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WHAT IS THE NEW COVENANT “LAW” IN JEREMIAH 31:33?*

Femi Adeyemi

THE NEW COVENANT IN JEREMIAH 31:31–34 has been regarded by some biblical scholars as the highest point of the Old Testament Scriptures.1 This is because it promises (a) genuine spirituality (“I will put My law within them and on their heart I will write it”), (b) intimate fellowship between Israel and Yahweh (“I will be their God, and they shall be My people”), (c) universal knowledge of God on the part of Israel (“they will all know Me”), and (d) absolute forgiveness of sin (“I will forgive their iniquity”).

This prophecy has also been called one of the most profound and moving texts in the Bible,2 towering “above any previous prophetic prediction.”3 Johnson notes that this covenant, which predicts a radical change in God’s dealing with Israel, belongs to the covenantal history of salvation. It has its roots in the unconditional Abrahamic and Davidic covenants, whose ultimate fulfillment is

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guaranteed by God. And Stewart states that to "say that the message of the new covenant is the climax and crown of Jeremiah's teaching is to say the least of it. It is far more than that. It is the high-water mark of the Old Testament and the supreme achievement of Hebrew religion." It is a unique covenant with unique features.

However, some scholars hold that Jeremiah's New Covenant prophecy is not unique at all. They conclude that each of its features was already known in the Mosaic Covenant. Kaiser says the New Covenant should be called a "renewed covenant," that is, a renewed form of the Mosaic Law. Another writer says that the covenant predicts only a "soaring idealism" and an "unrealistic progressive process of interiorization."

OTHER REFERENCES TO THE NEW COVENANT

At least ten New Testament passages either quote Jeremiah 31:31–34 directly or allude to it. This passage is the longest portion of the Old Testament quoted in the New Testament; the author of Hebrews quoted these four verses from Jeremiah 31 to support his argument about Christ's mediatorial role in the New Covenant (Heb. 8:8–12). And Jeremiah 31:33–34 is quoted in Hebrews 10:16–17 and is alluded to in Hebrews 9:15 and 12:24, where Christ is "the mediator of a new covenant." The words η καινη διαθηκη are mentioned in four verses on the Lord's Supper (Matt. 26:28; Mark 14:24; Luke 22:20; 1 Cor. 11:25). Paul referred to this covenant when he called himself and his fellow workers "servants of a new covenant" (2 Cor. 3:6) and when he referred to the future forgiveness of Israel's sin (Rom. 11:27).


Moreover, the New Covenant may be indicated by the terms “everlasting covenant” (Isa. 24:5; 55:3; 61:8; Jer. 32:40; 50:5; Ezek. 16:60; 37:26); “a covenant of peace” (Isa. 54:10; Ezek. 34:25); “a covenant” (Isa. 49:8; Hos. 2:18); and “My covenant” (Isa. 59:21). In addition God told Ezekiel that He will give His people “one heart” and “a new spirit within them,” and “they will be My people, and I shall be their God” (Ezek. 11:19–20) and He will give them “a new heart and a new spirit” (18:31).

These many Old and New Testament references to the New Covenant may contribute to the confusion as to how Jeremiah’s New Covenant “law” is to be understood. (This series of articles addresses only the relationship of the New Covenant to Israel and not its relationship to church-age believers.)

**VIEWS ON THE NEW COVENANT “LAW”**

God’s first feature of the New Covenant in Jeremiah 31 is that He said, “I will put My law [יָדַע] within them and on their heart I will write it” (v. 33). What does this “law” refer to? As Hoch asks, “Is this the entirety of Old Testament directives to Israel? All Pentateuch legislation? The Ten Commandments? The moral and the civil commandments of the old covenant? The moral commandments of the old covenant? Basic, fundamental commands such as loving God and loving neighbor? Or is the term synonymous for God’s will without any definite legal content.” And Jones asks, “Is this, then, the old Torah, now to be fulfilled because of the God-given understanding and power of fulfillment? Or . . . the old written Torah ‘learned by heart’? Or is it a new Torah which tran-

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scends all known concepts of Torah, annulling Torah in the external sense? Or is it a combination of these?”

The most common view on the identity of the New Covenant Torah is that of John Calvin, a view also held by most covenant theologians today. “By these words [I will put my law in their hearts] he [God] confirms what we have said, that the newness, which he before mentioned, was not so as to the substance, but as to the form only: for God does not say here, ‘I will give you another Law,’ but I will write my Law, that is, the same Law, which had formally been delivered to the Fathers. He then does not promise anything different as to the essence of the doctrine, but he makes the difference to be in the form only.”

In support of this view von Rad says the Mosaic Law still stands in the center of the New Covenant and that Jeremiah never announced that God’s revelation given at Sinai would be nullified “in whole or part.” Clements agrees that Jeremiah simply envisaged “only a new way of Israel’s knowing and keeping the existing law of the covenant made on Sinai . . . the central attention [being] upon the willingness to obey the known law.”

Other writers say the Law in Jeremiah 31:33 differs from the Torah of Sinai, which Israel was unable to keep because of human sinfulness. Jeremiah envisioned the New Covenant as “rising out of the total destruction of the covenant made at Sinai,” and he therefore did not envision a return of the old law. In this view

14 von Rad, Old Testament Theology, 213.
17 Talbert, “Paul on the Covenant,” 299.
Jeremiah’s New Covenant, having annulled the Old Covenant, awaits “new laws.”

Still other writers affirm that this new law is to be understood as “God’s will.” For example von Orelli maintains that since the New Covenant renders the old Mosaic Covenant obsolete, God’s Torah prophesied by Jeremiah is the revelation of His will. This divine law will be instilled not only in people’s memory but also in their “thinking, feeling and willing.” Bennett writes that with the New Covenant “Jehovah will no longer rule by external constraint, but by the influence of His Spirit in the heart of men . . . [this] divine revelation is to be written on the heart rather than in books.”

Moo argues that the New Covenant law is the law of Christ of which Paul wrote in 1 Corinthians 9:21 and Galatians 6:2. “This ‘law of Christ’ [is] the new covenant form of . . . God’s law.” And Strickland affirms that the law of Christ “is the New Covenant counterpart to the Mosaic Law. Just as the Mosaic Law was normative for the Jew, the law of Christ is binding on the Christian.”

This view holds that at the cross Jesus abolished the Old Covenant and established the New. Though Hoch says that the law in Jeremiah 31 is the Mosaic Law, he believes that Paul reinterpreted it to mean that the law of Christ “replaces the Law of Moses. Such a replacement is justified by the nature of redemptive history. As

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20 Ibid.


24 Lewis Sperry Chafer, Systematic Theology (Dallas, TX: Dallas Seminary Press, 1948; reprint, Grand Rapids: Kregel, 1993), 4:160. In discussing the word “law” Chafer distinguishes the Mosaic Law from the law of the rule of life for the messianic kingdom and the law of Christ which is the will of Christ for believers today.
the history of redemption unfolds, the revelation reinterprets or replaces the old revelation."  

Kaiser, on the other hand, argues that when Paul referred to the law of Christ, he meant the Mosaic Law, which was also Jeremiah's New Covenant law.  

**THE FEATURES OF THE NEW COVENANT IN JEREMIAH 31:31–34**

In Jeremiah 31:31 the prophet wrote, “‘Behold, days are coming,’ declares the Lord, ‘when I will make [lit., “cut”] a new covenant with the house of Israel and with the house of Judah.” The context of Jeremiah 31 shows that these “days” refer to the yet-future restoration of Israel to her land, when the Messiah returns. Israel will be gathered from “the remote parts of the earth” (v. 8), and God will “keep him [Israel] as a shepherd keeps his flock” (v. 10). The nation will be filled with joy (vv. 11–14), her fortunes will be restored (v. 23), and she will be blessed by the Lord (v. 23). The promise, “Behold, days are coming,” also occurs in verses 31 and 38. The land, God said, “will not be plucked up or overthrown anymore forever” (v. 40).

This new covenant or bond will differ from the Sinaitic Covenant, for God stated that it will “not [be] like the covenant which I made with their fathers in the day I took them . . . out of the land of Egypt” (v. 32, italics added). This new bond will exceed other known covenants in the ancient Near East.

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27 The word יִבְרַע occurs almost three hundred times in the Old Testament. It is used of the cutting of trees (Deut. 19:5), extermination or killing (Jer. 44:11), divorce (using a cognate noun; Isa. 50:1), and for making covenants (Gen. 15:18). This word was used for making a covenant “because of the cutting up and distribution of the flesh of the victim for eating the sacrifice of the covenants” (Francis Brown, S. R. Driver, and Charles A. Briggs, *A Hebrew and English Lexicon of the Old Testament* [Oxford: Clarendon, 1972], 503). E. S. Kalland adds that this usage “depicts the self-destruction of the one making the contract in an analogous way: that the fate of the animal should befall him in the event that he does not keep the יִבְרַע” in *Theological Wordbook of the Old Testament*, ed. R. Laird Harris, Gleason L. Archer Jr., and Bruce K. Waltke [Chicago: Moody, 1980], 1:457. See also R. K. Harrison, *Introduction to the Old Testament* [Grand Rapids: Eerdmans, 1969], 476–79). The phrase “to cut a covenant” is therefore an idiom derived from the ceremony accompanying the covenant, namely, cutting up an animal (cf. Gen. 15:6–21).

28 Dennis J. McCarthy identifies the differences between vassal treaties that express subordination and dependence of the inferior, and royal grants that focus on the obligation of the master to his servant. The royal grant was always a reward for
In this unprecedented covenant God will place His Torah within each individual Israelite's heart. This will differ from the ancient Near Eastern practice of depositing a copy of the covenant stipulations in the community's temple for periodic public reading "to familiarize the entire populace with the obligation of the great king."29

As a result of this divine act, Israel will become acquainted with Yahweh and have a right relationship with Him in the absolute sense—another unique feature of the New Covenant. In this perfect relationship with God all religious training by Israelites to help fellow Israelites become acquainted with Him will cease, an act that has never existed before in that nation.30 This is because every Israelite will know Yahweh, for He will declare forgiveness of Israel's twisted pathways and perversions of His righteousness. He also has vowed never to recall those reproaches anymore.

IS THE NEW COVENANT LAW THE MOSAIC LAW RENEWED?

As noted earlier, Kaiser maintains that the New Covenant should be called a "renewed covenant" because the word כְּשֶׁר ("new") in

the servant's loyal service to the great king ("Covenant in the Old Testament: The Present State of Inquiry," Catholic Biblical Quarterly 27 [1965]: 238; see also M. Weinfeld, "The Covenant of Grant in the Old Testament and in the Ancient Near East," Journal of the American Oriental Society 90 [1970]: 185). Many scholars believe that the New Covenant promise is more similar to the Abrahamic and the Davidic covenants than to the treaty covenant of the Sinaitic Covenant. The features of the New Covenant make this covenant so unique that it could be seen as an advance over the royal grant. The superiority of the New Covenant promise over the royal grant can be seen in that God promised it and not because Israel deserved it (Renald E. Showers, There Really Is a Difference: A Comparison of Covenant and Dispensational Theology [Bellmawr, NJ: Friends of Israel, 1990], 102).

29 "God List, Blessings and Curses of the Treaty between Suppiluliumas and Kurtiwaza," in James B. Pritchard, ed., Ancient Near Eastern Texts Relating to the Old Testament, 3rd ed. (Princeton, NJ: Princeton University Press, 1969), 205. This Near Eastern treaty between Suppiluliumas and Kurtiwaza states, "A duplicate of this tablet has been deposited before the Sun-goddess of Arinna ... In the Mitanni land (a duplicate) has been deposited before Tessub, the lord of the Kurinna of Katat. At regular intervals shall they read it in the presence of the king of the Mitanni land and in the presence of the sons of the Hurri country." In Judaism the priests also kept the written Law in the sanctuary and read it to the people every seven years at the nation's assemblies (Deut. 31:9–13). See George E. Mendenhall, Law and Covenant in Israel and the Ancient Near East (Pittsburgh: Presbyterian Board of Colportage of Western Pennsylvania, 1955), 34.

30 Many exegetes object to an absolute cessation of religious instruction at that time. John Calvin, for example, insists that this phrase is a hyperbole to show that God will send a fuller light in the gospel age than what was true in the Old Testament (Calvin, Commentaries on the Book of the Prophet Jeremiah and Lamentations, 4:135–38). However, there is no contextual evidence for taking this verse as a mere figure, since כְּשֶׁר is an absolute negation and the verse gives two reasons for that cessation which are not figurative.
verse 31 and its Greek equivalent καινή mean “renewed” or “restored.” He argues that the New Covenant is only new in time. He contends that although verse 32 explicitly contrasts this “renewed covenant” with the Old Covenant, there is no break between the two covenants, since both have the same God as their Maker, the same law, the same divine fellowship, the same people of God, and the same divine forgiveness. However, this idea that this covenant is not an entirely new one is incorrect for several reasons.

First, neither the Hebrew adjective שָׁבַע nor the Greek adjective καινή means “renewed.” Rather, they mean novel, fresh, unprecedented, or not yet in existence. The adjective שָׁבַע is used for a new garment (1 Kings 11:29), a new house (Deut. 22:8), a new wife (24:5), a new song (Ps. 33:3), and a new king (Exod. 1:8), and the noun שָׁבַע is used of a new calendar month (Exod. 13:4) and a new moon observance (2 Kings 4:23). Granted, the piel form of the verb שָׁבַע sometimes means “to renew” (as in 1 Sam. 11:14, “let us . . . renew the kingdom”), and so does the hithpael (as in Ps. 103:5, “your youth is renewed like the eagle”). However, the verb in the piel form can also mean “new” or “fresh” (cf. Job 10:17). In the adjectival form (which is the form in which this word occurs in Jer. 31:32), שָׁבַע can only mean “new, fresh” (as in Job 10:17, “You bring new witnesses against me” [NIV]).

Second, the phrase Σὐπὶ (“not like the covenant”) in Jeremiah 31:32 is an absolute emphatic negation. The phrase underscores the complete dissimilarity of this New Covenant with the Old Sinaitic Covenant. This phrase does not suggest a mere renewal of the Mosaic Covenant. Kaiser’s view overlooks the significance of this negative phrase in this text.

Third, the words לֶשׁ וֹרֵב (“a new covenant,” v. 31) point to the newness of this New Covenant, not its continuity with the Mo-

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saic Covenant. The latter is in contrast to the the former; not in continuum with it.

Fourth, the Mosaic Law included numerous instructions on how Israelites could have their fellowship with the Lord restored and their sins expiated (Lev. 1–7). However, by contrast the New Covenant includes no such stipulations, since all Israel's sins will be forgiven and forgotten.

Fifth, Jeremiah used the word "דְּרָשָׁה" to refer to more than the Mosaic Law. He used it in referring to fresh commandments from Yahweh. Hyatt comments that "law" in Jeremiah is sometimes parallel to the "sayings of the prophet," which are Yahweh's fresh words. Hyatt says this is similar to the word of the Holy One of Israel in Isaiah 5:24, which is not the Mosaic Law. Also Campton observes that Jeremiah used "law" "in a broader sense than the Mosaic legislation and the Ten Commandments to include the voice, the word, the status, and the testimony of the Lord." The New Covenant will occur in the eschaton, for Jeremiah wrote, "days are coming" (31:31; cf. 30:3) and "after those days" (31:33). Also the emphasis on the future by means of the repeated use of imperfect verbs in verses 33–34 points to something new. And the fact that Yahweh will inscribe that law on the hearts of His redeemed people at the time He "cuts" the covenant with the nation, points to a new law. Since this law will be obeyed completely by everyone in the nation, it cannot be the same as the Mosaic Law. And since the Old Covenant will be abolished, so will its Torah, which cannot be divorced from it. Thus "דְּרָשָׁה" in the Book of

35 Clark Wood calls the New Covenant law a "divinely authoritative direction," which is not a formulated or a codified law like the Mosaic Law ("An Exegesis of Jeremiah 31:31–34" [Th.M. thesis, Dallas Theological Seminary, 1976], 41).
37 John Hartley notes this fact when he affirms that "the law specifically is the stipulations of the covenant" and that both are so parallel that to break one is to break the other. He adds that the interconnection of the Mosaic Law with the Mosaic Covenant "is further witnessed to in that the tablets of the testimony were placed in the ark of the covenant and a copy of the book of the law placed beside it" ("דְּרָשָׁה"), in *Theological Wordbook of the Old Testament*, 1:405). William Henry Bennett notes that Jeremiah 3:16 predicts that the day is coming when the Ark of the Covenant will be forgotten and will not be missed. This, he correctly says, supports the point that the Mosaic Law will be annulled in the new era. "The Ark and
Jeremiah is not to be identified with the Mosaic Law.  

The New Covenant law will be in force in the future millennial age, guiding pardoned Israelites who have been redeemed from the bondage of sin that had caused them to be scattered (23:1–8), just as the Mosaic Law guided the nation after they were redeemed from bondage in the land of Egypt.

This view accords with several statements in Isaiah about a Torah other than the Mosaic Law being given by Yahweh when Israel is in her land and Messiah is reigning. "In the last days . . . many peoples will come and say, 'Come, let us go up . . . to the house of the God of Jacob; that He may teach us concerning His ways. . . . For the law [lit., 'a law'] will go forth from Zion and the word of the Lord from Jerusalem" (Isa. 2:2–3); "coastlands will wait expectantly for His law" (42:4); and "a law will go forth from Me" (51:4).

The second article in this series will discuss the relationship of the law of Christ in the Pauline Epistles to Jeremiah's New Covenant law.

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38 This is in contrast to Master's and Bahnsen's claims that Jeremiah's readers would have thought the Torah of Jeremiah 31:33 refers to the commands God gave through Moses (John Master, "The New Covenant," in Issues in Dispensationalism, ed. Wesley R. Willis and John Master [Chicago: Moody, 1994], 97; and Greg L. Bahnsen, "Response to Wayne G. Strickland," in Five Views on Law and Gospel, 295).