The New Covenant passage in Jeremiah is set in a series of chapters (xxx-xxxiii) known as the Book of Consolation, so called because they present a picture of hope for the future in a work which the rabbis characterized as being “all disaster” (B. Baba Bathra 14b). Opinions vary as to the redaction of these chapters, the attribution of the various components to Jeremiah, and the relationship of these components to each other. For our present purpose we shall restrict ourselves to the further delimited portion xxxi-xxxi.

Most scholars agree that here we have a composite collection of material, a Jeremianic core round which has accumulated much later material. The relationship of xxxi 31-34 to the rest of these
chapters has an important bearing on its authority, date, and reference. On this, however, there is no consensus. Volz and Rudolph, for instance, both believe that the genuine oracles refer to the Norther Kingdom, but the former places them between 594 and 588, the latter between 621 and 609 B.C.² Rudolph goes on to associate the New Covenant passage with xxxi 18-22 as fulfilling Ephraim’s request in v.18, “Bring me back that I may be restored”, and finds here proof that the promise of the New Covenant is Jeremianic, is early, and refers to the North. This, of course, depends on the dating of vv.18-22, for, although most scholars think them early, some, like Lindars, hold them to be from after 587.³ Weiser demurs with Rudolph on other grounds. He believes that v.21, “Return O virgin Israel, return to your cities”, fulfils the request of v.18.⁴ To this Rudolph replies that v.21 is the response to Yahweh’s mercy in v.20, while v.18 does not speak of a physical return home at all, and so remains unanswered. I am not convinced. It is by no means clear that any of the verses requires a response, that v.18 does not relate to the other verses as an appeal to physical return, or that vv.31-34 are an “answer” to it at all. So hypothetical are the proposed relationships between the verses that little can be built on them for an understanding of the New Covenant. We have to look more widely at Jeremiah’s thought if we are to understand the contents of xxxi 31-34.

It is these verses which have aroused the most controversy in the whole of Jeremiah, for they mention the New Covenant, a concept hallowed by Christian adoption. The division exists between those who accept them as the crown of Jeremiah’s authentic preaching, and those who consider them to be post-Jeremianic and who belittle them. The first and most vigorous opponent of their authenticity, Duhm, tried “for a long time to understand the passage” as coming from Jeremiah’s hand”, he conceded that “the sentence is certainly beautiful and has induced many (including myself) to seek something deep in it”, but he could find “only the effusion of a scribe who holds as the highest ideal that everyone among the Jewish people shall know by heart and understand the Law, that all Jews shall be scribes”. It offered no new law nor conception of religion, and promised the individual no more than Deuteronomy had done.⁵ As we shall see, this is precisely the opposite of the case. What these verses do is not to make everyone scribes but to render scribes superfluous.