

The New Covenant - Jeremiah 31:30-33 (31:31-34) in Jewish Interpretation¹

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The Challenge

The Christian part of the Bible is known as “The New Testament.” The term echoes a prophecy in Jeremiah 31, the one and only occurrence in the Hebrew Bible of the term “new covenant,” also rendered as “new testament.” The Eucharist, the foundational ritual of Christianity, similarly echoes this prophecy in Jeremiah, again affording this verse a place of prominence in the economy of Christian appeal to the Hebrew Bible and in its own self-understanding.² Explicit appeal to Jeremiah 31 appears only in Hebrews 8, in a clearly supersessionist context, in which the superiority of the covenant concluded by Jesus is contrasted with the earlier covenant.³

While scriptural appeal to Jeremiah 31 in the New Testament is not overwhelming,⁴ and while some of the references to the new covenant may be

¹ The verse numbering follows rabbinic bible editions. English language editions list these verses as 31-34.

² Luke 22:20 and 1 Cor 11:25 reference the term “new covenant,” without quoting Jeremiah. The association with Jeremiah is reasonable, as it is the only appearance of the term in the Hebrew Bible. Commentators naturally associate the two. In theory, however, the reference to “new” could be independent of the verse in Jeremiah, and may therefore not rely on it. Other versions of the institution of the Eucharist do not refer to the covenant as “new,” thereby making the appeal to Jer 31 unnecessary. See Mark 14:24 and Matthew 26:27.

³ 2 Cor 3:6 seems also to be influenced by Jer 31, in light of the combination of motifs, that includes reference to the new covenant and the writing on the heart. The reference to the spirit may be due to the crossover between Jer 31 and Ezek 36, as we note below with reference to several Jewish authors. The problem of the apparent lack of centrality of covenant to Paul’s thinking and strategies for working with or around this issue are discussed in two essays in *The Concept of the Covenant in the Second Temple Period*, ed. S. Porter and J. De Roo (Leiden: Brill, 2003). The first is Stanley Porter, “The Concept of the Covenant in Paul” (269-286) and the second is James Dunn, “Did Paul Have a Covenant Theology? Reflections on Romans 9:4 and 11:27” (287-307).

⁴ Jack Lundbom, *Jeremiah: A New Translation, with Commentary and Introduction* (New York: Doubleday, 2004) speaks of the paucity of reference to the new covenant in the New Testament. The only explanation he offers is based on G.E. Wright who attributes it to legalistic connotations that the authors sought to avoid. This is in contrast to contemporary Jewish authors. The explanation is problematic for its complete disassociation of the New Testament from its Jewish background, for the way it projects the law-faith dichotomy on to all strands of the New Testament, and for its facile identification of covenant and law. My own presentation of decline in the centrality of the notion of covenant in later Jewish sources (not including in Qumran literature) provides a much more plausible

understood independently of it,⁵ one cannot deny the foundational status this text has had in the long history of Christianity's self-understanding as a fulfillment of biblical prophecies.⁶

The centrality of this text in Christianity leads us to ask the question of what place the prophecy in Jeremiah occupied in the history of Jewish interpretation, and more broadly: What uses for the term "new covenant" may be found in Jewish sources? The question is relevant in the context of Jewish-Christian learning and mutual understanding in one of two potential ways. The first is whether Jewish interpretation is in any way influenced by Christian interpretation, either imitating it, refuting it or intentionally ignoring it. The second is what can be learned about fundamental approaches to scripture and to the religious and spiritual life in Judaism through the history of the verse's interpretation. Whereas the former question is specific to this verse, the latter question would approach this verse as an important, but by no means exclusive, illustration of Jewish concerns as they are projected upon the reading of scripture. Whereas the first question is focused on Christianity and readily enters the realm of polemics, the second leads to an internal Jewish history of interpretation, devoid of specifically Christian associations.

A significant contribution to the study of these questions has already been made by Richard Sarason.⁷ Sarason studies two groups of texts, rabbinic and medieval. Regarding the first group, he notes the sparsity of interpretation of these verses in rabbinic literature. The verses are interpreted in line with classical rabbinic concerns and follow the typical patterns of midrashic intertextual reading.⁸ He also notes that early rabbinic interpretations are free of polemical uses and do not show any awareness of Christian interpretations. By contrast, the medieval uses, both those of Jewish-Christian polemical literature and those of the commentarial tradition, are heavily informed by Christian uses and set out to protect a Jewish view that opposes abrogation of the Torah and its replacement by Christianity.⁹ Sarason analyzes polemical uses in detail and even provides a thematic chart of key arguments raised in the polemic and their spread across the different polemical works.¹⁰ Unsurprisingly, Sarason's fundamental guiding question is to what extent Jewish interpretation is aware of and responding to Christian interpretation. A polemical context is to a large extent unnatural, as it leads to distortions in terms of what matters most to an interpretive tradition. The polemical concern with the

account. If the appeal to covenant in the Eucharistic institution is not read as a chapter in Israel's covenant history, then in fact there is no problem for which to account. New Testament usage would then be completely in line with contemporary Jewish usage.

⁵ In a more fundamental way, the very suitability of "covenant" as a way of describing the early Church, in its relation to classical Judaism, has been called into question by Ellen Juhl Christiansen, *The Covenant in Judaism and Paul: A Study of Ritual Boundaries as Identity Markers* (Leiden: Brill, 1995).

⁶ See Lundbom, excursus 5 "The New Covenant in the New Testament and Patristic Literature to A.D. 325," 474-482.

⁷ Richard Sarason, "The Interpretation of Jeremiah 31:31-34 in Judaism," in *When Jews and Christians Meet*, ed. Jakob Petuchowski (Albany: SUNY Press, 1988), 99-123.

⁸ *Ibid.*, 101 ff.

⁹ *Ibid.*, 103-9.

¹⁰ *Ibid.*, 116-7.

other overtakes the inherent interest in scripture and its message. The present essay acknowledges Sarason's valuable work in viewing Jeremiah 31 through the polemic lens. My own focus, by contrast, will be upon uses of the verse that reflect development of ideas, not directly indebted or opposed to Christian usage. I am interested in understanding the relative importance, or lack thereof, of "new covenant" in the history of Jewish usage, extending up to the 20th century. I am interested in the application of the term "new covenant" in later Jewish literature, also independently of Jeremiah 31. And I am interested in how both the verses in Jeremiah and the usage of the term are developed in later Judaism and in Jewish spirituality. Seen through these lenses, a completely different set of data emerges than the one surveyed by Sarason through a polemical lens. It is different chronologically, thematically, and above all experientially. Yet, this very difference also makes it a new potential meeting-point for Jewish-Christian sharing. Once the concerns of Jewish spirituality and a more personal application of "new covenant" are recognized, a new conversation can open up between Jews and Christians, one not founded on the polemics of the proper interpretation. A common scriptural anchor-point allows the two traditions to relate to spiritual experiences across their differences.

Jeremiah 31 - Key Motifs and Covenantal Context

Robert Carroll comments on our passage:

The exegesis of vv. 31-34 is straightforward and the interpretation of the piece would be simple were it not for the fact that many commentators insist on reading 31:31-34 as "one of the profoundest and most moving passages in the entire Bible"...This Christian appreciation of a minor and prosaic hope for the future, often identified with the new covenant of the New Testament ...while irrelevant for the meaning of the text, complicates the treatment of the section, because there is a large literature devoted to its interpretation from the viewpoint of Christian theology.¹¹

Carroll makes us aware of how different theological lenses will lead to differing appreciation of this passage. If Jews do not attribute to our prophecy a special position, that is because they do not see it through theologically charged lenses. The different ways in which Jews and Christians read this passage, even in non-polemical contexts, make us aware of the different theological baggage brought to it by the respective readers. Let us consider now the different elements in the oracle and how they would be picked up by Jews and Christians.

Behold, the days come, saith the LORD, that I will make a new covenant with the house of Israel, and with the house of Judah; not according to the covenant that I made with their fathers in the day that I took them by the hand to bring

¹¹ Robert Carroll, *Jeremiah: A Commentary* (London: SCM, 1986), 612.

them out of the land of Egypt; for as much as they broke My covenant, although I was a lord over them, saith the LORD. But this is the covenant that I will make with the house of Israel after those days, saith the LORD, I will put My Torah (law) in their inward parts, and in their heart will I write it; and I will be their God, and they shall be My people; and they shall teach no more every man his neighbor, and every man his brother, saying: "Know the LORD"; for they shall all know Me, from the least of them unto the greatest of them, saith the LORD; for I will forgive their iniquity, and their sin will I remember no more.¹²

Let us consider the different elements in the prophecy. It is made with reference to both kingdoms—Judah and Israel, and promises a new covenant to both.¹³ It references a covenant made in Egypt, in stark contrast to the Exodus narrative, where the covenant was concluded in Sinai and no covenant was made in Egypt.¹⁴ It assumes the earlier covenant was broken and exhibits a new strategy for achieving God's goals for Israel. Rather than trying time and again to urge proper human behavior, and rather than a series of covenantal commitments that is reflected in successive renewals of the covenant,¹⁵ it envisions a radical change in human nature as the eventual means for fulfilling the covenant.¹⁶ The divine solution to this failure is a change in human nature. The covenant will be written upon hearts, ostensibly making fulfillment of its commandments beyond the realm of human free will. This is not the only biblical prophecy to this effect. A close parallel is found in Ezekiel 36:25-28, a text that is often quoted in the history of interpretation alongside with Jeremiah 31.¹⁷ The text, then, only makes theological sense if we consider it as part of the longer trajectory of covenantal thinking. The covenant is contingent on human behavior and is therefore subject to the failure of human disobedience. To speak of a "new covenant" is therefore deeply engrained within a particular theological mold. The new covenant is a strategy for fulfilling the law, by inscribing it on hearts, not a means of transcending or abrogating it. The fulfillment of the covenant appeals to what Rolf Rendtorff has referred to as the "covenant formula,"

¹² Jer 31:30-33, JPS translation.

¹³ This double reference is considered sufficiently problematic to lead some scholars to omit it from the oracle. See William McKane, *A Critical and Exegetical Commentary on Jeremiah* (Edinburgh: T and T Clark, 1996), 818. See also Lundbom, 466.

¹⁴ All biblical commentaries consulted assume these are one and the same and that the covenant of the Exodus is none other than Sinai. An alternative view emerges from the teachings of Rabbi Shmuel Berezovsky, presented below.

¹⁵ See Deut 29; Josh 24:25; 2 Kgs 23:3. A covenantal view of history also informs a Christian reading of how the covenant shifts from Jews to Christians. The violation of the covenant by making the golden calf invalidates the covenant, requiring the covenant brought about by Jesus. See Lundbom, 481. The fundamental logic of successive covenants is maintained, but a different covenantal succession is put forth, replacing that proposed by the Hebrew Bible.

¹⁶ While this is the most common understanding of the oracle, some interpreters offer a less radical reading, in which the terms designate spiritual opening without assuming transformed human nature. See McKane, 826.

¹⁷ Also relevant, in this context, is Deut 30:6.

affirmation of God's relationship with Israel as God and people.¹⁸ The covenant is tied to knowledge of God, a knowledge that is now engrained and does not require teaching. Finally, there is the promise of forgiving of sins, either as part of the promise of concluding a new covenant that replaces the older one that led to sin, or as a direct outcome of the knowledge of God.

It is important to appreciate this text in the context of covenantal theology, inasmuch as this holds the key to its history of interpretation, and allows us to appreciate where and why appeal to this text is scarce. It is also important to consider the various elements of this prophecy. Let it be stated clearly—there is not a single interpretation, either Jewish or Christian, that relates to all the elements of the prophecy. Every appeal is selective relating to some elements, while ignoring others. One reason for the partial application of the prophecy is that both for later Jewish tradition and for Christian tradition, this prophecy is no longer appreciated against the background of covenantal theology. While never rejected and while some lip service is paid to themes of covenantal thinking, in fact both religious systems no longer privilege covenant as the central structuring religious ideal. This accounts for the relatively low place that this prophecy occupies within the New Testament, despite the common assumptions of the conceptual centrality of the notion of “new covenant” and for the low place it occupies in the history of Jewish interpretation, as I shall presently suggest. Both Judaism and Christianity emerge as distinct religious traditions at a point in time in which “covenant” has given way to other conceptual organizing principles. The history of how this came to be and how this plays out in Second Temple literature is beyond the scope of the present study. At least in part it is a historical response to the very theological pressures that led the prophets to give up on the covenant as currently practiced and to envision a new future covenant, involving the remaking of the human heart and of Israel's relationship with God. The historical response would have been to reshape the understanding of Jewish religion, featuring key ideals, Israel, Torah and more, and to downplay the centrality of the covenant as an organizing principle. In what follows I shall present some of the ways in which the category of “new covenant” has taken shape in the history of Jewish thought and interpretation. These are all predicated on the loss of the overall significance of “covenant” as a structuring category. Accordingly, the prophecy in Jeremiah is simply one prophecy among hundreds of future oriented prophetic visions.¹⁹ It does not hold any particular status within the overall economy of biblical prophecies, as viewed by Jewish authors, largely because the problem it seeks to solve no longer takes center stage, having been largely resolved through a shift in the theological centrality of covenant. This

¹⁸ Rolf Rendtorff, *The Covenant Formula: An Exegetical and Theological Investigation*, trans. Margaret Kohl (Edinburgh: T&T Clark, 1998).

¹⁹ Some attempts have been made among modern commentators to see the prophecy as non-eschatological, despite its opening “days are coming.” See McKane, 826. See further Georg Walser, “Jeremiah 38:31-34 (MT 31:31-34): The History of the Two Versions and their Reception,” in *XIV Congress of the IOSCS* (Helsinki: 2010), 371. The later Jewish usage described below also neutralizes the eschatological dimension of the oracle.

does not prevent later uses of New Covenant from drawing out important implications from Jeremiah's oracle.

In order to appreciate the passage and its eventual reception in both religious traditions, we do well to identify the points of novelty. The first point of uniqueness is, of course, that this is the only place in the Hebrew Bible where we encounter the term "New Covenant." What makes this covenant new and in what way is it different from the old covenant? Two main points have been identified. The first is that the covenant is written on the heart directly, rather than mediated by an outside teacher. It is thus more interior.²⁰ Consequently, it is also more individual.²¹ Each person has the ability to receive the covenant directly. The second point concerns the reference to forgiveness of sins.²² In studying the history of interpretation of the passage in both traditions, it is worth considering which elements receive more of an echo in which tradition. Granted that no tradition picks up on all the exegetical cues, we can nonetheless make a broad generalization. Because the passage is more central to Christians, they will pick up on more elements. All the elements identified as novel fit well within a Christian framework and therefore will be amplified by later Christian tradition. This would obviously be true for the forgiving of sins.²³ For Jewish tradition, for which the prophecy is of lesser significance, we can expect less amplification of the oracle, and consequently fewer elements will be carried through the history of interpretation. From what follows we see that the theme of forgiveness of sins receives almost no amplification. One of the contributions of the present article is to demonstrate the many ways in which the notion of new covenant is associated with individualization and interiorization by later Jewish authors.

The sources studied in the present essay are all based on rabbinic tradition, which in terms of its self-understanding makes a great leap between the Hebrew bible and the traditions captured in the classical sources of talmudic and midrashic literature. This makes a study of Second Temple views of the covenant irrelevant, from the perspective of later rabbinic authors. The key point to acknowledge here is that in rabbinic literature the covenant and covenantal thinking play a very minor role.²⁴ Some scholars have suggested that the overall decline in covenantal thinking

²⁰ Carroll, 611.

²¹ Lundbom, 469.

²² Lundbom, 470.

²³ See McKane, 822.

²⁴ Some scholars have put forth suggestions regarding equivalencies to covenantal thought in rabbinic sources, thereby suggesting a continuity of basic aspects of covenantal theology into the rabbinic period. See Reuven Kimelman, "The Shema Liturgy: From Covenant Ceremony to Coronation," in *Kenishta: Studies of the Synagogue World*, ed. J. Tabory (Bar Ilan University Press, 2001), 9-105; and Jon Levenson, *Sinai and Zion: An Entry into the Jewish Bible* (Minneapolis: Winston Press, 1985), 82-86. While such attempts are important in terms of affirming continuity across different historical periods of Jewish literature, they should not obscure the fact that "Covenant" has ceased being a fundamental structuring notion of Jewish religion. Whatever it represented can and has been represented through other conceptual configurations. When it comes to a discussion of biblical prophecies of the covenant, this historical transition must not be minimized.

in rabbinic Judaism is due to the significance of the covenant for emerging Christianity.²⁵ I reject such an approach on multiple grounds. In principle, I am skeptical of the polemical-historical reconstruction that reads the history of ideas and the history of interpretation of rabbinic sources as a response to developments on Christian ground.²⁶ In the case at hand, one would have to demonstrate the centrality of covenant to early Christian thinking and to argue that it was so central that it led the rabbis to abandon the category. I am not aware of a successful demonstration of the first part of the argument, quite apart from my principled rejection of the second part. No one has argued that rabbinic, or later Jewish, interpretation of Jer 31 is conditioned by Christian reading of the verse, or more specifically, that the minor role this verse plays in later Jewish interpretation is due to the major role it plays in Christian interpretation. If Jer 31 is not important to Jewish interpretation this is nothing to do with its importance for Christian interpretation. In fact, as already noted, it may be less significant even for Christians than one often considers, given the sole explicit citation in the New Testament. Be that as it may, it is not important for Jewish interpretation because covenantal thinking has already declined and so one promising solution to the difficulties of the covenant falls on ears that are no longer receptive to the problem. Jer 31, then, becomes one of hundreds of biblical prophecies, each receiving some attention in the history of interpretation, but in no way a central or defining prophecy that shapes later interpretation. As it has no constitutive role in later interpretation, it is open to multiple applications, in line with the need of the interpreter and in response to some, but never all, of the signals that emerge from the biblical text.

Jeremiah 31 in Jewish Interpretation - The Big Picture

Before considering various applications of Jer 31 in the history of Jewish interpretation, let us consider the big picture. This can be summed up in two statements.

1. Jer 31:30-33 plays a very minor role in the history of Jewish interpretation.²⁷
2. Given that, there are some fascinating and inspiring interpretations that emerge in association with this verse. These interpretations reflect broader concerns of Jewish thought and therefore provide a window into ongoing concerns of Jewish thought and spirituality. They are in many ways distinctly Jewish and therefore provide a counterpoint to Christian applications of the verse. As such, they illustrate fundamental differences between Jewish and

²⁵ W.D. Davies, *The Gospel and the Land: Early Christianity and Jewish Territorial Doctrine*, (Sheffield, 1994), 107-8.

²⁶ Alon Goshen-Gottstein, "Polemicomania: Reflections on Jewish-Christian Polemics as Reflected in Scholarship on Rabbinic Interpretation of the Song of Songs," *Jewish Studies* 42 (2004): 119-190 [Hebrew].

²⁷ Lundbom, 474, claims the idea of the new covenant undergoes no further development in Judaism following Qumran. While the present article argues for the opposite, Lundbom's partial statement nevertheless tells us something important about the relative lack of centrality of the oracle.

Christian approaches to Scripture and to religion, even as they can provide moments of mutual illumination and inspiration.

Let me first provide the factual basis that leads to the first statement. I make it based on a study of multiple textual databases. Direct references to Jer 31 are few, several dozen at most. Expanding search criteria to include not only the biblical citation but also the term “new covenant” yields a slightly larger crop of sources, but still fairly small in size. The popular Bar Ilan database lists just over 140 occurrences in the entire corpus of Jewish literature it covers. The DBS database brings the figure up to over 200, reflecting on the term “new covenant” rather than on the actual uses of Jeremiah 31. Searching for “new covenant” in the most extensive, though not necessarily most important, database, Otzar Hachochma, we find further occurrences of “new covenant,” again several dozen, but no significant expansion of the approach to or scope of use of Jer 31. In other words, there is certainly a history of interpretation and the term “new covenant” does receive some interesting treatment, but these do not convey a sense of the importance or centrality of either.

Moving to specifics—it is striking that Jer 31 on the new covenant receives no mention in either Talmud. In tannaitic midrashim we find one single citation, in a very covenant conscious commentary on Lev 26, where covenant is the guiding conceptual notion. This passage in the Sifra,²⁸ cited by Rashi, amounts to an intertextual reference to covenant, and does not indicate any special importance. Jer 31 does appear in some later midrashim.²⁹ Its appearance is routine and no special charge is attached. If we fast forward to the other end of the historical spectrum, it is interesting to note that a messianic visionary like Rabbi A.I. Kook cites Jer 31 only once in his entire corpus.³⁰ Even this citation is not part of his active prophetic reflections on Israel and its destiny. In other words, what seems to us an important component of an eschatological vision is nearly completely absent from the messianic reflections of a thinker who does not shy away from citing and amplifying various biblical eschatological voices.³¹ That the history of interpretation, front and back, allots such a minor position to the prophecy of the new covenant in Jeremiah, leads us to look more carefully at the types of interpretation and usage.

Clusters of Usage - A Typology of Appeals to Jeremiah 31

It will be useful to consider the different kinds of materials that relate to Jeremiah 31, in order to appreciate their relative importance.

1. Commentaries on Jer 31. Their relevance goes without saying, but cannot offer perspective on the relative importance of the verse from a broader perspective.

²⁸ Sifra, Behukotay 1, 2, 6.

²⁹ Song of Songs, Rabba 1:4; Pesikta Derav Kahana Bahodesh 21; Tanhuma Yitro 13; Tanhuma Ekev 11. Sarason, 101, observes that the exegesis of Jer 31 is not primary and only serves as proof-text for the exegesis of other texts.

³⁰ See discussion below.

³¹ For example, Isa 56:7 is quoted numerous times in his corpus.

2. Polemical literature. This is the body of literature described by Sarason. I refer first and foremost to dedicated polemical anti-Christian literature. Since Jer 31 is alluded to in some versions of the establishment of the Eucharist, polemics against the Eucharist end up targeting the verse.³² Another aspect of anti-Christian polemic is related to the question of abrogation of the law. Jewish polemicists, notably Don Isaac Abravanel, argue against a reading of the verse that could be understood as abrogation of the law.³³ Writing the law on the heart does not mean the law (Torah) is no longer relevant. It is only an assurance for its observance. This theme is echoed by various authors, who make the distinction between renewing the covenant and the giving of a new Torah, which would supersede and abrogate the old one.³⁴ Clearly, these concerns are polemical and stem from a response to Christian, possibly also to Muslim, claims. The polemical context also includes reference to Sabbateans, who are also seen as espousing a new Torah, in lieu of the old Torah.³⁵ The very question of whether Jer 31 should or should not be understood in relation to the enduring validity and relevance of the Torah and its commandments is most commonly formulated over and against a Christian background. Sometimes a polemical context frames an agenda that allows for the advancement of religious thought. The question of Jer 31 and the permanence of the Torah, a non-issue from the biblical perspective and a significant issue from the polemical perspective, does give rise to some interesting formulations regarding the future Torah, as we shall see below.

3. The liturgical context. A third context in which we find allusions to the new covenant in Jer 31 is the liturgical context. I have noted several liturgical poems that allude to it, as an expression of eschatological hope. One of the brief poems recited following the *Avoda* of Yom Kippur, in the Ashkenazi rite, asks of God to conclude with Israel a new covenant.³⁶ Rabbi Yehuda Halevi also includes this aspiration as part of a broader series of eschatological hopes,³⁷ as do various other prayers.³⁸ These liturgical expressions demonstrate how the prophecy is taken up in religious imagination, unencumbered by additional burdens, polemical, philosophical or otherwise. It remains a promise to look to, a hope for the future, a way of reconfiguring the relationship that offers a new bright future for the relationship. That the prophecy finds liturgical expression shows its enduring significance.³⁹ That it appears in a relatively small number of such poems is one more sign of it not being a central and dominant prophecy.⁴⁰

³² For example, Profiat Duran, *Kelimat Hagoyim, Kitve Pulmus Leprofiat Duran*, ed. Ephraim Talmage (Jerusalem: Merkaz Shazar, 1981), 31.

³³ See, for example, Abravanel to Jeremiah 31.

³⁴ This polemical tradition finds a clear expression in Isaac Troki's *Chizuk Ha'emunah*, Chapter 29. See also citation from *Sefer Haberit Hashalem*, in the following note.

³⁵ Pinchas Eliyahu Horowitz, *Sefer Haberit Hashalem*, 1:20, 31.

³⁶ The poem begins *Titen acharit le'amecha*.

³⁷ See the concluding lines of *Kiyemei Hane'urim*.

³⁸ See Yozer for Parashat Hahodesh: *Hu Nikra Rosh Verishon*.

³⁹ See also Moshe Chayim Luzatto's prayer, *Sefer 515 (תקט"ו) Tefilot* (Jerusalem, 1979), prayer 7, 40.

⁴⁰ This raises the question of what prophecies have achieved a major role in shaping religious imagination and which have only attained a secondary role, such as the one here described for Jer 31:30

4. The pietistic context. A fourth context accounts for many of the uses described below. It emerges from pietistic and mystical literature of the past 400 or so years. It is not only far removed from awareness of Christian usage. Often, it is also detached from Jer 31. In these contexts “new covenant” takes on a life of its own, independently of its original scriptural moorings.

Understanding the New Covenant

Let us consider now how Jer 31 has been understood in Jewish interpretation. One cannot speak of only one meaning attributed to the prophecy. The beauty of the interpretive process lies in the wealth to which it gives rise. There is, however, one fairly dominant interpretation, that is echoed time and again in the course of the history of interpretation. This is the interpretation offered by Nahamanides (d. 1270):

AND THE ETERNAL THY GOD WILL CIRCUMCISE THY HEART. This following subject is very apparent from Scripture: Since the time of Creation, man has had the power to do as he pleased, to be righteous or wicked. This [grant of free will] applies likewise to the entire Torah-period, so that people can gain merit upon choosing the good and punishment for preferring evil. But in the days of the Messiah, the choice of their [genuine] good will be natural; the heart will not desire the improper and it will have no craving whatever for it. This is the “circumcision” mentioned here, for lust and desire are the “fore-skin” of the heart, and circumcision of the heart means that it will not covet or desire evil. Man will return at that time to what he was before the sin of Adam, when by his nature he did what should properly be done, and there were no conflicting desires in his will...it is this which Scripture states in [the Book of] Jeremiah, *Behold, the days come, saith the Eternal, that I will make a new covenant with the house of Israel, and with the house of Judah; not according to the covenant that I made with their fathers etc. But this is the covenant that I will make with the house of Israel after those days, saith the Eternal, I will put my Law in their inward parts, and in their heart will I write it* (Jer 31:30-32). This is a reference to the annulment of the evil instinct and to the natural performance by the heart of its proper function. Therefore Jeremiah said further, *and I will be their God, and they shall be My people; and they shall teach no more every man his neighbor, and every man his brother, saying: “Know the eternal.” For they shall all know Me, from the least of them unto the greatest of them* (Jer 31:32-33). Now it is known that *the imagination of man’s heart is evil from his youth* (Gen 8:21) and it is necessary to instruct them, but at that time it will not be necessary to instruct them [to avoid evil] for their evil

ff. One likely factor in the determination of the place a prophecy achieves is its liturgical recitation as part of the cycle of haftarah. While the earlier part of Jer 31 serves as the haftarah for the second day of Rosh Hashana, the verses under discussion are not part of any haftarah and are never read publicly in the synagogue.

instinct will then be completely abolished. And so it is declared by Ezekiel, *A New heart will I also give you, and a new spirit will I put within you; and I will cause you to walk in My statutes* (Ezek 36:26-27). The *new heart* alludes to man's nature and the [*new*] *spirit* to the desire and will.⁴¹

Jer 31 is cited along with several other biblical passages, from Deuteronomy and from Ezekiel, all of which point to the notion of abolishing free will in the future or rather the spontaneous alignment of human will with the divine will.⁴² This is the point—it is not the law that is abolished; it is free will that is abolished. This lies at the heart of Nachmanides' interpretation.⁴³ Accordingly, Jer 31 is read within a context that is significantly different than the original biblical context. For the Prophet, this prophecy must be appreciated within the context of covenant history. This covenant history is particular to Israel, a fact underlined by the dual reference to the house of Israel and the house of Judah. It is built on the relationship of God and people and broader humanity is not part of its purview. Nachmanides resituates the prophecy within a broader context that is in fact universal, pertaining to all of humanity. The violation of the covenant is itself contingent on human free will, which in turn reverts to the biblical creation story. Thus, it is not the covenant that is reconfigured but creation itself. What Jeremiah offers us, then, is a rectification of the sin of Adam, rather than the violation of Israel's covenant. Nachmanides does not spell out the universalistic implications of his reading. These may be further obscured by the periodization he offers. There seems to be a threefold division of time—the time of creation, the time of Torah, and the days of Messiah. As the latter two are typically considered through the prism of Israel's spiritual reality, the passage may readily be understood with reference to Israel. However, the implications for all of humanity are obvious even in the concluding phrase—man, the human person as such, will naturally do what is right. Or as one scholar puts it, the oracle describes the harmony of human and divine wills.⁴⁴ Jer 31, then, is a prophecy of the restoration of human nature, not of Israel's covenant.⁴⁵

Though resituating the prophecy, there is no doubt that Nachmanides has gone to the core of the message of this passage in Jeremiah. In fact, his commentary can serve as a yardstick for evaluating all commentaries, both Jewish and Christian, in relation to how faithful they are to this core message of the abolition or transformation of free will. Christians are able to claim some degree of fulfillment of Jeremiah's prophecy without this fundamental change of human nature. Similarly, we find Jewish commentators who draw other lessons from Jeremiah's prophecy,

⁴¹ Trans. Charles Chavel, vol. V (New York: Shilo, 1976), 341-2.

⁴² The relationship between Jeremiah and Deuteronomy, and the former's theological advances in relation to the latter, take up considerable scholarly attention. See among others, McKane, 825; Carroll, 614.

⁴³ An understanding shared by many biblical commentators, such as Von Rad. See Lundbom, 470.

⁴⁴ McKane, 820.

⁴⁵ Nachmanides' interpretation is echoed in Rekanati and Rabbenu Bechayei to Deut 30. It also appears in Akedat Yitzchak, *Noach*, 14th gate. The position is nuanced in Abravanel's commentary to Jeremiah, in order to maintain a degree of free will. It is further softened in the commentary of R. Meir Leibush Malbin.

though these lessons need not be construed as precluding the teaching highlighted by Nachmanides. The following lessons are drawn by two 19th-century teachers, one of whom was teacher to the other. The Natziv, R. Naftali Zevi Yehuda Berlin,⁴⁶ makes the following observation in his Torah commentary. Commenting on Lev 26:9—I will uphold my covenant with you—he first cites Rashi’s allusion to Jer 31, and dismisses it as *derash*, in other words, not conforming to the plain sense of the verse, according to which violation of the covenant has not even been mentioned by scripture. Rather:

Covenant is the foundation (or principle) of faith,⁴⁷ and the verse states that by the fact that they will succeed and grow, disproportionately in relation to the nations of the world, “my covenant”, that is faith that God is with them, will be established and strengthened. So that the nations of the world will also recognize and know God’s kingship.⁴⁸

The Natziv offers a reading of what “covenant” means. It is an expression of faith in its fullness and reality. Such faith serves as testimony for others. In a manner equivalent to Nachmanides, the universal potential of covenant emerges from an analysis of the meaning of Israel’s particular covenant. While the Natziv does not comment directly upon Jer 31, extending this commentary to Jeremiah (clearly within the scope of his interpretation, as he refutes Rashi who cites it) would mean that the future covenant is the attainment of the fullness of faith. Knowing God fully, as Jeremiah prophecies, would be understood as attaining the fullness of faith and recognition of God being with Israel, also as a model for all of humanity.

Rabbi A.I.Kook (d. 1935) was a disciple of the Natziv. I have already noted that he references Jeremiah only once in his extensive, and often eschatologically oriented, oeuvre. Here is how the passage is refracted:

God’s true love, once firmly established in the heart, will be an eternal covenant, so that it will not move away from their hearts for all generations. And this is the new covenant that the Prophet Ezekiel stated God will establish with the people of Israel, which will not be violated, that is: establishing the nature of love in the heart, just as the collective holiness [arising from] God placing his name on the nation as a whole was established, so and with even greater force, God will establish the nature of love upon the hearts of God’s people, so that it will not be moved away from their hearts and the hearts of their children, and children’s children, to all eternity.⁴⁹

⁴⁶ 1816-1893. Dean of the famous Volozhin Yeshiva and important commentator on Torah and rabbinic literature.

⁴⁷ Citing Exod 31:16, in other words, the meaning of the Sabbath as *berit olam*, an eternal covenant, is that it is a source and foundation of faith.

⁴⁸ *Ha’amek Davar*, Lev 26:9.

⁴⁹ *Midbar Shur*, 30th *derush*.

Rav Kook cites the term “new covenant.” He attributes it to Ezekiel. However, despite the thematic similarity between the prophecies of Jeremiah and Ezekiel, it is only Jeremiah who speaks of a new covenant. Rav Kook has written from memory and made a crossover between the two prophets. He offers us a kind of history of covenant, in two critical steps. The foundational step was the initial founding of the relationship. It is not referred to as a covenant, though the context would support it. It is the entering into a relationship, in which God places his name upon the people. This establishes the nature of Israel’s holiness. Holiness and association with God, however, are not sufficient. We know this because the covenant has been violated and Israel has sinned. The change in human nature, prophesied by Jeremiah (along with Ezekiel) is in fact a privileging of love over holiness. The change in human nature, the knowledge of God of which Jeremiah speaks, is the engraving and establishing of love in the heart, for all generations. This alone guarantees the successful realization of God’s covenant and his relationship with Israel. This is a beautiful rendering of Jeremiah’s prophecy. It takes into account the promise of a changed human nature, along with the knowledge of God and faithfulness to the covenant. These are understood in light of the principle of love, not articulated in Scripture, but certainly a creative and appropriate way of reframing its message. Needless to say, Christian interpretation would feel very much at home in such a refraction.⁵⁰

The Problem of the “New Covenant”

As noted, the term “new covenant” appears only once in the Hebrew Bible. Therefore, every occurrence of the term is, in fact, indebted to Jeremiah. This, however, is very misleading in terms of the meaning and usage of the phrase. The distinction between phenomenon and terminology is crucial. In terms of terminology, Jer 31 is the only occurrence of “new covenant.” However, in terms of phenomenology it is one particular instance of the broader phenomenon of dealing with the failure or breakdown of an earlier covenant by the remaking of an additional, successive new covenant. Covenant is a serial phenomenon. Israel’s covenantal history is a series of successive covenants: Sinai, Fields of Moav, Shekhem, etc. One possible, and likely, understanding for the need for repeated covenant-making is the breaking or violation of an earlier covenant that is replaced by a later one. Certainly, this is the explicit logic of Jer 31. Rabbinic sources from the middle ages onwards repeatedly appeal to the strategy of making a new covenant where a previous one has failed, in order to account for repeating covenants,

⁵⁰ This passage is typical of the methodology of *Midbar Shur*, where Rav Kook posits some fundamental spiritual distinction in light of which he constructs a reading of history or scripture. Rav Kook is replicating a methodology of halachic *lamdanut* and how it posits distinctions to understand phenomena, into the spiritual realm. The distinction between holiness and love is, to the best of my knowledge, a novel one. Rav Kook would have been familiar with the Christian distinction between law and love, itself part of the interpretive baggage brought to the reading of Jer 31. His is an internal and much more positive way of making an analogous distinction.

whether in human relations⁵¹ or in Israel's relationship with God. Increasingly, these are referred to as "new covenant". The term has caught up with the phenomenon. A new covenant is a covenant that reinstates, extends, and upholds the earlier one, following failure or other problems associated with the earlier covenant. What this means, then, is that there is a proliferation of usage of "new covenant" beginning in the middle ages and continuing up to contemporary rabbinic usage. None of it reflects the vision of Jer 31, even though it draws on the same language.⁵² Moreover, the logic of this "new covenant" is quite the opposite of Jeremiah's. Jeremiah offers a strategy for keeping the notion of covenant in place, but totally revamping its conditions. The covenant does not rely on human effort, obedience, and action. The rabbinic usage described here continues the alternative biblical approach. It refers to human efforts to reestablish the covenant or to divine responses to such human actions in the language of Jeremiah. This requires us to apply care in our appeal to later uses of "new covenant." On the one hand, many of the applications are not really relevant to our concerns. On the other hand, they offer us an interesting way in which later Jewish thought puts forth a new category, casting new meanings into the largely defunct category of "covenant".

Consider the interpretation of R. Shlomo Ephraim of Luntschitz⁵³ in his *Keli Yakar* to Lev 16. The entry of the high priest into the Holy of Holies on Yom Kippur is viewed as making a new covenant, with particular emphasis on the first two of the ten commandments.⁵⁴ A later Hassidic author, Shmuel Bornsztain,⁵⁵ in his *Shem Mishemuel*,⁵⁶ appeals to the notion of renewing the covenant repeatedly in his interpretation of *shekalim*, the coin donated annually to Temple worship. God's love is ever-present in the heart. The annual giving is an awakening of dormant love, a making of a new covenant with God. In both instances, there is no description of failure or violation of the covenant that precedes the concluding of a new covenant. Rather, renewing the covenant functions as a hermeneutic principle in light of which a particular mitzva is understood. As such, it describes human initiative and faithfulness, the attempt to live a full spiritual life, in terms of a new covenant.

The need for recurring covenant need not assume violation of the covenant.⁵⁷ The renewal may be accounted for purely on grounds of the dynamics of "religious

⁵¹ See, for example *Chizkuni* to Gen 26:28.

⁵² The roots of the phenomenon may be much more ancient. It may be that already in Qumran we find use of "new covenant" along the lines described in this passage, which do not reflect Jeremiah's vision. See D.N. Freedman and David Miano, "People of the New Covenant," in *The Concept of the Covenant in the Second Temple Period*, 7-26, especially 22 ff.

⁵³ 1550-1619. Rabbi in Prague and Torah commentator. Wrote the celebrated *Keli Yakar* commentary.

⁵⁴ Similarly, S.R. Hirsch's commentary to Lev 16 highlights the notion of renewing the covenant, as Yom Kippur is the day on which the broken Sinai covenant was reestablished.

⁵⁵ 1855-1926. Second Rebbe of Sochatchov dynasty, known for the Hassidic commentary on the Torah *Shem Mishemuel*.

⁵⁶ On Torah portion *Mishpatim*.

⁵⁷ That does, however, remain a default position. See, for example, Nachmanides' commentary to Exod 34:27.

erosion,” if one might call it that.⁵⁸ The *Shem Mishmuel* offers the following explanation for the need of a new covenant, as described in Deut 29:9 ff.

The reason for why Moses had to conclude a new covenant with Israel and did not content himself with the covenant concluded at Sinai....for the entire matter of concluding a covenant is not required when the minds are clear and the hearts are open. Rather it is like the parable of two lovers who go far from one another, and they fear lest their love will cool off and will be forgotten, with the passage of time. [They therefore] conclude a covenant that will not change with the time-bound changes and spatial distance. Similarly Israel required concluding a covenant for this reason. For in the desert, where they were fed by manna, dwelling in the shadow of the clouds of glory and seeing the divine with their eyes, they were attached to God. And Moses was concerned lest when they come to the land, and engage in sowing and reaping as is the custom of the world, their love will cool off and will be slowly forgotten. He therefore concluded with them a covenant so that the love will not change as circumstances change.⁵⁹

The author goes on to enumerate even more radical circumstances, associated with the later covenant, that could threaten Israel’s love and that therefore require a covenant as a form of protection. This is a fascinating text in that it offers an alternative theory to that of biblical covenant -making. This alternative theory is in itself a sign of some distance from biblical thinking. Remaking the covenant is not based on its prior violation. The need for restoration is built into the fabric of religious life. As in the reading of Rav Kook, covenant is related to love. Whereas for Rav Kook, covenant is the fulfillment of love, for the *Shem Mishmuel*, covenant is the protection against the erosion of love. Love is the core, and covenant the external protecting sheath. Were it not for the fear of distance and cooling off of the lovers’ love, there would be no need for covenant.⁶⁰

How concluding a new covenant functions as a way of expressing renewed religious zeal and commitment is noted in the following passage, from the celebrated *Shene Luhot Haberit* of Isaiah Horowitz.⁶¹

⁵⁸ From a completely different angle, we find a Hassidic understanding of the ongoing need for covenant-making, not in terms of relational dynamics, but in terms of the parties to the covenant. The original covenant remains intact for Israel. However, converts were never part of the original covenant. The souls of converts require a later covenant. See *Tif’eret Shlomo* on Purim.

⁵⁹ *Shem Mishmuel*, Devarim, Jerusalem, n.d., 219.

⁶⁰ It is fascinating to note how close, virtually identical, this teaching is to a contemporary Christian articulation of the relationship between love and law, echoing an earlier teaching of Kierkegaard. See Raniero Cantalamessa, *Life in Christ: A Spiritual Commentary on the Letter to the Romans*, Liturgical Press, Collegeville, 2002, Chapter 8. While the *Shem Mishmuel* is likely oblivious of Christian attacks on Judaism in light of the law, if we substitute “law” for “covenant” in his teaching, we emerge with a teaching to that of Fr. Cantalamessa.

⁶¹ 1555-1630. Popularizer of mystical tradition and author of an enormously popular work *Shene Luhot Haberit*.

I heard a story of a group of pious individuals (hassidim), who came together in sincerity and holy piety, and they were ten all in all, a divine community,⁶² an entire community. And they [took upon themselves to] add, every day and every night, holiness, without limit, in Torah study, fulfillment of the commandments and piety. And they came together to conclude a new covenant with the Lord our God, to serve him wholeheartedly, to learn and teach, to keep and observe and fulfill, the written Torah and the oral Torah, the protections [for the law] and the stringencies, whatever is mentioned by all legal decisors, former and latter. And following that they practiced the ways of holiness, abstinence and purity, without limit. And they concluded a covenant of faith, facing God, on this matter. And do not query what does it mean to conclude a new covenant, as we are already sworn from Mount Sinai, and we already have concluded covenants, as stated in the Torah (Exod 34:10; Deut 5:2; Josh 9:6). For we find such a matter with reference to the pious kings of the house of David, in King Ezekiah (2Chr 29:10), and King Osaiah (2Kgs 23:3), and similarly you will find with reference to the men of the Great Assembly, when they returned to Israel from Babylonia, as it is narrated in the Book of Ezra (10:3) and Nehemiah (10:1). “Happy is the people that act in this way, Happy is the people for whom the Lord is God” (Ps 144:15). And until this very day, if they make an offering⁶³ to do so, to come together in one union, and to conclude a covenant of faith to the dweller on high⁶⁴ they gain merit for themselves and for others, and the divine presence dwells amongst them.⁶⁵

Scripture remains a living force that is always capable of generating spiritual rejuvenation. What the *Shelah* offers us is a condensed history of biblical covenant-making and its potential application in the lives of any community. The term for such application is a “new covenant.” He even offers us a conscious self-reflection on the legitimacy and need for new covenant-making. Scripture begets piety. It is noteworthy that the process described herein is communal. It relates to a choice community of pious individuals who support each other in becoming a community of pious practice. The quote from Ps 144 might suggest that they in fact stand in for the entire people, or at least realize the potential that is available for the people at large. Covenant-making is, then, a form of piety. In all this there is no echo of Jer 31, except for the choice of term. This covenant-making is not a foreshadowing of the future new covenant. The same author will later on offer us a glimpse of such foreshadowing. For the most part, this “new covenant” is the linguistic expression of the biblical phenomenon of covenant-making as a continuous serial activity, now applied to the life of a choice community of volunteer pious individuals.

⁶² Allusion to Num 14:27, which provides the proof-text for ten as the minimal halachic quorum for a public.

⁶³ *Mindavim*. Could also be rendered—volunteer. In other words—make a voluntary offering, beyond what is demanded by law.

⁶⁴ The Hebrew features a rhyme: *Veya'asu berit emunah leshochen Meonah*.

⁶⁵ *Shelah*, Tractate Yoma, *Perek Derch Chayim Tochechat Musar*.

The historical trajectory of covenant-making moves from the entirety of the people of Israel to small communities of pious. The next step in the trajectory is the move to the individual, with covenant-making, a new covenant, as a feature of individual piety.

Individualizing the Covenant

One of the important changes that occurs, largely as a result of this expanded use of “new covenant” is the individualization of the covenant. There are biblical covenants between individuals, as well as between God and chosen individuals. However, *the* covenant, that provides the framework for all later references to the covenant, is the Sinai covenant, Israel’s collective covenant with God.⁶⁶ It is therefore interesting to observe a process of individualization of that covenant. The process of making a new covenant shifts from the collective to the individual. The language of covenant enters the domain of piety and spirituality, describing the efforts of individuals towards God, and in certain cases also the depth and intimacy of relationship with God following their action. Very little of this, however, flows from Jeremiah’s prophecy. Making a new covenant is a step in the struggle against human weakness, the evil inclination of which Nachmanides spoke, not an act of surrendering all human efforts to the exclusive power of God.

One of the earliest uses of “new covenant” in such a personal context comes from the mystical diary of R. Joseph Karo (d. 1575).⁶⁷ R. Joseph Karo had a personal “magid,” a mystical, otherworldly, spiritual guide, which for him was a personification of the mishna. His book *Magid Mesharim* records instructions and conversations of this Magid. One of the passages records the date and goes on to describe the day:

The day of the circumcision (literally: covenant) of the child...even though you have much separated your thought from me, I will return to you as it was originally, so that you may know the fullness of my goodness, compassion and mercy. And the first days will fall away and now I will make with you a new covenant and return to you the joy of my salvation and with a generous spirit I will support you,⁶⁸ so long as you remain attached to me, to my awe, to my *mishnayot*, and do not separate your thought from me for even a moment, and return and build what you have destroyed.⁶⁹

We note that the objective covenant-making in the form of circumcising his son leads to the subjective experience of his own receiving of a new covenant. Such a covenant is necessitated by what is described as Karo’s having removed himself

⁶⁶ The covenant with Abraham may be seen as part of this broader covenantal movement. I would not include the covenant with Noah within the same conceptual framework, even if it is the first covenant concluded by God with humanity.

⁶⁷ On this, see R.J.Z. Werblowsky, *Joseph Karo: Lawyer and Mystic* (Philadelphia: JPS, 1977).

⁶⁸ Echoing Ps. 51:14.

⁶⁹ *Magid Mesharim*, Ki Tavo.

and his thoughts from exclusive attachment to God. The initiative is God's. It is he who concludes the new and highly personal covenant. However, this covenant does have its particular requirements of R. Karo, namely his continued attachment to God, to the mishna, and the discipline of constant remembrance of God. It is important that this personalized covenant is an interior mystical experience.

The same is true for the following text attributed to the Ba'al Shem Tov (d. 1760), founder of the Hassidic movement. The Besht, as he is known, offers mystical intentions, *kavanot*, for immersion in the ritual bath, mikveh. He first describes a series of divine names that the person performing the immersion concentrates upon, corresponding to his reality in the physical structure of the mikveh. He then orients his heart to ask of God that he should receive holiness and purity in his thought, voice and speech: "And if he performs these intentions, even if he falls to the ground seven times,⁷⁰ he will arise, as well as if he goes seven degrees backwards,⁷¹ God will heal him and will conclude with him a new covenant that will not be broken, and then a spiritual stature will illuminate his soul".⁷² Mystical intentions lead to a personal relationship with God. Following human efforts at purification and sanctification there is a promise for personal healing, illumination and a new covenant. As in the previous text, it is God who concludes the covenant, not the individual. God does so following the efforts and intentions of the individual.

There is an opposite trajectory, wherein the individualization of the covenant is means of expressing personal commitment and initiative. In the same way as a covenant is concluded with the passage of time, be it on an annual basis or as circumstances change, so the making of a new covenant can express zeal, commitment, and intentionality of the individual, in his spiritual quest. If the previous quotes presented God as the one who concludes the covenant, the following passages portray covenant-making as a form of human initiative, equivalent to repentance, commitment, and spiritual regeneration. The Hassidic teacher, R. Aharon Roth⁷³ (d. 1947) describes a person's morning routine as follows:

When he wakes up in the morning he is a literally a new creature, and he must therefore accept upon himself a new covenant every day, to serve God with total self-dedication⁷⁴ because the commitment of the previous day to be strong in prayer is not effective for the prayer of tomorrow, for a person's evil inclination is renewed daily, just as a person is renewed daily and becomes a new creature.⁷⁵

⁷⁰ Allusion to Prov 24:16.

⁷¹ Allusion to 2Kgs 20:9.

⁷² This text appears in various citations. The present one is taken from the commentary of R. Levi Yitzchak of Berdichev, in his *Kedushat Levi*, on tractate Avot.

⁷³ 1894-1947. Founder of a Hassidic dynasty that is prominent in Jerusalem and a noted mystic.

⁷⁴ *Mesirut nefesh*.

⁷⁵ *Inrei Aharon*, p. 12. The notion appears several times in his corpus, as a designation of renewed human efforts in God's service. In *Ma'amar Avoda Shebelev*, section 16 on *Kidush Hashem*, however,

The need for a new covenant is as basic as the new day. Covenant-making is therefore synonymous with new beginnings and fresh commitment.⁷⁶ While the personalization of the covenant may be inspiring in and of itself, this is largely a devaluation of *the* covenant, which no longer functions as a broader frame for the relationship, nor as an expression of the particularity of a relationship. A new covenant is simply a way of expressing rededication and new commitment.

In another source, the famous *mashgiach* of the Mir Yeshiva, R. Yerucham, describes the spiritual practices of the Kabbalist Alexander Ziskind (d. 1794), author of *Yesod Veshoresh Ha'avoda*. The latter is described as repeating in mantra-like style his willingness to suffer martyrdom, to sanctify God's name, and his repeated acceptance of the Torah's yoke. This is repeated hundreds and thousands of times. R. Yerucham queries the need for such repetition, and explains it as "every repetition was as if he now accepted it upon himself as if it was new. Not a moment had passed and he already felt the need for a new acceptance, for a new covenant-making between himself and God."⁷⁷ Covenant-making is synonymous with a new resolution and its time span is a moment only. The need for covenant-making is religious consciousness. If the biblical need for covenant-making was justified by particular events, and if biblical commentators considered certain annual commandments as expressive of a spirit of covenantal rejuvenation, the present applications of the term view the need for covenant-making as a direct expression of religious consciousness and its fragility. Daily changes in consciousness or the momentary transitoriness of religious awareness stand in for long term relational considerations. Covenant-making becomes a form of almost perpetual dedication to one's relationship with God.⁷⁸

Covenant and New Revelation

The history of interpretation is a history of selectivity. Given the wealth of elements in Jeremiah's prophecy, we find some amplified, while others are ignored. This is as true of Jewish interpretation as it is of Christian readings of the verse. With the decline in the theological context of covenant, later readers relate to elements in the prophecy, other than covenant. The reference to placing the Torah in the heart (v. 32) relates to a central concern of rabbinic thought—the study of Torah. Much of the attention of later generations focuses on the study of Torah and the meaning of Jeremiah's prophecy for Torah study, rather than for covenant.

we also find reference to "he will become a new creature, and God will conclude with him a new covenant from now on, to bring him close to the Shekhina of his glory."

⁷⁶ Other units of time could be considered in similar light. This is one dimension of meaning imbued by S.R.Hirsch in the celebration of Shabbat. See his commentary to Lev 23:15.

⁷⁷ Yerucham Levovitz, *Da'at Torah* (Jerusalem, 2002), Part 2, 73-74.

⁷⁸ For a halakhic expression of the same attitude, though not with the same frequency, see *Reshimat Shi'urim* of R.J.B. Soloveitchik, *Nedarim* 8b. Renewing the covenant is identified with taking an oath in God's name, as a means of driving oneself to further commitment to the commandments. Here we have a personal application of renewing the covenant within a framework that preserves the fundamental association of covenant and commandments.

The dual emphasis on placing the Torah in the heart and the lack of need to teach one another about God leads to some reflections on Torah study. The phenomenology of study includes the attempt to retain what was learned and the challenges of forgetting the studied Torah. These are thematized in numerous rabbinic passages. This is one context within which our prophecy is appreciated.⁷⁹ It is worth noting that the rabbis are concerned with the study of Torah. They do not relate to the knowledge of God, readily available in the future described by Jeremiah. This is a significant omission,⁸⁰ inasmuch as it points to the autonomy of Torah study and how it is not understood as a means to the knowledge of God.⁸¹

As noted, most references to “new covenant” apply the concept to the phenomenon of repetitive covenant-making. I have found only one text that situates Jeremiah’s prophecy in a context that could be described as realized eschatology. The following passage, again from the *Shelah*, does not draw practical consequences for piety or individual behavior, as did the previous quote. Rather, it offers a reading of normative practices relating to the festival cycle, situating them all in an eschatological context. Each of the festivals draws its meaning by pointing to a future eschatological reality made present in the festival. Within this context we also find the following reference to Jer 31.

All additions of holiness, as these are understood in light of the secret meaning of the additional sacrifices (*Musaf*) offered on festival days, allude to the future. The New Moon...The secret of the *Musaf* of Shabbat is the world [to come], all of which is Shabbat; and the secret of Passover is that during Passover Israel was redeemed and so during Passover they will be redeemed in the future...and Shavuot is the time of the giving of the Torah, [points to] future additional knowledge through a new covenant and the earth will be filled with knowledge.⁸²

The passage goes on to list other festivals, all of which are appreciated through an eschatological perspective. The *Shelah* does not state explicitly that Shavuot is the time of historical covenant-making, which would lend it the quality of renewing the original covenant, a theme that can indeed be found in Hassidic literature. Rather, he relates it to the future covenant, from which the present draws its

⁷⁹ See sources cited by Sarason.

⁸⁰ Yishai Chasida, *Beurei Hachasidut Lenach* (Jerusalem: Mossad Harav Kook, 1980), 371, cites *Kedushat Levi* of R. Levi Yitzchak of Berditchev, to the effect that the future miracles will lead to a greater knowledge of God, compared to the Exodus. He attaches this to the notion of a new covenant, thereby creating an exception to the statement I just made. However, examination of the *Kedushat Levi* on Passover reveals that R. Levi Yitzchak is exegeting Isa 51:4 and the rabbinic gloss in Vayikra Rabbah 13:3. He makes no reference whatsoever to covenant, or to Jeremiah, in line with the virtual lack of interest in this verse in Hassidic commentaries.

⁸¹ I elaborate on this in my forthcoming *In God’s Presence: A Theological Introduction to Judaism* (tentative title).

⁸² Shene Luchot Haberit, *Torah Or*, Pinechas.

meaning.⁸³ The association with Shavuot points attention to one of the important and usually overlooked elements of Jer 31—the inscribing of the Torah on the heart.

The intuitive association of Shavuot with a new future revelation allows us to recognize how Jesus' disciples could make a similar association, leading to the emergence of the Christian feast of Pentecost, with its particularity. The structure is the same. For the Christians it has been actualized in a particular point in time. For Jews, it remains a future vision. Because Jeremiah's prophecy is centered in such a future-oriented vision, the juxtaposition to Shavuot is a suggestive association of ideas, by no means common or representative. Ideas have the potential of being actualized, as this one is in the Christian context. It is up to reception history and broader circumstances to profile and to give wide currency to ideas. Such a contextualization of Jeremiah as we find in the Shelah remains an isolated case. This may be largely due to the fact that it is homiletical, lacking any practical consequences. It is part of a broader view of festivals seen in an eschatological lens, lacking any practical directives. In fact, it does not proffer meaning on the festivals, but on the *Musaf* sacrifice. The concern is limited in scope and so is its contribution to any sense of developing a realized eschatology of Jeremiah 31.

Jeremiah 31 clearly implies a new and different kind of Torah. What is the relationship between this Torah and the Torah we now possess and know? This is, as we already saw, a matter that lies at the heart of the Jewish-Christian controversy, with reference to the abrogation of the Torah, a notion read by Christian interpreters into this prophecy, and vehemently rejected by Jewish commentators and polemicists. I have, nevertheless, found one text that addresses this issue, though without any reference to the Jewish-Christian polemic. We saw above that the *Shelah* includes in his description of piety also observance of stringencies and laws that were put in place to protect biblical, foundational laws. This is in contrast to the Italian Kabbalist Moshe David Vali,⁸⁴ who relates to Jer 31 as a return to the pristine Torah, prior to its protection.⁸⁵

The matter of hedges and boundaries that were made to the Torah by its sages in every generation. The reason [for this] is because of the heart of stone and the evil inclination that has the upper hand, and so that the generations should not transgress a proper prohibition of the Torah. However, at the time of redemption, when the heart of stone will be removed and the evil inclination will be removed, one will no longer need such hedges at all. And there will be great relief for Israel, who will only take care to keep the Torah in its plain intention,

⁸³ It is worth noting that the only two references to Jer 31 in the *Oholey Yaakov* of Rabbi Yakov Friedman (d. 1956) are in two homilies on Shavuot, thereby bringing to light such eschatological dimensions of the festival.

⁸⁴ 1697-1776. Italian commentator and mystic. Famous as the teacher of Rabbi Moses Hayim Luzzato.

⁸⁵ Vali was, among other things, a polemicist against Christianity. The following passage shows no awareness of alternative Christian readings. It should be noted, however, that it is excerpted from a larger discussion, for which no reference is provided.

things as they are, without any fence to a fence to keep distance from the prohibition, because the heart will be pure and straight and will not sin. And this is the matter of the prophecy [of Jeremiah, cited here], which seems, God forbid, as though it will be a new Torah...but the novelty will be to remove from them all the hedges that were needed initially when they were taken out of Egypt...But in the future when all evil will be turned to good, and the Torah will be written and sealed in Israel's heart, each one according to his own level, when there will be no obstacle on their end, then they will no longer need these hedges, [further citations from Jeremiah]...when evil will be eliminated from the world, and all will perform [the commandments] out of love and not out of fear, and there will no longer be a need for the hedges, so that his fear should be upon us, so that we not sin.⁸⁶

There may be a particular interpretation underlying this passage. God says, I have placed *my* Torah upon their hearts. This could give rise to an interpretation that distinguishes God's Torah from the man-made protective hedges. The change of human nature, that is fundamental to Jeremiah's commentary, is related to the placing of Torah in the heart. The antinomian associations that Christians might apply to the Torah and its commandments are limited to the human part of the Torah. The Torah itself, in this reading, is not given to battle the weaknesses of the evil inclination. Its purposes, one assumes, are broader, possibly cosmic and theurgic in scope as a Kabbalist might believe, thereby drawing a meaningful distinction between the divine and human portions of the Torah. Only the latter are an outcome of the fault of human weakness and the evil inclination. They will, therefore be abrogated at the time of redemption.

Vali's reading of Jer 31 relates to most key elements—Torah, placing in the heart, knowledge of the heart, and forgiveness of sins. The one element that does not receive specific attention is the covenant, the new covenant. The following text, also from Vali, completes the picture.

Behold, the days come, saith the LORD, that I will make a new covenant with the house of Israel, and with the house of Judah. It is already known that at the time of the giving of the Torah God removed the foreskin from the *yesod*, so that the lights of the Torah itself could emerge from it and spread among all Israel. However, on account of the sin of the golden calf the foreskin once again gained hold upon the holy *yesod*, as it did originally, and the internal lights could not emerge from it, only the exterior ones, and even they could not enter the hearts of Israel properly, because due to the sin of the golden calf all of Israel became uncircumcised of heart, and they therefore sinned always and annoyed their creator. However, in the future God will once again remove the foreskin from the holy *yesod*, and also remove the foreskin from the hearts of Israel, and therefore the lights of the Torah will be able to emerge from the

⁸⁶ *Sefer Halikutim* (Jerusalem, 1998), 23.

holy *yesod* and enter the hearts of Israel, for there will be no longer any obstacle, neither on the side of the beneficiary nor on the side of the recipient. And this is the secret of “I will make a new covenant with the house of Israel, and with the house of Judah [verse cited in full]”.⁸⁷

This commentary brings covenant, *berit*, back to center stage. It also provides a window into what happened to covenant in the course of the history of Jewish thought. As I have already suggested, the relative lack of importance of our prophecy is a function of the overall decline in the place of covenant in the economy of Jewish theology. One of the outcomes of this decline is a transformation of the meaning of *berit* among kabbalists. Rather than the framework for Israel’s relationship with God, the term took on a different meaning, derived from its association with *the* covenant par excellence, the only one that remains central to Jewish practice—circumcision. Because one particular covenant is still practiced, circumcision and covenant became synonymous. This led to the term *berit* serving as one of many epithets of the ninth sefira within the Kabbalistic system of divine emanations, the sefira whose anthropomorphic correspondent is the male organ. “Covenant,” *berit*, became a designation for the sefira of *yesod*. Nearly all uses of *berit* in Kabbalistic and Hassidic literature resort to this use, with no reference or association to its original and broader biblical context. Vali’s commentary draws the Kabbalistic understanding back to the biblical sphere, relating it to biblical concerns, as these are expressed in Jer 31. He offers us a re-reading of Jer 31, in light of Kabbalistic understandings of *berit*. “Covenant,” *berit*, is integrated into this understanding as the grounds for revelation of the Torah, one of the elements of the prophecy. Significantly, the passage is taken out of the context of the Exodus, and read in relation to Sinai. The passage assumes two dimensions of foreskin, a symbol for evil, impurity and the “other side,” both expansions of the original foreskin associated with the ritual of circumcision. The one is the circumcision of the heart, already a biblical expansion of the notion of circumcision, and its related foreskin.⁸⁸ The other is the cosmic foreskin, which is the natural correlate of the divine *yesod*. It expresses the recognition of a cosmic battle of good and evil, as taught in the Kabbalistic system. The result is that fulfilling the promise of Jer 31 does require a new *berit*, namely revelation of the *yesod*, along with the ensuing transformation of human heart and novel understanding of the Torah.

The way in which the Exodus has been transposed to Sinai is but one way in which Jeremiah is reconfigured in accordance with emphases and conceptual structures that inform the worldview of the later interpreter. The following section provides us with further instances of such reconfiguring in Hassidic literature.

⁸⁷ Moshe David Vali, *Marpe Lashon: Commentary on Jeremiah* (Jerusalem, 2003), 226.

⁸⁸ Deut 10:16.

Reconfiguring Jeremiah

One of the expressions of the lack of centrality of the Jeremiah prophecy is its virtual lack of echo in Hassidic literature. A survey of the Hassidic corpus shows no concern with any of the elements of the prophecy.⁸⁹ In what follows, I present two exceptions to this claim, both by authors who are well versed in the bible, and whose teachings therefore convey in some way the impact of biblical concerns. For the most part, Hassidic authors stand in continuity with rabbinic concerns. Hence the lack of interest in the covenant. Both authors presented here relate to Jer 31 multiple times, and for one of them it is a key proof-text for larger theological edifices. Both the repeated appeal and the qualitative use of the verse suggest a departure from the norm in Hassidic literature and in most of Jewish tradition. Such departure is best accounted for as a consequence of consistent exposure to the bible as a primary study text, a fact that fits the profile of both authors. The biblical message is reworked and integrated within the broader conceptual framework of the respective Hassidic articulations.

The first of the two authors is R. Nathan of Nemirov, whose *magnum opus* *Likutey Halachot* is a tour de force of Hassidism, homiletics, and commentary on all aspects of the canon.⁹⁰ R. Nathan contextualizes Jer 31 within a broader historical scope. One aspect of this is relating earlier redemptions to the future redemption and its association with the messiah. Reading Jer 31 in relation to the Messiah requires importing a concept that is not in the passage, but is a reasonable move if we consider the eschatological perspective as a whole. Both Jews and Christians eventually make this association at some point.⁹¹ Accordingly, R. Nathan contrasts earlier redemptions with the future redemption. Earlier redemptions

⁸⁹ There is one brief mention of the new covenant in *Sefat Emet* to Matot 1898, where he speaks of God concluding a new covenant that will not be violated. The text thus brings together new covenant and inviolability. This could echo Jeremiah, which, however, is not explicitly cited. The text does go to the core concern of Jeremiah and to what gives rise to the notion of a new covenant—maintaining the covenant in the face of its violation.

⁹⁰ On this work, see Alon Goshen-Gottstein, “Halakhah and the Spiritual Life: An Introduction to ‘Likkutei Halakhot,’ by R. Nathan Sternhart of Nemirov,” in Amihai Berholz, ed., *The Quest for Halakhah* (Tel Aviv: Yediot Aharonot, 2003), 257-284 [Hebrew]. Dates - 1780-1844. To a large extent, Rabbi Nathan is the person responsible for the survival of Breslav as a religious movement following the death of R. Nachman, in the absence of an alternative Rebbe. Author, redactor, and community organizer, he laid the foundations for the community’s long-term survival.

⁹¹ Note, however, that Messiah is not the one who concludes or launches a covenant. Messiah provides the time period within which Jer 31 is understood, but is not active in the new covenant, in the same way as Jesus is in relation to inaugurating a new covenant. It would seem that once the eschatological perspective was individualized in the person of Messiah, Jer 31 could have yielded more active readings of Messiah concluding the new covenant, possibly in the same way that Moses concluded the Sinai covenant. It may be that there are internal breaks in the system that prevent this. It could be that defense mechanisms against the notion of abrogation of the Torah prevented the development of an idea of Messiah as giving a new Torah, over and against the one given in a covenant by Moses.

were followed by subsequent exiles.⁹² Messiah brings *tikkun* to its completion, and leads to full return to God. Jer 31 serves as proof for complete return.⁹³

More central to R. Nathan's concerns is contextualizing the knowledge of God and the reference to Torah in Jer 31 within his own schemata of knowledge and revelation. One of these relies on R. Nachman of Breslav's Kabbalistically-based teaching regarding a future revelation of the Torah from a higher source within the divinity.⁹⁴ Jer 31 is read in light of this understanding. This revelation of Torah amounts to revealing the secrets of the Torah. Revealing this higher Torah has its correlation in the recipients. These will be at a point of purification in which they will be able to receive the new revealed teaching and never transgress the Torah.⁹⁵ If the plain sense of Jeremiah assumes a transformation of human nature, an understanding mostly upheld in the course of interpretation, as we noted in Nachmanides' commentary, R. Nathan provides a new context for obedience to the Torah. Rather than divine intervention and refashioning of human nature, R. Nathan envisions a gradual process of purification that occurs throughout the ages. In fact, such purification could occur even without the Torah, by virtue of the teaching, example, and presence of *zaddikim*. In the same way that the Torah was not given to the world immediately, it could have, in theory, also been given later, once the world had been adequately purified to attain the obedience and attunement appropriate for the higher revelation of the Torah. Torah and *zaddikim* function autonomously as well as synergistically, reinforcing one another. The divine plan deemed it necessary to reveal a lesser dimension of Torah, in response to human nature, postponing the eventual fullness of Torah to the messianic future. Yet, this messianic revelation will be founded upon the gradual purification and perfection of human nature, resulting in the state expressed in Jeremiah 31.

A second construct within which Jer 31 is appreciated relates to the notion of *ezah*, advice. An important teaching of R. Nachman of Breslav, R. Nathan's teacher, who provides the theoretical foundations for his work, relates to the notion of advice. Wisdom manifests in the capacity to find advice, insight, a liberating understanding by means of which one can help oneself and others overcome the challenges of reality, and in particular one's evil inclination. The fullness of understanding Torah finds expression in the fullness of *ezah*, insight. Affirming the classical topos of the unchangeability of the Torah, R. Nathan defines the novelty of the messianic Torah, described in Jer 31, as the ability to derive complete and whole insights and personal teachings.⁹⁶ The perfect fulfillment of the Torah is not a function of the lack of what R. Nathan would refer to as the evil inclination, and which he would recognize as germane to Jeremiah's prophecy. It is an outcome of the fullness of advice, by means of which one can overcome it. Compared with the

⁹² A point made already in the midrash. See Mechilta, Masechta Deshira 1.

⁹³ *Likutey Halachot, Orach Hayim, Massa Umatan*, 4.

⁹⁴ See *Likutey Moharan* I, 13b. It is worth noting that R. Nachman is alone among Hassidic authors in developing this concept, even though it has zoharic foundations. All references to the term in Hassidic literature are in Breslav literature.

⁹⁵ *Likutey Halachot, Orach Hayim, Birkat Hareach Ubirkat Hoad'ah*, 4.

⁹⁶ *Likutey Halachot, Hilchot Techumin* 5.

previous understanding, relating to the manifestation of the higher Torah, this understanding profiles the application of the future teaching in relation to the individual. We have here one more aspect of the individualization of Jer 31, not in terms of the personal making of the covenant, but in terms of the broader availability of a higher teaching that equips each and every individual to overcome the battle with the evil inclination. This is achieved by means of identifying and implementing the advice needed for him personally. What Messiah brings to the world is the depth of infinite advice, such that evil cannot overcome.

The second Hassidic author is contemporary. This is R. Shmuel Berezovsky, grand rabbi of the Slonim dynasty.⁹⁷ Rabbi Berezovsky's *Darchei No'am* is a collection of his weekly teachings drawn from two decades of preaching. Rabbi Berezovsky is a reader of the Bible, something which is fairly uncommon in Hassidic circles. This has had a direct consequence on his integrating the idea of covenant into his Hassidic thinking. The outcome is a fresh approach to biblical covenantal sources, now read through Hassidic eyes.⁹⁸ Because Rabbi Berezovsky has no tradition of interpreting the covenant to which to appeal, other than the roundabout workings of covenantal terms and sources in Kabbalistic and Hassidic literature, what we find is a series of original reflections that bring together exegesis, Hassidic spirituality and his own interpretive intuitions. The result is a novel contribution to Jewish covenantal thought.

Within the scope of his teachings, Jer 31 occupies a very central place. The verse is commented upon dozens of times in his corpus. The main lesson drawn by him concerns the making of a covenant as Israel left Egypt, a fact not found in the Torah and for which Rabbi Berezovsky can only rely upon Jeremiah. This, in turn, allows him to develop multiple readings of the meaning of the Exodus in light of a covenantal understanding. Of all the elements that Jer 31 could provide, the one that is most important for him, and probably least important for the history of interpretation, is the very fact that there was a covenant concluded at the Exodus. However, the juxtaposition of that covenant with the new covenant does lead to some significant observations regarding the new covenant, and to these I now turn.

There is much in common between the *Darche Noam's* reading of Jer 31 and that of R. Nathan. For both, the verse is to be understood in the context of Torah and its revelation. Both downplay the change in human nature, the main message of Jeremiah. However, given the centrality of covenant to Rabbi Berezovsky's thinking, this leads to a much fuller integration of Jer 31 and its message both in terms of Torah and its revelation and in terms of covenantal thinking. Furthermore, R. Nathan's appeal to covenant juxtaposes past and future, much as Jeremiah's

⁹⁷ Born 1936. Has been serving as its leader since 2000. Influential in contemporary Israeli politics through membership in the Torah Council of Sages of Agudath Israel. He is a contemporary mystic and creative exegete, as can be gleaned from the passage under discussion.

⁹⁸ I have devoted a study to this. See Alon Goshen-Gottstein, "Rediscovering the Covenant: The Contemporary Hasidic Thought of Rabbi Shmuel Berezovsky of Slonim," in *Be-Ron Yahad: Studies in Jewish Thought and Theology in Honor of Nehemia Polen*, ed. Ariel Mayse and Arthur Green (Boston: Academic Studies Press, 2019), 118-154.

prophecy does. R. Berezovsky, by contrast, introduces a long historical development, the present continuous, Israel's exile, suffering and process. This provides the bridge from the covenant at the Exodus to the new future covenant. Situating the future new covenant on an axis of historical continuity provides it with a relevance beyond that of an eschatological prophecy. Not much can be done with an eschatological prophecy, except for waiting for it to come to be. If, however, the new covenant is constructed in the here and now, it provides meaning to the present. The new covenant can then become part of the aspiration, and possibly even of the active construction, of the faithful in the here and now.

The new covenant functions as a point of reference by means of which one can point to development and growth in religion. The radical transformation of heart envisioned by Jeremiah gives way to taking stock of multiple ways in which Judaism has changed and grown through the ages. These are then situated on the axis between the initial and the future covenants.

In the future there will be a new covenant, because during exile so many qualities and new forces were added to Israel that have not yet been revealed, and in order to bring them into manifestation the previous covenant is insufficient, but one requires a new covenant of the “soul coming close,”⁹⁹ in order to effect redemption, for only it can reveal and bring into manifestation what was contained in potential in Israel.¹⁰⁰

The context is historical and the history is focused on exile not simply as a time of suffering but as a time of growth. Following a pattern similar to the Shelah cited above, a new covenant is needed because there has been growth and development in the Torah. One particular expression of such growth is found in the following passage:

The entire description of the Song of Songs is, “All night long on my bed, I yearned for the one my heart love, I yearned for him, but found him not” (Song 3:1). This is a description of someone whose heart burns and is torn by the intensity of longing,¹⁰¹ a description of someone who in the midst of distance and exile—on my bed at night—“in times that I dream that your bondage might end, I become like a lute for your songs.”¹⁰² And even though this pain is immeasurable, the pain of the father who exiled his sons and of the children who were exiled from their father's table,¹⁰³ this pain leads to burning longing, and the intensity of longing is far greater than when they are together. This fire that is present in the Song of Songs exists only when she yearns for her husband, and the heart is torn by longing. And had we not had exile, where would we have had such a song as the Song of Songs? These yearnings of exile lead to a

⁹⁹ Echoing Ps 69:19, a verse echoed in the famous poem for Friday night, *Lecha Dodi*.

¹⁰⁰ *Tazria Hahodesh* תשח.

¹⁰¹ Song 5:6-8 is here cited.

¹⁰² Citing R. Yehuda Halevy's “Won't You Ask After, O Zion.”

¹⁰³ Bavli Berachot 3a.

new relationship between God and Israel, a relationship that did not previously exist, and that will be renewed at the time of redemption. (Here Jer 31 is cited again.) All this is built by the yearnings of exile, from the power of the fire of the Song of Songs...this fire of the faithful of Israel whose heart burns with yearning and is torn by yearning is the fire through which God will rebuild the future building.¹⁰⁴ From this the collectivity of Israel will be built. From this will be built the spirit of Messiah.

This is the essence of exile that purifies Israel. The yearning that it brings about leads Israel to a very high level, to a new covenant, a renewed relationship between God and Israel, to an exalted degree that did not previously exist. In light of this, the day on which the Temple was destroyed is the day during which the first step of preparation for redemption began, the first step in the long journey that prepares and leads Israel towards the revelation of the light of Messiah. On this day Israel went into a long journey of dark exile, a journey that lasts already thousands of years, during which the internal essence of the people of Israel is purified and distilled. On this day a new period in the relationship between God and Israel was begun, a period of the fire of yearning of the Song of Songs, that did not previously exist.¹⁰⁵

The history of suffering is really a history of burning love, a constructive internal transformation, a constructive act by means of which Israel, its future relationship with God and the light of Messiah come to be.

The positive reading of history, as a consequence of suffering, read in light of covenant history and its future realization, finds a different expression in the following teaching that emphasizes the light of Torah and its knowledge, not only the burning and yearning heart.

The purification that Israel underwent changes the face of the world. When Israel went into the last exile, Torah developed to an extreme that did not previously exist. New treasures of Torah opened, that were not previously revealed, in the manifest Torah¹⁰⁶ and in the hidden Torah, the tannaim, the amoraim, the yeshivot, the methods of learning that shine the light of Torah that came down to the world. The more the purification through suffering increased, so the light of Torah grew and became greater. It is close to two thousand years that the wellsprings of the light of Torah flow and expand with no limit, until our very days, in the expansion of yeshivot, and the flowering of the world of Torah in a marvelous way, that did not exist in times of old...through the rebuke and the suffering of exile a new covenant was concluded with Israel, a new relationship was formed between God and Israel, a

¹⁰⁴ Citing the *Nahem* prayer of Tisha Be'av.

¹⁰⁵ *Masei* תשסה.

¹⁰⁶ In other words: halacha, commentaries and all non-Kabbalistic aspects of the Torah.

new light, a light of the Torah that did not previously exist, and was revealed in the last exile through the purification of suffering.¹⁰⁷

It is noteworthy that new covenant is presented here as already in effect. The flowering of Torah learning is in fact a realization of a new covenant, concluded through the suffering of history, and realized in its midst. It is noteworthy that in this construction, the continual revelation of Torah does not take on messianic coloring. Still, the messianic focus of covenantal thinking is a centerpoint of Rabbi Berezovsky's thought.

Considering the motivation for Jeremiah's prophecy, Rabbi Berezovsky's discourses allow us to revisit the very logic that informs the new covenant. The idea of a new covenant came into being as a response to failure to observe the original covenant. It was articulated by a prophet who foresaw the exile, but had not yet lived it, nor seen its long term fruits. Rabbi Berezovsky has. As he looks upon Judaism, in the course of millennia of development, he sees faithfulness, love, dedication, learning, creativity, and an intensity of longing for a higher reality of love. The historical view that contrasts past and present failures with a new reality, where God acts in place of humans who have failed, comes up against an alternative view, where the exile, itself a historical response to the situation described by Jeremiah, has actually produced a reality that not only has remedied the original fault, but that in its own way is already the new covenant. This leads to an entirely new historical construct, wherein the new covenant emerges as a part of a long historical process, characterized by suffering on the one hand and spiritual growth on the other. The challenge seems to be the same as Jeremiah's. The concept is taken from Jeremiah. But the application is novel and in fundamental ways the opposite of what was intended by Jeremiah. Jeremiah is recast into a new structure that at one and the same time undermines his historical solution and fulfills his ultimate vision.

Rabbi Berezovsky himself does not consider that the achievements of exile make the vision of the new covenant redundant. They lay foundations for it, they anticipate it, but ultimately the spiritual reality of the future covenant is not only unknown; its reality is in formation, and therefore dependent on the present moment, that is on our present spiritual efforts.

A new covenant is...an entirely different covenant. What is this covenant? This is a secret that has not been revealed to anyone, as it says "you will do awesome deeds beyond our highest expectations."¹⁰⁸ And as it is stated in the *Akdamot* poem: A glory that cannot be expressed by lips, and has not been heard or seen by prophetic visions. And why has no one seen or heard it? Because the suffering of exile is the building stones of the new covenant and its form remains dependent on the faithfulness of the faithful people. This new future covenant is, after all, a new creation, and in order to capture it one requires other eyes and other ears...in order to contain the future redemption one requires a new

¹⁰⁷ *Ki Tavo* .תשעה

¹⁰⁸ Isa 64:3, translated in line with the homily's reading.

creation, and prior to that one cannot imagine it....all that the prophets prophesied....still does not express the new covenant that will be in those days...and the entirety of the long exile that remains unfathomable is intended to make Israel worthy of the new covenant.¹⁰⁹

The purpose of the new covenant, then, is no longer simply obedience to God's commandments. If there is a promise of a new covenant, it must be so much greater than the best of Judaism that Rabbi Berezovsky sees, a sight that was not itself available to Jeremiah. Significantly, proclaiming the mystery comes at the expense of profiling Jeremiah's own vision of universal knowledge of God, inscribed upon everyone's heart. It is not this vision that drives Rabbi Berezovsky's future covenantal aspirations. What that new covenant will be remains a mystery, an elevated expectation, a future dream. But this dream is alive and occupies an important place in his dreams, his teaching and his theology. For him, then, the idea of a "new covenant" is a living and vital idea.

Concluding Reflection: Keeping Jeremiah 31 Relevant

In concluding our discussion I would like to pose the question of what this survey has taught us that might help us in keeping Jeremiah's promise relevant. This question is particularly significant in light of the low place it occupies in Jewish consciousness on the whole, as witnessed by the sparsity of its history of interpretation. Some of the developments we have encountered can help us reconsider the promise and its enduring significance for our religious thought.

One thing we learn from the history of interpretation is that the importance of the verse does not lie in itself or in its original meaning. Its meaning is continually crafted anew, and is recast in new contexts. The promise of a new covenant in view of the failure to keep the original covenant is of little interest, first because the covenant's significance has declined and more importantly because it offers the believer a hope with which he can do nothing but wait for its eventual fulfillment. The same holds true for reading the prophecy against the background of Adam's sin as a promise for transcending human free will. It remains an interesting idea. It lacks, however, any real spiritual power for the believer.

For the prophecy to have meaning it must be approached as something that is relevant to the life of the believer. Needless to say, reading it from the perspective, or from the belief that it has been realized and that we are living in the era of the new covenant does, in fact, make the prophecy meaningful for the Christian believer, a source of orientation and direction of living in the present.

In considering how the prophecy has been made present in the course of Jewish usage, I note two points. The one is the historical recasting, especially as developed by Rabbi Berezovsky. The new covenant is part of an ongoing process. It provides meaning to suffering. It also frames religious growth and spiritual development. It is shaped by the believing community and emerges as the unknown and mysterious

¹⁰⁹ *Va'era* תשעב.

outcome of present day faithfulness. It is, then, a goal, a point of anticipation, a force that structures religious imagination and experience.

The second element that has emerged from this survey is the individualization of the covenant. The covenant and the process of making a new covenant is not only the lot of the people as a whole, nor is it limited to a remote eschatological future. Covenant becomes part of present-day individual relationship with God. One side of this relationship is commitment, oath and dedication, undertaken at the instigation of the believer. The other side is divine initiative, made manifest as special relationship, largely in response to prior human effort. A new covenant in the life of the individual is a new step in spiritual growth, intimacy in relation to God, the power of rejuvenation, and ultimately the recognition of God's dwelling with the believer.¹¹⁰ Especially in light of the Kabbalistic understanding of *berit*, a covenant, especially a new covenant, can function as a means of intimacy, bonding and creativity. These are available to the individual and are part of his or her religious experience in the here and now.

Jewish tradition tells the story of loss of the conceptual centrality of "covenant", quite apart from any theological discussions relating to its enduring validity, in the face of its violation. Along with this main line of the narrative, a second narrative emerges. In this line, the covenant is reclaimed, recast, and gains a new life, more real, more personal, and more intimate.

Drawing these two lines of development together, one may claim that covenant, and in particular Jeremiah's prophecy, takes on spiritual vitality when it is not relegated to some future messianic point, relative to the collective. Rather, as the covenant is made individual, it is also celebrated in the here and now, in every day, and as some would have it, at every moment. This gives covenant, as it is recast in this context, a new vitality, keeping the old notion alive, fed by hopes of a future renewal, made present in the life of the believer. Covenant emerges as the bond of the individual and the community with the God to whom one had previously been unfaithful. In this narrative a "new covenant" is a message of hope, available in faith in the here and now.¹¹¹

¹¹⁰ See in particular Ramhal's prayer, above note 39 and the text from *Shelah Yoma*.

¹¹¹ I am very grateful to Fr. Lukasz Popko of the Ecole Biblique of Jerusalem for his review of this essay and some helpful suggestions. When life came to a standstill due to Coronavirus, he allowed this research to continue by providing me with needed texts and references for research.