

127. So Graf's gloss: 'ihn liebe ich am innigsten.' Graf, *Jeremia*, 382.

128. Or 'young men and elders will be merry', if repointing to יְדָדִים (so Holladay) to match the LXX χαρήσονται.

And I will gladden them from their sorrow.

⁽¹⁴⁾And I will feast the soul of the priests with fat,
and my people will be satisfied with my goodness - oracle of Yhwh.

The explicit notes of overturning and reversal of judgment (10c-11, 13b-c) combine with the implicit return of rejoicing (as in 30:19; 31:4) to present an idyllic picture of the life in Zion - with possible overtones of a cultic celebration ('the height of Zion').¹²⁹ The judgment of the priests so heavy throughout the book is overturned, and the people are finally satisfied with Yhwh's 'goodness' - expressed in the bountiful produce of the land.¹³⁰ The clear contrast, as in 30:19, is the state of judgment:

7:34 I will silence in the cities of Judah and the streets of Jerusalem the voice of mirth and the voice of gladness, the voice of the bridegroom and the voice of the bride, for the land will become desolate.

The delighting and rejoicing in the goodness of Yhwh's provision in the land, explicitly denied in judgment, is overturned.

129. So, already, Calvin, *Jeremiah*, IV.81. See the Targum, v.12: 'And they shall come and praise on the mountain of the house of the sanctuary which shall be built on Zion.' This may also explain the LXX use of συναγωγή for 'dance' (לחול) in v.13.

130. See, e.g., Holladay, *Jeremiah*, 2.186. Cocceius reads 31:14 and 25 as the contrast between eras: 'fuit eo tempore ἔλπις, sitis, exspectatio justitiae & Euangelii, & ea sitis non fuit restincta' - a consistent model (more than most) for reading the contrasts of judgment and hope, but rather less than convincing: J. Cocceius, *Disputationes selectae* (Opera 6, Amsterdam, 1673), 19, §69.

The moving poem of 31:15-20¹³¹ is structured more like 30:5-11, 12-17, with the scene of judgment painted as the explicit contrast to Yhwh's restoration. Rachel weeps for her sons 'are no more' (אֵין־נָם). This lament echoes through the judgments of the book:

10:20 My tent is destroyed, and all my cords are broken.

My sons have gone from me, and they are no more (אֵין־נָם).

This ending of the people of Yhwh - which we have already had reason to note - is given in the starkest terms, and now is given to point to the contrast of the restoration:

⁽¹⁶⁾Restrain your voice from weeping, and your eyes from tears:

for there is a wage for your work - oracle of Yhwh.

And they will return from the land of the enemy,

And there is hope for your posterity - oracle of Yhwh.

And the sons will return to their country.

As in 30:5-11 and 12-17, there is some measure of 'illogicality' here: the sons who 'are not' will return. And the fundamental reason for the overturning of judgment, once more, is Yhwh's persisting love:

31:20 Is Ephraim my dear son?

Is he a child of delights?

For as often as I speak against him, yet surely I remember him.¹³²

Therefore my inmost parts (מֵעֵרָה) yearn for him.

I will surely have compassion on him.

The fatherly love of 31:9 is complemented here with deep pathos - some have suggested the imagery as the motherly love of Yhwh.¹³³ The 'fundamental reality' that undergirds the

131. Formally, the section may include 21-22 (as Bozak, Becking, et al). But the idiom of 22b is nearly indecipherable, and its exploration is unnecessary for our purposes. For a reading that finds in 21-22 a reversal of judgment fitting well with the present proposals, see B.W. Anderson, "The Lord Has Created Something New: A Stylistic Study of Jer 31:15-22," *CBQ* 40.4 (1978), 463-78.

132. The translation is from P. Tribble, *God and the Rhetoric of Sexuality* (Philadelphia, 1978), 44.

133. So, e.g., Unterman, *Repentance to Redemption*, 49; Tribble, *Rhetoric*, 45. The issue depends upon one's

movement from judgment to restoration is attributed to nothing beyond or outside of Yhwh's love for his people - more fundamental than the covenant metaphor itself, surviving the latter's collapse. Yhwh's inexplicable love reverses the state of affairs deserving and resulting from his judgment, and makes things the way that they always ought to have been.

THE WIDER BOOK

One can easily find this pattern of the restoration overturning the state of affairs at the judgment in any number of points in Jeremiah. One of the more explicit is Jer 23:1-4

⁽¹⁾Woe to the shepherds, the destroyers and scatterers of the sheep of my pasture - oracle of Yhwh. ⁽²⁾Therefore, thus Yhwh the God of Israel said concerning the shepherds shepherding my people:

As for you, you scattered my sheep and thrust them away,
and you did not attend to them.

Behold, I am attending to you, to your evil practices - oracle of Yhwh.

⁽³⁾As for me, I will gather the remnant of my sheep from all the lands where I thrust them away.¹³⁴

And I will return them to their fold,
and they will be fruitful and multiply.

And I will appoint shepherds over them and they will shepherd them.

And they will no longer fear, nor be dismayed, nor be missing¹³⁵ - oracle of Yhwh.

translation of מַעַה, which can be taken as 'womb' in some circumstances (though in others it refers to the innards of males). Unterman's other two reasons for this choice are inconsequential: (a) that there is no explicitly fatherly imagery; (b) that the verbal form עָשַׂה ('delight, consolation') is used in Isa 66:12 in the context of playing on a mother's knee. But there it is clearly the context, not the word itself, that conveys this. Nonetheless there is precedent for Yhwh as expressing motherly affection in Isa 66:13 and 49:14-15.

134. The shift from the evil shepherds thrusting away to Yhwh thrusting away is often either emended or seen as (clumsy) editing: e.g. Volz, Holladay. But this is simply the standard way of Yhwh claiming responsibility for the exile: 'Within this pericope, then, the shepherds' failures are identified as the cause of their own exile and of that of their flock. The agent of that exile, theologically speaking, is not the Babylonians or their king Nebuchadnezzar. The executioner or judge is Yahweh himself.' R.W. Klein, "Jeremiah 23:1-8," *Int* 34 (1980), 168. There may be a subtle shift involved: the shepherds thrust the people out of the fold of Yhwh (i.e. another metaphor with 'covenant'), and Yhwh thrust them out of the land.

135. As Klein points out, this is the same term as 'attend' in v.2, and implies the deliverance of the people (see 29:10); *Ibid.*, 169.

The reversal is clear: the shepherds are replaced by shepherds who will do as they ought to do (i.e. protect, keep from going astray). Yhwh will overturn the state of affairs leading to judgment, and make all the way things ought to be.

In the larger context in which this oracle is made to play a role, even more can be said. Thus, 23:5-8 and the promise of the ideal king in the line of David stands in direct contrast to the censures of Shallum and Jehoiakim in ch.22. What ought to have been the case is promised: a king in David's line who is 'righteous', and 'does justice and righteousness' (explicitly absent under Shallum and Jehoiakim, 22:13-17), and who brings deliverance and safety (23:6) - standing in contrast to the state under these kings (22:26). The issue is not a presentation of a new kingship *in se*, but something that would certainly be 'new' relative to that state of affairs: all is made as it always ought to have been.

Thematically, the centrality of the 'land' in both the judgment and restoration oracles produces a similar pattern. The theological dimension of the land in the Old Testament has been repeatedly emphasized since von Rad pointed to the lacuna on the topic.¹³⁶ The first point at issue is that the land is Yhwh's land, which is given to the people with certain obligations: life within Yhwh's land must be lived in proper cultic and moral relationship to him - a common way of viewing the matter in the Ancient Near East.¹³⁷ Disobedience to Yhwh pol-

136. "The Promised Land and Yahweh's Land in the Hexateuch", in G. von Rad, *The Problem of the Hexateuch and Other Essays* (New York, 1966). For a discussion of von Rad's proposals see C.J.H. Wright, *God's People in God's Land: Family, Land, and Property in the Old Testament* (Grand Rapids, MI, 1990), 5ff

137. 'Since they [i.e. the people in ANE societies] had received their territory as a grant from the deity (at least in Israel), and since their occupation of his land was subject to his pleasure, they were charged with

lutes the land and demands that the people be cast out (2:7), so the judgment is often linked directly to the land:

3:2 You have polluted the land in your whoring and in your wickedness. So the showers are withheld and the spring rain has not come.

12:10-11 Many shepherds have spoiled my vineyard, trampled my portion, made my delightful portion into a barren wilderness. They have made it a desolation - desolate she mourned to me. All the land is desolate.

16:18 I will repay two-fold their iniquity and sin, for they have polluted my land.

17:4 You will loosen your hand from your portion (נַחֲלָה)¹³⁸ that I gave to you, and I will make you to serve your enemies in a land you do not know.

The examples could be expanded *ad nauseam* within Jeremiah, especially if combined with the implicit loss of land in the ‘war poems’ and the narratives in the book.¹³⁹ As is the case in Deuteronomy, the loss of the land is not simply a loss in national terms or a simple by-product of divine judgment. The land is at the heart of the judgment as a central consequence of the end of the covenant:

[L]and loss in the Book of Jeremiah is not a description of Israel’s geo-political fate. The significance of land, its loss and its restoration, is finally a theological issue having to do with the relationship between God and his people.¹⁴⁰

keeping the divine patron happy. This meant loyal devotion, demonstrated in careful attention to the cult and the observance of the ethical and moral expectations of the divine sovereign.’ D.I. Block, *The Gods of the Nations: Studies in Ancient Near Eastern National Theology* (2nd ed. Grand Rapids, MI, 2000), 109-10.

138. Or ‘your inheritance’: the latter is defended by Wright, *God’s People*, 19, n.29. But ‘portion’ is defended by Block, *Gods of the Nations*, 78-79; N.C. Habel, *The Land is Mine: Six Biblical Land Ideologies* (Minneapolis, 1995), 33-35.

139. More explicit illustrations: 4:7, 20-26; 5:18; 7:34; 8:16; 24:10; 25:11; et al. See Bracke, “Coherence,” 72f. The implicit loss of land is pointed out by W. Brueggemann, *The Land: Place as Gift, Promise, and Challenge in Biblical Faith* (Philadelphia, 1977), 111-13.

140. Bracke, “Coherence,” 70. For discussion of the theme in Deuteronomy, see Habel, *Land*, 36-53; P.D. Miller, “The Gift of God: The Deuteronomic Theology of the Land,” *Int* 23 (1969), 451-65.

Indeed, the relationship between Yhwh, the land, and the people is tied so closely together that Peter Diepold concludes that it is simply unthinkable to have the covenant without the land or the land without the covenant.¹⁴¹ The expulsion from the land is a ‘sign and seal’, as it were, of the ending of the covenant between Yhwh and the people. Given the theme of an overturning of the state of affairs at the judgment, then, we are not be surprised to find return to the land at the heart of the restoration oracles in Jeremiah. Indeed, the very first component of restoration in chs. 30-31 is just this promise of return to the land:

30:3 For behold, the days are coming - oracle of Yhwh,
And I will return the fortunes of my people Israel and Judah (Yhwh said),
And I will cause them to return to the land which I gave to their fathers, and they will possess it.¹⁴²

But, as is the common pattern, the return to the land is an idyllic return: things are not just reversed, but made the way they always ought to have been. Thus the descriptions in 31:5, 12, and 24-25 of the abundance of the land’s produce.¹⁴³ This is simply the way things always ought to have been, if the people had been faithful in Yhwh’s land. In a similar strain, the judged city is turned into its ideal: the destruction of the city is overturned so that it is again rebuilt (31:21, 24, and esp. 38-40 - ‘It will not be uprooted and it will not be overthrown any longer, forever’), and Jerusalem - so roundly condemned for unfaithfulness and wickedness throughout the book - becomes the ‘habitation of righteousness’ (31:23).

141. P. Diepold, *Israel's Land* (Stuttgart, 1972), 187-88.

142. See also 3:16-18; 12:15 (broadened to include a return for the ‘nations’ as well); 16:15; 23:8; 24:6; 29:14; 32:15, 37, 42-44. Cf. 25:5 for the promise: ‘Turn now... and dwell upon the land that Yhwh has given to you and your fathers from of old and forever.’

143. The motif is from the standard covenantal curses and blessings with respect to the land: see Deut 28.

CONCLUSIONS

The role played by the salvation (or restoration) oracles in the book of Jeremiah is to stand in counterpoint to the state of affairs at the judgment - both the causes and effects of Yhwh's judgment. The pattern is set in Jeremiah's call (1:10) 'to pluck up and break down, destroy and overthrow, *and to build and plant*' - the judgment and its counterpoint - and runs throughout the book finding special emphasis in the collection of restoration oracles in 30-31.¹⁴⁴ In overturning the judgment and its causes, Yhwh will make everything the way it always ought to have been. This pattern is explicit in a number of poems throughout 30-31, and is identifiable both in other texts and thematically in the book of Jeremiah. From this point the argument for reading 31:31-34 should be clear: the restoration oracles play the role of overturning the state of affairs at the judgment, and that state of affairs includes the 'broken covenant' - that universal state of infidelity painted in the book. The new covenant oracle is the overturning of this state of affairs at the judgment: all will be made as it always ought to have been.

144. 'It may be suggested that this range of six verbs [in 1:10] provides the essential shape of the book of Jeremiah in its present form.... The book of Jeremiah in its main thrust concerns *the ending of beloved Jerusalem...* and *the formation of a new beloved Jerusalem*'. Brueggemann, *Jeremiah*, 25-26.

VIII. Jeremiah's New Covenant: Restitutio ad Integrum

In what follows I will take up the final stage of the exegetical argument. I have argued that the opposite of the new covenant is the 'broken covenant' described throughout the book of Jeremiah as the universal infidelity of Israel and Judah to Yhwh, resulting in divine judgment. Further, I have argued that the role played by the salvation oracles (or oracles of restoration) in the book is that of overturning the causes and consequences of divine judgment. The promise is repeatedly held out that God will make things the way that they were always meant to be. Neither of these points are overly controversial and have been recognized to various degrees by a number of scholars. In this chapter I will draw these two points together: the role Jer 31:31-34 plays in the book of Jeremiah is to overturn the universal infidelity that brought about divine judgment, making everything the way it always ought to have been between Yhwh and his people. In this sense, Römer is right to see 31:31-34 as the 'response' to 11:1-13.¹ I will examine the text under this thesis and argue that at each point the best way to make sense of the oracle within the discourse(s) of the book of Jeremiah is to see the new covenant as overturning the 'broken' covenant: fidelity overcoming infidelity.

§1. THE BROKEN COVENANT: 31:31-32

Behold, the days are coming - oracle of Yhwh -

1. T. Römer, "Les "anciens" pères (Jér 11,10) et la "nouvelle" alliance (Jér 31,31)," *BN* 59 (1991), 26. Similar is Holladay (though I would phrase it differently): 'The passage 11:1-17... depicts the call to obey the old covenant, to which the people failed to respond, so that a new covenant becomes necessary.' W.L. Holladay, *The Architecture of Jeremiah 1-20* (Lewisburg, PA, 1976), 162.

And I will make a new covenant with the house of Israel and with the house of Judah: not like the covenant which I made with their fathers in the day I took them by their hand to lead them out of the land of Egypt -

which as for them, they broke my covenant,²

and as for me, I was their husband/lord (בַּעֲלָתִי) - oracle of Yhwh.

Most commentators take וְאֵת יְהוּדָה as a late interpolation on the ground of v.33 using

‘Israel’ to denote the whole of the people.³ But against this is the use of the phrase in 11:10:

11:10 The house of Israel and the house of Judah have broken my covenant that I made with their fathers.

The context there (11:9, 12) shows the addressees as ‘the men of Judah and inhabitants of Jerusalem’, but the phrase is likely formulaic and emphasizes the totality of the breaking of the covenant. 31:31 is addressed precisely towards this state of affairs of covenant broken by ‘the house of Israel and the house of Judah’. That the rhetoric reverts to simply ‘Israel’ is unsurprising.

In v.32 we have the only significant difference in the oracle’s presentation in the LXX

and the MT. The former reads:

38:32 (LXX) Not like the covenant, which I made with their fathers on the day I took them by the hand to lead them out of the land of Egypt, for they did not remain in the covenant (ὅτι αὐτοὶ οὐκ ἐνέμειναν ἐν τῇ διαθήκῃ), and I disregarded them (καὶ ἐγὼ ἡμέλησα αὐτῶν).

2. The grammar here is irregular, but the point is obvious. The normal English translation ‘my covenant which they broke’ makes the same basic point, though the emphasis in the MT appears to be on the contrast between הַמָּוֶה and אֲנֹכִי. Groß structures the verse around the two occurrences of אֲשֶׁר, using בְּרִית as an inclusio (against the contrast of הַמָּוֶה and אֲנֹכִי), but this is less helpful. Groß, *Zukunft*, 136.

3. See Rudolph, *Jeremia*, 184 (who edited the BHS of Jeremiah); Cornill, *Jeremia*, 353.

Adrain Schenker has made most of the differences between these texts, suggesting that the LXX draws an end to the covenant, while the MT leaves the matter open.⁴ That the rhetoric is different is clear: the MT focuses on the people and their action - ‘they broke my covenant’. Even the somewhat irregular structure of the sentence appears to emphasize the people’s failure. The crime of the breaking is then heightened by the clause ‘and I was their בעל’. In the LXX, on the other hand, the rhetoric emphasizes first the failure of the people to hold fast to the covenant, and then the correlative action of Yhwh in casting them off.

It may simply be that the LXX read נָעַלְתִּי (cf. 14:9) instead of בָּעַלְתִּי.⁵ Or conversely, that a copyist for the MT read בָּעַלְתִּי instead of נָעַלְתִּי. But in any case to make too much of this rhetorical difference is to neglect that God’s leaving (or ‘abhorring’, etc.) is repeatedly present in the MT at other points - we have seen a number of them above. Nor is it a novelty in the MT to assert that in the exile God sent the people away or cast them off.⁶ Thus, though the rhetoric is different in the two texts at this point, there is no reason to think of the two as offering significantly divergent teachings, as Schenker suggests. The contrast for the new covenant is the ‘broken covenant’, described as that state of universal infidelity within the rhetoric of Jeremiah.

4. Schenker, *Das Neue*, 20f.

5. So Rudolph (cf. BHS apparatus), Groß, *Zukunft*, 143; Becking, *Fear and Freedom*, 38. et al. Schenker sees ἀμελεῖν as translating מָאָס or שָׁלַח in a different *vorlage*, rather than a misreading of בָּעַלְתִּי. Schenker, *Das Neue*, 23.

6. E.g., 6:30: ‘Rejected silver they are called, because Yhwh has rejected (MT: מָאָס; LXX: ἀποδοκιμάζω) them.’

§2. THE ‘NEW’ COVENANT

The rendering of **חֲדָשׁ** as ‘new’ or ‘renewed’ has already been broached with the discussion of Levin’s proposals.⁷ The difficulty with following Levin is that the lexical data can be used to go either way: the term clearly sometimes meaning ‘fresh’ (‘new moon’) and other times meaning some kind of ontological novelty, or even implying replacement of the old (e.g. ‘new king’).⁸ Little should be placed on the rendering of this term, the weight of the argument being on the kind of contrast at stake. The English term ‘new’ is sufficiently vague for our purposes and functions well in the role taken up by **חֲדָשׁ**.

31:33B: THE LAW ON THE HEART

As seen above, the consensus of modern scholarship has been that here, in the placement of the law on the heart, is the true ‘novelty’ of the state of affairs Jeremiah pictures in contra-distinction from the state of affairs at Sinai. Earlier discussions (Augustine, Calvin, Ball) worried about the consequence of denying this to the ‘fathers’, a concern that appears to have vanished in the modern ‘historical view of religion’. The full text of this part of the promise is as follows:

7. See above, p.203.

8. See R. North, “**חֲדָשׁ**,” in *Theological Dictionary of the Old Testament* (vol. 4, eds. G. J. Botterweck and H. Ringgren. Grand Rapids, MI, 1980), 225-44. Groß suggests that if the author wanted to say ‘renewed’, he might have used a passive participle form or made ‘renew’ the verb (‘will renew the covenant’). But this does not seal the case either: ‘Entsprechend kann das Hebräische nicht zwischen “ganz neu” und “ein wenig neu” lexikalisch differenzieren.’ Groß, *Zukunft*, 148.

For this is the covenant which I will make with the house of Israel after these days - oracle of Yhwh:

I will place my law in their inward parts,
And on their hearts I will write it.

The תּוֹרָה here, as is now almost universally pointed out, is not something ‘novel’: a point we have seen already in Calvin.⁹ The term תּוֹרָה is functioning here as a general term for covenantal stipulations, standing in close connection to the ‘knowledge of Yhwh’ in v.34 (below).¹⁰ Whatever the precise ‘contents’ of the torah in this case, the issue is clearly that of covenantal fidelity. The necessity of having the תּוֹרָה on the heart runs deep in deuteronomic

9. Put well by Rendtorff: ‘Jeremiah does not envisage a new covenant without Torah, without the “burden of the law”... what he has in mind is a covenant in which the Torah is even more firmly anchored’. R. Rendtorff, *Canon and Theology: Overtures to an Old Testament Theology* (tr. by Margaret Kohl. Philadelphia, 1993), 197. The recent argument of Adeyemi for a ‘new Torah’ here is entirely unconvincing. His argument is that (a) ‘covenant’ and ‘law’ are inextricably bound together; (b) the ‘covenant’ is new (i.e. different); therefore (c) the ‘law’ is new (i.e. different). But to get to his conclusion, we would have to have something like (with ‘c’ as covenant and ‘t’ as torah): (1) Any ‘c’ is such that it has ‘t’. (2) No two ‘c’ can have the same ‘t’. (3) ‘cMosaic’ is other than ‘cJeremiah’. Therefore (4) ‘cJeremiah’ has another ‘t’ than ‘cMosaic’. Clearly (2) is more than a little suspect, but I have no idea how to get from (1) to (4) without it. And this beyond the questionable (or at least overly vague) assertion of (3), which is the point I am challenging. Adeyemi, *New Covenant*, 59-63.

10. As evidenced in A. Schenker, “Die Tafel des Herzens,” in *Text und Sinn im Alten Testament: Textgeschichtliche und Bibeltheologische Studien* (ed. A. Schenker. Göttingen, 1991), 1-14. Or Weippert: ‘doch sollte der Ausdruck hier wegen seines sachlichen Bezuges zur Jahweerkennung in V.34 nicht nur als Sammelbegriff für eine Vielzahl von Einzelgesetzen aufgefaßt werden, sondern umfassender auch als Willenskundgebung Jahwes.’ H. Weippert, “Das Wort vom neuen Bund in Jeremia XXXI 31-34,” *VT* 29.3 (1979), 338. See the parallelism of Hos 4:6. Thus Lundbom’s concern (perhaps from reading Duhm) is somewhat beside the point: ‘Jeremiah does not specify what this law will consist of, but it is only reasonable to assume that it will be the law at the heart of the Sinai covenant..., which at minimum [sic] would be the Ten Commandments, but doubtless something more.’ Lundbom, *Jeremiah 21-36*, 467-68. The particulars are almost never spelled out except in the most general terms in the book of Jeremiah: it is an assumed reality, a basic principle at stake: ‘whatever it is that God has required in the covenant’ (see above on ‘words’ in ch.11). So Zenger: ‘sein Inhalt ist die Tora als Weg-Weisung für das Leben.’ Zenger, *Erste Testament*, 116. Why the plural of the LXX (νόμους) might be different in this regard, suggested by Davies and followed by Adeyemi, is unclear: W.D. Davies, *Torah in the Messianic Age and/or the Age to Come* (JBL Monograph Series 7, Philadelphia, 1952), 25, n.24.

thought (thus Duhm's criticisms) and finds negative expression throughout Jeremiah's condemnations of the people:

3:10 Judah... did not turn to me with all her heart.

3:17 At that time... the nations will no longer follow stubbornly after their evil heart.

4:14 Wash your heart from evil, O Jerusalem!

5:23-24a And this people has a stubborn and rebellious heart, they have turned aside and walked (away). And they did not say in their hearts, 'Let us fear Yhwh our God...'

22:17 For your eyes and your heart are for nothing but unjust gain.¹¹

That לִב cannot function as 'memory' in 31:33b, as has been proposed,¹² should be clear from the ways in which לִב functions in these instances. Such an emphasis of the torah on the heart as a memorizing of the laws - that they not be 'forgotten' - runs deep into Jewish interpretive tradition on Jer 31:33-34, but is inadequate.¹³ The problem is not that the people keep forgett-

11. Cf. 4:18, 19; 5:21; 7:24; 8:18; 9:13; 11:8; 13:10; 16:12; 17:5, 9; 23:17; et al.

12. Ego, "Zur Rezeption," 280. This is a possible translation at Jer 3:16 (וְלֹא יַעֲלֶה עַל לִב), but 'mind' is still a better term than 'memory' (as 7:31; 14:14; 23:16); and this line of use (and construction) is distinct from the themes here. The expressions in Prov 3:3 and 7:3 are likewise distinct constructions (כְּתִיבִם עַל לִוְיָ לְבָבָהּ) and issues, and cannot be used as parallels (contra Ego). Again, experience might prove that one's memory can be 'deceitful above all things' (17:9), but that is likely not the point there.

13. 'R. Judah said: When Israel heard the words, *I am the Lord thy God*, the knowledge of the Torah was fixed in their heart and they learnt and forgot not. They came to Moses and said, "Our master, Moses, do thou become an intermediary between us, as it says, *Speak thou with us, and we will hear... now therefore why should we die* (Exod 20:16; Deut 5:22). What profit is there in our perishing?" They then became liable to forget what they learnt.... Forthwith they came a second time to Moses and said: "Our master, Moses, would that God might be revealed to us a second time! Would that He would kiss us "with the kisses of his lips"! Would that He would fix the knowledge of the Torah in our hearts as it was!" He replied to them: "This cannot be now, but it will be in the days to come," as it says, *I will put My law in their inward parts and in their heart will I write it.*' *Song of Songs Rabba*, 1.2.4, to Son 1:2 [c. 4th-5th c. CE]; cited in R.S. Sarason, "The Interpretation of Jeremiah 31:31-34 in Judaism," in *When Jews and Christians Meet* (ed. J.J. Petuchowski. Albany, NY, 1988), 102. For possible reasons to take the 'law on the heart' this way in some parts of Deuteronomy (e.g. 6:7, as in Prov 3:3; 7:3; Ps 119:11), see F. Fischer and N. Lohfink, "Diese Worte sollst du summen": Dtn 6,7 wedibbartā bām - ein verlorener Schlüssel zur meditativen Kultur in Israel," *TP* 62 (1987), 59-72. But these ought not be compared to its use here (contra Fischer/Lohfink, p.63).

ing some of the 613 commandments, but that they have an ‘organic failure’.¹⁴ There is no reason to think any text in the book of Jeremiah applies to a forgetfulness of the torah, as though the people would act according to it if only they could remember what to do. The problem runs significantly deeper, as does the cure: ‘The issue is focused on whether Israel is *willing* to obey the law that God has so graciously given.’¹⁵

As Herrmann rightly points out (contrary to most modern commentators), the contrast for having the law on the heart is *not* ‘having the law on stone tablets’.¹⁶ Rather it is to have a ‘stubborn and rebellious heart’ (or, as Augustine, to have the law *only* on stone tablets). The parallel imagery to having the law on the heart, as is often acknowledged, is the imagery of the ‘circumcised heart’ in Jeremiah. But the opposite of a circumcised heart is not circumcised flesh *in se*.¹⁷ Rather, to not have a circumcised ‘heart’ is to not be the true people of

14. ‘Die Menschen in Juda und Israel hätten die Möglichkeit und die Fähigkeit, JHWH zu verstehen, aber da ist etwas, was diese Fähigkeit blockiert in der Weise eines organischen Fehlers, der das ganze Organ sinnlos macht, weil er es um seine normale Funktion bringt.’ Schenker, “Die Tafel,” 4.

15. Clements, *Jeremiah*, 191. My emphasis. This view is strengthened if Zenger’s suggestion linking ‘heart’ and ‘hearing’ (e.g. 1 Kings 3:9) is sustained: ‘Vor allem aber gilt - in Israel und in Ägypten - das Herz als das Organ, durch das Gott “gehört” wird und durch das Gott dem Menschen “einwohnt”.’ Quoting H. Brunner, *Das hörende Herz: Kleine Schriften zur Religions- und Geistesgeschichte Ägyptens* (Göttingen, 1988): ‘die zentrale Stelle im Menschen ist, der alle Sinne ihre Eindrücke “melden” und das dann die Lage erkennt und Entschlüsse faßt. Es hat also auf das, was von außen zum Menschen kommt... zu hören.’ Thus, one Egyptian text (cited from Brunner): ‘Es ist das Herz, das einen Mann zu einem Hörenden werden läßt oder zu einem, der nicht hört. Leben, Heil und Wohlergehen eines Menschen bedeutet sein Herz.’ E. Zenger, *Am Fuss des Sinai* (2nd ed. Düsseldorf, 1994), 101. Thus the connection to chs. 7, 11 becomes even closer and the overturning of the state of affairs at judgment clearer.

16. As S. Herrmann, *Jeremia: Der Prophet und das Buch* (Darmstadt, 1990), 197: ““steinerne Tafeln” als Gegensatz zum menschlichen Herzen werden hier nicht erwähnt.’

17. Contra Weinfeld, “Spiritual Metamorphosis,” 34.

Yhwh, as is clearly the point of Jer 9:24-25 (MT).¹⁸ Given the recognized deuteronomic view of the law on the heart as a requirement of the covenant, to lack the law on the heart is obviously a matter of covenantal infidelity - which is something other than having the law on stone tablets. The parallel texts in Jeremiah make clear that the issue in changing the heart is one of fidelity to Yhwh:

24:7 I will give to them a heart to know me, that I am Yhwh. And they will be my people and I will be their God, for they will turn to me with their whole heart [contrast 3:10].

32:39 I will give them one heart and one way, so they will fear me forever... I will put the fear of me in their hearts, they they will not turn from me.

Thus the common acknowledgement that 31:33 stands over against 17:1, where the issue is clearly that of infidelity.¹⁹

17:1-3a The sin of Judah is written with a pen of iron, with the point of a diamond engraved on the tablets of the heart and on the horns of their altars as their children remember their altars and their Asherim upon every fresh [tree], upon the lofty heights, the hills in the field.

What is being promised in the law on the heart is an overturning of the current state of affairs: a people whose very core is ‘uncircumcised’, ‘stubborn’, ‘rebellious’, ‘evil’, ‘engraved with sin’ (idolatry above all), and ‘sick beyond healing’, will be healed. What was never the case (in the rhetoric of Jeremiah) will finally come about: the true fidelity of the people to

18. ‘The result is that the chosen people are as ritually unacceptable and disqualified as any other *goy*. It is not only a judgment on both Israel and the *goyim*, but an argument that there is no distinction.’ Brueggemann, *Jeremiah*, 101. See also above on the ‘broken covenant’.

19. ‘Jer 31,33 steht... in einem Verweiszusammenhang zu Jer 17,1.’ Lohfink, “Der Neue Bund?”, 27. Nearly all the commentaries make a similar connection. Groß is hesitant (*Zukunft*, 145), but the claim here is not one of semantic or literary dependency, rather of the two standing in counterpoint, as Weippert: ‘Die Gemeinsamkeiten beider Texte beschränken sich nicht auf terminologische Punkte wie *lēb* und *ktb*; auch gedanklich sind sie eng miteinander verflochten.’ Weippert, “Neuen Bund,” 346.

Yhwh's תּוֹרָה. Such is indeed nothing less than a 'radical anthropological renewal of the people of God'.²⁰ But the contrast is not with the state of affairs instituted by Yhwh at Sinai or the teaching of Deuteronomy, but the state of affairs that brought about the judgment of Yhwh in the book of Jeremiah. The oracle promises to bring about what always ought to have been the case between Yhwh and his people: they will have the law on the heart. 'The change that a "new covenant" calls for is the one ever on Jeremiah's mind: a genuine return to the Torah of the God of Sinai.'²¹ Or, in language more similar to Augustine:

[T]he contrast in fact is the familiar one between a genuine obedience and dedication from the heart (circumcision of the heart) and a *merely* outward, formalistic obedience.²²

This is right in principle, though as noted above, there is little even of 'formalistic obedience' in the rhetoric of Jeremiah. The contrast is between genuine obedience and blunt disobedience.

A final note must be made regarding the first colon of this promise. A strong argument has recently been made by Adrian Schenker against the standard understanding of נִתְּנִי as functioning as a future - either as a kind of 'prophetic perfect'²³ or 'future perfect',²⁴ or as a

20. H. Seebass, "Erstes oder Altes Testament?," in *Die Einheit der Schrift und die Vielfalt des Kanons* (eds. J. Barton and M. Wolter. Berlin, 2003), 33.

21. Holmgren, *Old Testament*, 79.

22. J.D.G. Dunn, *The Parting of the Ways: Between Christianity and Judaism and their Significance for the Character of Christianity* (2nd ed. London, 2006), 59-60.

23. Renaud, *Nouvelle ou Éternelle?*, 35; Schmid, *Buchgestalten*, 79.

24. As, e.g., Lundbom, *Jeremiah 21-36*, 469., following Weinfeld, "Spiritual Metamorphosis," 27. See Schenker, *Das Neue*, 30, n.29. Becking claims that Tita 'overlooks the fact that the asyndetical *qatal*-form נִתְּנִי functions as the introduction of the divine direct speech.' Becking, *Fear and Freedom*, 249. But why this is a 'fact' is hard to see, and precisely why this answers the use of the *qatal* is unclear - presumably one can open divine direct speech with an imperfect. I find no parallel to satisfying Becking's position in the discussion of

scribal error that ought to read ונתתי.²⁵ Schenker's argument consists in three basic points: first, all of the 'good and determining' Hebrew textual witnesses have the perfect. This is given very solid support by Hubert Tita, rendering appeals to ונתתי inadequate.²⁶ Second, Schenker states that the rendering of the two different temporal forms is unproblematic, as there are other examples of parallelism make use of this same construction (e.g. Ps 63:8; 110:4). Lastly, good sense can be made of the perfect here in opposition to the future in the second line, and thus appeal to a future sense is unnecessary and, so, undesirable.²⁷ קרב then takes on a corporate sense, so that the basic meaning according to Schenker is:

I had given my Torah in your midst, but I will now write it on your hearts.²⁸

In Jeremiah the opening clause would parallel the use of נתן in, e.g., 9:12:

And Yhwh said: Because they left my law which I set before them (אֲשֶׁר נָתַתִּי לִפְנֵיהֶם), and did not hear my voice and did not walk according to it...²⁹

asyndesis in P. Joüon and T. Muraoka, *A Grammar of Biblical Hebrew* (2 vols. Rome, 2000), §177.

25. Rudolph, *Jeremia*, 184 (cf. BHS apparatus); Holladay, *Jeremiah*, II.154; Zwingli, *Jeremia*.

26. H. Tita, "Ich hatte meine Tora in ihre Mitte gegeben': Das Gewicht einer nicht berücksichtigten Perfektform in Jer. XXXI 33," *VT* 52 (2002), 551-56.

27. This is in line with his 'hermeneutical rule': 'Es jedoch eine hermeneutische Regel, für zwei verschiedene sprachliche Formen oder Ausdrucksweisen auch zwei verschiedene Bedeutungen anzunehmen.' Schenker, *Das Neue*, 28, see 27-31.

28. 'Ich hatte meine Tora in eure Mitte gegeben, aber ich werde (oder will) sie nunmehr auf euer Herz schreiben.' Ibid., 29-30. Understanding קרב this way alleviates somewhat the concern of Schmid, *Buchgestalten*, 79.

29. So Renaud, *Nouvelle ou Éternelle?*, 56.

There are, however, reasons for disputing Schenker's reading. First, the other parallels he cites that operate with a *qatal* form in one line and an imperfect (or *weqatal*) in the next do not support his view of a contrast in 31:33:

Ps 89:36 Once I swore in my holiness

I will not be deceitful with David. (cp. 110:4)

Ps 63:8 For you were a help to me

And in the shadow of your wings I will rejoice.³⁰

In these cases a previous action is declared (with a *qatal*) as the *ground* or *evidence* for the second, future-oriented colon: the functional opposite of a contrast. So even if one agrees to a perfect tense for 33b this by no means entails a contrast with 33c, as Schenker states. In fact, if we are to translate according to Schenker's parallels, then a better translation would be:

I gave my law in your midst, and (so) I will write it on your hearts.

There are a number of other poetic texts that make use of a parallelism with a *qatal* in one colon and an imperfect in the next. Most are akin to the above illustrations and the grounding of the future event in the past.³¹ But some are either clearly concerned with tem-

30. His other examples (Jer 3:14; 31:29) are misleading because they represent two different thoughts entirely rather than two thoughts in parallel.

31. Jer 2:25 ('I have loved foreign things, and after them I will go.');

2:37 ('Yhwh has rejected those in whom you trust, and you will not prosper by them');

4:30 ('Your lovers have rejected you, they seek your soul.');

20:11; 31:11-12 ('Yhwh has ransomed Jacob and redeemed him... they will come and sing aloud on the height of Zion'). Elsewhere, see (e.g.) Ps 3:6; 4:4; 6:10; 10:17; 16:8; 17:6; 108:8; 119:11, 73. This discussion has been shaped trying to do justice to those who minimize the *qatal* as used in a non-past sense (e.g. a 'prophetic perfect'): the best recent discussion is M.F. Rogland, *Alleged Non-Past Uses of Qatal in Classical Hebrew* (Assen, 2003), esp. §3.

porally identical events in both colons (either past, present or future), or at least ambiguous.

A handful of examples make this clear:

Ps 139:13 For you formed my inner parts (קָנִיתָ כְּלִי־יָדַי), you knitted me together (תָּסַבְנִי) in my mother's womb.

Isa 33:7 Behold, their heroes cry (צָעֲקוּ) in the streets, the messengers of peace weep (יִבְכּוּ) bitterly.

Isa 29:20 For the ruthless one will cease (אָפַס) and the mocker come to a complete end (וְכָלָה), and all who watch for evil will be cut off (שִׁקְרֵי).

Isa 52:8 Your watchmen lift up (נִשְׂאוּ) their voice, their voice together they shout for joy (יִרְנְנוּ).³²

Ps 18:5 The cords of death encompassed me (אֶפְפֹּנִי), and the torrents of destruction terrified me (יִבְעֲתוּנִי).

Ps 6:7 I grow weary (יִגַּעְתִּי) with my groaning, I make my bed swim (אֲשָׁחָה) every night...

Ps 24:2 For upon the waters he has founded it (יִסְדָּהּ), and upon the rivers he has established it (יִכּוֹנְנָהּ).³³

These make little sense if we understand the colons as temporally distinct - and even less sense if they are *contrasting* temporally. In many of these instances the different verbal tenses appear to function as an envelope around the event(s), expressing a kind of completeness. So in the first example (Ps 139:13) the completeness of the divine action is portrayed by the verbal tenses used. This seems to be the best solution for some texts in Jeremiah as well:

4:30c: Your lovers despise you (מְאַסוּ),

They seek after (יִבְקְשׁוּ) your life.

5:6 Therefore a lion from the woods will strike them down (הִכָּם)

A wolf from the desert will destroy them (יִשְׁדָּדֵם).

32. The syntax here is somewhat odd, but such does not impact the point here: קוֹל צִפִּיךָ נִשְׂאוּ קוֹל יְחִידוֹ יִרְנְנוּ.

33. A number of other texts could be cited with varying certainty, esp. from the Psalms: 7:14; 16:9; 17:11; 18:9; 26:4-5; 34:6; 38:5; 39:4; 50:19; 56:2; 57:4; 59:4; 63:7; 73:9; 81:7; 93:3; 102:25; 104:6; 105:40; 114:3; 116:3; 138:3; 143:5.

The events of both colons should be taken as temporally identical, but the use of the different tenses - moving from *qatal* to the imperfect - brings out the completeness of Judah's being devoured (5:6) or her now reversed relationship with her previous lovers (4:30c).³⁴ Naturally, suppositions for rhetorical uses are always somewhat tenuous, given our lack of access to native speakers.³⁵ But if the above argument is the feasible, then it offers a simple way to understand the change of tense in 31:33.

Further, the dismissal of other textual witnesses weakens Schenker's case. As mentioned above, Tita helpfully corrects the ambiguity of the BHS, 'mlt MSS ונתתי'. In fact, the main textual witnesses (Leningrad, Cairo and Petropolitanus) read נתתי, so there is little reason to think the Hebrew ought to be anything other than this.³⁶ But Schenker dismisses too quickly the translation history - especially the Peshitta and Targum, but also the LXX - which understood the activity of 'placing' as future.³⁷ That none of these texts have a conjunction argues against their having ונתתי in their *Vorlage*, and so in each case the action is understood as temporally future, in spite of the *qatal* form.

Finally, the use of קרב in parallel to לב also occurs elsewhere in Jeremiah and cannot be said to be 'sociological':

34. Other possible examples: Jer 5:8, 26, 31; 6:10; 8:13c; 12:2 (ילכו); 15:6.

35. Ibid., 82-83.

36. The Aleppo codex is missing this portion. The only significant text differentiation is 'Berlin Or fol 1-4', used by Kennicott in the late 18th century. See Tita, "Perkeftform."

37. He claims the Peshitta and Targum (as well as the Vulgate) were, like modern translators, too affected by the 'Dynamik der Hauptaussage in die Zukunft'. Schenker, *Das Neue*, 31. He brackets out the LXX entirely.

4:14 Wash your hearts from evil, O Jerusalem, that you might be saved.

How long will your wicked thoughts lodge in your inner parts (בְּקִרְבֶּךָ)?

23:9 Broken is my heart,

my inner parts (בְּקִרְבִּי) collapse.

Indeed, in every instance in the Hebrew Bible with only one possible exception, the parallelism of the two words assumes קרב to be ‘inner parts’ rather than ‘sociological’.³⁸ But if קרב means ‘inner parts’ then we must understand נִתְּתִי as temporally future.

Thus both colons of 31:33b ought to be read as referring to the same event (in the future), the different verbal tenses perhaps used to envelop the event to stress its completion. But if one follows Schenker and takes נִתְּתִי as a past-oriented *qatal*, there is no reason to think this establishes a contrast with deuteronomic thought, as suggested above. It would have been no surprise to anyone that Yhwh had given his torah to the people. The writing on the hearts is still the divine activity of a necessary but absent reality. The point of the polemic is not the deuteronomists and their ‘theology of teachers and learners,’³⁹ but Yhwh’s people as painted in the book of Jeremiah, who had the torah in their midst but did not have it on their heart. Thus in either case the function of the second colon remains unchanged: what

38. See Lam 1:20, Ps 51:12; 64:7 and the famous verses of Ezek 11:19; 36:26. The two terms are in construct in Ps 36:2 (‘the heart of my inner parts’); 39:4. Similar (though not in construct) is Ps 55:5; 109:22. Both occur in Jer 30:21, but as parts of two different thoughts. The only instance potentially lending support to Schenker’s reading is Prov 14:33, ‘In the heart of a discerning person lies wisdom, and in the inner parts/midst of fools it is known.’ But this is most likely not a sociological use, given the parallel.

39. Groß, *Zukunft*, 145.

ought to have been the case between Yhwh and the people (but universally was not, in the rhetorical world), is brought about. All is made the way that it always ought to have been.

31:33c: I WILL BE THEIR GOD

31:33c: 'I will be their God and they will be my people.'

Helga Weippert rightly comments that with this statement the 'horizon of the new covenant is defined.'⁴⁰ But this small clause, common as it is to the Old Testament, represents nothing more than that desired relationship between Yhwh and the people: the making of things as they ought to be. The reason for this being included in the 'new covenant' is not simply to show some continuity with the 'old'. This covenant formula lies directly at the heart of the 'newness' of the new covenant, contrasting with the state of affairs at the judgment, outlined above as the 'broken covenant'. What is promised here is that Yhwh will restore things to what they always ought to have been.

31:34a: THEY WILL ALL KNOW ME

And no longer will a person teach his neighbour, or a person his brother saying, 'Know Yhwh' - for they will all know me, from the least to the greatest of them - oracle of Yhwh.

As Coppens states, this verse does not simply claim that there will be no more religious teaching, but that there will no longer be a *need* for instruction in the knowledge of

40. Weippert, "Neuen Bund," 338.

Yhwh.⁴¹ This knowledge of Yhwh, once again, concerns the fidelity of the people to Yhwh.

Commenting on 4:22, Brueggemann states:

Covenantal acknowledgement of Yahweh and covenantal obedience are intimately linked. Israel knows about neither, and therefore Israel knows nothing about its own identity and proper role in history.⁴²

But this is what is overturned in the restoration. ‘Covenantal obedience’ is clearly the issue in

what Cornill calls the ‘formal definition’ of ‘know Yhwh’ at 22:15-16:

Are you a king because you compete in cedar? Your father - did he not eat and drink and do justice and righteousness? Then it was well with him. ⁽¹⁶⁾He judged the case of the poor and needy. Then it was well. Is that not to know me? - oracle of Yhwh.⁴³

Josiah’s obedience to the requirements of kingship is his ‘knowledge of Yhwh’. This emphasis on ‘obedience’ in knowing Yhwh is the way the terminology is used throughout the book:

2:8 The priests did not say, ‘Where is Yhwh?’ Those dealing with the law did not know me. The shepherds transgressed against me. The prophets prophesied by Baal. And they (all) went after things that do not profit.⁴⁴

9:3 They proceed from evil to evil, and me they do not know - oracle of Yhwh.

41. ‘Au verset 34, qui se réfère à l’instruction religieuse, ou plus exactement à l’absence de tout besoin d’instruction qui caractérisera l’ère de l’alliance nouvelle’. Whether this renders future divine intervention ‘superfluous’ by virtue of the law being in the heart (as he thinks), is another matter. Coppens, “Nouvelle alliance,” 18.

42. Brueggemann, *Jeremiah*, 58-59. Or Lundbom: ‘When Jeremiah talks... about the knowledge of Yahweh, he is talking about compliance with covenant stipulations.’ J.R. Lundbom, “Jeremiah, Book of,” in *Anchor Bible Dictionary* (vol. 3, ed. D. N. Freedman. New York, 1992), 718b. For discussion with reference to broader covenant- and treaty-forms, see H. B. Huffmon, “The Treaty Background of *Yāda*,” *BASOR* 181 (1966), 31-37.

43. Cornill, *Jeremia*, 352. He states, ‘Demnach ist nach jeremianischen Sprachgebrauche Jahve erkennen so viel als fromm und sittlich leben, also das thun, was wir als den Inhalt des in unser Herz geschriebenen göttlichen Gebots erkannt haben.’ - then, less helpfully (if predictably) - ‘nicht Befolgung des Ceremonialgesetzes, sondern Befolgung des Sittengesetzes.’

44. For the last phrase as encapsulating all the previous groups, see Holladay, *Jeremiah*, I.88.

9:23 And let him who boasts boast in this: that he is prudent and knows me - that I am Yhwh, practicing steadfast-love, justice and righteousness in the land. For in these I delight.

Thus, insofar as the prophetic task is a call to obedience to Yhwh, Lundbom is right to say ‘that Jeremiah envisions a day when people the likes of himself will be out of a job.’⁴⁵ What ought to be the case is that all the people of Yhwh ‘know Yhwh’ and *no longer* (לֹא עוֹד) need exhortations to obedience. This is obvious in an idyllic state: the people will not, as before, need those who call the people back to covenantal fidelity because they will already ‘know Yhwh’. What the text presents is everything made the way it always ought to have been.

31:34B: FOR I WILL FORGIVE THEIR INIQUITIES

For I will forgive (סָלַחְתִּי) their iniquities,
And their sins I will remember no longer.

The final line of the oracle opens, as 30:17 with an explanatory כִּי. This line represents the *sine qua non* for the new covenant, without which the earlier parts of the promise would be unthinkable - at least for ‘the house of Israel and the house of Judah’.⁴⁶ As Calvin insisted, the issue present here is not the abstract notion of ‘forgiveness’ as a way of God’s dealing with his people, but of the forgiveness of this people sitting under divine judgment -

45. Lundbom, *Jeremiah 21-36*, 470. Thus we can include the teaching of 5:1-6 on the universal failure to ‘know the way of Yhwh, the justice of our God’.

46. ‘Dieser Schluß gibt an, wie es möglich ist, daß nach dem “Bundesbruch” ein neuer “Bund” geschlossen wird. Jahwes Sündenvergebung eröffnet den Weg in die Zukunft.’ Böhmer, *Heimkehr*, 77. Cf. Rudolph, *Jeremia*, 185; Weippert, “Neuen Bund,” 338; Krašovec, *Reward*, 457.

the same use of עֵד ...לֹא as 34a.⁴⁷ The contrast is easily found in the very fact of the judgment, as well as the striking statement of 14:10:

14:10 Yhwh does not accept them:

Now he will remember their iniquity (יִזְכֹּר עֲוֹנָם),
and will punish their sins (וַיַּכֶּד חַטָּאתָם).

What is promised is the ending of this state of affairs from Yhwh's side. If the other parts of the oracle are an overturning of the cause of the judgment, making the people what they always ought to have been (thus no longer deserving judgment), this last line represents Yhwh's overturning of his own actions in order to restore his people to that state. This matter is phrased excellently by Eichrodt:

Now [for the prophets] forgiveness was acknowledged as the central act of succour without which all other goods lost their value. Without it the change from doom to salvation, in which God would turn back to his people, was unthinkable. Thus the prophets, when they depict the contrite conversion of their people, and their prayer to be readmitted to fellowship with God, put in their mouths first and foremost an entreaty for forgiveness.... Correspondingly, God's promise of salvation gives the place of honour to the gift of pardon; this forms the threshold of the new age in which the creation returns to its original state [citing Jer 31:34].⁴⁸

The regaining of an 'original state' - at least in an idyllic form - is precisely the issue in Jer 31:31-34, and the promise of forgiveness grounds the possibility of this hope.

The necessity of forgiveness further affirms that the 'new covenant' will be with the 'house of Israel and the house of Judah' rather than a new people (*contra* Jerome). Forgive-

47. 'The Prophet, no doubt, shows here the foundation of God's kindness, even that he would receive the people into favour by not imputing to them their sins.... What, then, does the particle *more* intimate? Even that God had for a time been angry with his people, and visited their sins with judgment.' Calvin, *Jeremiah*, IV.138-39.

48. Eichrodt, *Theology*, 2.458-59. Emphasis removed.

ness is a prerequisite to the new relationship, but this is so only because of the state of the present people. If Yhwh were to start over with a new people, then this clause would be unnecessary. Instead it grounds the whole, and leads directly into the dual expression of the permanence of Yhwh's care for this, his people:

⁽³⁵⁾Thus Yhwh said -

who gives the sun for light by day
and the statute of the moon and stars for light at night,
who stirs up the sea so its waves growl

- Yhwh of hosts is his name:

⁽³⁶⁾If these statutes are removed from my presence - oracle of Yhwh - then also the seed of Israel will cease from being a nation in my presence forever.

⁽³⁷⁾Thus Yhwh said:

If the heavens above can be measured,
and the foundations of the earth explored below,
then will I, for my part, reject all the seed of Israel for all that they have done -
oracle of Yhwh.

Unterman is right to say that these verses 'play a substantial role in the prophecy of the new covenant', but not, as he says, to show 'the eternality of the ideal relationship which will be established'.⁴⁹ Rather, it is to show the eternality of Yhwh's care for Israel that undergirds the making of that ideal relationship.⁵⁰ As 31:9 and 31:20 ground the restorative act of Yhwh in his persistent devotion to 'Ephraim' - and as 30:17 implies the same to Lady Zion - so

49. Unterman, *Repentance to Redemption*, 106. Against the common separation of the two (whatever their 'original' setting) as most commentators, following Graf, *Jeremia*, 366. The meaning in that case becomes akin to Böhmer: 'Dieser Spruch will wie Deuterocesaja anscheinend eine Antwort auf die Zweifel geben, die in der Exilszeit an der Treue Jahwes wach geworden sind: Jahwe hat uns verworfen, wir sind nicht mehr sein Volk.' Böhmer, *Heimkehr*, 79. But this could be said of the whole of chs. 30-31.

50. Thus, better, is Lohfink (immediately prior to citing the text): 'That Israel is Yhwh's people, and that Yhwh is Israel's God, that this situation drives history from within itself and ever onward, that even when this history one day will encompass the world of the nations, Zion will remain at the center - all this is omnipresent in Israel's narrative writings... Nowhere is there any hint of a definitive cancellation of this prerogative of Israel at any time in the future.' "Children of Abraham", in Lohfink, *Shadow*, 153.

31:35-37 offers a theological ground for the act of restoration in the unceasing devotion of Yhwh.

§3. CONCLUSION

The ‘new covenant’ of Jer 31:31-34 is the overturning of that state of affairs in the book of Jeremiah deserving (and flowing from) divine judgment. What is promised is an idyllic state of everything as it always ought to have been: the universal infidelity of the people is overturned. In each of the three main clauses of the promise (33b-34a), the central concern is fidelity, a faithful people standing over against the state of affairs at the judgment. The contrast is one of apostasy or universal infidelity over against that fidelity that always ought to have characterized Yhwh’s people. The hope and the promise is of a *restitutio ad integrum*.⁵¹ The people of Yhwh will stand before Yhwh, restored as his true and faithful people.

51. Levin, *Verheißung*, 140.

IX. Conclusions

In his anti-Pelagian writings, emerging at the height of his influence, Augustine put forward a reading of Jer 31:31-34 that contrasted belief and unbelief - a state of affairs deserving judgment and salvation ('Heil und Nicht-Heil').¹ The point at issue for Augustine's reading was the claim by Julian of Aeclanum that the Holy Spirit was tied to the *novum testamentum*, and thus was absent in the *vetus*. In an argument that shifted the point of contrast in Jer 31:31-34, Augustine made a distinction in use of *vetus testamentum* - the popular use (referring to the era or part of the Christian canon from before Christ), and the use in Scripture. In this latter the members of the *vetus testamentum* are distinguished from the *novum* in an absolute or 'salvific' sense - the possession of the Spirit, regardless of the era in which one lives. The contrast involved in Jer 31:31-34 was for Augustine the contrast of unbelief apart from the Spirit, and faithfulness with the Spirit.

Though Augustine's reading would remain overshadowed by uses of the contrast with reference to the *mutatio sacramentorum* or a similar contrast of two successive religio-historical eras, Augustine's influence can be seen at a number of significant moments in Western theological history: in Thomas Aquinas, Philip Melanchthon, Peter Martyr Vermigli, and in part in John Calvin. The Reformed tradition in the 16th-17th centuries reveals a concentrated form of the struggle of Christian theological interpretation of the text in its ambivalence to-

1. Lössl, *Intellectus Gratiae*, 192.

wards the contrast involved in Jer 31:31-34. Olevianus illustrates this tension with the ‘new covenant’ of 31:33-34 as the essence of the covenant of grace - the *sine qua non* for the salvation of any believer in any time. Yet Olevianus still maintains the contrast involved at vv.31-32 to be the contrast of *qualitas* between two eras of God’s dealing with his people.

In modern interpretations the discourse shifted significantly, so that many theological concerns of the previous era were distanced from the consideration of a ‘historical’ location of the oracle. But the central issue remained the same: to what is the ‘new covenant’ contrasted? The various contexts in which the oracle was made to play its ‘original’ role ranged from jeremianic over against the deuteronomic ideals to non-jeremianic supporting the deuteronomic ideals. The issue in the contrast generally has remained some form of a ‘new interiority’, and most influentially von Rad’s suggestion of a new *manner* in which the law was to be put on the heart - a claim that finds no statement at all in the oracle. The Augustinian reading, contrasting absolutely between infidelity and fidelity, is seen in a few marginal works, but on the whole this option has dropped inexplicably from the exegetical field.

My constructive reading of Jer 31:31-34 is a retrieval of the Augustinian view of the contrast. Ground for this reading in modern discourse is provided by the renewed discussions of the relationship between the two covenants within (especially) German Roman Catholic circles, exemplified in the work of Norbert Lohfink and Erich Zenger. I have argued that the focus of the contrast should not be sought initially in a reconstructed career of the prophet

Jeremiah or of Israelite religious development. Rather, the contrast for the ‘new covenant’ is the ‘broken covenant’ described throughout the book of Jeremiah, and in chs. 7 and 11 in particular. By looking into the role the oracle is made to play in the book of Jeremiah we find the heart of the contrast to be Israel’s state of universal infidelity that was the case in the judgment - according to the rhetoric of the book. I combined this with the general recognition that the oracles of salvation, esp. in chs. 30-31, play the role in the book of Jeremiah of overturning the state of affairs at the judgment:

These chapters look back to earlier parts of the book, using language and imagery - incurable pain, lovers who have forgotten - that occurs elsewhere and responding to issues and questions, to laments and woes expressed by Jeremiah or the people elsewhere. The judgment that has been announced so thoroughly in the first half of the book is clearly kept in mind, alluded to, and interpreted further. But judgment becomes the stepping-stone for speaking about restoration.²

What is made the case in the oracles of salvation is an idyllic state - everything is made the way it always ought to have been. What we find in 31:31-34 is precisely this contrast: the universal infidelity bringing judgment is overturned in a promise of universal fidelity to Yhwh. The people of Yhwh are restored to their proper state (*restitutio ad integrum*), and a world is projected in which all is as it always ought to have been.

Situating this reading in the Augustinian line is rather straightforward: the point of the contrast cannot be reduced to a contrast of ‘two orders, established by God one after the other in order to regulate man’s relationship with him.’³ The contrast is that absolute or ‘salvific’

2. Miller, “Jeremiah,” 804.

3. de Lubac, *Medieval Exegesis*, 1.227.

contrast between infidelity and fidelity before Yhwh. The book of Jeremiah consists in interrelated acts of ‘world-projection’, inviting us to imagine a particular ‘world(s)’ (or state of affairs).⁴ What we have projected in the edited forms of Jeremiah (both the LXX and MT) is two covenants: one of universal infidelity that led to divine judgment, and one of universal fidelity brought about by the act of Yhwh. The ways in which one might apply this projected world is a further question.

There are a number of advantages to this Augustinian contrast beyond the exegetical warrant. One can easily explain the similarities between the ‘new covenant’ and the hopes or expectations elsewhere represented in the Old Testament, but without denying the strength of the contrast in 31:31-32. One need not look to the ‘era’ of the Old Testament or to the theology of a reconstructed school or their texts to find the contrast for what is ‘new’. The oracle presents nothing outside of the expected norms for life between Yhwh and his people, but within the rhetoric of the book these expected norms were never met. Related to this, one need not look to what is *not said* to find a newness - whether that is cultic activity, qualitative increase, or some new form of ‘immediacy’. What is new is precisely what is said to be the ‘new covenant’:

This “new” covenant would not be new to Moses, to the prophets, or to Yahweh. For whom, then, is this covenant a “new” covenant? It is “new” to those Judeans who are blind, but think they see; who are deaf, but believe they hear; who are hard of heart, but represent themselves as children of God.⁵

4. The phrase is from N. Wolterstorff, *Works and Worlds of Art* (Oxford, 1980).

5. Holmgren, “New Covenant?”, 40.

The point of contrast for the ‘newness’ lies in the characterization of the people for whom this covenant would be entirely new. While one might say this is only a ‘renewed’ covenant with respect to the torah, such misses the point of the contrast: within the book of Jeremiah a state of affairs like that of the new covenant would be ‘new’ in its strongest sense: ‘different’, ‘never before seen’.

Further, and more relevant to modern discourse between Judaism and Christianity, the reading is in no way ‘supercessionist’. What is overcome is unfaithfulness, not a ‘view of religion’ - whether deuteronomic or cultic. Jeremiah confronts infidelity to Yhwh, and hence is applicable to Judaism or Christianity only insofar as they might be unfaithful to Yhwh: a point that should be acceptable to all. One can without hesitation embrace the notion of a ‘covenant never revoked’, yet maintain the starkness of the contrast implied in 31:31-32.

A number of further questions are (re-)opened by the Augustinian reading of Jer 31:31-34 that can only be mentioned. One obvious application is to the discussion of the use of ‘new covenant’ by the community in the *Damascus Document* from Qumran. The community is well known for its staunch stand of fidelity to the covenant over against its being broken (in their view) among the larger Jewish community.⁶ In the *Damascus Document* their use of ‘new covenant’ to identify themselves fits far better with a ‘salvific’ reading than with

6. For an introduction to the manuscripts see C. Hempel, *The Damascus Texts* (Sheffield, 2000). See also the recent intriguing work, starkly different from Hempel and most critical scholarship on the document, by B.Z. Wacholder, *The New Damascus Document: The Midrash on the Eschatological Torah of the Dead Sea Scrolls: Reconstruction, Translation and Commentary* (STDJ Leiden, 2007).

a reading pronouncing the death of deuteronomic thought or ‘methods’: the ‘new covenant’ clearly did not mean ‘the end of all learning and teaching’.⁷ Nor did the community see the ‘new covenant’ as entailing an ‘instinctive’ obedience that (hence) ‘can no longer be broken’⁸:

And like this judgment will be all who reject God’s precepts... and forsake them and move aside in the stubbornness of their heart. [...] Thus all the men who entered the new covenant in the land of Damascus and turned and betrayed and departed from the well of living waters, shall not be counted in the assembly of the people, they shall not be inscribed in their lists, from the day of the gathering in {of the teacher}.⁹

The obvious misfit of this text with a reading of automatic fidelity even led one scholar to posit the reading at Qumran to stand as deliberately antithetical to Jer 31.¹⁰ Perhaps better is to question the accepted reading of Jer 31.

To be a member of the ‘new covenant in the land of Damascus’ was to pursue fidelity to the covenant: ‘the new covenant substantially had to do with observation of the torah.’¹¹

7. Ego, “Zur Rezeption,” 288. For the continuation of teaching, the existence of the document itself is ample evidence - but see, e.g., CD 15:14-15: if the one who has entered the covenant ‘inadvertently fails, the Inspector should tea[ch] [h]im and give orders concerning him, and he should le[arn] for a full year.’ Translations are from F.G. Martínez and E.J.C. Tigchelaar, eds., *The Dead Sea Scrolls Study Edition*. (Leiden/Grand Rapids, 2000).

8. ‘nicht mehr brechen *konnen*’: Schmid, *Buchgestalten*, 68-69. His emphasis.

9. CD 19:32-35. This reading of a new ‘instinctive’ obedience (found in Weippert, “Neuen Bund”) is also made within discussion of Qumran: Jer 31:31-34 entailed ‘the inner transformation of every individual Jew, for whom the will of God was to become, as it were, second nature.’ G. Vermes, *An Introduction to the Complete Dead Sea Scrolls* (Minneapolis, 1999), 146. The question of CD 19:32-35 as a later stratum of the document (as most, though cf. Wacholder) need not mitigate against this point: it simply postpones the issue for a few years.

10. a ‘selbständige antithetische Formulierung’: C. Wolff, *Jeremia im Frühjudentum und Urchristentum* (Texte und Untersuchungen. Berlin, 1976), 124-25. Better is Dunn, *Parting of Ways*, 60, n.32.

11. H. Lichtenberger and S. Schreiner, “Der neue Bund in jüdischer Überlieferung,” *TQ* 176.4 (1996), 277. Or, ‘To enter the new covenant is to commit oneself totally to the law of Moses’. J. Murphy-O'Connor, “The New Covenant in the Letters of Paul and the Essene Documents,” in *To Touch the Text* (eds. M.P. Horgan and

That Jeremiah's oracle might most properly refer to a final, pure community did not mean either that one could not be a member of it until then, nor that being a member of it (now) entailed an instinctive fidelity. The use of 'new covenant' in the *Damascus Document* fits well with an Augustinian reading, participation in the new covenant being understood as fidelity to the covenant of Yhwh.¹² What we find is one particular application of the projected-world of Jer 31:31-34.

Whether or not this reading of the contrast can be pursued in some way into the New Testament uses of the text is a different project, though of note is that Augustine reached his salvific reading of Jer 31:31-34 through a reading of Paul and Hebrews.¹³ One potential home (among a few options) in modern discourse of Hebrews is in the readings of the letter as contrasting 'ontological' rather than merely economical states of affairs.¹⁴ Further, the Augustinian reading would make sense of the absoluteness of the contrast in 2 Cor 3:6-7 and the use of 'new covenant' (similar then to the *Damascus Document*) in the 'Last Supper' narrative of Luke 22. At the least, this study shows that these texts are worth further examination.

P.J. Kobelski. New York, 1989), 199.

12. What counts as fidelity to the covenant (and how one maintains it), of course, emerges as a central dispute within the second-temple period and in the 'partings of the ways' between Judaism and Christianity.

13. The most thorough attempt to address the New Testament writings under this general view is Rayburn, "Contrast."

14. 'Nicht um theologische Polemik gegen das Jüdische geht es dem Hebr, sondern um ontologische Relativierung des Irdischen. Der Gegenbegriff zum neuen Bund ist daher nicht "alter Bund" im heilsgeschichtlichen, sondern "irdischer Kult" im metaphysischen Sinne.' K. Backhaus, "Gottes nicht bereuter Bund: Alter und neuer Bund in der Sicht des Frühchristentums," in *Ekklesiologie des Neuen Testaments* (eds. R. Kampling and T. Söding. Freiburg, 1996), 44.

The contrast of the 'broken' and 'new covenant' in Jer 31:31-34 is centrally a contrast of two states of affairs before Yhwh: infidelity and fidelity. The new covenant is grounded in nothing beyond the persistence of Yhwh to have a people faithful to him, a persistence that governs the whole of chs. 30-31 (and beyond). What is projected is a state of affairs in which Yhwh's promise will finally and fully be true for the people of God: 'I will be your God and you will be my people.'

X. Works Cited

PRE-18TH CENTURY

- Alcuin of York. *Expositio in Epistolam Pauli Apostoli ad Hebraeos*. Patrologia Latina. Vol. 100. Edited by J.-P. Migne. Paris: 1863.
- Augustine. "Epistula 138." Pages 525-35 in *S. Aurelii Augustini Opera Omnia*. Patrologia Latina. Vol. 33. Edited by J.-P. Migne. Paris: 1861.
- . *De Gratia novi testamenti liber (Epistola 140)*. Patrologia Latina. Vol. 33. Edited by J.-P. Migne. Paris: 1861.
- . *Contra Faustum Manichaeum*. Corpus scriptorum ecclesiasticorum latinorum. Vol. 25. Vienna: 1891.
- . *De spiritu et littera*. Corpus scriptorum ecclesiasticorum latinorum. Vol. 60. Vienna: 1913.
- . "In Answer to the Jews." Pages 391-414 in *Treatises on Marriage and other Subjects*. Fathers of the Church. Translated by Roy J. Deferrari. Washington, DC: CUA Press, 1955.
- . *De dono perseverantiae*. Œuv. de S.Aug. Vol. 24. Paris: Desclée de Brouwer, 1962.
- . *Quaestionum in Heptateuchum*. Corpus Christianorum series Latinorum. Vol. 33. Tournholt: Brepols, 1963.
- . *De baptismo*. Œuv. de S.Aug. Vol. 29. Paris: Desclée de Brouwer, 1964.
- . *De libero arbitrio*. Corpus Christianorum series Latinorum. Vol. 29. Tournholt: Brepols, 1970.
- . *Contra duas epistulas Pelegianorum*. Œuv. de S.Aug., 23. Paris: Desclée de Brouwer, 1974.
- . *Enchiridion de fide spe et caritate*. Œuv. de S.Aug. Vol. 9. Paris: Desclée de Brouwer, 1988.
- . *De catechizandis rudibus*. Œuv. de S.Aug. Vol. 11/1. Paris: Desclée de Brouwer, 1991.
- . "Letter 28." Pages 251-53 in *The Confessions and Letters of St. Augustine*. Nicene and Post-Nicene Fathers. Vol. 1.1. Translated by J.G. Cunningham. Grand Rapids, MI: Eerdmans, 1994.

- . *De gestis Pelagii*. Œuv. de S. Aug. Vol. 21. Paris: Desclée de Brouwer, 1994.
- . “Letter 40.” Pages 272-75 in *The Confessions and Letters of St. Augustine*. Nicene and Post-Nicene Fathers. Vol. 1.1. Translated by J.G. Cunningham. Grand Rapids, MI: Eerdmans, 1994.
- . “Letter 55.” Pages 303-16 in *The Confessions and Letters of St. Augustine*. Nicene and Post-Nicene Fathers. Vol. 1.1. Translated by J.G. Cunningham. Grand Rapids, MI: Eerdmans, 1994.
- . *On Christian Teaching*. Translated by R.P.H. Green. Oxford Univ. Press, 1997.
- . *The City of God*. Translated by R.W. Dyson. Cambridge Univ. Press, 1998.
- . *Unfinished Work in Answer to Julian*. Works of St. Augustine. Translated by Roland J. Teske. New City Press: New York, 1999.
- Ball, John. *A Short Treatise: Containing all the principall grounds of Christian Religion*. London: 1617.
- . *A Treatise of the Covenant of Grace wherein The graduall breakings out of Gospel grace from Adam to Christ are clearly discovered*. London: 1645.
- The Bible: That is, the Holy Scriptures, contained in the Olde and Newe Testament. with most profitable Annotations upon all the hard places, and other things of great importance*. London: 1595. (Geneva Bible)
- Blake, Thomas. *Vindiciae Foederis: or, A Treatise of the Covenant of God entered with Man-Kinde, in the several Kindes and Degrees of it*. 2nd ed. London: 1658.
- Bolton, Samuel. *The True Bounds of Christian Freedom*. Edited by S.M. Houghton. Carlisle, PA: Banner of Truth, 1964. Orig. publ. 1645.
- à Brakel, Wilhelmus. *The Christian's Reasonable Service*. 4 vols. Translated by Bartel Elshout. Grand Rapids, MI: Reformation Heritage Books, 1992. Orig. publ. 1700.
- Bucer, Martin. *In sacra quatuor Euangelia, enarrationes perpetuae, secundum & postremum recognitae*. Geneva: 1553.
- . *Dialogi oder Gespräch von der gemainsame und den Kirchenübungen der Christen und was yeder Oberkait von ampts wegen auß Göttlichen befelch an denselbigen züversehen und zü besserteb gebüre*. Martin Bucers Deutsche Schriften. Vol. 6.2. Edited by Robert Stupperich. Gütersloh: Verlagshaus Gerd Mohn, 1984. Orig. publ. 1535.
- Bullinger, Heinrich. *De testamento seu foedere Dei unico & aeterno*. Zürich: 1534.

- . *Ieremias fidelissimus et laboriosissimus Dei propheta, expositus per Heinrychum Bullingerum*. Zürich: 1575.
- . *Looke from Adam, And behold the Protestant's Faith and Religion*. Translated by Miles Coverdale. London: 1624.
- . *The Decades*. 5 vols. Translated by Thomas Harding. Cambridge: Cambridge Univ. Press, 1849-52.
- . "Vorlesung über den Hebräerbrief." Pages 135-268 in *Heinrich Bullinger Werke*. Vol. III.1. Edited by Hans-Georg vom Berg and Susanna Hausammann. Zurich: Theologischer Verlag, 1983.
- . *Studiorum Ratio: Text und Übersetzung*. Edited by Peter Stotz. Zürich: Theologischer Verlag, 1987.
- . "A Brief Exposition of the One and Eternal Testament or Covenant of God." Pages 100-38 in *Fountainhead of Federalism*. Edited by Charles S. McCoy and J. Wayne Baker. Louisville, KY: Westminster John Knox, 1991.
- . "Antwort an Burchard." Pages 140-72 in *Heinrich Bullinger Werke*. Vol. III.2. Edited by Hans-Georg vom Berg and Bernhard Schneider. Zurich: Theologischer Verlag, 1991.
- . "Von dem Touff." Pages 66-85 in *Heinrich Bullingers Werke*. Vol. III.2. Edited by Hans-Georg vom Berg. Zurich: Theologischer Verlag, 1991.
- . "De scripturae negotio." Pages 12-31 in *Heinrich Bullingers Werke*. Vol. III.2. Edited by Hans-Georg vom Berg. Zurich: Theologischer Verlag, 1991.
- . "How to Deal with Anabaptists: An Unpublished Letter of Heinrich Bullinger." Translated by Heinold Fast and John H. Yoder in *The Mennonite Quarterly Review* 33 (1959): 83-95.
- Burgess, Anthony. *Vindiciae Legis: or, A Vindication of the Morall Law and the Covenants*. London: 1646.
- Calvin, John. *The Sermons of M. Iohn Calvin upon the Fifth Booke of Moses called Deuteronomie*. Translated by Arthur Golding. London: 1583. Repr. Banner of Truth, 1987.
- . *Ioannes Calvinus caesaribus, regibus, principibus, gentibusque omnibus Christ imperio subditis salutem*. Ioannes Calvini Opera. Vol. 9. Edited by J.W. Baum, A.E. Cunitz, and E. Reuss. Brunswick: 1870.
- . *A tous amateurs de Iesus Christ, et de son S. Evangile, salut*. Ioannes Calvini Opera. Vol. 9. Brunstfield: 1870.

- . “Preface to Olivétan’s New Testament.” Pages 58-73 in *Calvin: Commentaries*. Library of Christian Classics. Translated by Haroutunian, Joseph. Edited by Joseph Haroutunian. Philadelphia: Westminster Press, 1958.
- . *Institutes of the Christian Religion*. 2 vols. Library of Christian Classics. Edited by John T. McNeill. Translated by Ford Lewis Battles. Philadelphia: Westminster Press, 1960.
- . *Commentaries on the Book of the Prophet Jeremiah and the Lamentations*. 5 vols. Translated by John Owen. Grand Rapids, MI: Baker, 1979.
- . *Commentaries on the Epistle of Paul the Apostle to the Romans*. Translated by John Owen. Grand Rapids, MI: Baker, 1979.
- . *Commentary on a Harmony of the Evangelists, Matthew, Mark and Luke*. 3 vols. Translated by William Pringle. Grand Rapids, MI: Baker, 1979.
- . *Commentary on the Book of the Prophet Isaiah*. Translated by William Pringle. Grand Rapids, MI: Baker, 1979.
- . *Commentary on the Book of the Psalms*. 5 vols. Translated by James Anderson. Grand Rapids, MI: Baker, 1979.
- . *Iohannes Calvini Commentarius in Epistolam Pauli ad Romanos*. Edited by T.H.L. Parker. Leiden: E.J. Brill, 1981.
- . *Commentaries on the Epistle of Paul the Apostle to the Hebrews*. Translated by John Owen. Grand Rapids, MI: Baker, 1998.
- Cameron, John. “*De triplici Dei cum homine foedere theses*.” Pages 544-51 in *Ioannis Cameronis Scoto-Britanni Theologi Examii TA ΣΩZOMENA siue Opera Partim ab auctore ipse edita*. Geneva: 1642.
- Chrysostom, John. *Commentaire sur Isaïe*. Sources chrétiennes. Vol. 304. Paris: Les Éditions du Cerf, 1983.
- . *Homilies on Hebrews*. Nicene and Post-Nicene Fathers. Vol. I.14. Translated by F. Gardiner. Grand Rapids, MI: Eerdmans, 1996.
- Cocceius, Johannes. *De ultimis Mosis considerationes*. Opera. Vol. 1. Amsterdam: 1673.
- . *Summa Theologiae ex Scripturis Repetita*. Opera. Vol. 6. Amsterdam: 1673.
- . *Summa doctrinae de foedere et testamento Dei*. Opera. Vol. 6. Amsterdam: 1673.
- . *Disputationes selectae*. Opera. Vol. 6. Amsterdam: 1673.

- Cyprian. *Ad Quirinum*. Corpus Christianorum series Latina. Vol. 3. Tournholt: Brepols, 1972.
- Fenner, Dudley. *Sacra Theologia, sive Veritas quae est secundum Pietatem*. n.a.: 1585.
- Ferrandus. “*The Life of the Blessed Bishop Fulgentius*.” Pages 1-56 in *Fulgentius: Selected Works*. Translated by Robert B. Eno. Fathers of the Church. Washington, DC.: CUA Press, 1997.
- Fulgentius. “Epistula 17.” Pages 563-615 in *Fulgentius Ruspensis: Opera*. Corpus Christianorum series Latina. Vol. 91A. Edited by J. Fraipont. Tournhout: Brepols, 1968.
- . “Letter 14 to Ferrandus.” Pages 499-565 in *Selected Works*. Fathers of the Church. Translated by Robert B. Eno. Washington, DC.: CUA Press, 1997.
- Gillespie, George. *The Ark of the Testament Opened*. London: 1661.
- . *The Ark of the Covenant Opened*. London: 1677.
- Hugh of St. Victor. *Summa sententiarum septem tractatibus*. Patrologia Latina. Vol. 176. Edited by J.-P. Migne. Paris: 1884.
- . *On the Sacraments of the Christian Faith (De Sacramentis)*. Translated by Roy J. Deferrari. Cambridge, MA: Mediaeval Academy of America, 1951.
- Glossa Ordinaria: Prophetia Jeremiae*. Patrologia Latina. Vol. 114. Edited by J.-P. Migne. Paris: 1879.
- Glossa Ordinaria: Epistola ad Hebraeos*. Patrologia Latina. Vol. 114. Edited by J.-P. Migne. Paris: 1879.
- Jerome. *In Hieremiam Prophetam libri VI*. Corpus Christianorum series Latina. Vol. 74. Tournholt: Brepols, 1960.
- . *Commentariorum in Malachiam prophetam*. Corpus Christianorum series Latina. Vol. 76a. Tournholt: Brepols, 1970.
- . “Letter 75.” Pages 13-18 in *The Confessions and Letters of St. Augustine*. Nicene and Post-Nicene Fathers. Vol. I.1. Grand Rapids, MI: Eerdmans, 1994.
- . *Against Jovinianus*. Nicene and Post-Nicene Fathers. Vol. II.6. Translated by W.H. Fremantle. Grand Rapids, MI: Eerdmans, 1996.
- . “Letter 14.” Pages 13-18 in *Jerome: The Principle Works of St. Jerome*. Nicene and Post-Nicene Fathers. Vol. II.6. Translated by W.H. Fremantle. Grand Rapids, MI: Eerdmans, 1996.

- . “Letter 22.” Pages 22-41 in *Jerome: The Principal Works of St. Jerome*. Nicene and Post-Nicene Fathers. Vol. II.6. Translated by W.H. Fremantle. Grand Rapids, MI: Eerdmans, 1996.
- Julian of Toledo (?). *Responsio*. Patrologia Latina. Vol. 96. Edited by J.-P. Migne. Paris: 1862: 698.
- Justin Martyr. *Dialogue with Trypho, a Jew*. The Ante-Nicene Fathers. Vol. 1. Translated by Alexander Roberts and James Donaldson. Grand Rapids, MI: Wm. B. Eerdmans, 1996.
- Luther, Martin. *The Babylonian Captivity of the Church*. Luther's Works. Vol. 36. Translated by A.T.W. Steinhäuser, F.C. Ahrens, and A.R. Wentz. Philadelphia: Fortress Press, 1959. Orig. publ. 1520.
- . *The Misuse of the Mass*. Luther's Works. Vol. 36. Translated by F.C. Ahrens. Philadelphia: Fortress, 1959. Orig. publ. 1521.
- . *Lectures on Deuteronomy*. Luther's Works. Vol. 9. Translated by R.R. Caemmerer. St. Louis, MO: Concordia, 1960. Orig. publ. 1525.
- Maccovius, Johannes. *Loci communes theologici*. Amsterdam: 1658.
- Melanchthon, Philip. *Loci communes von 1521*. Melanchthons Werke. Vol. II.1. Edited by Hans Engelland. Gütersloh: Bertelsmann Verlag, 1952.
- . *On Christian Doctrine: Loci Communes 1555*. Translated by Clyde L. Manschreck. Oxford: Oxford Univ. Press, 1965.
- . “*Loci Communes Theologici (1521)*.” in *Melanchthon and Bucer*. Library of Christian Classics. Translated by Pauck, Wilhelm. Edited by Wilhelm Pauck. London: SCM Press, 1969.
- Musculus, Wolfgang. *Loci communes theologicae sacrae*. Ultima ed. Basel: 1599.
- Oecolampadius, Johannes. *In Hieremiam prophetam commentariorum libri tres Ioannis Oecolampadii*. Argentinae: 1533.
- . *In Jesaiam Prophetam Hypomnematon*. Basel: 1558.
- . *In Ezechielem: Prophetam Commentarii Ioannis Oecolampadii*. Geneva: 1583.
- Olevianus, Caspar. *An Exposition of the Symbole of the Apostles, or rather of the Articles of Faith. In which the chiefe points of the everlasting and free covenant betweene God and the faithfull is briefly and plainly handled*. Translated by John Fielde. London: 1581.

- . *De substantia foederis gratuiti inter deum et electos, itemque De mediis, quibus ea ipsa substantia nobis communicatur*. Geneva: 1585.
- . *A Firm Foundation: An Aid to Interpreting the Heidelberg Catechism*. Translated by Lyle D. Bierma. Grand Rapids, MI: Baker, 1995. Orig. publ. 1567.
- Origen. *Commentaire sur Saint Jean II*. Sources chrétiennes. Vol. 157. Paris: Les Éditions du Cerf, 1970.
- . *Commentaire sur Saint Jean I*. Sources chrétiennes. Vol. 120. Paris: Les Éditions du Cerf, 1996.
- . *Homilies on Jeremiah*. Fathers of the Church. Vol. 97. Translated by John Clark Smith. Washington, DC: CUA Press, 1998.
- Paulus Alvarus of Cordoba (Cordubensis). *Epistle 18: Epistola Alvari transgressori directa*. Patrologia Latina. Vol. 121. Edited by J.-P. Migne. Paris: 1880.
- Pelagius. *Pelagius's Commentary on St. Paul's Epistle to the Romans*. Edited and translated by Theodore De Bruyn. Oxford: Clarendon, 1993.
- Pemble, William. *Vindiciae Fidei, or A Treatise of Justification by Faith*. Oxford: 1625.
- Perkins, William. *A Golden Chaine*. Cambridge: 1591.
- Lombard, Peter. *Sententiae in IV libris distinctae*. Patrologia Latina. Vol. 192. Edited by J.-P. Migne.
- Polyander, Johannes, Andreas Rivetus, Antonius Walaeus, and Antonius Thysius. *Synopsis Purioris Theologiae*. Edited by Herman Bavinck. Leiden: D. Donner, 1881. Orig. publ. 1625.
- Possidius. "Life of Augustine." Pages 71-124 in *Early Christian Biographies*. Translated by Deferrari, Roy J. Washington, DC: CUA Press, 1952.
- Preston, John. *The New Covenant, or The Saints Portion*. London: 1629.
- . *The Law Out-Lawed or, The Charter of the Gospel shewing the priviledge and prerogative of the Saints by vertue of the Covenant*. Edinburgh: 1631.
- Rabanus Maurus. *Expositionis super Jeremiam prophetam, libri viginti*. Patrologia Latina. Vol. 111. Edited by J.-P. Migne. Paris: n.d.
- . *Enarrationum in epistolas beati pauli*. Patrologia Latina. Vol. 112. Edited by J.-P. Migne. Paris: 1852.
- Rollock, Robert. *Quaestiones et responsiones aliquot de foedere Dei*. Edinburgh: 1596.

- . *A Treatise of God's Effectual Calling*. Translated by Henry Holland. London: 1603. Orig. publ. 1597.
- . *Analysis Logica in Epistolam ad Hebraeos*. Edinburgh: 1605.
- Rupert of Deutz (Tuitensis). *Liber de divinis officiis*. Corpus Christianorum series Latina. Vol. 7. Edited by Hrabanus Haacke. Tournholt: Brepols, 1967.
- Rutherford, Samuel. *A Survey of the Spirituall Antichrist*. London: 1648.
- . *The Covenant of Life Opened: or, a Treatise of the Covenant of Grace*. Edinburgh: 1654.
- Sedgwick, John. *Antinomianism Atomized*. London: 1643.
- Servetus, Michael. *The Two Treatises of Servetus on the Trinity*. Harvard Theological Studies. Vol. 16. Translated by Earl Morse Wilbur. Cambridge, MA: Harvard Univ. Press, 1932. Repr. 1969.
- Summa Contra Haereticos: Ascribed to Praepositinus of Cremona*. Edited by Joseph N. Garvin, and James A. Corbett. Notre Dame: Univ. of Notre Dame Press, 1958.
- Thomas Aquinas. *Scriptum super sentiis*. Sancti Thomae Aquinatis Doctoris angelici. Opera Omnia. Vol. 6-7. Parma: 1858.
- . *In Jeremiam prophetam expositio*. Sancti Thomae Aquinatis Doctoris angelici. Opera Omnia. Vol. 14. Parma: 1863.
- . *Super II Epistolam B. Pauli ad Corinthios lectura*. Sancti Thomae Aquinatis Doctoris angelici. Opera Omnia. Vol. 13. Parma: 1863.
- . *In psalmos Davidis expositio*. Sancti Thomae Aquinatis Doctoris angelici. Opera Omnia. Vol. 14. Parma: 1863.
- . *Summa Theologiae*. 5 vols. Ottawa: Studii Generalis, 1949.
- . *Commentary on Saint Paul's Epistle to the Galatians*. Translated by F.R. Larcher. Albany, NY: Magi Books, 1966.
- . *De decem preceptis*, in Jean-Pierre Torrell, *Recherches Thomasiennes*. Paris: Librairie Philosophique J.Vrin, 2000.
- . *Commentary on the Epistle to the Hebrews*. Translated by Chrysostom Baer. South Bend: St. Augustine's Press, 2006.
- Turretin, Francis. *Institutes of Elenctic Theology*. 4 vols. Edited by James T. Dennison Jr. Translated by George Musgrave Giger. Phillipsburg, NJ: P&R Publishing, 1994. Orig. publ. 1679-85.

Ursinus, Zacharius. *Commentary of Dr. Zacharius Ursinus on the Heidelberg Catechism*. Translated by G.W. Williard. Cincinnati, OH: 1852. Repr. P&R Publishing.

Vermigli, Peter Martyr. *In Mosis Genesim. Commentarii*. Basel: 1554.

———. *The Most fruitfull & learned Commentaries of Doctor Peter Martir Vermil [on Judges]*. Translated by John Day. London: 1564.

———. *In Epistolam S. Pauli Apostoli ad Romanos*. 3rd ed. Basel: 1568.

———. *Loci Communes D. Petri Martyris Vermilii. ex varis ipsius authoris scriptis in unum librum collecti & in quatuor Classes distributi*. London: 1583.

———. *The Life, Early Letters & Eucharistic Writings of Peter Martyr*. Courtenay Library of Reformation Classics. Edited by J.C. McLelland, and G.E. Duffield. Oxford: Sutton Courtenay Press, 1989.

Voetius, Gisbertus. *Selectarum Disputationum Theologicarum*. 5 vols. Utrecht: 1648-69.

Witsius, Herman. *The Economy of the Covenants between God and Man*. Translated by William Crookshank. London: 1822. Repr. 1990, den Dulk Christian Foundation. Orig. publ. 1677.

———. *Sacred Dissertations, on what is commonly called the Apostles' Creed*. 2 vols. Translated by Donald Fraser. Edinburgh: 1823.

Zwingli, Ulrich. *Jeremia-Erklärungen: Complanationis Ieremiae prophetae foetura prima*. Huldrych Zwingli Sämtliche Werke. Vol. 14. Edited by Emil Egli. Zurich: Verlag Berichthaus, 1959.

———. "Refutation of the tricks of the Baptists." Pages 123-258 in *Ulrich Zwingli (1484-1531): Selected Works*. Translated by S.M. Jackson. Philadelphia: Univ. of Pennsylvania Press, 1972.

POST-18TH CENTURY

Adeyemi, Femi. *The New Covenant Torah in Jeremiah and the Law of Christ in Paul*. Studies in Biblical Literature. Vol. 94. New York: Peter Lang, 2007.

Allert, Craig D. *Revelation, Truth, Canon, and Interpretation: Studies in Justin Martyr's Dialogue with Trypho*. VCSup. Vol. 64. Leiden: Brill, 2002.

Alston, William P. *Illocutionary Acts and Sentence Meaning*. Ithaca: Cornell Univ. Press, 2000.

- Anderson, Bernhard W. "The Lord Has Created Something New': A Stylistic Study of Jer 31:15-22." *Catholic Biblical Quarterly* 40.4 (1978): 463-78.
- Anderson, Marvin Walter. *Peter Martyr, A Reformer in Exile (1542-1562): A chronology of biblical writings in England & Europe*. Nieuwkoop: B. de Graaf, 1975.
- Andrée, Alexander. *Gilbertus Universalis: Glossa Ordinaria in Lamentationes Ieremie Prophete. Prothemata et Liber I. A Critical Edition with an Introduction and a Translation*. Studia Latina Stockholmiensia. Stockholm: Almqvist & Wiksell Intl, 2005.
- Applegate, J. "Peace, Peace, when there is no Peace': Redactional Integration of Prophecy of Peace into the Judgement of Jeremiah." Pages 51-89 in *The Book of Jeremiah and its Reception*. Edited by A.H.W. Curtis and T. Römer. Leuven: Leuven Univ. Press, 1997.
- Archilla, Aurelio A. Garcia. *The Theology of History and Apologetic Historiography in Heinrich Bullinger*. San Fransisco: Mellen Research Univ. Press, 1992.
- van Asselt, Willem J. "The Doctrine of the Abrogations in the Federal Theology of Johannes Cocceius (1603-1669)." *Calvin Theological Journal* 29 (1994): 101-16.
- . "Amicitia Dei as Ultimate Reality: An Outline of the Covenant Theology of Johannes Cocceius (1603-1669)." *Ultimate Reality and Meaning. Interdisciplinary Studies in the Philosophy of Understanding* 21.1 (1998): 35-47.
- . *The Federal Theology of Johannes Cocceius (1603-1669)*. Studies in the History of Christian Thought. Translated by Raymond A. Blacketer. Leiden: Brill, 2001.
- Aubert, Jean-Marie. "L'analogie entre Lex nova et la loi naturelle." Pages 248-53 in *Lex et Libertas*. Studi Tomisitici. Edited by L.J. Elders and K. Hedwig. Vatican City: Libreria Editrice Vaticana, 1987.
- Austin, J.L. *How to Do Things with Words*. 2nd ed. Cambridge, MA: Harvard Univ. Press, 1975.
- Bach, Kent. "Conversational Implicature." *Mind and Language* 9 (1999): 124-62.
- . "Minding the Gap." Pages 27-43 in *The Semantics/Pragmatics Distinction*. Edited by Claudia Bianchi and Carlo Penco. CSLI, 2004.
- . "Context ex Machina." Pages 15-44 in *Semantics vs. Pragmatics*. Edited by Z. Szabó. Oxford: Oxford Univ. Press, 2005.
- Backhaus, Knut. "Gottes nicht bereuter Bund: Alter und neuer Bund in der Sicht des Frühchristentums." Pages 33-55 in *Ekklesiologie des Neuen Testaments*. Edited by Rainer Kampling and Thomas Söding. Freiburg: Herder, 1996.

- . “Das Bundesmotiv in der frühchristlichen Schwellenzeit: Hebräerbrief, Barnabasbrief, Dialogus cum Tryphone.” Pages 211-31 in *Der ungekündigte Bund? Antworten des Neuen Testaments. Quaestiones disputatae*. Edited by Hubert Frankenmölle. Freiburg: Herder, 1998.
- Backus, Irena. *Historical Method and Confessional Identity in the Era of the Reformation (1378-1615)*. Studies in Medieval and Reformation Thought. Vol. 94. Leiden: Brill, 2003.
- Backus, Irena, and Claire Chimelli, eds. *La Vraie Piété: Divers traités de Jean Calvin et Confession de foi de Guillaume Farel*. Geneva: 1986.
- Baker, J. Wayne. “Das Datum von Bullingers 'Antwort an Johannes Burchard'.” *Zwingliana* 14 (1976): 274-75.
- . *Heinrich Bullinger and the Covenant*. Athens: Ohio Univ. Press, 1980.
- . “*Sola Fide, Sola Gratia*: The Battle for Luther in Seventeenth-Century England.” *The Sixteenth Century Journal* 16.1 (1985): 115-33.
- . “Heinrich Bullinger, the Covenant, and the Reformed Tradition in Retrospect.” *The Sixteenth Century Journal* 29 (1988): 359-76.
- Balke, Willem. *Calvin and the Anabaptist Radicals*. Translated by William J. Heynen. Grand Rapids, MI: Wm. B. Eerdmans, 1981.
- Barr, James. “Some Semantic Notes on the Covenant.” Pages 23-38 in *Beiträge zur alttestamentlichen Theologie*. Edited by H. Donner, R. Hanhart and R. Smend. Göttingen: Vandenhoeck & Ruprecht, 1977.
- Bavinck, Herman. *Reformed Dogmatics*. 4 vols. Edited by John Bolt. Translated by John Vriend. Grand Rapids, MI: Baker, 2003-07. Orig. publ. 2nd ed., 1906-11.
- Bebbington, David. “Evangelicals and Eschatology in Britain.” Unpublished paper presented at St. Andrews University. 30/04/2007.
- Beck, Andreas J. “Zur Rezeption Melancthons bei Gisbertus Voetius (1589-1676), namentlich in seiner Gotteslehre.” Pages 317-42 in *Melancthon und der Calvinismus*. Edited by Günter Frank and Herman J. Selderhuis. Stuttgart: Friedrich Frommann Verlag, 2005.
- Becking, Bob. *Between Fear and Freedom: Essays on the Interpretation of Jeremiah 30-31*. Leiden: Brill, 2004.
- Beeke, Joel R. “The Dutch Second Reformation (Nadere Reformatie).” Pages lxxxv-cxi in *Christian's Reasonable Service*. Grand Rapids, MI: Reformation Heritage Books, 1992.

- Biddle, Mark E. *Polyphony and Symphony in Prophetic Literature: Re-reading Jeremiah 7-20*. Macon, GA: Mercer Univ. Press, 1996.
- Bierma, Lyle D. "Olevianus and the Authorship of the Heidelberg Catechism: Another Look." *The Sixteenth Century Journal* 13.4 (1982): 17-27.
- . "Federal Theology in the Sixteenth Century: Two Traditions?" *Westminster Theological Journal* 45 (1983): 304-21.
- . "The Role of Covenant Theology in Early Reformed Orthodoxy." *The Sixteenth Century Journal* 21, no.3 (1990): 453-62.
- . *German Calvinism in the Confessional Age: The Covenant Theology of Caspar Olevianus*. Grand Rapids, MI: Baker, 1996.
- . "What Hath Wittenberg to do with Heidelberg? Philip Melanchthon and the Heidelberg Catechism." in *Melanchthon in Europe: His Work and Influence beyond Wittenberg*. Edited by Karin Maag. Grand Rapids, MI: Baker, 1999.
- Blocher, Henri. "Old Covenant, New Covenant." Pages 240-70 in *Always Reforming: Explorations in Systematic Theology*. Edited by A.T.B. McGowan. Leicester, England: Apollos, 2006.
- Block, Daniel I. *The Gods of the Nations: Studies in Ancient Near Eastern National Theology*. 2nd ed. Grand Rapids, MI: Baker Academic, 2000.
- Blumenkranz, Bernhard. *Die Judenpredigt Augustins: ein Beitrag zur Geschichte der jüdisch-christlichen Beziehungen in den ersten Jahrhunderten*. Basel: Helbing & Lichtenhahn, 1946.
- Böhmer, Siegmund. *Heimkehr und neuer Bund: Studien zu Jeremia 30-31*. Göttingen: Vandenhoeck & Ruprecht, 1976.
- Bonnardière, A.-M. La. *Le Livre de Jérémie*. Biblia Augustiniana. Paris: Études Augustiniennes, 1972.
- Bonner, Gerald. *St Augustine of Hippo: Life and Controversies*. Rev. ed. Norwich: Canterbury Press, 1986.
- Bornkamm, Heinrich. *Luther and the Old Testament*. Translated by Eric W. and Ruth C. Gritsch. Philadelphia: Fortress Press, 1969.
- Boyle, Leonard E. "The Setting of the Summa Theologiae of St. Thomas - Revisited." Pages 1-16 in *The Ethics of Aquinas*. Edited by Stephen J. Pope. Washington, DC.: Georgetown Univ. Press, 2002.
- Bozak, Barbara A. *Life 'Anew': A Literary-Theological Study of Jer. 30-31*. Analecta biblica. Vol. 122. Rome: Editrice Pontificio Istituto Biblico, 1991.

- Bracke, John M. "The Coherence and Theology of Jeremiah 30-31." Ph.D. Diss., Union Theological Seminary, 1983.
- Bright, John. *Jeremiah*. The Anchor Bible. New York: Doubleday, 1965.
- . "An Exercise in Hermeneutics: Jeremiah 31:31-34." *Interpretation* 20.2 (1966): 188-210.
- . *Covenant and Promise*. London: SCM Press, 1977.
- Brown, Dennis. *Vir Trilinguis: A study in the biblical exegesis of Saint Jerome*. Kampen: Kok Pharos, 1992.
- Brown, Gillian, and George Yule. *Discourse Analysis*. Cambridge Studies in Linguistics. Cambridge: Cambridge Univ. Press, 1983.
- Brown, Peter. *Augustine of Hippo: A Biography*. Rev. ed. Berkeley: Univ. of California Press, 2000.
- Brueggemann, Walter. *The Land: Place as Gift, Promise, and Challenge in Biblical Faith*. Philadelphia: Fortress, 1977.
- . "The 'Uncared for' Now Cared for (Jer 30:12-17): A Methodological Consideration." *Journal of Biblical Literature* 104 (1985): 419-28.
- . *A Commentary on Jeremiah: Exile & Homecoming*. Grand Rapids, MI: Wm. B. Eerdmans, 1998.
- . *Like Fire in the Bones: Listening for the Prophetic Word in Jeremiah*. Edited by Patrick Miller. Minneapolis: Fortress, 2006.
- Buis, Pierre. "La nouvelle alliance." *Vetus Testamentum* 15 (1968): 1-15.
- Büßer, F. "Calvin und Bullinger." Pages 107-26 in *Calvinus Servus Christi*. Edited by Wilhelm H. Neuser. Budapest: 1988.
- Caponetto, Salvatore. *The Protestant Reformation in Sixteenth-Century Italy*. Sixteenth Century Essays and Studies. Translated by Anne C. Tedeschi, and John Tedeschi. Kirksville, MO: Thomas Jefferson Univ. Press, 1999.
- Cappelen, Herman, and Ernest Lepore. *Insensitive Semantics: A Defense of Semantic Minimalism and Speech Act Pluralism*. Oxford: Blackwell, 2005.
- Carleton, James G. "The Idiom of Exaggerated Contrast." *The Expositor* 4th Series, 6 (1892): 365-72.
- Carroll, Robert P. *From Chaos to Covenant*. London: SCM Press, 1981.

- . *Jeremiah*. Old Testament Library. London: SCM Press, 1986.
- Carston, Robyn. *Thoughts and Utterances: The Pragmatics of Explicit Communication*. Oxford: Blackwell, 2005.
- Cazelles, Henri. "Jeremiah and Deuteronomy." Pages 89-112 in *A Prophet to the Nations*. Edited by Leo G. Perdue and B.W. Kovacs. Winona Lake: Eisenbrauns, 1984.
- Cessario, Romanus. *The Moral Virtues and Theological Ethics*. Notre Dame: Univ. of Notre Dame, 1991.
- Childs, Brevard S. *Biblical Theology of the Old and New Testaments: Theological Reflection on the Christian Bible*. Minneapolis: Fortress, 1992.
- Clark, R. Scott. *Caspar Olevianus and the Substance of the Covenant: The Double Benefit of Christ*. Rutherford Studies in Historical Theology. Edinburgh: Rutherford House, 2005.
- Clarke, Samuel. *A General Martyrologie, containing a collection of all the greatest persecutions which have befallen the Church of Christ*. London: 1677.
- Clements, R.E. *Prophecy and Covenant*. London: SCM Press, 1965.
- . *A Century of Old Testament Study*. London: Lutterworth Press, 1976.
- . *Jeremiah*. Atlanta: John Knox Press, 1988.
- Cobb, W.F. *The Book of Psalms*. London: Methuen, 1905.
- Cody, Aelred. "When is the Chosen People called a gôy?" *Vetus Testamentum* 14.1 (1964): 1-6.
- Coggins, Richard. "What Does "Deuteronomistic" Mean?" Pages 22-35 in *Those Elusive Deuteronomists*. Edited by Linda S. Schearing and Steven L. McKenzie. Sheffield: Sheffield Academic Press, 1999.
- Collins, Terence. "Deuteronomist Influence on the Prophetical Books." Pages 15-26 in *The Book of Jeremiah and its Reception*. Edited by A.H.W. Curtis and T. Römer. Leuven: Leuven Univ. Press, 1997.
- Cooper, Tim. "The Antinomians Redeemed: Removing Some of the "Radical" from Mid-Seventeenth-Century English Religion." *Journal of Religious History* 24.3 (2000): 247-62.
- Coppens, J. "La nouvelle alliance en Jer 31,31-34." *Catholic Biblical Quarterly* 25.1 (1963): 12-21.

- Cornill, C.H. *The Prophets of Israel*. Translated by Sutton F. Corkran. 4th ed. Chicago: The Open Court, 1899.
- . *Das Buch Jeremia*. Leipzig: Chr. Herm. Tauchnitz, 1905.
- Courtenay, W.J. *Schools and Scholars in Fourteenth Century England*. Princeton: Princeton Univ, 1987.
- Crüsemann, Frank. *The Torah: Theology and Social History of Old Testament Law*. Translated by Allan W. Mahnke. Edinburgh: T&T Clark, 1996. Orig. publ. 1992.
- Dabney, Robert L. *Lectures in Systematic Theology*. Grand Rapids, MI: Zondervan, 1972. Orig. publ. 1878.
- Dahood, Mitchell. "The Word Pair 'AKAL//KALAH in Jeremiah XXX 16." *Vetus Testamentum* 27.4 (1977): 482.
- Daniell, David. "Review of *Translating the Bible. From the 7th to the 17th century*. By Lynne Long." *Journal of Ecclesiastical History* 54.4 (2003): 765-67.
- Danner, D.G. "The Contribution of the Geneva Bible of 1560 to the English Protestant Tradition." *The Sixteenth Century Journal* 12.3 (1981):.
- Davies, W.D. *Torah in the Messianic Age and/or the Age to Come*. JBL Monograph Series. Vol. 7. Philadelphia: Society of Biblical Literature, 1952.
- Delhaye, Philippe. "La Loi nouvelle comme dynamisme de l'Esprit-Saint." Pages 265-80 in *Lex et Libertas*. Studi Tomisitici. Edited by L.J. Elders and K. Hedwig. Vatican City: Libreria Editrice Vaticana, 1987.
- Dent, C.M. *Protestant Reformers in Elizabethan Oxford*. Oxford Univ. Press, 1983.
- Descartes, René. *The Correspondence of René Descartes: 1643*. Edited by Theo Verbeeck, Erik-Jan Bos, and Jeroen van de Ven. Utrecht: Utrecht University, 2004.
- Diepold, Peter. *Israels Land*. Stuttgart: Kohlhammer, 1972.
- Dohmen, Christoph. "Sinaibund als neuer Bund nach Ex 19-34." Pages 51-83 in *Der neue Bund im Alten: Zur Bundestheologie der beiden Testamente*. Quaestiones disputatae. Edited by Erich Zenger. Freiburg: 1993.
- Donnelly, John Patrick. *Calvinism and Scholasticism in Vermigli's Doctrine of Man and Grace*. Leiden: E.J. Brill, 1976.
- Driver, S.R. *The Book of the Prophet Jeremiah*. London: Hodder & Stoughton, 1906.
- . *The Ideals of the Prophets*. Edinburgh: T&T Clark, 1915.

- Duhm, Bernhard. *Die Theologie der Propheten als Grundlage für die innere Entwicklungsgeschichte der israelitischen Religion*. Bonn: Verlag von Adolph Marcus, 1875.
- . *Über Ziel und Methode der theologischen Wissenschaft*. Basel: Benno Schwabe, 1889.
- . *Jeremia*. Tübingen: J.C.B. Mohr (Paul Siebeck), 1901.
- . *Israels Propheten*. 2nd ed. Tübingen: J.C.B. Mohr (Paul Siebeck), 1922.
- Duke, Alastair. *Reformation and Revolt in the Low Countries*. London: Hambledon Press, 1990.
- Dumbrell, W.J. *Covenant and Creation: A Theology of the Old Testament Covenants*. Exeter: Paternoster, 1984.
- Dunn, James D.G. *The Parting of the Ways: Between Christianity and Judaism and their Significance for the Character of Christianity*. 2nd ed. London: SCM Press, 2006.
- Ebeling, Gerhard. "Die Anfänge von Luthers Hermeneutik." *Zeitschrift für Theologie und Kirche* 48 (1951): 172-230.
- Ego, Beate. "In meinem Herzen berge ich dein Wort': Zur Rezeption von Jer 31,33 in der Torafrömmigkeit der Psalmen." *Jahrbuch für Biblische Theologie* 12 (1997): 277-89.
- Eichrodt, Walther. *Theology of the Old Testament*. 2 vols. The Old Testament Library. Translated by John Baker. London: SCM Press, 1967.
- Eissfeldt, Otto. "Unheils- und Heilsweissagungen Jeremias als Vergeltung für ihm erwiesene Weh- und Wohltaten." Pages 181-92 in *Kleine Schriften*. Vol. 4. Tübingen: J.C.B. Mohr (Paul Siebeck), 1968.
- Eitan, Israel. "Hebrew and Semitic Particles: Comparative Studies in Semitic Philology." *American Journal of Semitic Literature and Languages* 44 (1928): 177-205.
- . "Hebrew and Semitic Particles (Continued): Comparative Studies in Semitic Philology." *American Journal of Semitic Literature and Languages* 46 (1929): 22-51.
- Elders, Leo J. "La relation entre l'ancienne et la nouvelle Alliance, selon saint Thomas d'Aquin." *Revue thomiste* 100 (2000): 580-602.
- Elliott, Mark W. "Oecolampadius." Pages 403-04 in *The Dictionary of Historical Theology*. Edited by Trevor A. Hart. Grand Rapids, MI: Wm. B. Eerdmans, 2000.
- Étienne, Jacques. "Loi et grâce: Le concept de loi nouvelle dans la Somme théologique de S. Thomas d'Aquin." *Revue théologique de Louvain* 16 (1985): 5-22.

- Ewald, Heinrich. *Commentary on the Prophets of the Old Testament*. 5 vols. Translated by John Frederick Smith. London: Williams and Norgate, 1875-81.
- Faber, Riemer. "The Humanism of Melanchthon and of Calvin." Pages 11-28 in *Melanchthon und der Calvinismus*. Edited by Günter Frank and Herman J. Selderhuis. Stuttgart: Friedrich Frommann Verlag, 2005.
- Farthing, John L. "Foedus Evangelicum: Jerome Zanchi on the Covenant." *Calvin Theological Journal* 29 (1994): 149-67.
- Fieret, W. "Wilhelmus à Brakel." Pages xxxi-lxxxi in *Christian's Reasonable Service*. Grand Rapids, MI: Reformation Heritage Books, 1992.
- Fischer, F. and Norbert Lohfink. "Diese Worte sollst du summen': Dtn 6,7 wedibbartā bām - ein verlorener Schlüssel zur meditativen Kultur in Israel." *Theologie und Philosophie* 62 (1987): 59-72.
- Fischer, Georg. *Das Trostbüchlein: Text, Komposition und Theologie von Jer 30-31*. Stuttgart: Verlag Katholisches Bibelwerk, 1993.
- Freedman, David Noel. "Divine Commitment and Human Obligation: The Covenant Theme." Pages 168-78 in *Divine Commitment and Human Obligation: Selected Writings of David Noel Freedman*. Edited by John R. Huddleston. Grand Rapids, MI: Eerdmans, 1997.
- Fudge, Thomas A. "Icarus of Basel? Oecolampadius and the Early Swiss Reformation." *Journal of Religious History* 21.3 (1997): 268-84.
- Ganoczy, Alexandre. *The Young Calvin*. Translated by David Foxgrover, and Wade Provo. Edinburgh: T&T Clark, 1987.
- Geisler, Jonathan Neil. *The Thousand Generation Covenant: Dutch Reformed Covenant Theology and Group Identity in Colonial South Africa, 1652-1814*. Studies in the History of Christian Thought. Leiden: E.J. Brill, 1991.
- Gordon, A.R. "A Study of Jeremiah." *The Biblical World* 22.2 (1903): 98-106.
- Gordon, Bruce. "Calvin and the Swiss Reformed Churches." Pages 64-81 in *Calvinism in Europe, 1540-1620*. Edited by Andrew Pettegree, Alastair Duke and Gillian Lewis. Cambridge: Cambridge Univ. Press, 1994.
- . *The Swiss Reformation*. Manchester: Manchester Univ. Press, 2002.
- . "Introduction: Architect of Reformation." Pages 17-32 in *Architect of Reformation: An Introduction to Heinrich Bullinger, 1504-1575*. Edited by Bruce Gordon and Emidio Campi. Grand Rapids, MI: Baker, 2004.

- Gordon, Robert P. "A Story of Two Paradigm Shifts." Pages 3-26 in *"The Place Is Too Small for Us": The Israelite Prophets in Recent Scholarship*. Sources for Biblical and Theological Study. Edited by Robert P. Gordon. Winona Lake: Eisenbrauns, 1995.
- Goudriaan, Aza. *Reformed Orthodoxy and Philosophy, 1625-1750: Gisbertus Voetius, Petrus van Mastricht, and Anthonius Driessen*. Brill's Series in Church History. Leiden: E.J. Brill, 2006.
- Graafland, Cornelis. "Alter und neuer Bund: Calvins Auslegung von Jeremia 31,31-34 und Hebräer 8,8-13." *Zwingliana* 19.2 (1993): 127-45.
- Gräbe, Petrus J. *New Covenant, New Community: The Significance of Biblical and Patristic Covenant Theology for Contemporary Understanding*. Carlisle: Paternoster, 2006.
- Graf, Karl Heinrich. *Der Prophet Jeremia*. Leipzig: T.O. Weigel, 1862.
- Grice, H.P. *Studies in the Way of Words*. Cambridge, MA: Harvard Univ. Press, 1989.
- Groß, Walter. *Zukunft für Israel: Alttestamentliche Bundeskonzepte und die aktuelle Debatte um den neuen Bund*. Stuttgart: Verlag Katholisches Bibelwerk GmbH, 1998.
- Grudem, Wayne. *Systematic Theology: An Introduction to Biblical Doctrine*. Grand Rapids, MI: Zondervan, 1994.
- Gunkel, Hermann. "The Secret Experiences of the Prophets." *Expositor* 9.1, 9.2 (1924): 356-66, 427-35; 23-32.
- Habel, Norman C. *The Land is Mine: Six Biblical Land Ideologies*. Minneapolis: Fortress, 1995.
- Hafemann, Scott. *Paul, Moses, and the History of Israel*. Tübingen: J.C.B. Mohr (Paul Siebeck), 1995.
- Hagen, Kenneth. *A Theology of Testament in the Young Luther: The Lectures on Hebrews*. Studies in Medieval and Reformation Thought. Leiden: E.J. Brill, 1974.
- Hall, Pamela M. *Narrative and the Natural Law: An Interpretation of Thomistic Ethics*. Notre Dame: Univ. of Notre Dame, 1994.
- . "The Old Law and the New Law." Pages 194-206 in *The Ethics of Aquinas*. Edited by Stephen J. Pope. Washington, DC.: Georgetown Univ. Press, 2002.
- Hammer, Karl. "Der Reformater Oekolampad (1482-1531)." *Zwingliana* 19.1 (1992): 157-70.
- Hayward, Robert. *The Targum of Jeremiah: Translated, with a Critical Introduction, Apparatus, and Notes*. The Aramaic Bible. Edinburgh: T&T Clark, 1987.

- Hempel, Charlotte. *The Damascus Texts*. Sheffield: Sheffield Academic, 2000.
- Hennings, Ralph. *Der Briefwechsel zwischen Augustinus und Hieronymus und ihr Streit um den Kanon des Alten Testaments und die Auslegung von Gal. 2,11-14*. VCSup. Vol. 21. Leiden: E.J. Brill, 1994.
- Herrmann, Siegfried. *Jeremia: Der Prophet und das Buch*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1990.
- Hibbs, Thomas S. "Divine Irony and the Natural Law: Speculation and Edification in Aquinas." *International Philosophical Quarterly* 30.4 (1990): 419-29.
- . "Interpretations of Aquinas's Ethics since Vatican II." Pages 412-25 in *The Ethics of Aquinas*. Edited by Stephen J. Pope. Washington, DC.: Georgetown Univ. Press, 2002.
- Hoekema, Anthony A. "The Covenant of Grace in Calvin's Teaching." *Calvin Theological Journal* 2 (1967): 133-61.
- Holladay, William L. "Style, Irony and Authenticity in Jeremiah." *Journal of Biblical Literature* 81 (1962): 44-54.
- . *The Architecture of Jeremiah 1-20*. Lewisburg, PA: Bucknell Univ. Press, 1976.
- . *Jeremiah*. 2 vols. Hermeneia: A Critical and Historical Commentary on the Bible. Minneapolis: Fortress, 1986-89.
- . "Elusive Deuteronomists, Jeremiah, and Proto-Deuteronomy." *Catholic Biblical Quarterly* 66.1 (2004): 55-77.
- Holmgren, Frederick. "A New Covenant? For Whom?" *The Covenant Quarterly* 43.1 (1985): 39-44.
- . *The Old Testament and the Significance of Jesus*. Grand Rapids, MI: Wm. B. Eerdmans, 1999.
- Horton, Michael S. *Covenant and Eschatology: The Divine Drama*. Louisville: Westminster John Knox, 2002.
- Huffman, Herbert B. "The Treaty Background of *Yāda* '." *Bulletin of the American Schools of Oriental Research* 181 (1966): 31-37.
- Hugenberger, Gordon P. *Marriage as a Covenant: Biblical Law and Ethics as Developed from Malachi*. Supplements to Vetus Testamentum. Vol. 52. Leiden: Brill, 1994.
- Hutchinson, J.H. "A New-covenant slogan in the Old Testament." Pages 100-21 in *The God of Covenant*. Edited by Jamie I. Grant and Alistair Wilson. Leicester: Apollos, 2005.

- Hyatt, J.P. *Prophetic Religion*. New York: Abingdon Cokesbury, 1947.
- . “The Book of Jeremiah.” Pages 775-1142 in *The Interpreters Bible*. New York: Abingdon, 1956.
- . “Jeremiah and Deuteronomy.” Pages 113-27 in *A Prophet to the Nations*. Edited by Leo G. Perdue and B.W. Kovacs. Winona Lake: Eisenbrauns, 1984.
- Israel, Jonathan. *The Dutch Republic: Its Rise, Greatness, and Fall 1477-1806*. Oxford History of Early Modern Europe. Oxford: Clarendon Press, 1995.
- Jacobson, Howard. “Jeremiah XXX 17: צִיּוֹן הִיא.” *Vetus Testamentum* 54.3 (2004): 398-99.
- James, Frank A. III. *Peter Martyr Vermigli and Predestination: The Augustinian Inheritance of an Italian Reformer*. Oxford: Oxford Univ. Press, 1998.
- Janzen, J. Gerald. *Studies in the Text of Jeremiah*. Cambridge, MA: Harvard Univ. Press, 1973.
- . “On the Most Important Word in the Shema (Deuteronomy VI 4-5).” *Vetus Testamentum* 37 (1987): 280-300.
- Joüon, Paul, and T. Muraoka. *A Grammar of Biblical Hebrew*. 2 vols. Rome: Editrice Pontificio Istituto Biblico, 2000.
- Kant, Immanuel. “Groundwork for the Metaphysics of Morals.” Pages 43-117 in *Practical Philosophy*. The Cambridge Edition of the Works of Immanuel Kant. Edited by Mary J. Giger. Cambridge: Cambridge Univ. Press, 1996.
- . “An Answer to the Question: What is Enlightenment?” Pages 11-22 in *Practical Philosophy*. Edited by Mary J. Giger. Cambridge: Cambridge Univ. Press, 1996.
- Karlberg, Mark W. “Reformed Interpretation of the Mosaic Covenant.” *Westminster Theological Journal* 43.1 (1980): 1-57.
- . “The Mosaic Covenant and the Concept of Works in Reformed Hermeneutics: A Historical-Critical Analysis with Particular Attention to Early Covenant Eschatology.” Ph.D. Diss., Westminster Theological Seminary, 1980.
- Keil, C.F. *The Prophecies of Jeremiah*. Translated by David Patrick and James Kennedy. Edinburgh: T&T Clark, 1866-91. Repr. 2001, Hendrickson.
- Kelly, J.N.D. *Jerome: His Life, Writings, and Controversies*. London: Duckworth, 1975.
- Keown, G.L., P.J. Scalise, and T.G. Smothers. *Jeremiah 26-52*. Word Biblical Commentary. Dallas: Word, 1995.
- Kerr, Fergus. *After Aquinas: Versions of Thomism*. Oxford: Blackwell, 2002.

- . “Aquinas and Analytic Philosophy: Natural Allies?” Pages 119-36 in *Aquinas in Dialogue: Thomas for the Twenty-First Century*. Edited by Jim Fodor and F.C. Bauerschmidt. Oxford: Blackwell, 2004.
- Kevan, Ernest F. *The Grace of Law: A Study of Puritan Theology*. Grand Rapids, MI: Baker, 1976.
- Kieffer, René. “Jerome: His Exegesis and Hermeneutics.” Pages 663-81 in *Hebrew Bible/Old Testament: The History of its Interpretation*. Vol. 1.1. Edited by Magne Sæbø. Göttingen: Vandenhoeck & Ruprecht, 1996.
- Kilpp, Nelson. *Niederreißen und aufbauen: Das Verhältnis von Heilsverheißung und Unheilsverkündigung bei Jeremia und im Jeremiabuch*. BThSt. Vol. 13. Neukirchen-Vluyn: Neukirchener Verlag, 1990.
- Klein, Ralph W. “Jeremiah 23:1-8.” *Interpretation* 34 (1980): 167-72.
- Kobusch, Theo. “Grace.” Pages 207-18 in *The Ethics of Aquinas*. Edited by Stephen J. Pope. Washington, DC.: Georgetown Univ. Press, 2002.
- Koch, Klaus. *The Prophets*. Vol. 2: The Babylonian and Persian Periods. London: SCM Press, 1983.
- Krašovec, Jože. *Reward, Punishment, and Forgiveness: The Thinking and Beliefs of Ancient Israel in the Light of Greek and Modern Views*. Supplements to *Vetus Testamentum*. Vol. 78. Leiden: Brill, 1999.
- Kraus, Hans-Joachim. *Biblisch-theologisches Aufsätze*. Neukirchen-Vluyn: Neukirchener Verlag, 1972.
- . “Der Erste und der Neue Bund.” Pages 59-69 in *Eine Bibe - zwei Testamente*. Edited by Christoph Dohmen and Thomas Söding. Paderborn: Ferdinand Schöningh, 1995.
- Kuenen, A. *The Prophets and Prophecy in Israel*. Translated by Adam Milroy. London: Longmans, Green, & Co, 1877.
- Kühn, Ulrich. *Via Caritatis: Theologie des Gesetzes bei Thomas von Aquin*. Göttingen: Vandenhoeck & Ruprecht, 1965.
- . “Nova Lex. Die Eigenart der christlichen Ethik nach Thomas von Aquin.” Pages 243-47 in *Lex et Libertas*. Studi Tomisitici. Edited by L.J. Elders and K. Hedwig. Vatican City: Libreria Editrice Vaticana, 1987.
- Kunz, Marcus. “Sending Words into Battle: Reformation Understandings and Uses of Letter and Spirit.” Univ. of Chicago, 2002.
- Kutsch, Ernst. *Verheissung und Gesetz*. Berlin: Walter de Gruyter, 1973.

- Lacombe, Georges. *La Vie et les Oeuvres de Prévostin*. Bibliothèque Thomiste. Vol. 11. Le Saulchoir: 1927.
- Lalleman-de Winkel, H. *Jeremiah in Prophetic Tradition: An Examination of the Book of Jeremiah in the Light of Israel's Prophetic Traditions*. Leuven: Peeters, 1997.
- Lambert, Malcolm. *The Cathars*. Oxford: Blackwell, 1998.
- . *Medieval Heresy: Popular Movements from the Gregorian Reform to the Reformation*. 3rd ed. Oxford: Blackwell, 2002.
- Lancel, Serge. *St. Augustine*. Translated by Antonia Nevill. London: SCM Press, 2002.
- Landgraf, A. "Die Gnadenökonomie des Alten Bundes nach der Lehre der Frühscholastik." *Zeitschrift für katholische Theologie* 57 (1933): 215-53.
- Leblanc, Marie. "Le péché originel dans la pensée de S. Thomas." *Revue thomiste* 93 (1993): 567-600.
- Lehne, Susanne. *The New Covenant in Hebrews*. JSNT Supplements, 44. Sheffield: Sheffield Academic Press, 1990.
- Lemke, Werner E. "Jeremiah 31:31-34." *Interpretation* 37.2 (1983): 183-87.
- Lenchak, Timothy A. "Choose Life!": *A Rhetorical-Critical Investigation of Deuteronomy 28,69-30,20*. Analecta biblica. Vol. 129. Rome: Editrice Pontificio Istituto Biblico, 1993.
- Letham, Robert. "The Foedus Operum: Some Factors Accounting for Its Development." *Sixteenth Century Journal* 14.4 (1983): 457-67.
- Leuchter, Mark. *Josiah's Reform and Jeremiah's Scroll: Historical Calamity and Prophetic Response*. Sheffield: Sheffield Phoenix, 2006.
- Levering, Matthew. *Christ's Fulfillment of Torah and Temple: Salvation according to Thomas Aquinas*. Notre Dame: Univ. of Notre Dame, 2002.
- Levin, Christoph. *Die Verheißung des neuen Bundes: in ihrem theologiegeschichtlichen Zusammenhang ausgelegt*. Göttingen: Vandenhoeck & Ruprecht, 1985.
- Lichtenberger, Hermann and Stefan Schreiner. "Der neue Bund in jüdischer Überlieferung." *Theologische Quartalschrift* 176.4 (1996): 272-90.
- Lillback, Peter A. "Ursinus' Development of the Covenant of Creation: A Debt to Melancthon or Calvin?" *Westminster Theological Journal* 43 (1981): 247-88.

- . *The Binding of God: Calvin's Role in the Development of Covenant Theology*. Grand Rapids, MI: Baker, 2001.
- . "The Early Reformed Covenant Paradigm: Vermigli in the Context of Bullinger, Luther and Calvin." Pages 70-96 in *Peter Martyr Vermigli and the European Reformations: Semper Reformanda*. Edited by Frank A. III James. Leiden: Brill, 2004.
- Lohfink, Norbert. *Das Hauptgebot: Eine Untersuchung literarischer Einleitungsfragen zu Dtn 5-11*. Analecta biblica. Vol. 20. Rome: Pontifical Biblical Institute, 1963.
- . *The Covenant Never Revoked: Biblical Reflections on Christian-Jewish Dialogue*. Translated by John J. Scullion. Mahwah, NJ: Paulist Press, 1991.
- . "Was There a Deuteronomistic Movement?" Pages 36-66 in *Those Elusive Deuteronomists*. Edited by Linda S. Schearing and Steven L. McKenzie. Sheffield: Sheffield Academic, 1999.
- . "Ein Bund oder zwei Bünde in der Heiligen Schrift." Pages 272-97 in *L'interpretazione della Bibbia nella Chiesa*. Vatican City: Libreria Editrice Vaticana, 2001.
- . *In the Shadow of Your Wings: New Readings of Great Texts from the Bible*. Translated by Linda M. Maloney. Collegeville, MN: Liturgical Press, 2003.
- . "Der Neue Bund im Deuteronomium?" Pages 9-36 in *Studien zum Deuteronomium und zur deuteronomistischen Literatur V*. Edited by Norbert Lohfink. Stuttgart: Katholisches Bibelwerk, 2005.
- Lohfink, Norbert, and Erich Zenger. *The God of Israel and the Nations: Studies in Isaiah and the Psalms*. Translated by Everett R. Kalin. Collegeville, MN: Liturgical Press, 2000.
- Loofs, Friedrich. "Pelagius und der pelagianische Streit." Pages 747-74 in *Realencyklopädie für protestantische Theologie und Kirche*. Vol. 15. Edited by Albert Haurk. Leipzig: 1904.
- Lössl, Josef. *Intellectus Gratiae: Die erkenntnistheoretische und hermeneutische Dimension der Gnadenlehre Augustins von Hippo*. Leiden: E.J. Brill, 1997.
- . *Julian von Aeclanum: Studien zu seinem Leben, seinem Werk, seiner Lehre und ihrer Überlieferung*. VCSup. Vol. 60. Leiden: E.J. Brill, 2001.
- Lubac, Henri de. *Medieval Exegesis*. 2 vols. Translated by Mark Sebanc. Edinburgh: T&T Clark, 1998.
- Lucas, Ernest C. "Sacrifice in the Prophets." Pages 59-74 in *Sacrifice in the Bible*. Edited by Roger T. Beckwith and Martin J. Selman. Carlisle/Grand Rapids: Paternoster/Baker, 1995.

- Lundbom, Jack R. "Jeremiah, Book of." Pages 706-21 in *Anchor Bible Dictionary*. Vol. 3. Edited by D.N. Freedman. New York: Doubleday, 1992.
- . *Jeremiah 1-20*. The Anchor Bible. New York: Doubleday, 1999.
- . *Jeremiah 21-36*. The Anchor Bible. New York: Doubleday, 2004.
- Lust, Johan. "Gathering and Return' in Jeremiah and Ezekiel." Pages 119-42 in *Le Livre de Jérémie*. Leuven: Leuven Univ. Press, 1981.
- MacCulloch, Diarmaid. "Peter Martyr and Thomas Cranmer." Pages 173-201 in *Peter Martyr Vermigli: Humanism, Republicanism, Reformation*. Edited by Emidio Campi. Geneva: Libraririe Droz, 2002.
- Maier, Christl. *Jeremia als Lehrer der Tora: Soziale Gebote des Deuteronomiums in Fortschreibungen des Jeremiabuches*. Gottingen: Vandenhoeck & Ruprecht, 2002.
- Marafioti, Domenico. *Sant'Agostino e la Nuova Alleanza: L'Interpretazione agostiniana di Geremia 31,31-34 nell'ambito dell'esegesi patristica*. Rome: Gregorian Univ. Press, 1995.
- March, W.E. "Laken: Its Functions and Meanings." Pages 256-84 in *Rhetorical Criticism*. Edited by J.J. Jackson and M. Kessler. Pittsburgh: Pickwick, 1974.
- Martínez, Florentino García, and Eibert J.C. Tigchelaar, eds. *The Dead Sea Scrolls Study Edition*. Leiden/Grand Rapids: Brill/Eerdmans, 2000.
- Mason, Steven D. "The Contours of an Elusive Phrase: *Berit Olam* and Some Contributions to Covenant Theology in the Pentateuch." Univ. of St. Andrews, 2006.
- Maurer, Wilhelm. "Melanchthons Loci communes von 1521 als wissenschaftliche Programmschrift." *Luther-Jahrbuch* 27 (1960): 1-50.
- McCarthy, D.J. *Treaty and Covenant: A Study in form in the Ancient Oriental Documents and in the Old Testament*. Analecta biblica. Vol. 21a. Rome: Biblical Institute, 1981.
- McConville, J.G. "Jeremiah: Prophet and Book." *Tyndale Bulletin* 42 (1991): 80-95.
- . *Judgment and Promise: An Interpretation of the Book of Jeremiah*. Leicester/Winona Lake: Apollos/Eisenbrauns, 1993.
- McCoy, Charles S., and J. Wayne Baker. *Fountainhead of Federalism: Heinrich Bullinger and the Covenantal Tradition*. Louisville, KY: Westminster John Knox Press, 1991.
- McGiffert, Michael. "Grace and Works: The Rise and Division of Covenant Divinity in Elizabethan Puritanism." *Harvard Theological Review* 75.4 (1982): 463-502.

- . “From Moses to Adam: The Making of the Covenant of Works.” *Sixteenth Century Journal* 19.2 (1988): 131-55.
- McKane, William. *Jeremiah*. 2 vols. International Critical Commentary. Edinburgh: T&T Clark, 1986-96.
- McNair, Philip. *Peter Martyr in Italy: An Anatomy of Apostasy*. Oxford: Clarendon, 1967.
- Miller, Patrick D. “The Gift of God: The Deuteronomic Theology of the Land.” *Interpretation* 23 (1969): 451-65.
- . *Sin and Judgment in the Prophets*. Society of Biblical Literature Monograph Series. Chico, CA: Scholars Press, 1982.
- . “The Most Important Word: The Yoke of the Kingdom.” *Iliff Review* 41 (1984): 17-29.
- . “The Book of Jeremiah.” Pages 553-926 in *New Interpreters Bible*. Vol. 6. Nashville: Abingdon, 2001.
- Miyatami, Y. “Theologia conversionis in St. Augustine.” *Congresso Internazionale su S. Agostino Nel XVI Centenario della Conversione* 1 (1987): 49-60.
- Moulton, W.J. “The New Covenant in Jeremiah.” *The Expositor, 7th Series* 1 (1906): 370-82.
- Movers, F.C. *De utriusque recensiois vaticiniorum Ieremiae, Graecae Alexandrinae et Hebraicae marorethicae, indole et origine commentatio critica*. Hamburg: 1837.
- Mowinckel, Sigmund. *Zur Komposition des Buches Jeremia*. Dybwad: Kristiania, 1914.
- Mullan, David George. *Scottish Puritanism 1590-1638*. Oxford: Oxford Univ. Press, 2000.
- Muller, Richard A. “The Covenant of Works and the Stability of Divine Law in Seventeenth-Century Reformed Orthodoxy: A Study in the Theology of Herman Witsius and Wilhelmus à Brakel.” *Calvin Theological Journal* 29 (1994): 75-101.
- . “Ordo Docendi: Melancthon and the Organization of Calvin's Institutes.” Pages 123-40 in *Melancthon in Europe: His Work and Influence beyond Wittenberg*. Edited by Karin Maag. Grand Rapids, MI: Baker, 1999.
- . *The Unaccommodated Calvin: Studies in the Foundation of a Theological Tradition*. Oxford Univ. Press, 2000.
- . “Reformed Confessions and Catechisms.” Pages 466-85 in *Dictionary of Historical Theology*. Edited by Trevor A. Hart. Grand Rapids, MI: Wm. B. Eerdmans, 2000.
- . *Post-Reformation Reformed Dogmatics*. 4 vols. Grand Rapids, MI: Baker, 2003.

- Murphy-O'Connor, Jerome. "The New Covenant in the Letters of Paul and the Essene Documents." Pages 195-204 in *To Touch the Text*. Edited by Maurya P. Horgan and Paul J. Kobelski. New York: Crossroad, 1989.
- Naylor, Peter J. "The Language of Covenant: A Structural Analysis of the Semantic Field of ברית in Biblical Hebrew, with Special Reference to the Book of Genesis." Ph.D. Diss., Oxford, 1980.
- Neumann, Peter H.A. "Prophetenforschung seit Heinrich Ewald." Pages 1-51 in *Das Prophetenverständnis in der deutschsprachigen Forschung seit Heinrich Ewald*. Edited by Peter H.A. Neumann. Darmstadt: Wissenschaftliche Buchgesellschaft, 1979.
- Nicholson, Ernest W. *Preaching to the Exiles: A Study of the Prose Tradition in the Book of Jeremiah*. Oxford: Blackwell, 1970.
- . *God and His People: Covenant and Theology in the Old Testament*. Oxford: Clarendon Press, 1986.
- North, R. "שָׁדָשׁ." Pages 225-44 in *Theological Dictionary of the Old Testament*. Vol. 4. Translated by David E. Green. Edited by G.Johannes Botterweck and Helmer Ringgren. Grand Rapids, MI: Eerdmans, 1980.
- O'Connor, Kathleen. *The Confessions of Jeremiah: Their Interpretation and Role in Chapters 1-25*. Society of Biblical Literature Dissertation Series. Atlanta: Scholars Press, 1988.
- O'Donnell, James J. "Augustine: his time and lives." Pages 8-25 in *Cambridge Companion to Augustine*. Edited by Eleanore Stump and Norman Kretzmann. Cambridge Univ. Press, 2001.
- . *Augustine, Sinner and Saint: A New Biography*. London: Profile Books, 2005.
- O'Neill, Colman E. "St. Thomas on the Membership of the Church." *Thomist* 27 (1963): 88-140.
- Opitz, Peter. *Heinrich Bullinger als Theologe: Eine Studie zu den "Dekaden"*. Zurich: Theologischer Verlag, 2004.
- . "Bullinger's *Decades*: Instruction in Faith and Conduct." Pages 101-16 in *Architect of Reformation: An Introduction to Heinrich Bullinger, 1504-1575*. Edited by Bruce Gordon and Emidio Campi. Grand Rapids, MI: Baker, 2004.
- Osterhaven, M. Eugene. "The Experiential Theology of Early Dutch Calvinism." *Reformed Review* 27.3 (1974): 180-89.
- . "Calvin on the Covenant." Pages 89-106 in *Readings in Calvin's Theology*. Edited by Donald K. McKim. Grand Rapids, MI: Baker, 1984.

- Parker, T.H.L. *Calvin's Old Testament Commentaries*. Edinburgh: T&T Clark, 1986.
- . *Calvin's New Testament Commentaries*. Louisville, KY: Westminster John Knox Press, 1993.
- Parunak, H. Van Dyke. "Some Discourse Functions of Prophetic Quotation Formulas in Jeremiah." Pages 489-519 in *Biblical Hebrew and Discourse Linguistics*. Edited by Robert D. Bergen. Winona Lake: Eisenbrauns, 1994.
- Pelikan, Jaroslav. *The Emergence of the Catholic Tradition (100-600)*. The Christian Tradition. Vol. 1. Chicago: Univ. of Chicago Press, 1971.
- Perlitt, Lothar. *Vatke und Wellhausen: Geschichtsphilosophische Voraussetzungen und historiographische Motive für die Darstellung der Religion und Geschichte Israels durch Wilhelm Vatke und Julius Wellhausen*. Berlin: Verlag Alfred Töpelmann, 1965.
- . *Bundestheologie im Alten Testament*. Neukirchen-Vluyn: Neukirchener Verlag, 1969.
- Pesch, O.H. *Die Theologie der Rechtfertigung bei Martin Luther und Thomas von Aquin: Versuch eines systematisch-theologischen Dialogs*. Mainz: Matthias-Grünwald-Verlag, 1985.
- Pettegree, Andrew. "Coming to terms with victory: the upbuilding of a Calvinist church in Holland, 1572-1590." Pages 160-80 in *Calvinism in Europe, 1540-1620*. Edited by Andrew Pettegree, Alastair Duke and Gillian Lewis. Cambridge: Cambridge Univ. Press, 1994.
- Pollmann, Karla. "Augustine's Hermeneutics as a Universal Principle!" Pages 206-31 in *Augustine and the Disciplines: From Cassiacum to Confessions*. Oxford Univ. Press, 2005.
- Porter, Jean. "Desire for God: Ground of the Moral Life in Aquinas." *Theological Studies* 47 (1986): 48-68.
- . *Natural & Divine Law: Reclaiming the Tradition for Christian Ethics*. Grand Rapids, MI: Eerdmans, 1999.
- Potter, H.D. "The New Covenant in Jeremiah XXXI 31-34." *Vetus Testamentum* 33.3 (1983): 347-57.
- Preus, James Samuel. *From Shadow to Promise: Old Testament Interpretation from Augustine to the Young Luther*. Cambridge, MA: Harvard Univ. Press, 1969.
- Puckett, David L. *John Calvin's Exegesis of the Old Testament*. Louisville, KY: Westminster John Knox Press, 1995.

- von Rad, Gerhard. *Old Testament Theology*. 2 vols. Translated by D.G.M. Stalker. Edinburgh: Oliver and Boyd, 1962-65.
- . *The Problem of the Hexateuch and Other Essays*. New York: McGraw-Hill, 1966.
- Raitt, Thomas M. *A Theology of Exile: Judgment/Deliverance in Jeremiah and Ezekiel*. Philadelphia: Fortress, 1977.
- Rayburn, Robert S. "The Contrast Between the Old and New Covenants in the New Testament." Ph.D. Diss, Univ. of Aberdeen, 1978.
- Recanati, François. *Literal Meaning*. Cambridge: Cambridge Univ. Press, 2004.
- Rees, B.R. *Pelagius: A Reluctant Heretic*. Woodbridge: Boydell Press, 1988.
- Renaud, Bernard. "L'alliance éternelle d'Ez 16,59-63 et l'alliance nouvelle de Jr 31,31-34." Pages 335-59 in *Ezekiel and his Book*. Edited by J. Lust. Leuven: Univ. of Leuven, 1986.
- . *Nouvelle ou Éternelle Alliance? Le message des prophètes*. Paris: Les Éditions du Cerf, 2002.
- Rendtorff, R. *Canon and Theology: Overturnes to an Old Testament Theology*. Translated by Margaret Kohl. Philadelphia: Fortress, 1993.
- Rendtorff, Rolf, and H.H. Henrix, eds. *Die Kirchen und das Judentum. Dokumente von 1945-1985*. 2nd ed. Munich: Paderborn, 1989.
- Reta, José Oroz. "L'homme nouveau selon saint Augustin." *Augustinian Studies* 17 (1986): 161-67.
- Robinson, Bernard P. "Jeremiah's New Covenant: Jer 31,31-34." *Scandinavian Journal of the Old Testament* 15.2 (2001): 182-204.
- Robinson, H. Wheeler. "Hebrew Psychology." Pages 353-82 in *The People and the Book*. Edited by A.S. Peake. Oxford: Clarendon Press, 1925.
- . *The Cross of Jeremiah*. London: SCM Press, 1925.
- Rogers, Eugene F., Jr. "Thomas and Barth in Convergence on Romans 1?" *Modern Theology* 12.1 (1996): 57-84.
- . "The Narrative of Natural Law in Aquinas's Commentary on Romans 1." *Theological Studies* 59.2 (1998): 254-76.
- Rogland, M.F. *Alleged Non-Past Uses of Qatal in Classical Hebrew*. Studia semitica neerlandica. Assen: Van Gorcum, 2003.

- Römer, Thomas. "Les "anciens" pères (Jér 11,10) et la "nouvelle" alliance (Jér 31,31)." *Biblische Notizen* 59 (1991): 23-27.
- van Rooden, Peter T. *Theology, Biblical Scholarship and Rabbinical Studies in the Seventeenth Century: Constantijn L'Empereur (1591-1648) Professor of Hebrew and Theology at Leiden*. Leiden: E.J. Brill, 1989.
- Rosenberg, A.J. *Jeremiah: A New English Translation of the Text, Rashi and a Commentary Digest*. Vol. 1. New York: Judaica Press, 1985.
- Roth, John D. "Harmonizing the Scriptures: Swiss Brethren understandings of the relationship between the Old and New Testament during the last half of the sixteenth century." Pages 35-52 in *Radical Reformation Studies: Essays presented to James M. Stayer*. St. Andrews Studies in Reformation History. Edited by Werner O. Packull and Geoffrey L. Dipple. Aldershot: Ashgate, 1999.
- Rudolph, Wilhelm. *Jeremia*. 2nd ed. Tübingen: J.C.B. Mohr (Paul Siebeck), 1958. Orig. publ. 1947.
- van Ruler, J.A. *The Crisis of Causality: Voetius and Descartes on God, Nature and Change*. Brill's Studies in Intellectual History. Leiden: E.J. Brill, 1995.
- Sarason, Richard S. "The Interpretation of Jeremiah 31:31-34 in Judaism." Pages 99-123 in *When Jews and Christians Meet*. Edited by Jakob J. Petuchowski. Albany, NY: State Univ. of New York Press, 1988.
- Schenker, Adrian. "Unwiderrufliche Umkehr und neuer Bund: Vergleich zwischen der Wiederherstellung Israels in Dt 4,25-31; 30,1-14 und dem neuen Bund in Jer 31,31-34." *Freiburger Zeitschrift für Philosophie und Theologie* 27 (1980): 93-106.
- . "Die Tafel des Herzens." Pages 1-14 in *Text und Sinn im Alten Testament: Textgeschichtliche und Bibeltheologische Studien*. Edited by Adrian Schenker. Göttingen: Vandenhoeck & Ruprecht, 1991.
- . *Das Neue am Neuen und das Alte am alten: Jer 31 in der hebräischen und griechischen Bibel, von der Textgeschichte zu Theologie, Synagoge und Kirche*. Göttingen: Vandenhoeck & Ruprecht, 2006.
- Schindler, Alfred. "Vermigli und die Kirchenväter." Pages 37-43 in *Peter Martyr Vermigli: Humanism, Republicanism, Reformation*. Edited by Emidio Campi. Geneva: Librairie Droz, 2002.
- Schmid, Konrad. *Buchgestalten des Jeremiabuches: Untersuchungen zur Redaktions- und Rezeptionsgeschichte von Jer 30-33 im Kontext des Buches*. Wissenschaftliche Monographien zum Alten und Neuen Testament. Vol. 72. Neukirchen-Vluyn: Neukirchener Verlag, 1996.

- Schmidt, Nathaniel. "Covenant." Pages 928b-37a in *Encyclopaedia Biblica*. Volume 1. Edited by T.K. Cheyne and J. Sutherland Black. London: Adam & Charles Black, 1899.
- . "Jeremiah (Book)." Pages 2372b-95a in *Encyclopaedia Biblica*. Volume 2. Edited by T.K. Cheyne and J. Sutherland Black. London: Adam & Charles Black, 1901.
- Schofield, John. *Philip Melancthon and the English Reformation*. St. Andrews Studies in Reformation History. Ashgate: Aldershot, 2006.
- Scholl, Hans. "Calvin und die Schweiz - Die Schweiz und Calvin." Pages 303-28 in *Calvin im Kontext der Schweizer Reformation*. Edited by Peter Opitz. Zurich: Theologische Verlag, 2003.
- Schrenk, Gottlieb. *Gottesreich und Bund im älteren Protestantismus vornhemlich bei Johannes Coccejus*. Giessen: Brunnen Verlag, 1985. Orig. publ. 1923.
- Searle, John R. *Speech Acts: An Essay in the Philosophy of Language*. Cambridge: Cambridge Univ. Press, 1969.
- . "The Background of Meaning." Pages 221-32 in *Speech Act Theory and Pragmatics*. Edited by John R. Searle, F. Kiefer and M. Bierwisch. Dordrecht: D. Reidel, 1980.
- Seebass, Horst. "Erstes oder Altes Testament?" Pages 27-43 in *Die Einheit der Schrift und die Vielfalt des Kanons*. Edited by John Barton and Michael Wolter. Berlin: Walter de Gruyter, 2003.
- Selderhuis, Herman J. "Ille Phoenix: Melancthon und der Heidelberger Calvinismus 1583-1622." Pages 45-59 in *Melancthon und der Calvinismus*. Edited by Günter Frank and Herman J. Selderhuis. Stuttgart: Friedrich Frommann Verlag, 2005.
- Skinner, John. *Prophecy and Religion: Studies in the Life of Jeremiah*. Cambridge: Cambridge Univ. Press, 1961.
- Smalley, Beryl. "William of Auvergne, John of La Rochelle and St. Thomas Aquinas on the Old Law." Pages 11-71 in *St. Thomas Aquinas: Commemorative Studies*. Vol. 2. Edited by Armand A. Maurer. Toronto: Pontifical Institute of Medieval Studies, 1974.
- Smend, Rudolf. *Lehrbuch der alttestamentlichen Religionsgeschichte*. Leipzig: J.C.B. Mohr (Paul Siebeck), 1893.
- . *From Astruc to Zimmerli: Old Testament Scholarship in Three Centuries*. Translated by Margaret Kohl. Tübingen: Mohr Siebeck, 2007.
- Smith, George Adam. *Jeremiah*. London: Hodder & Stoughton, 1923.
- Sperber, Dan, and Dierdre Wilson. *Relevance: Communication and Cognition*. Oxford: Blackwell, 1989.

- Sprunger, Keith L. *Dutch Puritanism: A History of English and Scottish Churches of the Netherlands in the Sixteenth and Seventeenth Centuries*. Studies in the History of Christian Thought. Leiden: E.J. Brill, 1982.
- Staehelin, Ernst. *Briefe und Akten zum Leben Oekolampads*. 2 vols. Quellen und Forschungen zur Reformationgeschichte. Vol. 10. Leipzig: 1934.
- . *Das theologische Lebenswerk Johannes Oekolampads*. Quellen und Forschungen zur Reformationgeschichte. Vol. 21. Leipzig: M. Heinsius, 1939.
- Steck, O.H. *The Prophetic Books and their Theological Witness*. Translated by James D. Nogalski. St. Louis, MO: Chalice Press, 2000.
- Stiver, Dan R. *Theology after Ricoeur*. Louisville: Westminster John Knox, 2001.
- Stöhr, Johannes. “Bewahrt das Sittengesetz des alten Bundes seine Geltung im neuen Bund?” Pages 219-40 in *Lex et Libertas*. Studi Tomisitici. Edited by L.J. Elders and K. Hedwig. Vatican City: Libreria Editrice Vaticana, 1987.
- Story, Joanna. *Carolingian Connections: Anglo-Saxon England and Carolingian Francia, c.750-870*. Studies in Early Medieval Britain. Aldershot/Burlington: Ashgate, 2003.
- Strehle, Stephen. *Calvinism, Federalism, and Scholasticism: A Study of the Reformed Doctrine of Covenant*. Bern: Peter Lang, 1988.
- Strohm, Christoph. “Bullingers *Dekaden* und Calvins *Institutio*. Gemeinsamkeiten und Eigenarten.” Pages 215-48 in *Calvin im Kontext der Schweizer Reformation*. Edited by Peter Opitz. Zurich: Theologischer Verlag, 2003.
- Stulman, Louis. *Order amid Chaos: Jeremiah as Symbolic Tapestry*. Sheffield: Sheffield Academic Press, 1998.
- . “The Prose Sermons as Hermeneutical Guide to Jeremiah 1-25: The Deconstruction of Judah's Symbolic World.” Pages 34-63 in *Troubling Jeremiah*. Journal for the Study of the Old Testament Supplement Series. Vol. 260. Edited by A.R. Pete Diamond, Kathleen O'Connor and Louis Stulman. Sheffield: Sheffield Academic Press, 1999.
- . *Jeremiah*. Abingdon Old Testament Commentaries. Nashville: Abingdon, 2005.
- Swetnam, J. “Why was Jeremiah's New Covenant New?” Pages 111-15 in *Studies on Prophecy*. Supplements to Vetus Testamentum. Vol. 26. Edited by J.A. Emerton. Leiden: Brill, 1974.
- Thiel, Winfried. *Die deuteronomistische Redaktion von Jeremia 1-25*. Neukirchen-Vluyn: Neukirchener Verlag, 1973.

- . *Die deuteronomistische Redaktion von Jeremia 26-45*. Neukirchen-Vluyn: Neukirchener Verlag, 1981.
- Tita, Hubert. "Ich hatte meine Tora in ihre Mitte gegeben': Das Gewicht einer nicht berücksichtigten Perfektform in Jer. XXXI 33." *Vetus Testamentum* 52 (2002): 551-56.
- Torrell, Jean-Pierre. *Saint Thomas Aquinas: The Person and His Work*. Translated by Robert Royal. Washington, DC.: Catholic Univ. of America, 2003.
- Trible, Phyllis. *God and the Rhetoric of Sexuality*. Philadelphia: Fortress, 1978.
- Tyacke, Nicholas. *Aspects of English Protestantism c.1530-1700*. Manchester: Manchester Univ. Press, 2001.
- Unterman, Jeremiah. *From Repentance to Redemption: Jeremiah's Thought in Transition*. Journal for the Study of the Old Testament Supplement Series. Vol. 54. Sheffield: Sheffield Academic Press, 1987.
- Vanhoye, A. "Salut universel par le Christ et validité de l'Ancienne Alliance." *Nouvelle Revue Théologique* 116 (1994): 815-35.
- . "Réaction à l'exposé du prof. Norbert Lohfink «Ein Bund oder zwei Bünde in der heiligen Schrift»." Pages 298-303 in *L'interpretazione della Bibbia nella Chiesa*. Vatican City: Libreria Editrice Vaticana, 2001.
- Venema, Cornelis P. *Heinrich Bullinger and the Doctrine of Predestination: Author of "the other Reformed Tradition"?*. Grand Rapids, MI: Baker, 2002.
- Vermes, Geza. *An Introduction to the Complete Dead Sea Scrolls*. Minneapolis: Fortress, 1999.
- Vermeulen, J. "L'alliance renouvelée (Jr 31,31-34). L'histoire littéraire d'un text célèbre." Pages 57-84 in *Lectures et relectures de la Bible*. Edited by J.-M. Auwers and A. Wénin. Leuven: Leuven Univ. Press, 1999.
- Visser, Derk. *Zachary Ursinus: The Reluctant Reformer, His Life and Times*. New York: UCC Press, 1983.
- Volz, D. Paul. *Der Prophet Jeremia*. 2nd ed. Leipzig: A. Deichertsche Verlagsbuchhandlung D. Werner Scholl, 1928.
- Vos, Geerhardus. "The Doctrine of the Covenant in Reformed Theology." Pages 234-67 in *Redemptive History and Biblical Interpretation: the Shorter Writings of Geerhardus Vos*. Edited by Richard B. Gaffin. 1980.
- Vriezen, Th.C. *An Outline of Old Testament Theology*. Translated by S. Neujiën. 2nd ed. Oxford: Blackwell, 1970. Orig. publ. 1954.

- Wacholder, Ben Zion. *The New Damascus Document: The Midrash on the Eschatological Torah of the Dead Sea Scrolls: Reconstruction, Translation and Commentary*. Studies on the Texts of the Desert of Judah. Leiden: Brill, 2007.
- Wakefield, Walter L., and Austin P. Evans, eds. *Heresies of the High Middle Ages: Translated with Notes*. New York: Columbia Univ. Press, 1991.
- Wallis, Wilber B. "Irony in Jeremiah's Prophecy of a New Covenant." *Journal of the Evangelical Theological Society* 12 (1969): 107-10.
- Weaver, Rebecca Harden. *Divine Grace and Human Agency: A Study of the Semi-Pelagian Controversy*. Patristic Monograph Series. Macon: Mercer Univ. Press, 1996.
- Webster, Tom. *Godly Clergy in Early Stuart England: the Caroline Puritan Movement c.1620-1643*. Cambridge: Cambridge Univ. Press, 1997.
- Weinfeld, Moshe. "Jeremiah and the Spiritual Metamorphosis of Israel." *Zeitschrift für die alttestamentliche Wissenschaft* 88.1 (1976): 17-56.
- Weippert, Helga. "Das Wort vom neuen Bund in Jeremia XXXI 31-34." *Vetus Testamentum* 29.3 (1979): 336-51.
- Weir, David A. *The Origins of the Federal Theology in Sixteenth-Century Reformation Thought*. Oxford: Clarendon Press, 1990.
- Weiser, Artur. *Der Prophet Jeremia 25,14-52,34*. Göttingen: Vandenhoeck & Ruprecht, 1955.
- Wengert, Timothy J. *Law and Gospel: Philip Melancthon's Debate with John Agricola of Eisleben over Poenitentia*. Grand Rapids, MI: Baker, 1997.
- . "We will Feast Together in Heaven Forever: The Epistolary Friendship of John Calvin and Philip Melancthon." Pages 19-44 in *Melancthon in Europe: His Work and Influence beyond Wittenberg*. Edited by Karin Maag. Grand Rapids, MI: Baker, 1997.
- Westberg, Daniel. *Right Practical Reason: Aristotle, Action and Prudence in Aquinas*. Oxford: Clarendon, 1994.
- Wilcox, Pete. "Calvin as Commentator on the Prophets." Pages 107-30 in *Calvin and the Bible*. Edited by Donald K. McKim. Grand Rapids, MI: Baker, 1997.
- Williams, Megan Hale. *The Monk and the Book: Jerome and the Making of Christian Scholarship*. Chicago/London: Univ. of Chicago, 2006.
- Williams, Rowland. *The Hebrew Prophets*. Vol. 2. London: Williams and Norgate, 1871.

- Wilson, Dierdre and Dan Sperber. "Relevance Theory." Pages 607-32 in *Handbook of Pragmatics*. Edited by G. Ward and L. Horn. Oxford: Blackwell, 2004.
- Wilson, Robert R. "Who Was the Deuteronomist? (Who Was Not the Deuteronomist?): Reflections on Pan-Deuteronomism." Pages 67-82 in *Those Elusive Deuteronomists*. Edited by Linda S. Schearing and Steven L. McKenzie. Sheffield: Sheffield Press, 1999.
- Wittgenstein, Ludwig. *Philosophical Investigations*. Translated by G.E.M. Anscombe. 3rd ed. Oxford: Blackwells, 2001.
- Wolf, Hans Heinrich. *Die Einheit des Bundes: Das Verhältnis von Altem und Neuem Testament bei Calvin*. Neukirchen: Verlag der Buchhandlung des Erziehungsvereins Neukirchen Kreis Moers, 1958.
- Wolff, Christian. *Jeremia im Frühjudentum und Urchristentum*. Texte und Untersuchungen. Berlin: Akademie Verlag, 1976.
- Wolterstorff, Nicholas. *Works and Worlds of Art*. Oxford: Clarendon, 1980.
- . *Divine Discourse: Philosophical Reflections on the Claim that God Speaks*. Cambridge: Cambridge Univ. Press, 1995.
- Wright, Christopher J.H. *God's People in God's Land: Family, Land, and Property in the Old Testament*. Grand Rapids, MI: Eerdmans, 1990.
- Wright, David F. "Augustine: His Exegesis and Hermeneutics." Pages 701-30 in *Hebrew Bible/Old Testament: The History of its Interpretation*. Vol. 1.1. Edited by Magne Saebø. Göttingen: Vandenhoeck and Ruprecht, 1996.
- Zenger, Erich. *Am Fuss des Sinai*. 2nd ed. Düsseldorf: Patmos Verlag, 1994.
- . "Thesen zu Hermeneutik des Ersten Testaments nach Auschwitz." Pages 143-58 in *Eine Bibel- zwei Testamente*. Edited by Christoph Dohmen and Thomas Söding. Paderborn: Ferdinand Schöningh, 1995.
- . *Das Erste Testament: Die jüdischen Bibel und die Christen*. 2nd ppb. ed. Düsseldorf: Patmos, 2004.