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Jeremiah 31:31-34: A prospect of true transformation

ABSTRACT

The theme of the transformation of reality is one of the unifying themes in Jeremiah 30-31. A past-future tension is notably present in 31:31-34, with the promise of a new covenant. This article considers the contrast between the new covenant pericope and the poetic doom oracles and the prose discourses in the book of Jeremiah. Since the book of Deuteronomy seemingly had a profound influence on the book of Jeremiah, Jeremiah 31:31-34 is also read against the background of Deuteronomy. Allusions in Jeremiah 31:31-34 to these texts are especially significant. It is argued that these allusions demonstrate that the new covenant passage attained a distinct identity by the promise of a radical transformation. In addition, the application of utopian literary theory suggests that Jeremiah's utopian vision enflamed possibility and awakened emotional yearning for a better world.

1. INTRODUCTION

Jeremiah 30-31 enjoys a strategic location and function in its present literary setting in the book of Jeremiah (Stulman 1998:78-79). The theme of the transformation of reality is one of the unifying themes in these chapters (Bozak 1991:142). Motifs, metaphors, and deep-rooted beliefs that served as the basis for the world prior to 597-587 B.C.E. are transformed or reversed (Stulman 2005:260). This article focuses on Jeremiah 31:31-34, well known for its announcement of a new covenant, an announcement frequently alluded to in the New Testament. The past-future tension is also present in this pericope. Read



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within its literary and historical setting, the promise of a new covenant seemingly implies that the future will be radically different from the past, a past characterised in 11:1-14 as one in which the covenant with YHWH was broken. The situation that would prevail at the time of the fulfilment of the promise of the new covenant has been described as utopian (Kartveit 2018:168). O'Connor (2006:89-94) fruitfully applied utopian literary theory to Jeremiah 30-31.¹ She demonstrated that utopian literary theory helps understand the power of the imaginary world depicted in these chapters. Although the use of utopian literary theory in the study of the book of Jeremiah would seem to be an anachronism, its use may be illuminating. Utopian literary theory might bring tendencies in the text to the fore. O'Connor pays scant attention to Jeremiah 31:31-34. It could be potentially fruitful to apply utopian literary theory to the new covenant pericope.

This article is interested in the contrast between the material in the book of Jeremiah that announces doom and the new covenant pericope. The latter is generally attributed to a late redaction of the book of Jeremiah. It is reasonable to presume that there was a broad influence of the material in the book of Jeremiah that announced doom on Jeremiah 31:31-34. The structure of the book of Jeremiah and its relation to other books in the Bible give it a very strong intertextual character (Carroll 1996:19). Carr (2012:523) observed that the term "intertextuality" designates a broader realm of often non-reconstructable ways in which all biblical texts depend on already-used language from a variety of sources. It, therefore, seems appropriate to concentrate on the influence of the material in the book of Jeremiah that announces doom on the new covenant pericope. Influence implies that a text may be related to a predecessor in the viewpoint or ideology of the later text. The later text depends on, or reflects the earlier one, regardless of specific connections. The recognition of the connections between the texts would lead to a greater appreciation of the later text *vis-à-vis* its predecessors (Sommer 1998:25-26).

A reader may experience a sense that a phrase in a text s/he is reading may be borrowed without knowing where it is borrowed from. A clear allusion does, however, allow an author to assert closeness to an older text.² An allusion can also distance the new work from the older text. In such a case, allusion may allow the new text to achieve a distinct identity in

1 For a comprehensive review of the application of utopian literary theory to biblical texts, see Schweitzer (2007:14-28).

2 Influence and allusion are obviously not identical (Sommer 1998:10). An allusion is a literary device, whereby an author intentionally but indirectly refers to another literary work. It is indirect in the sense that the author does not explicitly outline the relevant intended associations between the two texts, but requires the reader to infer the meaning of the reference based on his/her

opposition to the older work (Sommer 1998:19). For an allusion to function as a literary device, a “marker” is required. A “marker” is some element or pattern belonging to another independent text (Mastnjak 2016:14). A reader needs to bring certain elements of the evoked text or the marking to bear on the alluding text, and these alter the reader’s construal of meaning of the sign in the alluding text (Sommer 1998:12).

Allusions in the new covenant pericope to the material that announces doom would be of special importance. It is widely accepted that the book of Deuteronomy had a profound influence on the book of Jeremiah. Fischer (2018:50) holds the book of Deuteronomy to be the main source for the book of Jeremiah. He notes that Jeremiah particularly quotes from the former and later frames of the book of Deuteronomy, specifically chapters 4-5 and 31-32. Chapter 28 does, however, display the peak of intensity of links. Mastnjak (2016:227) suggests that the book of Deuteronomy had the status of a religious authority for the Deuteronomistic redaction of the book of Jeremiah. Since Jeremiah 31:31-34 is frequently regarded as Deuteronomistic, this pericope should obviously also be read against the background of the book of Deuteronomy. Allusions to Deuteronomic texts would, therefore, be of significance.

There are numerous links between the book of Jeremiah and other books in the Old Testament. However, within the confines of this article, only allusions from Jeremiah 31:31-34 to the preceding oracles announcing doom in the book of Jeremiah and the book of Deuteronomy will be considered. A close reading of the new covenant pericope is thus required.

2. A CLOSE READING OF JEREMIAH 31:31-34

Jeremiah 31:31-34 is introduced by the stereotype formula **יָמֵי בָאִים**, “look, days are coming”. The messenger formula in verse 35 unmistakably introduces a separate oracle; 31:31-34 should thus be regarded as a self-contained unit.

Although Jeremiah 31:31-34 is customarily considered prose, poetic fragments have been recognised in verses 33aβ and 34bβ (De Vries 1995:152). Some Hebrew manuscripts read **ונתתי** in verse 33 as **ונתתי**. Considering the occurrence of the phrase **אחרי הימים ההם**, a text emendation seems to be unnecessary. **ונתתי** should be taken in the prophetic sense: “I will give.” The Septuagint lacks the formula **נאם יהוה** in verse 34. In the Masoretic text, the name Judah lacks in verse 33. However, as Westermann

knowledge of the source text as well as the understanding of the alluding texts (Mastnjak 2016:13). Clear allusions indicate that the relationship between the texts is more than coincidental.

(1991:146) aptly remarked, the Israel addressed, in this instance, is the Israel that YHWH led out of Egypt, and that broke the covenant. That is all Israel.

The fourfold occurrence of the נאם יהוה formula in the Masoretic text of Jeremiah 31:31-34 is noteworthy. The first pair in verses 31 and 32 encloses the announcement of the new covenant. The second pair in verses 33 and 34 encloses the portrayal of the features of the new covenant (Maier 2002:338). The concluding line is introduced by a climatic כִּי and announces the deed that will establish the relationship. YHWH will dismiss their iniquity and forget their sin (Bozak 1991:122; Stipp 2019:277).

In verse 33, the verb אכתבנה points to a future act of YHWH (Stipp 2019:279). The phrase אחר־הימים ההם serves as a time identifier, not a transition. Both the making of the new covenant (v. 31) and the specific conditions that explicate the making of the covenant (vv. 33-34) lie in the future (De Vries 1995:153). Although the formula הנה ימים באים, “look, days are coming”, in verse 31, could point to the near future, it is likely that the promise of a new covenant lies in the distant future. At a time when it appeared as if YHWH had finally broken with Israel, his faithfulness and mercy towards them are deliberately emphasised by placing the conclusion of the new covenant in the distant future (Krašovec 1999:453-454).

3. A RENEWED OR A NEW COVENANT?

It is disputed whether the new covenant implied a break from the old covenant or whether it was merely a renewal of the former relationship between YHWH and the people. The Hebrew word כִּדָּשׁ can have the sense of both “renew” (see Lam. 3:22-23), and “brand new” (see Ex. 1:8; Deut. 32:17) (Freedman & Miano 2003:23). Some scholars are of the opinion that the term כִּדָּשׁ in Jeremiah 31:31 only signifies renewal. The verb פָּרַר (Hiphil) may indeed simply mean “to transgress”. The version of 31:31-34 in the Septuagint (38:31-34) nonetheless signifies that the old covenant has been terminated. It proclaims not only that the divine covenant with the Exodus generation was broken on Israel’s side (*αὐτοὶ οὐκ ἐνέμειναν*), but also that it was given up by God (*καὶ ἐγὼ ἤμελησα αὐτῶν*) (Otto 2006:940). Although the Masoretic version of the passage seemingly states that only Israel had broken the covenant, it is evident that it also claims that the new covenant will differ from the old.

Although priority is generally given to the Septuagint as representing the more ancient tradition, various scholars have argued that the Masoretic text should be taken as a basis for Jeremiah studies (see, for instance,

Fischer 2018:48). However, even if the Masoretic text is taken as presenting the best text, one must agree with Lundbom (2004:466) that the renewed covenant cannot be reduced to a renewed Sinai covenant such as the one that was concluded on the plains of Moab (Deut. 5:2-3; 28:69 English 29:1), at Shechem (Jos. 24), or at the climax of the Josainic reform (2 Kgs. 23). In Jeremiah 31:32, the new covenant is set against the covenant that YHWH had concluded with their fathers. In addition, verse 33 explicitly foretells a re-adoption of the people. The notion of a re-adoption presupposes a termination of the old relationship between YHWH and Israel (Olyan 2008:340). The author of 31:31-34 evidently takes a clear breakdown of the former covenant relationship for granted.

The content of the new covenant would, nonetheless, be similar to that of the old – the same *torah* and the same partners. The newness appears in the manner of establishing the relationship and in its consequences of unmediated knowledge of YHWH (Bozak 1991:121). The *torah* will be fully internalised. No teachers or external force will be required (Alter 2019:966-967). There is no longer a process of teaching and learning the *torah* from generation to generation (Bautch 2009:31). The newness in the way the *torah* would be transmitted is thoroughly visionary (Freedman & Miano 2003:73).

The promise of the forgiveness of sins in Jeremiah 31:34 provides the basis for the new covenant (Schreiner 1966:253). The institution of the new covenant is strictly unilateral. YHWH initiates the new relationship, as is indicated by the continual addresses made in the first person (Freedman & Miano 2003:22). In addition, the new covenant will be with all Israel, including specifically people from the Northern and Southern kingdoms (Fretheim 2002:441). Unlike the old covenant, the new covenant will be indissoluble (Leene 2013:210).

4. JEREMIANIC AND DEUTERONOMIC TEXTS PRESENTING THE BACKGROUND OF JEREMIAH 31:31-34

4.1 The poetic oracles of doom as background of Jeremiah 31:31-34

“Authentic” words attributed to the prophet Jeremiah are mainly sought in the poetry in chapters 1-25. Criteria allowing for the reconstruction of the “authentic” message of the prophet are, however, ambiguous (Römer 2000:418). The contradictory views of Holladay and Gerstenberger demonstrate the lack of agreement about the identification of Jeremiah’s

“authentic” message. Holladay (1989:15) finds the authentic voice of the prophet in all the sources identified in the book of Jeremiah. Gerstenberger (2005:258), on the other hand, is of the opinion that the authentic words of the prophet can only be found in the doom announcements in 4:5-6:26 and the criticisms of the kings in chapter 22.

The central concept of the ברית in Jeremiah 31:31-34 does not play an important role in the poetic oracles of doom. In 14:21, YHWH is petitioned not to break his covenant. Jeremiah 14:21 is not attributed to the prophet; it is part of a citation of a communal lament in 14:19-22. Thiel (1981:27) believes that the concept of the covenant did not feature in the preaching of the prophet. In 3:1-5, however, the marital metaphor is applied for the relationship between YHWH and his people. In this disputation speech, YHWH reacts to the people’s disobedience in keeping with the deuteronomic law of divorce (Deut. 24:2-4) (see Rom-Shiloni 2015:161-164). The meaning of the phrase אֲנֹכִי בְעֵלְתִּי בָם in Jeremiah 31:32 is contentious. The phrase is frequently taken as “though I was their LORD”. It can, however, also be read as “though I was a husband to them”. The figure of YHWH as husband would consequently allude to 3:1-5.

The noun לֵב is frequently attested in the Jeremianic poetry. The following texts that use the לֵב / לִב as the seat of the mind, the will, are relevant to this inquiry: Jeremiah 4:4, 14; 5:21, 23; 17:1, 10. In 4:4, YHWH calls upon the people to circumcise their hearts. The use of the figure of circumcision indicates the depth of the required repentance. Superficial change would not suffice (McKane 1986:87-88). A great deal more than the restoration of neglected practices was required (Thompson 1980:216). Jeremiah 4:4 is an allusion to Deuteronomy 10:16. In both texts, the verb מוֹל occurs in association with the phrase עֲרִלּוֹת לִבְבְּכֶם. Furthermore, the spelling לִבֵּב, which is common to Deuteronomy, but unusual in Jeremiah, is used in 4:4 (Lundbom 1999:330; Mastnjak 2016:190). The figure of the circumcising of the heart is seemingly related to removing the heart of stone and substituting the heart of flesh in Ezekiel 11:19 and 36:26 (Rudolph 1968:32). However, in contrast to these texts, where YHWH is the one who would remove the heart of stone and substitute it with a heart of flesh, the people are beseeched in Jeremiah 4:4 to circumcise their hearts.

Another call for a radical renovation of the will is found in Jeremiah 4:14. The use of the verb כִּבַּס (Piel), “wash”, with the object לֵב, “heart”, calls upon the people to wash their hearts clean of evil. The expression is unusual and not found elsewhere in the Old Testament (Holladay 1986:157).

In Jeremiah 2:22, the impossibility of removing sinful habits is made in terms of an indelible stain and, in 13:23, in terms of ineradicable skin colouring and fur markings (Allen 2008:198). The same point is made in

17:1a-bc: Judah's sin was inscribed by an iron tool, engraved with a flint point on the tablet of the heart. The Septuagint omits all of 17:1-4. The omission was probably the result of homoioteleuton (16:21-17:5 יהוה) (Rudolph 1968:113).³ The prose sentence in verses 2-3, from מזבחותם to הררי בשדה, can, however, be regarded as a redactional expansion (Thiel 1973:202). Jeremiah 31:33 obviously alludes to 17:1. It picks up the noun לב and the verb כתב from 17:1. In contrast to 17:1, which discloses that Judah's sins were written on their hearts, 31:33 promises that YHWH's *torah* would be written on the people's hearts. The statement in 17:1 seemingly alludes to Deuteronomy 4:13; 5:22; 9:10, and 10:2, 4 (Maier 2002:347).

Jeremiah 17:9-10 comprises a reflection of Jeremiah on the deceit of the human heart (v. 9) and YHWH's response (v. 10). The prophet asserts that the heart is morally insidious beyond compare (Allen 2008:200). It is noteworthy that, in this instance, לב has the definite article. Jeremiah is most likely generalising about the heart of every person (Holladay 1986:494). According to 17:10, YHWH will reward each man according to his ways (Thompson 1980:422).

Jeremiah 5:23 accuses the people of having a stubborn and rebellious (ומורה) heart. ומורה is generally regarded as a gloss from Deuteronomy 21:18, 20 and Psalm 78:8 (Holladay 1986:192). In Jeremiah 7:24; 9:13; 11:8; 13:10; 16:12; 18:12, and 23:17, texts that all belong to the prose discourses (Mastnjak 2016:189), the predicted judgement is portrayed as the result of the שררות לב. The latter phrase expresses the rebellious nature of the people. The phrase "who walk in the stubbornness of their heart" lacks in the Septuagint in 13:10. In 3:17, the latter phrase is used in an oracle that expresses new hope after the disaster.

In Jeremiah 2:8, those who handle the תורה are castigated for not knowing YHWH. In 8:8, another text that is usually regarded as poetry, the prophet criticises the Judeans for claiming that they were wise, since the תורה were with them. It is disputed whether the תורה referred to was a written law. Koch (2008:304) regards 8:8-9 as an important argument in favour of the hypothesis that Judean scribes, in the early 6th century, were engaged with the תורה of YHWH. Nonetheless, it is evident that these scribes' handling of the תורה is disqualified (Fischer 2018:49). In Jeremiah 31:33-34, the author implies, in contrast to 8:8, that scribes would in future not be needed (Maier 2002:348).

3 The occurrence in writing of the same or similar endings in neighbouring clauses or lines.

The poetic doom oracles disclose that superficial change would not suffice. A great deal more than the restoration of neglected practices was required. Despite repeated calls for a change of conduct, the people continued to follow their stubborn and rebellious hearts. There was a need for a radical renovation of the will, which is promised in Jeremiah 31:31-34. Remarkably, the poetic doom oracles do not portray YHWH as the agent of the change of heart. 4:4, 14, for instance, explicitly call on the people for a change of heart. 31:31-34 attributes that to YHWH.

4.2 The prose discourses as background of Jeremiah 31:31-34

Both Römer and Albertz modified the proposals of both Hyatt (1984:247-267) and Thiel (1973:281-282) of the existence of a Deuteronomistic redaction in the book of Jeremiah. Römer (2000:418) argues in favour of two Deuteronomistic redactions of the book of Jeremiah. Albertz (2003:312, 344) identifies three Deuteronomistic editions. He attributes Jeremiah 31:31-34 to the final edition.

The link between Jeremiah 31:31-34 and 11:1-17, in which the infidelity of Israel is considered in the language of the covenant (Fretheim 2002:178), is most significant. In 11:1-17, the term ברית occurs in verses 2, 3, 6, 8, and 10. Both 31:32 and 11:10 use the verb הפך to describe Israel's breach of the covenant. In both 31:32 and 11:3-4, the breached covenant is designated as the covenant with the exodus generation. Römer (1999:193) asserts that the announcement of the ברית חדשה in 31:31 recalls the unusual designation of the fathers in 11:10 as הראשנים. There thus seem to be several allusions in 31:31-34 to 11:1-17. Verse 11:8 refers to YHWH's judgement upon his people as a past historical reality (Stulman 1986:67). The covenant with the fathers had been broken and the present generation felt the effects of the curse. In contrast to 31:31-34, a promise of a restored relationship between YHWH and the people of Israel and Judah is lacking in 11:1-17.

In Jeremiah 31:31-34, the renewed relationship between YHWH and the people is expressed with the covenant formula יהי ליהם לאלהים והמה יהוה לי לעם ("I will be their God, and they will be my people"). The covenant formula links this passage to 7:23; 11:4, and 24:7. The link of 31:33 with 24:7 is of specific significance. In both texts, the covenant formula is related to the future. Furthermore, the heart is also conceived as the seat of understanding in 24:7 (Alter 2019:942). It is interesting to note that, in contrast to 31:34, 24:7 lacks any reference to YHWH's תורה (Keown *et al.* 2013:134). It should also be noted that, in 31:33, the covenant formula is used of a new covenant rather than of a new mind. In 24:7, the promised transformation is a reaction

to the people's return to YHWH: כִּי יָשׁוּב אֵלַי בְּכָל-לֵבָם ("when they turn back to me with all their heart"), verse 7b (Rom-Shiloni 2015:235). At most, 24:7 hints at an idea that is fully developed in 31:31-34 (Mastnjak 2016:203).

Some scholars regard Jeremiah 24:1-10 as a late Deuteronomistic addition (Albertz 2003:21). Maier (2002:343) regards the chapter as belonging to a post-exilic gola-oriented revision. Nearly every word in Jeremiah 24:7 appears in Deuteronomy 29:3. The collocation of נתן, "to give", with the direct object לב, "heart" and the prepositional complement לדעת, "to know", is elsewhere in the Old Testament only found in Ecclesiastes 1:17 and 8:16. Deuteronomy 29:3 obviously cites Jeremiah 24:7 (see Mastnjak 2016:215-216).

Use of the term תורה in the book of Jeremiah is varied and ambiguous. All occurrences of the term do not necessarily refer to a written scroll (see Fischer 2018:49). Maier (2002:354) asserts that the term תורה is used for the first time in Jeremiah by Deuteronomistic editors working during the exile. Jeremiah 9:12 (English 9:13) states that the people did not heed the *torah* (הלך התורה). It is obviously a prose redactional supplement (Allen 2008:116). In Jeremiah 18, verse 18, which interrupts the poem in verses 13-23, can also be regarded as prose (Carroll 1986:378; Lundbom 1999:824). Maier (2002:355) views 18:18 as post-Deuteronomistic: it contains a citation of Jeremiah's opposition, expressing their view that, if the prophet was silenced, teaching would not cease from the priest. In contrast to a text such as 9:12, which declares that YHWH puts his *torah* before (נתן לפני) the Israelites, 31:31-34 suggests that he would in future put it within them (נתן ב) and write it on their hearts (Albertz 2003:344). With the promise that no instructors will be needed in future and that everyone will be obedient to YHWH, 31:31-34 obviously alludes to 9:12 (Maier 2002:348).

Since the prose discourses in Jeremiah 1-24 echo the poetic indictment of blame (Stulman 1998:53), it can be expected that they also form the background of 31:31-34. The most recognisable allusions are to 11:1-17. Römer (2000:410) observes that the covenant would be new, because YHWH would not consider the ancient times, to which the phrase אבות הראשנים of 11:10 refers.

4.3 The book of Deuteronomy as background of Jeremiah 31:31-34

As noted earlier, the book of Deuteronomy seems to have been the main source for the book of Jeremiah. There are, however, indications that the book of Jeremiah also exerted influence on later additions to Deuteronomy

(Holladay 1989:62-63; Mastnjak 2016:226-227). The direction of literary dependence is, therefore, of concern.

It is noteworthy that Mastnjak (2016) did not find any allusion in Jeremiah 31:31-34 to any passage in the book of Deuteronomy. Jeremiah 31:31-32 has the use of the phrase ברית ברית in common with Deuteronomy 5:2, 3 (Holladay 1989:60). As noted earlier, Jeremiah 31:31-32 obviously alludes to 11:1-17. The connection with Deuteronomy 5:2, 3, therefore, seems to be indirect.

The promise in Deuteronomy 30:6 that YHWH will circumcise the hearts of the people evidently anticipates the idea of the *torah* written on the heart in Jeremiah 31:33. However, in contrast to the new covenant pericope in the book of Jeremiah, Deuteronomy 30:1-2 regards the people's return to YHWH as precondition for the restoration of Israel's fortunes. 30:10 reiterates the people's repentance as a prerequisite for YHWH's restorative acts (Olyan 2008:341). While, in contrast to 10:16, the circumcision of the heart is described in 30:6 as an act of YHWH, Israel's repentance is nonetheless set as condition. As noted earlier, the unconditional promise of the forgiveness of sins in Jeremiah 31:34 provides the basis for the new covenant. Brettler (1999:187) suggests that Deuteronomy 30:1-10 seemingly postdates Jeremiah 31:31-34.

According to Deuteronomy 30:14, the word (דבר) is very near to the people. It is in their mouth and in their heart that they may obey it. The people are seemingly encouraged to recognise the *torah* as achievable and liveable (Rendtorff 2005:86). 30:16 explicitly calls for the people's obedience to the *torah* (Hieke 2015:85). This requirement is absent from Jeremiah 31:31-34. Deuteronomy 31:17-18 speaks of an unmitigated disaster and does not even hint at the possibility of restoration under any circumstances (Olyan 2008:341). On the contrary, Jeremiah 31:31-34 gives hope of a new covenant relationship between YHWH and his people in the future.

In Deuteronomy 31:9-13, the priests and elders are instructed to read the *torah* aloud to all people every seven years. Deuteronomy 31:24-26 narrates that the *torah* was written in a book. The concept of the writing of the law on stone tablets is already present in 4:13; 5:22, and 10:2, 4, while the obligation on every Israelite to teach the divine words to his children is already encountered in 11:19. As noted, the promise in Jeremiah 31:31-34 that YHWH would write the *torah* on the people's heart presupposes that mediators would be bypassed and the limitations of written documents be superseded (Keown *et al.* 2013:133).

Otto (2006:947-948) ascribes Deuteronomy 31:10-14 to the post-Deuteronomistic and post-exilic redaction of the Pentateuch. However, within the final form of the Old Testament, Deuteronomy 31 seemingly represents the background of Jeremiah 31:31-34.

5. ASSESSMENT

The allusions to the poetic doom oracles and the sermonic prose in the book of Jeremiah allow the new covenant pericope to achieve a distinct identity. Lundbom (1999:145) is of the opinion that a broken covenant lies behind all the talk about sin and judgement in the book of Jeremiah. The people bore the responsibility for the fact that the covenant was broken (Jer. 2:20; 5:5; 11:10). The juxtaposition of the new covenant pericope with the texts that announce doom calls the idea of a new covenant into sharper focus than would have been possible if the new text had merely asserted an idea without stressing the departure from the older text. As Sommer (1998:28-29) aptly remarks: at times, a biblical text argues against another biblical text.

6. A CLEAR CONTRAST WITH THE PAST

The possibility that the term תורה written on the heart (Jer. 31:34) could mean nothing more than the על לבבכם / על לבבך of Deuteronomy 6:6 and 11:18 should be considered. The תורה written on the heart could simply imply the flawless memorising of what is taught, a learning “by heart” which will not fade and of which there will be perfect recall (McKane 2014:826). In Jeremiah 31:31-34, however, the adverbs “not like” (v. 32) and “not any more” (v. 34) emphasise discontinuity with the past (Keown *et al.* 2013:130). In addition, the construction לא... עוד, “no longer”, is obviously used to differentiate between the “then”, “now”, and “later” (Becking 2004:254).

The promise of a new covenant in Jeremiah 31:31 seems to be related to the concept of a new heart in Ezekiel (Leene 2013:67-69). The contrast of the new covenant pericope with the poetic doom oracles in Jeremiah nonetheless highlights the newness of the new dispensation. The allusions to the prose discourses also emphasise discontinuity with the past. The vague and ambiguous language such as הנה ימים באים (“the days are coming”) in Jeremiah 31:31 and אחרי הימים ההם (“at that time”) in 31:33 depicts a coming transformation of prevailing conditions so great that it may be said that a new order will come into existence (Stulman 1998:78).

Bozak (1991:153) notes that, in the poetic cycle in Jeremiah 30-31, the future relates to the past by both continuity and discontinuity. The discontinuity is stressed in 31:12 with the negation עַד ...לֹא. In the prose conclusion, 31:23-40, the past-future tension is done by a series of comparisons. The new covenant, for example, will not be broken like the old covenant.

The new covenant pericope promises a transformation that will radically redefine the reality. Although the תּוֹרָה remained the same, YHWH would create conditions that would make it impossible for the new covenant ever to be broken again.

As noted earlier, Jeremiah 31:31-34 features phrases and expressions found in Deuteronomy. Otto (2006:940) argues that Jeremiah 31:31-34 contradicted the Pentateuchal theory that the *torah* had been transcribed once and for all by Moses, with the idea that the *torah* will be written not on tablets (see Deut. 4:6, 13, 31; 31:9-13) but on Israel's heart. The post-exilic Pentateuch installed a community of teaching and learning the *torah*, but Jeremiah 31:34 claimed that there would no longer be a need for teaching the *torah* in the period of the new covenant. Jeremiah 31:31-34 MT seemingly mediates between the book of Jeremiah and the Pentateuch with the idea that only Israel had broken the covenant, whereas YHWH kept it according to Leviticus 26:44 (Otto 2006:940). Whether one agrees with Otto or not, Jeremiah 31:31-34 obviously relativises some of the ideas of the Deuteronomy and offers new solutions to issues that remained unresolved (Fischer 2018:53). The message of the book of Jeremiah is presented as a sequel to the Torah, elaborating and reflecting on it (Fischer 2018:52).

7. A CHALLENGE OF THE PRESENT REALITY

Jeremiah 31:31-34 discloses that, at a future point in time, a utopian situation will prevail: internalised *torah*, full fellowship with God, complete knowledge of God, and forgiveness of sins (Kartvert 2018:168). A great, yawning gulf would exist between the promised future and the present (McKane 2014:827). In utopian thinking, the past is not merely a resource for conceiving the future. A utopia constructs an alternative world for the purpose of calling the present world into question (O'Connor 2006:86-92). Jeremiah's utopian vision enflames possibility and awakens emotional yearning for a better world. As O'Connor (2006:94) fittingly remarked, it challenges the present reality by insisting on divine power as the enacting agent.

Bozak (1991:53) observed that the future promised in Jeremiah 31:31-34 will be radically different but understood in light of the past. Utopian literary theory accentuates that the present situation was unacceptable and that the future will not simply be a continuation thereof (Schweitzer 2006:266). With regard to visions of Zion's glorious future in the prophetic literature, Harrelson (1988:43) noted that the picture of what lies ahead exercises its drawing power upon current social realities. Life at present must be shaped in light of what is expected in the future. The announcement in Jeremiah 31:31-34 of a future radically different from the world of the historical Jeremiah is a sure critique of the present.

8. CONCLUSION

A comparison of Jeremiah 31:31-34 with the poetic doom oracles and the prose discourses in the book of Jeremiah as well as with the book of Deuteronomy highlights the discontinuity of the promised future with the past. A transformation is promised that will radically redefine the reality. In this regard, allusions to the prose discourses in the book of Jeremiah are of significance. The allusions distance the new covenant pericope from the earlier texts. They allow the new covenant pericope to achieve a distinct identity.

The future promised in Jeremiah 31:31-34 can be viewed as utopian. Jeremiah's utopian vision enflames possibility and awakens emotional yearning for a better world. Although the full realisation of the prophetic expectation in 31:31-34 has not been achieved in human history (Freedman & Miano 2003:26), the promise of a future transformation of reality has a bearing on the present. It categorically challenges the present reality.

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