Council on Dispensational Hermeneutics
Southern California Seminary, Sep 17–18, 2025, El Cajon, CA

Beyond the Mosaic: Deuteronomy 29, Jeremiah 31, and the Covenant Connection of a Restored and Repentant Nation

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Introduction

This paper examines connections between the biblical covenants established through Moses and Jeremiah, particularly highlighting the covenant declared in Deuteronomy 29:1 as distinct from its Sinaitic predecessor supported by an analysis of the prepositional phrases מִלְּבַד ("apart from, besides") and πλήν ("excluding, aside from") in the MT and LXX texts (28:69, respectively). Drawing support from leading Old Testament scholars, it also proposes that the Deuteronomic covenant contains unconditional promises concerning land and national repentance, which are reinforced and expanded upon in the New Covenant of Jeremiah 31. With attention paid to various "I will" statements signaling textual markers that connect both books in pericopes surrounding covenant announcements, the central argument is that covenant stipulations in Deuteronomy 29–30 and Jeremiah 31:31–34 anticipate a future fulfillment involving a national restoration for Israel in the promised land upon their repentance.

Such a perspective, rooted in dispensational thought, advocates for a literal interpretation of these covenant promises and their eschatological realization for a restored and repentant Jewish nation, contrasting with approaches that tend to spiritualize or allegorize them. Adopting a method aligned with traditional dispensational scholarship, the paper ultimately develops a biblical theology of covenant that exposes weaknesses in interpretive methods which lessen literal covenant promises, contending that a consistent grammatical-historical approach supports a concrete eschatological fulfillment of these covenant prophecies for ethnic Israel.

Preliminary Assumptions

First, though this paper is limited to data concerning two distinct covenants found in Deuteronomy 29 and Jeremiah 31, it is done so recognizing the principle of progressive revelation. It is Scripture's progressive nature that must be consciously maintained in order for any theological method to qualify as a truly evangelical. This means that certain doctrines at times are presented in germinal form that will grow in maturity as the canon develops.

Yet, this does not mean that its germ or seed form precludes its inerrancy or is lacking in sufficiency for the generation that received it. Indeed, all of God's recorded thoughts in any of their placements are without error and fully sufficient for its original audience. What it does entail, however, is that a seed, though perfect in its intent, is still incomplete in its growth. Such is the case with the covenants. For

example, the New Covenant develops elements from the Deuteronomic Covenant—both covenants being developments of the Abrahamic Covenant. [1]

Second and more germane to the current paper is a final assumption: covenants are believed to be present in the Scripture only where formal treaty language is present. More narrowly, an actual covenant in the Bible is a covenant only when it is identified by the term, בְּרִית ("covenant"). To this, there is no question that covenants are explicitly revealed in Scripture, and so designated by the explicit term, "covenant." Undeniably, this is the case for each one of the biblical, God-to-man covenants; that is, they are each identified as a "covenant": Noahic (Genesis 6:18); Abrahamic (Genesis 15:18); Mosaic (Exodus 19:5); Phineas/Levitical (Numbers 23:15); Deuteronomic/Land (Deuteronomy 29:1), Davidic (2 Samuel 23:5); New (Jeremiah 31:31). If one recognizes this as true, one's hermeneutic should remain consistent to the fact. In other words, covenants will remain literal covenants when identified as such in strict covenantal language, with all blessings—physical and spiritual—kept therein. Conversely, if one abandons such an approach, initiated at the outset by dismissing key identifying words, then the covenants inevitably become spiritualized, typified, or allegorized as they are torn from their original intention. Indeed, this is the unfortunate route chosen by Stephen Wellum and Peter Gentry in their influential work *Kingdom Through Covenants* as well as Thomas McComiskey's volume *The Covenants of Promise*, both discussed later.[2]

In contrast to those who allow much of their theological systems to inform their views on the covenants stands the eminent Reformed theologian John Murray. Murray casted doubts on the legitimacy of any such covenant of works, or covenant of creation or Adamic Covenant, setting himself somewhat at a distance from his colleagues.[3] One of his main reasons for rejecting this theological covenant was due to the complete lack of the term בְּרִיתִ to identify it in the Bible: "Scripture always uses the term covenant," Murray rightly observed, "when applied to God's administration to men in reference to a provision that is redemptive or closely related to redemptive design."[4] Murray is to be commended for stepping outside the conventions of his theological constituency, choosing to remain true to the biblical text. His example will be followed in the current study.

Consequently, a truly biblical theology of the covenants will be one that allows the OT to inform all matters pertaining to them—as it is in the OT where they are each announced and identified as "covenants." This should not be thought of as novel, as "Old Testament theology," explains C. Hassel

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[1] Eugene H. Merrill, *Everlasting Dominion: A Theology of the Old Testament* (Nashville: B&H, 2006), 644. Describing them as Scripture's "turning points," Merrill sees their place in the progression of revelation as building upon those covenants that precede them, without any contradiction. The covenants amplify one another them further detail and precision.

[2] Peter J. Gentry, and Stephen J. Wellum, *Kingdom Through Covenant: A Biblical-Theological Understanding of the Covenants* (Wheaton: Crossway, 2012); Thomas, Edward McComiskey, *The Covenants of Promise: A Theology of the Old Testament Covenants* (Grand Rapids: Baker, 1985).

[3] For a persuasive argument against the theological covenants of Covenant Theology see Jeffrey J. Niehaus, "An Argument Against Theologically Construed Covenants," *Journal of the Evangelical Theological Society* 50, no. 2 (2007): 259–73. While this author takes issue with Niehaus's postulation of a so-called Adamic or Creation covenant, Niehaus is to be commended for challenging the false notion of overarching theological covenants within Covenant Theology, particularly the so-called "covenant of grace" which virtually assimilates all the biblical covenants. That said, for an outstanding refutation of any "Adamic" or "Creation Covenant." see, P. R. Williamson, "Covenant," *Dictionary of The Old Testament: Pentateuch*, edited by T. Desmond Alexander and David W. Baker I Downers Grove, IL: IVP, 2005), 141–42. Williamson's retreatment exposes the flaws in the usual reasonings that are typically used to support this so-called covenant (e.g., the pronominal suffix of "My covenant").

[4] John Murray, "The Adamic Administration," *Collected Writings of John Murray: Systematic Theology* (Carlyle: Banner of Trust, 1976), 2:49–50.

Bullock, "is the explanation of the writings of the Old Testament in their biblical settings."[5] Applying Bullock's simple and correct idea, this paper will leave all unwarranted types, allegories, and New Testament significance aside, relying solely on the data found within the First Testament.

Scholarly Debate on Covenant

There is little doubt that the concept of covenant is fundamental in understanding biblical history and theology and the intertwining of the two. Tiberius Rata observed that in the Old Testament, covenants can extend past mere contracts and customarily contain divine promises from God to His people who enter into covenant with him.[6] The biblical covenants are so valued in the Old Testament, that some choose to single them out as the premier "center" of the canon. Eugene Merrill, for example, structures his OT theology diachronically reflecting his firm belief in progressive revelation, and sees the concept of covenant as the pervasive principle in the OT denoting man's reconciliation and renewal with God. When the OT speaks of covenant theologically, "In most instances, it refers to an agreement between God and people, one always initiated by him."[7] The Deuteronomic and New Covenant discussed in this paper meet both Rata's and Merrill's summation as divine promises are given concerning land and forgiveness, and both are initiated by God Himself.

Interestingly, while all biblical scholars recognize the importance of covenant not all agree on their groupings. For instance, starting with the Abraham, McComiskey splits the covenants up into a bi-covenantal scheme he calls "promissory" and "administrative." Accordingly, only the Abrahamic is promissory as it is eternally in force and "relates not only to Abraham but to all mankind."[8] The latter covenants are "administrative" in that they explicate Abrahamic elements that govern human obedience.[9] Yet, McComiskey may go too far in his OT theology of the covenants. Not satisfied with remaining within the confines of the OT canon, his re-interpretations of covenant through the filter of the New Testament abound. For example, in *The Covenants of Promise* he defends the notion that because the author of Hebrews quotes the New Covenant passage of Jeremiah in its entirety, that is, extending past the named Israelite recipients in vv. 31, 33, the benefactors of the covenant must extend beyond national Israel and on to the Christian church.[10] Moreover, he does not stop with merely reaching into the New Testament to help interpret his OT theology of the covenants, but chooses to go a step further. Following many confessionally Reformed scholars, McComiskey deductively subsumes all of the biblical covenants under the theological covenants of Covenant Theology.[11] This is merely a sampling of what permeates his otherwise fine treatise. It seems McComiskey's OT theology is enveloped in a method which is guided by presuppositions devoted to theological system rather than an inductive dealing with the OT text.

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[5] C. Hassel Bullock, "History and Theology: The Tale of Two Histories," *Giving the Sense: Understanding and Using Old Testament Historical Texts*, eds., David M. Howard and Michael A. Grisanti (Grand Rapids: Kregel, 2003), 99.

[6] T. Rata, "Covenant," *Dictionary of The Old Testament: Prophets*, ed. by Mark J. Bota and J. G. McConville (Downers Grove: IVP Academic, 2012), 99.

[7] Merrill, *Everlasting Dominion*, 238.

[8] McComiskey, *The Covenants of Promise* 16.

[9] Ibid., 144. For McComiskey, these include a distinct "covenant of circumcision, the Mosaic covenant, and the new covenant."

[10] Ibid., 156–61.

[11] See McComiskey, *The Covenants of Promise*, 179–192; 213–221.

Jeffrey Niehaus, like McComiskey, advocates for a dual-taxonomy for the covenants, but instead of the latter's promissory / administration categories, Niehaus divides them into "common grace" and "special grace" covenants; the former referring to Noahic Covenant, the latter all others.[12] Known for his defense of a shared structure between Israel's covenants and other ancient Near East cultures' suzerain-vassal treaties Niehaus observed, "All covenants involve law, that is, stipulations that must be obeyed by one or both parties."[13] Though correct in his statement, which supports his reasoning for rejecting the traditional conditional / unconditional covenant structure, it is worth pointing out that in all but two of Niehaus's examples of pagan ancient Near Eastern covenants does an any nation actually use the word "covenant."[14] Indeed, much like others prone to "covenantal language" void of any direct language of "covenant," Niehaus largely assumes their presence in his works.

As this brief survey has demonstrated, the conversation over biblical covenants is as diverse is as it is myopic. While elements are shared among all evangelical scholars—their divine initiative and importance to biblical theology being unanimous—specific structuring of the covenants and their influence in the ancient Near East are not.

Scholarship on the Land and Distinction of the Deuteronomic Covenant

Subsumed in the perennial debate over biblical covenants is the similarities and distinctiveness of each the covenants. More germane to purposes here is the relationship between the covenant announced at Deuteronomy 29 and the covenant previewed in Jeremiah 31. McComiskey is representative of many by assuming the covenant spoken of in Deuteronomy 29 "is a reaffirmation of the Mosaic covenant."[15]

That the Deuteronomic Covenant is a mere "reaffirmation" or "renewal" of the covenant at Saini is virtually assumed in evangelical scholarship.[16] Major English Bible translations, such as the NKJV, NIV, ESV, CSB, et al., provide a superscription above Deuteronomy, labeling the pericope as a "covenant renewal," which can go unnoticed by the unassuming reader. More accurately, Merrill views the entire book of Deuteronomy, and specifically the covenant announced at 29:1, as distinct from Sanai, though a "greatly amended and expanded" version of its Mosaic predecessor.[17] While he rightly distinguishes the Deuteronomic Covenant from the Mosaic Covenant, unfortunately Merrill does not explicitly treat the word "besides" (מִלְּבַד) at 29:1, a critical textual marker examined later, which provides the crucial lexical marking this covenant as completely distinct from all covenants.

Paul House, following Walter Eichrodt a generation before him, sees Deuteronomy 29 showcasing a covenant that was permanently established earlier at Sanai. However, he views this covenant as still needing renewal because it represented a "living relationship."[18] According to House, who views the Deuteronomic Covenant as structured according to Hittite treaty patterns, the covenant announced at chapter 29 of Deuteronomy is *renewal* of the previous Mosaic covenant in that it "concretizes the

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[12] Jeffrey J. Niehaus, *Biblical Theology: Special Grace Covenants, Old Testament*, vol. 2. (Bellingham: Lexham, 2017).

[13] Jeffrey J. Niehaus, *Ancient Near Eastern Themes in Biblical Theology* (Grand Rapid: Kregel, 2008), 56.

[14] Ibid., e.g. one in Babylon, (59); and one in Assyria, (61).

[15] McComiskey, *The Covenants of Promise*, 145.

[16] For instance, Duane L. Christensen, *Deuteronomy 24:10–34:12*, WBC 6b (Nashville: Thomas Nelson, 2017), 708, describes it as a "convent renewal in the days of Moses in Moab, and in the promised land at Shechem in days to come." Regrettably, Christensen, like all others surveyed, pays no attention to the critical word "besides" (Deut 29:1), a word later discussed in this paper, in his otherwise fine commentary.

[17] Merrill, *Everlasting Dominion*, 383.

[18] Paul R. House, *Old Testament Theology* (Downers Grove: IVP Academic, 1998), 193.

covenant."[19] Ironically, House's inconsistences surface when he later states that covenant renewals were rare in Israel's history such that the "standard was set" not by Moses, but rather his successor, Joshua.[20] If House is correct in his assessment, this would overturn his argument and would mean the covenant at Deuteronomy 29 *predates* any "covenant renewal" pattern and thus, along with the pericope's direct language, makes this covenant entirely separate and distinct.

Though, House, like the others, does not deal at all with the explicit Hebrew compound "besides" (מִלְּבַד) in 29:1, he correctly places a proper emphasis on the prominence of land surrounding its context: "God's gift of land," observes House, "is a physical symbol of divine grace, just as the promise of presence is the main spiritual blessing God offers (30:17–18)."[21] Likewise, Stephen Dempster is particularly germane to the current study as he recognizes the trend in OT scholarship to ignore the significance of land in the continued biblical story line.[22] Advocating a literary approach which views Genesis and Chronicles' canonical placements as an intentional *inclusio*, Dempster states: "These two books are not only about genealogy that culminates in a Davidic dynasty; they are about land—geography and dominion."[23] While Dempster is right to emphasize the land-motif in the canon, he also makes no mention of the key phrase "besides" at Deuteronomy 29:1. Similarly, McConville places a high premium on the land promised in Deuteronomy, but, like the others, sees no significance in this pivotal word. Rather than understanding "besides" (מִלְּבַד) as denoting separation, McConville oddly views it as denoting "correspondence" to the previous covenant at Horeb without any contrast.[24]

In addition, Walter Kaiser, also like the others, highlights the importance of land for Israel, but does not mention any significance to the phrase "besides" in Deuteronomy 29:1. In fact, in his comparison of Deuteronomy and Jeremiah, Kaiser's work is surprising for its complete neglect of any such treating of a covenant at all in Deuteronomy 29.[25] Finally, Michael Grisanti is among the very few OT scholars who devote space to treating the important expression "besides" (מִלְּבַד) at Deuteronomy 29:1. Though he acknowledges word's distinctiveness, even in relation to the Mosaic Covenant as it "exists alongside it," he understands it still as merely a renewal of the Mosaic Covenant. His reasoning seems to be that Moses' new audience gives "Moses' preaching a new identity," hence, its supposed renewal.[26]

As observed in this brief survey, scholarship has shown a surprising neglect of treating the critical word "besides" which strongly suggest a separate covenant at 29:1. This appears to be a common lacuna among OT scholars. Though the current study agrees with the customary underscoring of the land motif in Deuteronomy, ways are parted when others view the Deuteronomic Covenant as merely a renewal, extension, or rhetorical correspondence to the Mosaic Covenant. Indeed, the text taken at face value is

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[19] Paul R. House, *Old Testament Theology*, 172.

[20] Ibid., 213.

[21] Ibid., 193.

[22] Stephen G. Dempster, *Dominion and Dynasty: A Theology of the Hebrew Bible*, NSBT15 (Downers Grove: IVP Academic, 2003), 68–72. While Dempster's work is largely focused on the Davidic covenant and dynasty, it nevertheless provides a robust treatment on the kinship of the biblical covenants leading to a recovered dominion ruled by a Davidic King.

[23] Ibid., 48.

[24] J. G. McConville, "Deuteronomy, Book Of." *Dictionary of The Old Testament: Pentateuch*, edited by T. Desmond Alexander and David W. Baker (Downers Grove: IVP Academic, 2005), 184.

[25] See Walter C. Kaiser, *The Promise-Plan of God: A Biblical Theology of the Old and New* Testaments (Grand Rapids: Zondervan, 2008), 90–100; 199–203.

[26] Michael A. Grisanti, "Deuteronomy," *The Expositor's Bible Commentary: Numbers Through Ruth* 2, rev. ed., ed. by Tremper Longman III and David E. Garland (Grand Rapids: Zondervan, 2012), 745–747.

clear: *the covenant made at Deuteronomy 29:1 is entirely distinct (separate) from the Mosaic / Sainaitic Covenant; the language does not allow another option.*

Scholarship on the "Newness" of the New Covenant

Regarding the New Covenant in Jeremiah 31 virtually all are agreed as to its unilateral, unconditional character. If there is any substantial disagreement, it concerns the covenant's future recipients or exact time of fulfillment. Consequently, a briefer treatment on the literature is warranted here.

It appears that the concept of "newness" is a trait that attracts scholarly opinion regarding the covenant announced at Jeremiah 31. Brevard Childs, for example, emphasizes this covenant's "newness" as its primary distinction from the Mosaic covenant, particularly stressing its unbreakable nature: "The new covenant, unlike the old which the fathers broke, will be inviolable."[27] Moreover, Kaiser rightly emphasizes the New Covenant's "newness" as pertaining to a restored or renewed version, not of the conditional Mosaic Covenant, but of the unconditional Abrahamic and Davidic Covenants.[28] Adding to this, John Walvoord draws out the importance of the New Covenant being referred to elsewhere as an "everlasting covenant" (e.g., Isa 61 and Ezek 37), and makes this the chief distinguishing marker of newness separating it from the Mosaic Covenant. "In this description," relates Walvoord, "[the New Covenant's] character as unconditional and eternal is emphasized instead of its difference in quality to the Mosaic covenant."[29]

Yet, it is perhaps Eugene Merrill that comes the closest to the connection of literal land promised for national Israel as advanced in this paper. In fact, Merrill sees the notion of both personal and national conversion the main point of the New Covenant. "The driving force behind this wonderful state of affairs," explains Merrill, "would be the Lord's everlasting love toward Israel, the covenantal *hesed* (loyalty) that must find fulfillment if the Lord's reputation is to remain intact (Jer 31:3)."[30] Thus for Merrill, agreed upon by this study, the fulfillment of geographical realm for a resorted national Israel proves the very covenant-loyalty of God Himself.

The Continuity of Deuteronomy 29 and Jeremiah 31

Scholarly interest in seeking elements of continuity between Deuteronomy and Jeremiah found a surge in the late 20th century. During this time, scholars began recognizing that portions of Jeremiah had language similar to that of Deuteronomy; for example, Jeremiah's covenant language in 11:1–8 which reflected Moses's treatments of covenant throughout Deuteronomy.[31] Furthermore, some voices raised questions related to Jeremiah's relationship to the reform efforts of Josiah caused by the discovery of Book of the Law (2 Kings 22–23), which many believed to be an early form of Deuteronomy.[32] Though these explorations were motivated by critical persuasions which saw differing schools of redactors between Deuteronomy and

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[27] Brevard Childs, *Myth and Reality in the Old Testament*, Studies in Biblical Theology 27 (Eugene: Wipf & Stock, 2009), 80.

[28] Kaiser, *The Promise-Plan of God*, 202.

[29] John F. Walvoord, "Eschatological Problems X: The New Covenant with Israel," *Bibliotheca Sacra* 103, no. 409 (January 1946): 21.

[30] Merrill, *Everlasting Dominion*, 531.

[31] A helpful discussion is J. A. Dearman "Jeremiah, Book Of," *Dictionary of The Old Testament: Prophets,* eds., Mark J. Bota and J. G. McConville (Downers Grove: IVP Academic, 2012), 423–448.

[32] J. A. Dearman "Jeremiah, Book Of," 446.

Jeremiah, the raising of such similarities between the two books positively heightened academic interests in exploring any congruence between them.

One such finding is that both Deuteronomy and Jeremiah contain textual markers that guarantee Israel a future divinely-graced obedience to Yahweh and national restoration. These are seen by the various "I will" statements splattered throughout both books, especially those pericopes surrounding the covenant announcements (e.g., Deut 30:5–6; Jer 31:33–34). Regarding the conditional clauses in Deuteronomy 29–30 that seemingly indicate conditionality for Israel's future enjoyment of national restoration and blessing, Grisanti makes an interesting case arguing for their capability to obey.[33] Rather than Yahweh dooming Jews to fail by demanding something to which the they were incapable of achieving, Gristanti argues there has always been a believing remnant of faithful Israelites throughout the OT capable of obeying God—individuals who, through their own personal faith-relationship with Yahweh, were able to enjoy blessings due to their individual faith in him. In contrast, it was the corporate nation "in general" that failed God and has since been in need of the New Covenant where national obedience is guaranteed by divine enablement.[34]

Some have proposed an even more direct relationship between the final chapters of Deuteronomy and the New Covenant; specifically, both covenants' elements of obedience tied together by their concern of future restoration. Dempster, for example, believes "Jeremiah expands on the Deuteronomic concepts and sees things happening as complex of events 'in the latter days.'"[35] The "later days" in view here are no doubt connected to the promises of the New Covenant and picture Israel's future, national restoration.[36] Moreover, arguing for the pericope at vv. 11–14 of Deuteronomy 30 to be painting a portrait of future Israel rather than Moses describing the generation presently with him, Steven Coxhead believes the text should be considered alongside vv. 1–10 as forming a single oracle "concerning the eschatological or new covenant restoration of Israel."[37] Coxhead offers this in contrast to those who feel the verb sequence in vv. 11–14 suggest a switch from describing a future Israel to the present Israel. While he may go too far in suggesting the chapters surrounding the covenant in Deuteronomy 29 demand a christological-midrashic interpretation, Coxhead does well in maintaining the future aspect of Deuteronomy and connecting it to the New Covenant, as does Dempster and Grisanti.

Twin Themes of Covenant and Land

The books of Deuteronomy and Jeremiah share common themes of land and covenant. Some might argue these books are all about land and covenant. As Dempster put it, "The geographical motif [in Deuteronomy] is omnipresent….The land is at the forefront from the beginning to the end."[38] The prominence of land in Deuteronomy is matched only by its emphasis of covenant. This is observed by the

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[33] Michael A. Gristanti, "Was Israel Unable to Respond to God? A Study of Deuteronomy 29:2–4," *Bibliotheca Sacra* 163, no. 650 (April 2006): 176–196.

[34] Ibid., 196.

[35] Stephen Dempster, *Dominion and Dynasty*, 166.

[36] Cf. Robert Chisolm Jr., "A Theology of Jeremiah and Lamentations," *A Biblical Theology of the Old Testament*, eds., Roy B. Zuck, Eugene H. Miller, and Daniel L. Block (Chicago: Moody, 1991), 355.

[37] Steven R. Coxhead, "Deuteronomy 30:11-14 as a Prophecy of The New Covenant in Christ," *Westminster Theological Journal* 68, no. 2 (Fall 2006): 320.

[38] Dempster, *Dominion and Dynasty*, 118.

Hebrew term "covenant" (בְּרִית) occurring twenty-seven times in Deuteronomy, second in number only to Chronicles (matching Genesis's twenty-seven times).[39]

Dempster is correct in his assessment since Deuteronomy centers on the theme of land, relentlessly anticipating Israel's possession of it. Kaiser, like Dempster, points out the significance of land in Deuteronomy but does so by underscoring the book's repetitious guaranteeing of it: "Sixty-nine times the writer of Deuteronomy repeated the pledge that Israel would one day 'possess and 'inherit' the land promised to her."[40] Likewise, viewing Jeremiah as the first prophetic commentary of the Old Testament's storyline of promised land (dominion) leading to Davidic rulership (dynasty), Dempster observes: "Jeremiah indicates that exile is not God's final word: destruction, uprooting, tearing down and smashing will give way to building and planting (Jer 1:10)."[41] It appears that the "land and covenant" motif in both Deuteronomy and Jeremiah is highly suggestive of a thriving and intimate life with God in a concreate realm. In fact, the consensus is that land and life are two inseparable concepts permeating the book of Deuteronomy.[42] The obligatory command of Deuteronomy 4:1, for instance, echoes Exodus 4:12 in that obedience and honor is required for possession of and vitality in the promised land.

There is also routine agreement among scholars that the most significant prophetic-historical event underscoring the book of Jeremiah is the siege and fall of Jerusalem in 588–586 B.C.[43] It is within this pivotal period of Jewish history, containing both prediction and actuality, that Jeremiah delivers the New Covenant. It appears covenant violation is a strong theme of Jeremiah, the prophet recalling much of Deuteronomy in his language (e.g., Jer 11:1–8; 23:10–14). By calling out Judah's unfaithfulness to the Mosaic Covenant, a direct link is maintained between Deuteronomy and Jeremiah, with the latter being akin also to Ezekiel's promises of future renewal in Ezekiel 36–37.[44] Moreover, Kaiser views the New Covenant as the very heart of OT theology, especially that of Jeremiah, and connects it squarely with the theology of Deuteronomy as "anticipating the benefits of the new covenant."[45] Much like Dempster, Kaiser also sees the promise of land as a pervasive theme within Deuteronomy. Noting the sixty-nine times Deuteronomy repeats the pledge of land to Israel, Kaiser states that, "In Deuteronomy the land became the special area of focus" which is an undeniable theme comprising much of the Old Testament.[46]

While forgiveness is an undeniable tenant of the New Covenant, some see the land motif as most prominent as it looks toward eschatological fulfillment. House, for example, highlights Israel's future return to the land as "a prelude to the New Covenant," and the central motif Jeremiah presents as the marker of faithful Jewish followers of God.[47] In other words, God's very own "covenant people" will be demonstrated as such by their corporate return to the promised land, the same land prophesied and

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[39] Cf. Williamson, "Covenant," 151; Grisanti, "Deuteronomy," 466.

[40] Kaiser, *Toward an Old Testament Theology*, 109.

[41] Dempster, *Dominion and Dynasty*, 50. He goes on to state, "Jeremiah's prophecy has begun the long chain of events leading to the end of the exile and the realization of the kingdom of God on earth" (ibid.). In agreement with Dempster, this writer believes this future kingdom of God as prophesied by Jeremiah certainly demands a physical land-realm centered around earthly Jerusalem.

[42] See Mark R. Kelley, "The Theme of Life in Deuteronomy," *Journal of the Evangelical Theological Society* (Dec 2025), forthcoming; cf., McComiskey, *The Covenants of Promise,* 153.

[43] J. A. Dearman, "Jeremiah, Book Of," in *Dictionary of The Old Testament: Prophets,* eds., Mark J. Bota and J. G. McConville (Downers Grove: IVP Academic, 2012), 425.

[44] Merrill, *Everlasting Dominion*, 529–34.

[45] Kaiser, *The Promise-Plan of God*, 90; cf. 199.

[46] Ibid., 93.

[47] House, *Old Testament Theology*, 207–08.

connecting the covenants of Deuteronomy and Jeremiah.[48]

As this section comes to a close, a final point should be made concerning theological systems influencing the interpretation of OT texts. Much like Wellum and Gentry, who are known advocates of progressive-covenantalism, Rata sees all covenants partially or totally fulfilled in Christ.[49] This common assumption is the result of a pervasive theological-hermeneutical method that demands the New Testament re-interpret the Old Testament, not allowing the latter to stand on its own right. With this method vital elements of the various covenants are, without exception, spiritualized. This is certainly the case with McComiskey, who, while correct in viewing forgiveness as the ultimate blessing of the New Covenant, errs in viewing the clear law motif in Jeremiah 31:33 as a rejection of "burdensome regulations" opting rather for an "inward, animating force."[50] Being just one example, McComiskey represents the almost universal tendency of spiritualizing the covenants among confessionally-Reformed scholars. This spiritualizing of the Deuteronomic and New Covenants can yield questionable results, whether it be their fulfillment conveniently absorbed into Christ (Wellum and Gentry, Rata) or when clear law codes embedded in the covenants are considered onerous and legalistic protocols (McComiskey).

The Discontinuity of 29 and Jeremiah 31

As suggested, the current study contends that any view that assimilates the covenant announced at Deuteronomy 29 into the previous Mosaic Covenant is in error. This blunder usually takes shape by reducing the former to a mere "renewal" of the later and does so by a critical oversight of neglecting a crucial word in the text, מִלְּבַד ("besides" or "in addition to"). Thus, it is particularly in this section where much emphasis is placed on the original text of Deuteronomy 29. In fact, the primary argument advanced here is a grammatical one: the Hebrew compound מִלְּבַד at 29:1, often translated as "besides" and used in conjunction with בְּרִית (covenant) demands that this covenant is its own separate, stand-alone covenant. The same can be said of the Greek adverb πλήν ("aside from") used by the LXX at the same place (i.e., 28:69). In other words, it is not merely a "renewal" of the covenant given at Sinai as is often assumed. Because of this important word and the undeniable land motif enveloping Deuteronomy, the covenant announced at 29:1 can legitimately be referred to *not* as a renewal of the Mosaic Covenant, but as a distinct Deuteronomic or even "Land Covenant."

Separation Not Renewal

Deuteronomy 29 opens with a thundering announcement: "These are the words of the covenant that the LORD commanded Moses to make with the people of Israel in the land of Moab, besides [מִלְּבַד] the covenant that he had made with them at Horeb (v. 1). The root בד literally denotes a "separation" or "aloneness" which is then amplified by the attached preposition מִן־. Standard Hebrew lexicons define this

[48] Additionally, Rata also recognizes the importance of land promised in the New Covenant and understands the universal knowledge of Yahweh" as the "central motif of the new covenant, a knowledge possible only through the forgiveness of sin (104).

[49] Rata, "Covenant," 64.

[50] McComiskey, *Everlasting Dominion*, 155.

word as "expressing the idea of separation,"[51] and gloss it as "except, apart from, besides,"[52] and "besides, without regard to."[53] Moreover, the word is used throughout the Old Testament—each usage clearly depicting a separation or addition to its parties stated.[54]

For example, מִלְּבַד is used in Genesis 26:1 to describe a famine in the land different from what Abraham experienced. It appears in Exodus 12:37 when marking a separation of children from adults. Additionally, Numbers 29:30 uses מִלְּבַד to point out different or added offerings Israel was to bring to God. Perhaps most importantly, the word appears in Deuteronomy 4:35 which states: "To you it was shown, that you might know that the LORD is God; there is no other besides him" [מִלְּבַדּוֹ, emphasis added]. To think of this word as a mere "renewal" in any of these examples stretches beyond reason. Yet, such license is taken by scholars and translators with the word in Deuteronomy 29:1 identifying a covenant which the text marks off as "separate" from Sinai rather than a renewal of it. This position, virtually assumed in biblical scholarship and unchallenged by non-dispensational thinkers, dismisses Deuteronomy 29:1 which states clearly that its covenant is a covenant "besides," "in addition to," or "separate" (מִלְּבַד) from the one made at Horeb or Sinai.

Although some would see what this study suggests as a distinct "land covenant" as conditional, the promise of land to Israel is ultimately based on God's earlier unilateral covenant to Abraham and furthered by his immediate posterity (Lev 26:39–45, esp. v. 42; cf. Psalm 106:45). On this, the NET Bible offers a correct translation using the temporal adverb "when" for the Hebrew vav-conjunctive instead of the conditional conjunction "if" at Leviticus 26:40, thereby validating Israel's future land's ultimate, unilateral sense.[55] Moreover, it is this covenant's eternal aspect that supplies the main element for why the prophet is most likely referring to this covenant in Ezekiel 16:60 since it amplifies the unconditional character of the Abrahamic Covenant—"Yet *I will* remember my covenant with you in the days of your youth, and *I will* establish for you an everlasting covenant [emphasis added]." Therefore, the Deuteronomic or Land Covenant is not only a distinct covenant, but like its Abrahamic predecessor and New Covenant successor, is without condition. Its fulfillment is guaranteed by the God who ultimately achieves the actions required and does so the glory of His gracious name.

As argued here, this particular covenant is pointed out as something distinct with its own focus which deals specifically with the land originally promised to Abraham and Israel's obedience concerning it throughout the rest of Deuteronomy 29 and 30. Remarkably, virtually every scholar consulted in this study dismisses this important prepositional phrase מִלְּבַד ("besides"). Nevertheless, some from this study do recognize that the Deuteronomic Covenant is distinct from its Sanaitic parent on other grounds. Merrill is one such example as he suggests the Deuteronomic Covenant's distinctiveness is highlighting by Israel's expectant chastening for their disobedience to the previous Mosaic Covenant, while the Deuteronomic Covenant's unilateral nature promises hopeful fulfillment in the land.[56] Moreover, Williamson proposes the covenant at Deuteronomy 29 anticipates the imminent fulfillment of the

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[51] Francis, Brown, S. R. Driver, and Charles A. Briggs, *The Brown-Driver-Briggs Hebrew and English Lexicon* (Oxford, UK: Clarendon Press, 1907), 5395, 1020.

[52] Ludwig Koehler, Walter Baumgartner, and M. E. J. Richardson, eds., *The Hebrew and Aramaic Lexicon of the Old Testament* (Leiden: Brill, 2000), 1061, 5297.

[53] William L Holladay, *A Concise Hebrew and Aramaic Lexicon of the Old Testament* (Leiden: Brill, 2000), 943, 4726.

[54] Cf. Michael Grisanti, "Deuteronomy," 747.

[55] See *Net Bible Notes* (Dallas, TX: Biblical Studies Press, 2004), Lev. 26:40, n.61. Additionally, the NET translators title the pericope accurately with "Restoration through Confession and Repentance."

[56] Eugene H. Merrill, "A Theology of the Pentateuch," *A Biblical Theology of the Old Testament*, ed. by Roy B. Zuck, Eugene H. Miller, and Daniel L. Block (Chicago, IL: Moody, 1991), 17–87, esp. 85.

Abrahamic Covenant, which he is sure to point out is "a covenant guaranteeing the first aspect of God's programmatic agenda: nationhood (Gen 12:2)."[57]

While these scholars' viewing the covenants as distinct from one another is commendable, they do so without placing any significance in the critical expression "besides," which may lead to their seeing the Deuteronomic Covenant as merely a "renewal." Yet, the word's appearance in the context, like its appearance elsewhere in the Old Testament, is used as a strong textual maker denoting the distinctiveness or individuality of the covenant announcement initiating Deuteronomy 29. As with all the covenants, some overlap and continuity exists but that does not preclude the covenant as being formally unrelated to the conditional Mosaic Covenant. On grammatical grounds, therefore, as this paper argues, this covenant is intended as something separate, distinct, and set apart from the Mosaic Covenant with a guaranteed future fulfillment.

Deuteronomic Covenant in Relation to New Covenant in Canonical Context

Virtually all scholars agree that there is a connection between the covenant announced at Deuteronomy 29 and the covenant announced at Jeremiah 31.[58] As this paper has suggested, among other elements, the idea of guaranteed physical land is a prominent theme connecting the Deuteronomic Covenant to the New Covenant.[59] Indeed, the covenant-land motif is a crucial one shared by both books representing the Torah and the Prophets. As prominent a subject land is to the theologies of these two books, so is the unilateral structure for the covenants in both.

Indications have already been made concerning the unconditionality or even "eternal" aspect of both the Deuteronomic Covenant and New Covenant. In fact, it is this eternal and unilateral nature that forms a connecting thread between them.[60] For instance, the Deuteronomic Covenant contains several unconditional promises that can be drawn from within its immediate context. These include, not solely a removal of the land temporally for Israel's disobedience, but a guaranteed future national repentance and restoration to the land (Deut 28:63–68; 30:5). Moreover, national Israel's enemies are sure to be judged (30:7) before the she receives her blessing in full—linking this covenant back to the original promises given to Abram (Gen 12:2–3). The New Covenant shares similar features. For example, it is a unliteral, unconditional covenant promising a new faithful obedience for Israel accompanied by a universal knowledge of the Lord and forgiveness of sin (Jer 31:33–34).

Grammatically, these elements are assured by the prophet's use of the conjunctive perfect וְכָרַתִּי "And I will."[61] Further, Jeremiah's New Covenant is directly tied to land and nationhood for Israel in the immediately succeeding verses. In the same unit of thought, the prophet records God promising the continuance of both a Jewish "offspring" and corporate "nation" via a powerful, conditional rhetorical-

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[57] Williamson, "Covenant" 152.

[58] Cf. House, *Old Testament Theology*, 207–08.

[59] There is a general, scholarly consensus that view elements of the New Covenant being present in other Prophetic Books, such as Ezekiel 36–37; cf. Rata, "Covenant," 103.

[60] The Hebrew word עוֹלָם usually translated "eternal" or "everlasting" does not demand a meaning of forever or without end. It does means "eternally without end" in connection with God (e.g., Isa 40:28), though its general meaning is one of a perpetual long-view limited by the author or speaker's perspective. Its most basic and often denotation is simply a "long time, duration" (HALOT, 6867).

[61] Likewise, the LXX ensures the covenant's future guarantee with its use of the future middle διαθήσομαι ("I will make a covenant").

argument in vv. 36–37.[62] Moreover, Ezekiel's portrayal of this same covenant in chapters 36–37 mirror Jeremiah's emphasis of Israel's "new heart" (Ezek 36:26) and divinely granted ability to walk in obedience (v. 27). Finally, land is the major thematic promise tying all unconditional elements of The New, Deuteronomic, and Abrahamic Covenants: "You shall dwell in the land that I gave to your fathers, and you shall be my people, and I will be your God" (v. 28; cf. 37: 21–22).

Perhaps the biggest difference between scholarly treatments of the Deuteronomic Covenant and the New Covenant is the virtually exclusive presupposition of the former being patterned after the suzerain-vassal structure, while the latter is more reminiscent of a royal grant structure. This basic assumption taken on *a priori* grounds steers the direction of how they are considered, namely, one being conditional and the other being unconditional. It is suggested here that this is the primary reason behind the almost universal understanding of Deuteronomy not previewing an unconditional land covenant—or at the very least a totally separate and distinct covenant than that at Sanai—opting rather to view is as a mere "renewal" of a previous conditional covenant. Yet, as brought out earlier, troubles arise when attempting to deal with the language consistently such as the explicit term "besides" (מִלְּבַד) in 29:1.

Tensions also surface if one does not recognize the obvious connection to the New Covenant land promises in Ezekiel 36–37—the latter ubiquitously recognized as unconditional by scholars. Eugene Merrill may serve as the primary exemplar of OT scholarship conflicted over the seemingly conditional, distinct, yet unconditional character of the Deuteronomic covenant. He allows for its distinctiveness, while maintaining it is a mere "expansion" of the Mosaic Covenant structured after ANE treaties. For Merrill, the Deuteronomic Covenant is dependent on Israel's repentance making it *conditional* yet is also an amplification of the land promises which are *unconditional* in the Abrahamic Covenant.[63]

Thus, a tension exists that seems unavoidable if the unilateral connection between the Deuteronomic and New Covenant is dismissed by following an inconsistent hermeneutic. However, that tension dissipates when, as argued here, the covenant announced at Deuteronomy 29:1 is taken at face value following grammatical, historical, and contextual hermeneutical principles, harmonizing with the progress of revelation, that reveal two essential aspects characterizing it: the covenant announced at Deuteronomy 29:1 is a completely separate stand-alone covenant, and it involves a confirmation of land earlier promised to Abram which is later teased out through Jeremiah.

Deuteronomic Covenant and New Covenant Fulfillment

The various elements discussed up to this point tying the Deuteronomic and New Covenants have helped advance this paper's thesis that Deuteronomy 29 is a distinct and irrevocable covenant concerning land that is further confirmed with additional blessings in the New Covenant of Jeremiah 31—both of which find their fulfillment at a still-future time in a restored national Israel. Because the New Covenant is the final one presented in the Bible it understandably receives more attention by scholars in this regard. What does not receive such attention from the OT biblical theologians, is the direct connection of simultaneous fulfillment between these two covenants, a fulfillment to be had in the eschaton of Israel's history.

While space limits a full treatment of OT eschatology, both covenants' fulfillment can perhaps be outlined by focusing on the purpose of the New Covenant which is twofold: (1) to give Israel a

[62] It is worth pointing out the distinction the text makes between זֶרַע (seed or offspring) which highlights its individuality and the more corporate גּוֹי (nation). That both words are used in the same context makes plain that both ethnic Jews and national Israel's future salvation and restoration is guaranteed.

[63] Merrill, *Everlasting Dominion*, 407–11; cf. 530.

reconfirmation of promised spiritual blessings subsumed under the Abrahamic Covenant, which will be fulfilled in a future economy or "latter days" (Jer 30:24); and (2) to give Israel factual hope of its future nationhood guaranteed by this covenant. Both of these realities demand a physical realm for their completion, which the land embedded in the Deuteronomic Covenant provides—itself an amplification of the land promised to Abraham. This is furthered by Ezekiel's portal of future land and forgiveness brought on by the Spirit of God in Ezekiel 36–37, implying Israel's full repentance and restoration. Because land is such a prominent reality in the history of Israel, its future reality must not be ignored.

In Relation to Canonical Eschatology

It is theologically significant that in neither Deuteronomy or Jeremiah—or the entire OT canon for that matter—that the land promised to, or occupied by, national Israel is ever spiritualized. Land is always a concrete reality. Contrary to, for instance, Oren Martin's overt reduction of Israel's land as merely a type pointing forward to a spiritualized New Heaven and New Earth, in canonical context, the land belonging to national Israel refuses to be spiritualized in any sense while simultaneously functioning an avenue for God's blessings.[64]

While many recognize a future fulfillment of the New Covenant (and, as this paper argues, the Deuteronomic Covenant), ambiguities abound as to precisely when this will occur.[65] It seems reasonable to conclude that eschatological passages such as Zechariah 12 and 14, Isaiah 11 and 27, and Ezekiel 37, for example, strongly suggest that fulfillment will occur when national Israel repents and enters her restored land under a future messianic king. Indeed, these passages have helped to inform various biblical theologians in their respective understanding of covenant eschatological fulfillment.

For instance, when discussing covenant fulfillment according to latter prophets, Dempster states: "God is going to rebuild not only the nation of Israel and the world but also the house of David. From the reconstructions will come the reconstruction of humanity and the world."[66] Moreover, House sees the ultimate fulfillment of the New Covenant of Jeremiah as one that folds the other biblical covenants within its embrace, at a time when God rules the earth through His Davidic descendant from corporate Israel.[67] Additionally, Chisolm chooses to emphasize the irrevocability of God's covenant promise that Israel will always remain as a geo-political body, in other words, *national* Israel: "The New Covenant," assures

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[64] See Oren R. Martin, *Bound for the Promised Land: The Land Promise in God's Redemptive Plan*, NSBT 34 (Downers Grove: IVP Academic, 2015), 31–59; 77–86; 161–72; cf. Brevard Childs, *Old Testament Theology in a Canonical Context* (Philadelphia: Fortress Press, 1989), 242–245.

[65] Indeed, scholars are often a bit nebulous in this regard. E.g., Williamson, "Covenant," 153, who believes the promises made to the Abraham find further fulfillment in the promises of Deuteronomy 30:5–6 where "the divine-human relationship will be sustained by an inner change (Deut 30:6)."[65] When exactly this will occur is left unanswered; cf. Childs, *Old Testament in a Canonical Context*, 96, who sees the origin of eschatology in the OT in terms of *theological connections* that can be made exegetically between future-oriented promises and Israel's tradition, some of which was altered from other ANE cultures. Jeremiah's New Covenant passage compared with Amos's terrifying description of the "day of the Lord" in 5:18–27 are two of Childs's notable examples. This element in Childs's thinking is reminiscent of his defense decades earlier of mythical time patterns borrowed and modified by Israel.

[66] Dempster, *Dominion and Dynasty*, 161, n. 1.

[67] House, *Old Testament Theology*, 320–21. Yet, House errs in assuming that Jesus' death initiated the New Covenant, causing the author of Hebrews to infuse "new meanings" back into the promises of the biblical covenants (ibid.). Thus, for House a tension remains between the Old Testament's clear future and literal fulfillments and the New Testament's apparent spiritualizing (or allegorizing) them.

Chisolm, "also contain[s] the promise that God would never again reject His people and cause them to cease as a nation."[68]

Merrill, who correctly understands the land promises in Deuteronomy as a development of the Abrahamic Covenant, is more explicit as he sees it relating to the New Covenant in its fulfillment, which "is oriented to the distant future" and "made with eschatological Israel."[69] He then connects the covenant language of Deuteronomy, Jeremiah, and Ezekiel and views Israel's inheritance of the land promised throughout the covenants as coinciding with their spiritual renewal in the eschaton. For Merrill, this will be realized concretely when Jerusalem is rebuilt, populated, and kept from any harm.[70] Finally, Walvoord likewise sees the covenant of Jeremiah (and resultantly Deuteronomic) as still awaiting future fulfillment in national Israel characterized by global repentant-faith as "Any literal interpretation of the passages requires events and circumstances which are not a part of this age." [71]

Taking into account the Old Testament's eschatological emphasis, this survey of scholarly opinion suggests the most consistent emphasis of the prophetic witness of time-fulfillment of these covenants will be seen when a repentant national Israel will be sharing in the praise of her covenantal God alongside repentant Gentile nations (Isaiah 19:24–25; Zech 12:10; 14:8–9). This is, as Walvoord suggested above, the inevitable result of a consistently applied literal interpretive approach.

In Relation to Non-Canonical Jewish Eschatology

Several texts from noncanonical, Second Temple literature affirm a future, literal fulfillment of the physical land and spiritual blessing to national Israel reminiscent of the covenant promises treated in this study. Though these should not be considered inspired texts, they do provide a relatedness of eschatological-Jewish-thought between the two inspired Testaments. The theme of future land and prosperity runs through virtually each of them. Several examples should suffice.

The Book of Jubilees (161–140 B.C.) pictures a future time for Israel characterized by length of days of peace and prosperity reminiscent of Jeremiah's prophecy of universal obedience in the land: "And in those days the children shall begin to study the laws, And to seek the commandments, And to return to the path of righteousness" (23:26). Similarly, Psalms of Solomon (100–50 B.C.) speaks of a future day under the messianic king when Israel is regathered in her prophesied land and the entire world "Shall see the good fortune of Israel which God shall bring to pass in the gathering together of the tribes" (17:47–50). In 4 Ezra (A.D. 100), geo-political is in view when a restored Israel is pictured under the rulership of their king delivering a national people described as "those who have been saved throughout my borders" (12:34).

While more examples could be given, these non-canonical Jewish writings represent only a minor sampling of Second Temple literature echoing promises of geographical (i.e., concrete) land and spiritual blessings assured for national Israel, prophecies reminiscent of both Deuteronomy and Jeremiah. These promises, like their canonical superiors, still await fulfillment in the eschaton when Israel is regathered and restored to global prominence under their King.

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[68] Robert, Chisolm, Jr. "A Theology of Jeremiah and Lamentations." In *A Biblical Theology of the Old Testament,* eds., Roy B. Zuck, Eugene H. Miller, and Daniel L. Block (Chicago: Moody, 1991), 355.

[69] Merrill, *Everlasting Dominion*, 646.

[70] Ibid., 530–31.

[71] John F. Walvoord, "Eschatological Problems X: The New Covenant with Israel," 26.

Conclusion

This paper has focused in on the theology of covenant found in Deuteronomy's final chapters, and the climax of Jeremiah's book of consolation. Specifically, by comparing elements found in both Deuteronomy 29 and Jeremiah 31, this paper has demonstrated that a separate covenant, one that is distinct from its Sinaitic predecessor, is announced at Deuteronomy 29:1 and shares in its unconditional structure and land-motif with the only covenant ever given to the entire Israelite nation as its named recipients in Jeremiah 31:31–34.

By way of analysis of the Hebrew text, supplemented by leading OT scholars along the way, this study concludes that Deuteronomy 29 contains an irrevocable covenant focused on real land that is further confirmed with additional blessings in the new covenant of Jeremiah 31, both of which find their fulfillment at a still-future time in a restored and repentant national Israel under her Messianic King.