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›Writing on the Heart‹ in Jeremiah 31:31–34 in Light of Recent Insights into the Oral-Written Interface and Scribal Education in Ancient Israel

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The present article will bring together two areas of research which, surprisingly enough, have hitherto not been connected. The first is the interpretation of the prophecy of a »new covenant« in Jer 31:31–34. This interpretation hinges on how to understand Yhwh’s promise to write his Torah on the heart of the Israelites. According to a widely held view, the latter aims at abrogating the institutions of the book of the Torah and its handing down by means of teaching and learning. From this point of view, Jer 31:31–34 seems to exhibit a decidedly anti-Deuteronomistic outlook, an impression which has had considerable influence on newer reconstructions of both its traditio-historical affiliation and theological thrust. The other area of research is concerned with the oral-written interface, particularly its role in scribal education. Drawing on the seminal cross-cultural studies by David Carr and Karel van der Toorn,¹ two insights will be highlighted. First, »writing on the heart« is an idiom for memorizing texts, the central goal of scribal education. Second, there is no point in juxtaposing orality and memory with writing technology. Much to the contrary, they are »joint means for accomplishing a common goal«, as Carr has put it.² My basic assumption will be that this

1 David M. Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Oxford/New York: Oxford University Press, 2005); Karel van der Toorn, *Scribal Culture and the Making of the Hebrew Bible* (Cambridge, MA/London: Harvard University Press, 2007).

2 Carr, *Writing on the Tablet of the Heart*, 7.

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cultural practice is the lifeworld presupposition behind the promise of writing on the heart as found in Jer 31:33.

1.

Prior to this, however, two preliminary clarifications are in order. The first one is the task any exegetical discussion of a passage in Jeremiah is faced with, namely, to take into account that we are fortunate enough to have more than one edition of that book at our disposal.³ Even if we leave aside the controversial question as to the priority among these editions, represented chiefly by the Masoretic text on the one hand and the Old Greek together with 4QJer^b and 4QJer^d on the other,⁴ it is difficult to dispute the fact that there *are* two recensionally different traditions,⁵ the differences of which are, or rather, possibly are, literary in nature.⁶ Hence an individual variant may be of exegetical significance in a strict sense, provided that it reflects the composition of the respective edition and not merely its textual development.

In the case of Jer 31:33 there are two such candidates. In MT, the relevant passage reads: נתתי את תורתִי בקרבם ועל לבם אכתבנה. By contrast, LXX has: ἄδους

³ See Richard D. Weis, »Textual History of Jeremiah«, in *The Hebrew Bible*, vol. 1, *Pentateuch, Former and Latter Prophets*, ed. Armin Lange and Emanuel Tov, (Leiden/Boston: Brill, 2017) 495–513; Karin Finsterbusch and Norbert Jacoby, *MT-Jeremia und LXX-Jeremia 1–24: Synoptische Übersetzung und Analyse der Kommunikationsstruktur*, WMANT 145 (Neukirchen-Vluyn: Neukirchener Theologie, 2016), 1–14; Hermann-Josef Stipp, »Zur aktuellen Diskussion um das Verhältnis der Textformen des Jeremiabuches«, in *Studien zum Jeremiabuch: Text und Redaktion*, idem, FAT 96 (Tübingen: Mohr Siebeck, 2015) 57–82, and especially Emanuel Tov, *Textual Criticism of the Hebrew Bible* (Minneapolis: Fortress Press, 2012), 286–294. See also Rüdiger Liwak, »Vierzig Jahre Forschungen zum Jeremiabuch«, *ThR* 76–77 (2011–2012) 76: 131–179; 265–295; 415–475; 77: 1–53; 163–173.

⁴ For the position that the Septuagint does *not* afford access to an overall more pristine version of the book of Jeremiah, see in particular Georg Fischer, *Jeremia 1–25*, HThKAT (Freiburg/Basel/Vienna: Herder, 2005), 39–46; idem, *Jeremia: Der Stand der theologischen Diskussion* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2007), 17–53; Shimon Gesundheit, »The Question of LXX Jeremiah as a Tool for Literary-Critical Analysis«, *VT* 62 (2012) 29–57. On Gesundheit's approach, see Hermann-Josef Stipp, »Jer 25,1–14 im masoretischen und im alexandrinischen Text des Jeremiabuchs: Ein Gespräch mit Shimon Gesundheit«, *VT* 69 (2019) 277–306.

⁵ Thus also Fischer, *Jeremia*, 51 f.

⁶ For a methodological discussion, see Hermann-Josef Stipp, »Das Verhältnis von Textkritik und Literarkritik in neueren alttestamentlichen Veröffentlichungen«, in *Studien zum Jeremiabuch: Text und Redaktion*, idem, FAT 96 (Tübingen: Mohr Siebeck, 2015) 11–33, and idem, »Textkritik–Literarkritik–Textentwicklung: Überlegungen zur exegetischen Aspektsystematik«, in *Studien zum Jeremiabuch: Text und Redaktion*, idem, FAT 96 (Tübingen: Mohr Siebeck, 2015) 35–54.

δώσω νόμους μου εἰς τὴν διάνοιαν αὐτῶν καὶ ἐπὶ καρδίας αὐτῶν γράψω αὐτούς. Thus, while MT may seem to refer to Yhwh's past giving of his »Torah«, the Greek version renders this action in the future tense and the object in the plural, thus introducing the notion of new »laws« of Yhwh yet to be given.

From these much discussed features, a daring conclusion has been drawn by Adrian Schenker.⁷ In his view, MT testifies to an orthodox reworking of a more pristine and quite unorthodox prophetic word, presumably to be attributed to the prophet himself.⁸ While the past tense action and singular object of MT make the sentence refer to Yhwh's giving of his Torah at the mountain, as per the exodus tradition, according to Schenker, LXX allows for the reconstruction of a Hebrew *Vorlage* which promised new laws for the new covenant.⁹ The main arguments given for this reconstruction are the clear Hebraism reflected by the Greek construction Διδούς δώσω and in particular the difference in number regarding the object (νόμους μου).

If valid, this notion of new laws of Yhwh yet to be given would seem to call for a fundamental reformulation of the question pursued in the present article. However, as Hermann-Josef Stipp, Karin Finsterbusch and others have shown, the arguments given by Schenker do not hold up; that is, the Greek wording cannot be retroverted into Hebrew in the cases under scrutiny here.¹⁰ As for the verbal phrase, it is of course true that the Hebraism points to a variant *Vorlage* featuring an infinitive absolute.¹¹ Yet in light of the translator's choice of tenses elsewhere,

⁷ Adrian Schenker, *Das Neue am neuen Bund und das Alte am alten: Jer 31 in der hebräischen und griechischen Bibel, von der Textgeschichte zu Theologie, Synagoge und Kirche*, FRLANT 212 (Göttingen: Vandenhoeck & Ruprecht, 2006), 26–34.

⁸ For the latter assumption, see *ibid.*, 43.

⁹ *Ibid.*, 62: »Die Gebote oder Gesetze dieses künftigen neuen Bundes werden [...] nicht nur die bisherigen Gebote sein. Es werden neue Gesetze sein.« On this point, see also Georg A. Walser, *Jeremiah: A Commentary based on Ieremias in Codex Vaticanus*, Septuagint Commentary Series (Leiden/Boston: Brill, 2012), 413.

¹⁰ See Hermann-Josef Stipp, »Die Perikope vom »Neuen Bund« (Jer 31,31–34) im masoretischen und alexandrinischen Jeremiabuch: Zu Adrian Schenkers These von der »Theologie der drei Bundesschlüsse«, in idem, *Studien zum Jeremiabuch: Text und Redaktion*, FAT 96 (Tübingen: Mohr Siebeck, 2015) 237–258; Karin Finsterbusch, »Auszugs-Bund, neuer Bund und weitere Bünde: »Berit« im älteren (hebräische Vorlage LXX-Jer) und im jüngeren Jeremiabuch (MT-Jer)«, in *Covenant and Election in Exilic and Post-Exilic Judaism: Studies of the Sofja Kovalevskaja Research Group on Early Jewish Monotheism Vol. V*, ed. Nathan MacDonald, FAT II 79 (Tübingen: Mohr Siebeck, 2015) 87–121.

¹¹ For a methodological discussion, see Emanuel Tov, *The Text-Critical Use of the Septuagint in Biblical Research*, JBS 8 (Jerusalem: Simor, ²1997), 83–85.

we cannot infer with certainty a Hebrew imperfect from the Greek future tense.¹² Still more important for Schenker's view, and still more clear-cut, is the difference in number. It is a well-documented fact that the aim for a literal translation exhibited by LXX Jeremiah does not include, in the understanding of the translators, the rendering of singular and plural.¹³ A telling example is LXX Jer 38:34 (ταῖς ἀδικίαις and τῶν ἁμαρτιῶν).

In short, the variant readings of Jer 31:33 do not testify to an allegedly original concept of the giving of new laws for the new covenant.¹⁴ Rather, »my Torah« refers to a body of instruction already known to the addressees,¹⁵ in keeping with the thrust of the promise: »Das Bild ist sinnvoll nur, wenn mit ›meiner Tora‹ nicht irgendeine Weisung Gottes gemeint ist.«¹⁶

2.

Thus, the element of Yhwh's Torah is not what constitutes the novelty of the new covenant; nor is it secondary to the pericope. This is the second clarification that is called for prior to interpreting the promise of the Torah being written by Yhwh himself on the heart of his people. The question is owed to Christoph Levin, who has proposed a detailed literary-critical analysis of Jer 31:31–34 according to which v. 33a—»For this is the covenant that I will make with the house of Israel after those days, says Yhwh: I will put my Torah in their interior, and on their heart I

¹² See Stipp, »Die Perikope vom ›Neuen Bund‹«: 248. Even assuming this view, however, by itself such a retroversion does not settle the case as to the priority of one variant over the other. This discussion, in turn, would call for taking into account much more seriously than Schenker actually does the possibility of MT נתתי being due to a *textual* corruption from original ינתתי* (no smooth match syntactically to be sure).

¹³ Stipp, »Die Perikope vom ›Neuen Bund‹«: 249–252; Finsterbusch, »Auszugs-Bund, neuer Bund und weitere Bünde«: 102; Finsterbusch and Jacoby, *MT-Jeremia und LXX-Jeremia 1–24*, 3f.

¹⁴ But see also Kyunggoo Min, »Die neue Tora als der neue Bund in Jer 31,31–34«, *BN* 165 (2015) 63–82; idem, *Geist und Tora: Zum Verhältnis von Geistbegabung und Toratreue in der Schriftgelehrtentheologie des Pentateuch und der Prophetenbücher* (Frankfurt, 2014), 113–132.

¹⁵ For the question at hand, it is immaterial whether this would be an edition of Deuteronomy or some sort of proto-Pentateuch (the latter of which seems at least as likely assuming a post-exilic setting; thus e. g. Christl Maier, *Jeremia als Lehrer der Tora: Soziale Gebote des Deuteronomiums in Fortschreibungen des Jeremiabuches*, *FRLANT* 196 [Göttingen: Vandenhoeck & Ruprecht, 2002], 351).

¹⁶ Christoph Levin, *Die Verheißung des neuen Bundes in ihrem theologiegeschichtlichen Zusammenhang ausgelegt*, *FRLANT* 137 (Göttingen: Vandenhoeck & Ruprecht, 1985), 259. Similarly Gunther Wanke, *Jeremia*, vol. 2, *Jeremia 25,15–52,34*, *ZBK* 20/2 (Zürich, 2003), 293, among many others.

will write it«—would be only the latest addition, hailing from »spätalttestamentlicher Zeit«, to a multi-layered unit.¹⁷

Levin himself, however, has made it clear that the alleged addition is in fact the center of the unit (»inhaltliche[r] Schwerpunkt«; »Achse der Perikope«).¹⁸ This apt observation seems ill-suited to the assumption of a secondary (or rather tertiary, as per Levin's analysis) addition. If true, such an analysis would deprive the promised new covenant of its content, as Konrad Schmid has rightly remarked.¹⁹ Concurring with Schmid's criticism²⁰ as well as that of Walter Groß and Christl Maier, among others,²¹ I take v. 33a to have served as the axis and center of our composition from the outset. All the more important is the question to which we now turn, namely, how to interpret and hence classify the motif of Yhwh writing his Torah on the heart of the Israelites.

3.

This discussion has been dominated for a quarter of a century now by a suggestive assertion made in several contemporaneous publications by Walter Groß and Konrad Schmid.²² According to them, the promise of a new covenant, Deuteronomistic as it may sound, serves a decidedly anti-Deuteronomistic agenda. Their

¹⁷ Levin, *Die Verheißung des neuen Bundes*, 60.

¹⁸ *Ibid.*, 257 f.

¹⁹ Konrad Schmid, *Buchgestalten des Jeremiabuches: Untersuchungen zur Redaktions- und Rezeptionsgeschichte von Jer 30–33 im Kontext des Buches*, WMANT 72 (Neukirchen-Vluyn: Neukirchener, 1996), 70.

²⁰ *Ibid.*, 69–71.

²¹ See Walter Groß, »Neuer Bund oder Erneuerter Bund: Jer 31,31–34 in der jüngsten Diskussion«, in *Vorgeschnack: Ökumenische Bemühungen um die Eucharistie, Festschrift für Theodor Schneider*, ed. Bernd J. Hilberath and Dorothea Sattler (Mainz: Matthias-Grünwald-Verlag, 1995) 89–114: 91 f.; Maier, *Jeremia als Lehrer der Tora*, 339 f., each with bibliography. See further Wanke, *Jeremia*, 292.

²² Groß, »Neuer Bund oder Erneuerter Bund«; idem, »Erneuerter oder Neuer Bund? Wortlaut und Aussageintention in Jer 31,31–34«, in *Bund und Tora: Zur theologischen Begriffsgeschichte in alttestamentlicher, frühjüdischer und urchristlicher Tradition*, ed. Friedrich Avemarie and Hermann Lichtenberger, WUNT 92 (Tübingen: Mohr Siebeck, 1996) 41–66; idem, *Zukunft für Israel: Alttestamentliche Bundeskonzepte und die aktuelle Debatte um den Neuen Bund*, SBS 176 (Stuttgart: Verlag Katholisches Bibelwerk, 1998), 134–152; Schmid, *Buchgestalten des Jeremiabuches*, 67–69; 81–84; 302–304; 346–349. In the recent contribution idem, »Schrift und Schriftmetaphorik in der Prophetie des Jeremiabuchs«, in *Metatexte: Erzählungen von schrifttragenden Artefakten in der alttestamentlichen und mittelalterlichen Literatur*, ed. Friedrich-Emanuel Focken and Michael R. Ott (Berlin/Boston: De Gruyter, 2016) 123–144, the question is not taken up.

point of departure is the observation, elaborated by Siegfried Herrmann and Winfried Thiel, that Jer 31:31–34 cannot pre-date the Deuteronomistic redaction of the Jeremiah tradition.²³ In this regard, the stereotyped language is significant.²⁴ However, in order to assign the pericope to a Deuteronomistic redaction, as Thiel has done, this form should coincide with »Deuteronomistic« content, as Groß and Schmid rightly have pointed out. And it is precisely this point that they dispute. Behind a Deuteronomistic façade, Jer 31:31–34 actually flies in the face of the Deuteronomistic tradition, as Schmid has put it.²⁵ Key to this interpretation is the motif of Yhwh writing his Torah on the heart of his people, for it is understood to counter the typically Deuteronomistic institutions of the book of the Torah and its handing down by means of teaching and learning.

Within the book of Jeremiah, the promise that Yhwh himself will impart his Torah may be reminiscent of the failure, lamented in various ways in Jer 8:8 and 2:8, of those who should have done so.²⁶ Even more so, Jer 31:33aß evokes a verdict which may be called its foil and direct counterpart: »The sin of Judah is written with an iron pen, with a diamond point it is engraved on the tablet of their heart« (Jer 17:1).²⁷ Yet the latter cross-reference does not exhaust Jer 31:33aß, Groß argues, pointing out that the chiasmically arranged parallelism »I will put my Torah in their interior, and on their heart I will write it« puts special emphasis,

23 Siegfried Herrmann, *Die prophetischen Heilserwartungen im Alten Testament: Ursprung und Gestaltwandel*, BWANT 85 (Stuttgart: Kohlhammer, 1965), 179–185; 195–204; Winfried Thiel, *Die deuteronomistische Redaktion von Jeremia 26–45: Mit einer Gesamtbeurteilung der deuteronomistischen Redaktion des Buches Jeremia*, WMANT 52 (Neukirchen-Vluyn: Neukirchener, 1981), 23–28.

24 This is, however, not taken into account in the discussion by Jack R. Lundbom, *Jeremiah 21–36: A New Translation with Introduction and Commentary*, AB 21B (New York/London/Toronto et al.: Doubleday, 2004), 465, allowing him to ascribe the promise to the prophet himself, *ibid.*, 471. But see also William L. Holladay, *A Commentary on the Book of the Prophet Jeremiah: Chapters 26–52*, Hermeneia (Philadelphia: Fortress Press, 1989), 197.

25 See Schmid, *Buchgestalten des Jeremiabuches*, 80.

26 See Schmid, *Buchgestalten des Jeremiabuches*, 68; Maier, *Jeremia als Lehrer der Tora*, 348. See also Robert P. Carroll, »Inscribing the Covenant: Writing and the Written in Jeremiah«, in *Understanding Poets and Prophets: Essays in Honour of George Wishart Anderson*, ed. A. Graeme Auld, JSOTSup 152 (Sheffield: Sheffield Academic Press, 1993) 61–76 and already Moshe Weinfeld, »Jeremiah and the Spiritual Metamorphosis of Israel«, *ZAW* 88 (1976) 17–56: 28 f., each pursuing a specific aspect of the presumed interplay between Jer 31:33 and 8:8.

27 See Walter Groß, »Der neue Bund in Jer 31 und die Suche nach übergreifenden Bundeskonzeptionen im Alten Testament«, *ThQ* 176 (1996) 259–272: 261; Schmid, *Buchgestalten des Jeremiabuches*, 68. See also Werner H. Schmidt, *Das Buch Jeremia: Kapitel 21–52*, ATD 21 (Göttingen: Vandenhoeck & Ruprecht, 2013), 145.

not on »my Torah«, but on the specification »on their heart«. ²⁸ In Groß's view, this wording seeks to establish another contrast, that of the Torah being written on the heart versus being written on a scroll. ²⁹ Hence his conclusion: The promise of Yhwh writing his Torah on the heart of his people is meant to abrogate the institution, so typical of the Deuteronomistic tradition, of the *book* of the Torah. ³⁰

Corresponding to that alleged agenda, the following context of Jer 31:34 is interpreted as rejecting yet another institution which is part and parcel of the Deuteronomistic tradition, that of teaching and learning the Torah. ³¹ The verse reads: »No longer shall they teach one another or each other (ולא ילמדו עוד איש את רעהו) (ואיש את אחיו), saying, ›Know Yhwh!‹, for they shall all know me, from the least of them to the greatest, says Yhwh.« Clearly, in the salvific days to come »after those days« (Jer 31:33aα, resuming 31:31a), ³² there will be no need anymore for teaching and learning the Torah, for Yhwh will have taught ³³ his people once and for all. This vision of the eschatological future is taken to imply a statement for the present age of the addressees, namely a rejection of the mediation of the Torah by catechetical means. ³⁴ Emphasizing this point, Schmid contrasts Jer 31:31–34 with Deut 6:4–9, stating his view that the new covenant supersedes the older pedagogical introduction to the law. ³⁵ And it does so for a reason, as the ›old‹ means propagated by the Deuteronomists—public readings of the Torah (Deut 31:9–13) and domestic instruction (Deut 6:6–9; 11:18–21)—have not had and will not have success. The new covenant with its novel mode of imparting the Torah is needed precisely because teaching and learning the book of the Torah will never suffice. ³⁶

²⁸ Groß, *Zukunft für Israel*, 145.

²⁹ Thus *ibid.*, resuming his earlier studies followed by Schmid, *Buchgestalten des Jeremiabuches*, 68.

³⁰ Groß, *Zukunft für Israel*, 146.

³¹ For an introduction, see Georg Braulik, »Das Deuteronomium und die Gedächtniskultur Israels: Redaktionsgeschichtliche Beobachtungen zur Verwendung von לָמַד«, in *Studien zum Buch Deuteronomium*, idem, SBAB 24 (Stuttgart: Verlag Katholisches Bibelwerk, 1997) 119–146; Karin Finsterbusch, *Weisung für Israel: Studien zu religiösem Lehren und Lernen im Deuteronomium und in seinem Umfeld*, FAT 44 (Tübingen: Mohr Siebeck, 2005).

³² For a discussion of the phrase in relation to the context, see Robert P. Carroll, *The Book of Jeremiah: A Commentary*, OTL (London: SCM Press, 1986), 610.

³³ See sections 4 and 5 below.

³⁴ Groß, *Zukunft für Israel*, 146 and *passim*; Schmid, *Buchgestalten des Jeremiabuches*, 81 f. and *passim*.

³⁵ »Der neue Bund ersetzt [...] nachgerade die ›alte‹ pädagogische Einleitung des Gesetzes« (*ibid.*, 81 f.).

³⁶ See especially Schmid, *Buchgestalten des Jeremiabuches*, 68 f.; 302; Groß, *Zukunft für Israel*, 146; idem, »Der neue Bund in Jer 31 und die Suche nach übergreifenden Bundeskonzeptionen im Alten Testament«: 263.

4.

Standing as a powerful way to account for the novelty of the new covenant, this view has had considerable influence on more recent approaches to the pericope, and it continues to do so, as even a quick glance at current textbooks and commentaries reveals.³⁷ Today, however, new insights into the oral-written interface and scribal education in particular afford a different way of understanding the promise of writing on the heart in Jer 31:33.

These insights and their systematic application to biblical literature are owed in the first place to David Carr,³⁸ who built on previous studies regarding neighboring cultures in the ancient Near East as well as on certain results of traditio-historical research into the Hebrew Bible. As to the latter, paramount for the present discussion is the clear affinity the focus on teaching and learning in the Deuteronomistic tradition shares with the wisdom tradition.³⁹ One need only compare the injunctions regarding domestic instruction in Deut 6:6–9 and 11:18–20 with the speeches of the teacher to his pupil found in Prov 3:3; 6:20–22; 7:1–3.⁴⁰ In view of this evidence, there can be little doubt that »writing on the heart« (i. e., mind) is an idiom for memorizing texts—for »learning by heart«, as the English idiom has it. And just this was the central goal of scribal education, as Carr has made clear.⁴¹ »The writing metaphor is used to conceptualize a process [...] focused on [...] word-for-word internalization of a text«. ⁴² In this process, the focus was on »inscribing a culture's most precious traditions on the insides of people«. ⁴³ A scribe was expected to learn key texts of his culture by heart in order to be able to reproduce them upon request. Notably, depending on the task at hand, such reproduction could be performed orally or in writing.⁴⁴

³⁷ See especially the recent, magisterial commentary of Hermann-Josef Stipp, *Jeremia 25–52*, HAT I/12,2 (Tübingen: Mohr Siebeck, 2019), also featuring a history of research and bibliography.

³⁸ Carr, *Writing on the Tablet of the Heart*.

³⁹ See especially Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon Press, 1972), 298–306.

⁴⁰ See Weinfeld, *Deuteronomy and the Deuteronomistic School*, 299 and now also David M. Carr, »Writing That Dares Not Speak Its Name: Writing About Orality and Inscribed Amulet Practice in Ancient Israelite Educational Texts«, in *Metatexte: Erzählungen von schrifttragenden Artefakten in der alttestamentlichen und mittelalterlichen Literatur*, ed. Friedrich-Emanuel Focken and Michael R. Ott (Berlin/Boston: De Gruyter, 2016) 53–74: 70–73.

⁴¹ Hence the title of his seminal study, Carr, *Writing on the Tablet of the Heart*.

⁴² *Ibid.*, 128.

⁴³ *Ibid.*, 6.

⁴⁴ *Ibid.*, 8f.

Against this background, I suggest that »writing on the heart« is employed in Jer 31:33 in much the same manner as it is elsewhere: as a metaphorical idiom for learning a text by heart. To be sure, there is a significant theological twist here, namely, the notion of Yhwh figuring as the teacher and the action being ascribed to him. But that does not alter the case as to the idiomatic meaning of the metaphor; I will return to this point further below.⁴⁵ One might, however, question whether the addressees of the promise—especially if reckoned to constitute a somewhat larger audience than just a few elitist literati, in other words, professional scribes themselves—were in a position to understand that sort of language at all. It would seem that they were, as Karel van der Toorn has pointed out with regard to Isa 50:4: »Such metaphors and such language [in this case, לִשְׁוֹן לְמוֹדִים and לִשְׁמֹעַ כְּלַמוֹדִים] were apparently clear to the audience, which suggests familiarity on their part with the practices of scribal education.«⁴⁶

Before considering the import of this research for Jer 31:33, however, it is useful to elaborate up on the intricate interplay of orality and memory on the one hand and writing on the other. This interplay is but essential for the sort of scribal education common throughout the ancient Near East, including Israel,⁴⁷ as the reconstruction of Carr in particular has shown. Contrary to a tendency still prevalent in biblical studies to pit the two sides against each other, the credit belongs to Carr for having followed through with the understanding of more recent cross-cultural research that orality and writing technology in fact complement each other. They are »joint means for accomplishing a common goal: accurate recall of the treasured tradition.«⁴⁸ On the one hand, there is the task of »writing« a text on one's mind, and the largely oral way of pursuing this goal in the »classroom« through repetition.⁴⁹ On the other hand, there is the importance of written copies of the respective text which did not become obsolete once it was

⁴⁵ See below, section 5.

⁴⁶ Van der Toorn, *Scribal Culture and the Making of the Hebrew Bible*, 98.

⁴⁷ For the social context of such education, see Carr, *Writing on the Tablet of the Heart*, 12f. and van der Toorn, *Scribal Culture and the Making of the Hebrew Bible*, 97, highlighting the point that it need not always be, and probably most often was not, located in a school *sensu stricto*. On this, see further Karin Finsterbusch, »Modelle schriftgestützten religiösen Lehrens und Lernens in der Hebräischen Bibel«, *BZ NF* 52 (2008) 223–243: 229f., but see also Erhard Blum, »Die altaramäischen Wandinschriften von Tell Deir 'Alla und ihr institutioneller Kontext«, in *Metatexte: Erzählungen von schrifttragenden Artefakten in der alttestamentlichen und mittelalterlichen Literatur*, ed. Friedrich-Emanuel Focken and Michael R. Ott (Berlin/Boston: De Gruyter, 2016) 21–52.

⁴⁸ Carr, *Writing on the Tablet of the Heart*, 7.

⁴⁹ On this, see also Manfred Weippert, »Die ›Konfessionen‹ Deuterocesajas«, in *Schöpfung und Befreiung: Für Claus Westermann zum 80. Geburtstag*, ed. Rainer Albertz, Friedemann W. Golka and Jürgen Kegler (Stuttgart: Calwer, 1989) 104–115: 111–112. For the longevity of this didactic

memorized, but served as »solidified reference points«⁵⁰ for both reproducing the text and teaching it to the novice.

5.

It is possible to summarize what was said above in terms of Jer 31:33: The Torah written in the book aims at the Torah written on the heart, while by the same token the Torah on the heart is based on that in the book. Admittedly, this already implies a skeptical evaluation of the view according to which the promise of a new covenant entails an abrogation of the Torah as a written body of instruction to be transmitted by teaching and learning.⁵¹ The present section aims to flesh out this evaluation, that is, to read Jer 31:33–34 in light of the above insights regarding the oral and the written.⁵²

Starting with Jer 31:33 and the alleged antithesis of the Torah written on the heart versus the Torah written in a book (i. e., on a scroll), we first of all need to state the obvious: No mention is made here of a book. But even assuming, for the sake of argument, that the addressees associated Yhwh's Torah with both memorized and written words here, they certainly would not have seen any antagonism between the two. Quite the opposite, since having a text written on the heart is an idiom for having learned it by heart, which, according to scribal practice, presupposes a written version of that text as a fixed point of reference, the memorized Torah actually calls for the written. In any case, juxtaposing the two militates against anything the addressees knew of the interplay of orality, memory, and writing in the scribal maintenance of tradition.

But what about Jer 31:34? The verse evidently alludes to the Deuteronomistic program of Torah instruction mainly in domestic settings (see again Deut 6:6–9),⁵³ which, however utopian, is modeled on the practice of scribal education. Equally evident is the point that no such instruction will be needed anymore

approach, see Stefan Schorch, »Das Lernen der Tora bei den Samaritanern heute und drei samaritanische Erzählungen über das Lernen«, *WD 26* (2001) 107–126: 114 f.

⁵⁰ Carr, *Writing on the Tablet of the Heart*, 6.

⁵¹ See above, section 3.

⁵² While giving a concise summary of research on »scribalism« in Israel and the ancient Near East, in its discussion of examples from the book of Jeremiah, the most recent contribution by Mark Leuchter, »The Pen of Scribes: Writing, Textuality, and the Book of Jeremiah«, in *The Book of Jeremiah: Composition, Reception, and Interpretation*, ed. Jack R. Lundbom, Craig A. Evans and Bradford A. Anderson, VTSup 178 (Leiden/Boston: Brill, 2018) 3–25 does not touch on our text.

⁵³ On Deut 6:6–9, see also Carr, »Writing That Dares Not Speak Its Name«: 62–70.

in the envisioned days after those days. However, this vision is precisely that: a vision of the eschatological future. As such, it does not do away with the present-day means for internalization of Yhwh's Torah, namely, teaching and learning.

Even more important is an observation regarding the vision itself, as it also accounts for the novelty of the promise expressly announcing a »new« covenant. For as evident as the reference to the lifeworld context of scribal education might be, it is not merely projected into the envisioned future, but elevated to a truly utopian level. On the one hand, the vision is not about elite master scribes but, in keeping with the ideal of Deuteronomy, explicitly includes everyone, »from the least of them to the greatest« (v. 34b). On the other hand, going well beyond the program in Deuteronomy, it is Yhwh himself who figures as teacher. What is more, there is no injunction calling the people to study diligently and to write the Torah on their heart here; rather, the teacher himself promises to do that, which is also to say, he promises to do it perfectly. »This is a vision of divine education in the book of Jeremiah built on the educational vision in the Deuteronomic utopia«, Carr notes in passing.⁵⁴ Jeremiah 31:31–34 elevates this utopia to a new level, characteristic of a new age, in which anything one could possibly expect from such education will have come to pass: »internalized Torah, full fellowship with God, complete knowledge of him«.⁵⁵

If this reading holds, there is no anti-Deuteronomistic attack on the institutions of the book of the Torah and its mediation by catechetical means to be discerned in Jer 31:31–34. Rather, these institutions are apparently held in the highest esteem, for they figure as the model for undiluted communion with the divine as it is envisioned here. However, this is not to argue that the pericope, idiosyncratic as it reads, should be associated with a Deuteronomistic redaction. It rather demonstrates the importance of the distinction, introduced by Hermann-Josef Stipp and Christl Maier, among others, between Deuteronomistic redactions and

⁵⁴ Carr, *Writing on the Tablet of the Heart*, 149.

⁵⁵ Thus with a quote from Magnar Kartveit, »Reconsidering the ›New Covenant‹ in Jeremiah 31:31–34«, in *The Book of Jeremiah: Composition, Reception, and Interpretation*, ed. Jack R. Lundbom, Craig A. Evans and Bradford A. Anderson, VTSup 178 (Leiden/Boston: Brill, 2018) 149–169: 168. See also William McKane, *Jeremiah: A Critical and Exegetical Commentary*, vol. 2, *Commentary on Jeremiah XXVI–LII*, ICC (Edinburgh: T & T Clark, 1996), 820: »the hope proclaimed is a perfect integration of God and people, a flawless reciprocity, an undisturbed interaction«. Such a description does more justice to the promise than the oft-cited one of Bernhard Duhm, *Das Buch Jeremia*, KHC 11 (Tübingen/Leipzig, 1901), 255: »[I]ch finde darin [i. e. in Jer 31:31–34] nur den Erguss eines Schriftgelehrten, der es für das höchste Ideal hält, dass jedermann im jüdischen Volke das Gesetz auswendig kennt«.

the broader phenomenon of »Deutero-Jeremianic« material in the book of Jeremiah.⁵⁶

6.

Beyond the pericope at hand, the reading just presented has also certain theological ramifications concerning the interpretation of Jeremiah (and Ezekiel for that matter) more broadly. This is because the view critically assessed above, according to which the Torah written on the heart is meant to abrogate the book of the Torah, for its part is associated with a more far-reaching theological tradition. Its success was due presumably not least to the fact that it goes so well with the time-honored view according to which the promised divine intervention is but a reaction to utter ineptitude of the human nature.

Only consider the opinion, classically stated by Gerhard von Rad in his influential »Old Testament Theology«, that the promises of a new covenant in both Jeremiah and Ezekiel »take Israel's total inability to obey as the very starting-point«.⁵⁷ In a special section on »The Law«, von Rad returns to this issue, redescribing it as »the problem of the *torah* and of Israel's fulfilment of it.«⁵⁸ With regard to Jeremiah and Ezekiel, he goes on to state that both prophets »reach the insight that she [i. e. Israel] is inherently utterly unable to obey him [i. e. Yhwh].«⁵⁹ While this view is supported primarily by evidence found elsewhere in the books of Jeremiah and Ezekiel (mainly, as is done so often, by the *locus classi-*

56 For an introduction, see Hermann-Josef Stipp, »Probleme des redaktionsgeschichtlichen Modells der Entstehung des Jeremiabuches«, in idem, *Studien zum Jeremiabuch: Text und Redaktion*, FAT 96 (Tübingen: Mohr Siebeck, 2015) 261–297; idem, »Formulaic Language and the Formation of the Book of Jeremiah«, in *Jeremiah's Scriptures: Production, Reception, Interaction, and Transformation*, ed. Hindy Najman and Konrad Schmid, JSJSup 173 (Leiden/Boston: Brill, 2017) 145–165; Christl Maier, »The Nature of Deutero-Jeremianic Texts«, in *Jeremiah's Scriptures: Production, Reception, Interaction, and Transformation*, ed. Hindy Najman and Konrad Schmid, JSJSup 173 (Leiden/Boston: Brill, 2017) 103–123. On Jer 31:31–34, see Stipp, *Jeremia 25–52*, 271–285, and cf. already Maier, *Jeremia als Lehrer der Tora*, 341–351.

57 Gerhard von Rad, *Old Testament Theology*, vol. 2, *The Theology of Israel's Prophetic Traditions* (London: SCM Press, 1975), 270. See also the German original in idem, *Theologie des Alten Testaments*, vol. 2, *Die Theologie der prophetischen Überlieferungen Israels*, EETH 1/2 (Munich: Chr. Kaiser, 1965), 278, as the English translation tends to obscure the focus on the specific promises at hand.

58 Von Rad, *Old Testament Theology*, 398.

59 *Ibid.*

cus Jer 13:23⁶⁰), the promises of a new covenant in Jer 31:31–34 and Ezek 36:26–28 are invoked by von Rad as the »best proof of the radical insights attained by the prophets in this matter«. ⁶¹

Against that dark foil of human nature and its alleged inability to receive the Torah at all, the interpretation of Jer 31:31–34 as an abrogation of the institutions of the book of the Torah and its mediation by catechetical means may seem to make sense theologically, while it in turn lends credence to the presumed anthropological pessimism. However, if there is no such abrogation, as I have argued, then there is no proof of such an utter ineptitude either—at least not in Jer 31:31–34. As the latter assumption is by no means limited to our pericope, but rather a major issue in the theological interpretation of the books of both Jeremiah and Ezekiel, ⁶² the result achieved here merits attention in that wider horizon as well. ⁶³

Abstract: The interpretation of the »new covenant« in Jer 31:31–34 hinges on how to understand Yhwh’s promise to write his Torah on the heart of the Israelites. According to a widely held view, the latter aims at abrogating the institutions of the book of the Torah and its handing down by means of teaching and learning. From this point of view, Jer 31:31–34 seems to exhibit a decidedly anti-Deuteronomistic outlook. In the present article, this view is confronted with more recent insights into the oral-written interface and its role in scribal education, the basic assumption being that such education is the lifeworld presupposition behind the promise of writing on the heart.

⁶⁰ For a rightfully critical remark on using this verse as a proof-text of sorts for the presumed »Menschenbild«, see Georg Fischer, *Jeremia 26–52*, HThKAT (Freiburg/Basel/Vienna: Herder, 2005), 467 f.

⁶¹ Von Rad, *Old Testament Theology*, 399. See further Wilhelm Rudolph, *Jeremia*, HAT 12 (Tübingen: Mohr Siebeck, 1968), 203; Helga Weippert, »Das Wort vom neuen Bund in Jeremia XXXI 31–34«, *VT* 29 (1979) 336–351; Werner H. Schmidt, »Der ›neue Bund‹ als Antwort auf Jeremias kritische Einsichten«, in *Für immer verbündet: Studien zur Bundestheologie der Bibel, Festgabe für Frank-Lothar Hossfeld zum 65. Geburtstag*, ed. Christoph Dohmen and Christian Frevel, SBS 211 (Stuttgart: Katholisches Bibelwerk, 2007) 187–193, to mention but a few.

⁶² Cf. e. g. Werner H. Schmidt, »Konturen von Jeremias Verkündigung: Ihre Themen und Einheit«, in *Gott und Mensch im Dialog: Festschrift für Otto Kaiser zum 80. Geburtstag*, ed. Markus Witte, BZAW 345/I (Berlin/New York: De Gruyter, 2004) 541–554; Jacqueline E. Lapsley, *Can These Bones Live? The Problem of the Moral Self in the Book of Ezekiel*, BZAW 301 (Berlin/New York: De Gruyter, 2000).

⁶³ See now Joachim J. Krause, *Die Bedingungen des Bundes: Studien zur konditionalen Struktur alttestamentlicher Bundeskonzeptionen*, FAT (Tübingen: Mohr Siebeck 2020 forthcoming), 165–206, especially 193–205.

Keywords: Jeremiah 31:31–34; new covenant; writing on the heart; oral-written interface; scribal education

Zusammenfassung: Die Deutung des »neuen Bundes« in Jer 31,31–34 entscheidet sich daran, wie Jhwhs Verheißung, seine Tora auf das Herz der Israeliten zu schreiben, verstanden wird. Nach verbreiteter Ansicht zielt sie darauf, die Institutionen des Torabuchs und seiner Vermittlung durch Lehren und Lernen abzuwerten. So betrachtet, scheint Jer 31,31–34 eine dezidiert anti-dtr Stoßrichtung aufzuweisen. Im vorliegenden Beitrag wird diese Deutung einer kritischen Prüfung im Licht neuerer Einsichten zum Zusammenspiel von Mündlichkeit und Schriftlichkeit in der Schreiberausbildung, die nach der hier leitenden Grundannahme den lebensweltliche Vorstellungsraum hinter der Verheißung vom Schreiben auf das Herz darstellt, unterzogen.

Schlagwörter: Jeremia 31,31–34; neuer Bund; Schreiben auf das Herz; Mündlichkeit und Schriftlichkeit; Schreiberausbildung

Résumé: L'interprétation de la « nouvelle alliance » en Jer 31,31–34 dépend de la façon de comprendre la promesse de Yhwh d'écrire sa Torah sur le cœur des Israélites. Selon une opinion largement répandue, cette dernière vise à abroger les institutions du livre de la Torah et sa transmission par le biais de l'enseignement et de l'apprentissage. De ce point de vue, Jer 31,31–34 semble afficher une vision résolument anti-deutéronomiste. Dans le présent article, cette interprétation est confronté aux découvertes récentes sur l'interaction entre oralité et écrit dans la formation des scribes. L'hypothèse de base est que cette formation est le cadre conceptuel qui sous-tend la promesse d'écrire sur le cœur.

Mots-clés: Jérémie 31,31–34; nouvelle alliance; écrire sur le cœur; communication orale et écrite; formation des scribes