

## A Study of the Meaning of διαθήκη in Hebrews 9:15-17\*

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The interpretation and translation of διαθήκη in Hebrews 9:15-18, particularly in verses 16-17, is a controversial issue in the scholarly world not only because it is greatly debated and significant in its own right, but also because it is crucial for understanding the covenant theology of the author of Hebrews.<sup>1</sup> Although a number of important studies dealing with διαθήκη both in classical<sup>2</sup> and non-classical sources (such as the Old Testament, the New Testament, and intertestamental Judaism) have appeared during the past one hundred years, a considerable amount of confusion still exists in the interpretation and of Hebrews 9:15-18. Some scholars held that the meaning of διαθήκη here is “covenant”<sup>3</sup> under the assumption that the word is to be understood in the Old Testament

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1. For a survey of interpretation, see Peter T. O'Brien, *The Letter to the Hebrews* (Grand Rapids: Eerdmans, 2010), 329-331.

2. F. O Norton, *A Lexicographic and Historical Study of ΔΙΑΘΗΚΗ from the Earliest Times to the End of the Classical Period* (Chicago: University of Chicago Press, 1908).

3. B. F. Westcott, *The Epistle to the Hebrews* (Grand Rapids: Eerdmans, 1970), 263-270, 298-302; E. Hatch, *Essays in Biblical Greek* (Oxford: Clarendon, 1889), 48; G. Milligan, *The Theology of the Epistle to the Hebrews* (Edinburgh: T&T Clark, 1889), 152-153, 166-170; he later changed his position; A. Nairne, *The Epistle to the Hebrews* (Cambridge: Cambridge University Press, 1922), 140; W. F. Moulton, *The Epistles to Titus, Philemon, the Hebrews, and the Epistle of St. James* (London: Cassell, Petter, Galpin and Co., n.d.), 155-157; he may be thought to have changed his mind in the light of his joint work with Milligan (*Vocabulary of the Greek New Testament*, 148, 149); F. F. Bruce, *The Books and the Parchments* (London: Pickering and Inglis, 1958), 74; he changed his mind later; T. H. Guest, “The word ‘Testament’ in Hebrews 9,” *Expository Times* 25 (1914): 379; F. Gardiner, “On διαθήκη in Heb. 9:15-17,” *JBL* 5 (1885): 8-19; W. L. Lane, *Hebrews 9-13*, WBC (Waco: Word, 1991), 231; Sussane Lehne, *The New Covenant in Hebrews*. JSNTS 44 (Sheffield: JSOT Press, 1991), 119-124; O. Palmer Robertson, *The Christ of the Covenants* (Phillipsburg: P&R, 1981), 141-143.

sense of בְּרִיתָהּ. Most scholars have interpreted διαθήκη as “testament” (in the sense of last will and testament)<sup>4</sup> under the assumption that Greek and Roman legal practice are determinative. Some scholars interpret it as “covenant of grant.”<sup>5</sup> Recently Scott Hahn proposes that it refers to “the broken first covenant.”<sup>6</sup> The question becomes all the more difficult to answer as we see those three important scholars who rendered it as “covenant” but later changed their minds (Moulton, Milligan, and Bruce).

4. Harold W. Attridge, *The Epistle to the Hebrews* (Philadelphia: Fortress, 1989), 255-257; F. F. Bruce, *The Epistle to the Hebrews* (Grand Rapids: Eerdmans, 1963), 209-214; P. Ellingworth, *Commentary on Hebrews*, NIGTC (Grand Rapids: Eerdmans, 1993), 462-464; P. E. Hughes, *A Commentary on the Epistle to the Hebrews* (Grand Rapids: Eerdmans, 1977), 369; Franz Delitzsch, *Commentary on the Epistle to the Hebrews* (Edinburgh: T.&T. Clark, 1887), 106-120; Henry S. Gehman, “An Insight and a Realization: A Study of the New Covenant,” *Interpretation* 9 (1955): 292; Luke T. Johnson, *Hebrews* (Louisville: WJK Press, 2006), 240; M. G. Kline, “Dynastic Covenant,” *WTJ* 23 (1960-61): 14; Craig R. Koester, *Hebrews*. AB 36 (New York: Doubleday, 2001), 418, 424-426; G. Quell, “διαθήκη,” *TDNT* 2.131; G. E. Mendenhall, “Covenant,” *Interpreter’s Dictionary of the Bible* 1 (1962): 723; James Moffatt, *The Epistle to the Hebrews* (Edinburgh: T&T Clark, 1924), 125-131; Otto Michel, *Der Brief an die Hebraer* (Goettingen: Vandenhoeck und Rubrecht, 1966), 315-322; A. Deissman, *Light from the Ancient East* (London: Hodder & Stoughton, 1927), 319, 337; J. H. Moulton, G. Milligan, *The Vocabulary of the Greek New Testament Illustrated from the Papyri and Other Non-Literary Sources* (Grand Rapids: Eerdmans, 1930), 148, 149; Neva F. Miller, *The Epistle to the Hebrews* (Dallas: Summer Institute of Linguistics, 1998), 259-260; Alan C. Mitchell, *Hebrews*. Sacra Pagina Series 13 (Collegeville: Liturgical, 2007), 188; Victor C. Pfitzner, *Hebrews*. Abingdon New Testament Commentary Series (Nashville: Abingdon, 1977), 131; E. Riggenbach, “Der Begriff der ΔΙΑΘΗΚΗ im Hebraerbrief,” *Theologische Studien T. Zahn zum 10 Oktober, 1908 dargebracht* (Leipzig, 1908), 289-316; A. Schlatter, *Die Briefe des Petrus, Judas, Jacobus, der Brief an die Hebraer* (Stuttgart: Calmer, 1950), 362-365; J. Swetnam, “A Suggested Interpretation of Hebrews 9:15-18,” *CBQ* 27 (1965): 373-390; R. V. G. Tasker, *The Gospel in the Epistle to the Hebrews* (London: Tyndale, 1950), 31; G. Vos, *The Teaching of the Epistle to the Hebrews* (Grand Rapids: Eerdmans, 1956), 28-29.

5. This is a synthetic category combining the translation “covenant” with the sense of “testament.” See for example, K. M. Campbell, “Covenant or Testament? Heb ix 16, 17 Reconsidered,” *Evangelical Quarterly* 44 (1972): 107-111; M. Weinfeld, “The Covenant of Grant in the Old Testament and in the Ancient Near East,” *JAOS* 90 (1970): 184-203; M. G. Kline, *Treaty of the Great King* (Grand Rapids: Eerdmans, 1963), 41, 144.

6. Scott W. Hahn, “A Broken Covenant and the Curse of Death: A Study of Hebrews 9:15-22,” *CBQ* 66 (2004): 416-436.

This article will suggest not merely the possibility of interpreting διαθήκη as “covenant” but the necessity for understanding the word in this way. My argument is that the only possible translation for διαθήκη is “covenant” in the Old Testament sense of בְּרִית. Moreover, the paper will interpret the word as “covenant” in verse 15. Before we go into the exegesis of Hebrews 9:15-17, let us turn to a brief discussion of διαθήκη in the epistle of Hebrews as a whole.

### Διαθήκη in Hebrews

The word διαθήκη occurs seventeen times in Hebrews. Mostly it occurs within the extended pericope 8:1-10:18 (only four times does the word occur elsewhere, i.e., in 7:22; 10:20; 12:24; 13:20). The seventeen instances of διαθήκη are connected with a διαθήκη theology. The background of this διαθήκη theology has been debated. Some scholars argue that it developed in connection with the tradition of the Lord’s Supper. Others claim that the author of Hebrews has his own conception of the διαθήκη achieved by independent study of Scripture.<sup>7</sup> It is fair to say that the text does not explicitly show literary connections to the use of the new covenant in Paul or in the Last Supper. Susanne Lehne suggested that the author of Hebrews reworks the new covenant in an original manner that constitutes a departure from the other known new covenant texts.<sup>8</sup> In my view, since the author of Hebrews probably knew the Old Testament covenant concept and practice well, he therefore has his own understanding of the διαθήκη derived from independent study of Old Testament Scripture. Furthermore, this argument can be supported by the fact that the author of Hebrews is certainly dependent upon some version of the LXX and shows a familiarity with Old Testament covenant policy and practice.<sup>9</sup>

The phrase τὸ αἷμα τῆς διαθήκης occurs three times (9:20; 10:29; 13:20). According to 9:20, Exodus 24:8 is applied typologically and the saying over the cup is assimilated. In 10:29 the particular disgrace of the apostate is that he “has treated as an unholy thing the blood of covenant that sanctified him” (NIV). According to 13:20, God brought back from the dead the Lord Jesus “by the blood of the eternal covenant.” In Hebrews, Jesus Christ is described as διαθήκης καινῆς μεσίτης (9:15;

7. G. Quell, διαθήκη, *TDNT*, 2.132.

8. See Susanne Lehne, *The New Covenant in Hebrews*, 35-90.

9. It is most unlikely that the unknown author is ignorant of the Old Testament meaning of the word διαθήκη because the word בְּרִית is translated in the LXX by διαθήκη. Apparently when the author speaks of the ark of the διαθήκη (9:4) and the tables of διαθήκη (9:4) he has in mind the Old Testament cultic order commonly called διαθήκη.

see also 7:22; 8:6; 12:24). The salvation brought by the new covenant is illuminated by contrast with the Sinai covenant, God's "first covenant" with Israel (8:7, 13; 9:1, 15; 18). According to Hebrews, salvation has become real in the "new" and "higher" covenant (7:22; 8:6; 12:24). In Hebrews, the central thought is that of the new διαθήκη (9:15: καινῆς; 12:24: νέας) as shown by the explicit references in 8:8-12 and 10:16. As the "second" (8:7), it is better or higher than the "first" (7:22); it rests on better promises (8:6); it is eternal (13:20). It thus necessarily (8:7) replaces the old, which is now antiquated and ripe for destruction (8:13; 9:1, 15, 18).

Lehne, in her excellent monograph dealing extensively with the new covenant in Hebrews, seeks to demonstrate that the author of Hebrews has the remarkable ability to balance different factors that are often thought to be extreme or even contradictory.<sup>10</sup> From Lehne's point of view, the new covenant concept plays an important role in the 'balancing act' of the tension between realized and futurist eschatology in two ways:

1) By creatively reinterpreting the category of covenant from a cultic perspective the author is able to depict the Christ event in continuity with and as the perfect fulfillment of the cultic heritage of Israel. 2) By stressing the elements of newness and drawing a contrast to the former system, she succeeds in presenting as the permanent, definitive, superior replacement of that same heritage.<sup>11</sup>

I basically agree with Lehne's conclusion with regard to the background of the new covenant metaphor, namely, that the new covenant concept in Hebrews is rooted in the Old Testament sense of בְּרִית.<sup>12</sup> With this broad picture of the διαθήκη in mind, let us turn to the issue which we are going to tackle. We hope that this problem may be solved through careful exegesis of this text.

10. Lehne, *The New Covenant in Hebrews*, 119-124. In her interpretation of the new covenant in Hebrews, she manages to incorporate horizontal and vertical thought patterns to uphold the tension between realized and futurist eschatology and to portray the Christian story both from the vantage point of its continuity and of its discontinuity with its Israelite heritage.

11. Lehne, *The New Covenant in Hebrews*, 119.

12. Lehne, *The New Covenant in Hebrews*, 120. According to her study "covenant" in the Old Testament sense is used in a novel, deliberate way to characterize the utterly non-cultic event of Jesus' death on a cross and its consequences for his followers.

### Exegesis of Hebrews 9:15-17

The issue in Hebrews 9:15-17, as we have seen earlier, involves the interpretation of διαθήκη in the passage. It almost has been axiomatic among scholars that διαθήκη in 9:15 and 9:18 (διαθήκη is omitted to avoid repetition) has the meaning of *covenant*. A. Deissman suggests, however, “There is ample material to back me in the statement that no one in the Mediterranean world in the first century A.D. would have thought of finding in the word διαθήκη the idea of ‘covenant’.”<sup>13</sup> E. Riggenbach claims that every occurrence of διαθήκη in Hebrews means “testament.”<sup>14</sup> With regard to διαθήκη in Hebrews 9:15 and 16, the argument that the correct translation of the term is “testament” is so weak indeed since the office of μεσίτης is unknown in connection with wills and testaments<sup>15</sup> and the word πρώτη διαθήκη apparently refers to the first covenant in the Old Testament—a fact which is continuously testified by the author of Hebrews elsewhere in Hebrews (fifteen times). Thus, the root of the problem is how to interpret and translate the word διαθήκη in Hebrews 9:16-17. Bearing in mind that any interpretation of this pericope must be done within its context, let us turn to the text itself to solve this problem.

#### Exegesis of 9:15

The phrase καὶ διὰ τοῦτο indicates a strong inferential (causal) relation between verses 11-14 and 15-22. Verses 11-14 furnish the reason for the assertion stated in verses 15-22.<sup>16</sup> Because Christ went through the greater and more perfect tabernacle that is not man-made (9:11) and obtained eternal redemption (9:12) and purified the conscience of believers from dead works (9:14), he is therefore διαθήκης καινῆς μεσίτης. Thus the Messianic office of μεσίτης is based on his redemptive death. As a high priest, Christ entered once for all into the heavenly Holy Place and offered himself with his own blood without blemish to God for the redemption and purification of believers.

Since we have already dealt with the διαθήκη in the epistle as a whole, we don’t need to repeat that discussion here. It would be proper,

13. Deissman, *Light from the Ancient East*, 337.

14. Riggenbach, “Der Begriff der ΔΙΑΘΗΚΗ im Hebraerbrief,” 300-306.

15. See J. J. Hughes, “Hebrews ix 15ff. and Galatians iii 15ff.: A Study in Covenant Practice and Procedure,” *Nov T* 21(1979): 64-65; Swetnam, “A Suggested Interpretation of Hebrews 9:15-18,” 374.

16. It is indicated that διὰ τοῦτο is forward looking and links not primarily with verse 14 but with the whole of the preceding argument (directly with vv. 11-14); see Paul, Ellingworth, *Hebrews*, NIGTC (Grand Rapids: Eerdmans, 1993), 459.

however, for us to bear in mind the consistent meaning of the word διαθήκη in other places when we deal with verses 16 and 17. In addition, one should translate the word διαθήκη as “covenant” because the word *mesithj* rules out the meaning “testament” as we indicated earlier. That is to say, the translation “testament” is unlikely because testaments do not have mediators as does a “covenant.” The meaning of διαθήκη in verse 15 is qualified by the ideas of redemptive death and the office of μεσίτης. One important aspect of this verse is the meaning of the phrase, “he is the mediator of a new covenant.” That Christ is “the mediator of a new (or better) covenant” has already been said in 8:6 (see also 7:22; 12:24). The noun μεσίτης appears in the New Testament only six times (Gal 3:19, 20; 1 Tim 2:5; Heb 8:6; 9:15; 12:24).<sup>17</sup> In secular Greek it refers to “mediating person” and “guarantor” in legal matters. In Jewish usage it is often used in a figurative sense for the “mediator” between God and humankind (Josephus *Ant.* 7.193; Philo *Vit. Mos.* 2.166; *Som.* 1.142). Its only occurrence in the LXX refers to an arbiter in a dispute (Job 9:33), which is almost the most frequent meaning in the papyri. In connection with the Old Testament (Exod 19:3ff.; 20:19; Num 21:7, etc.) both in rabbinic Judaism and Hellenistic Judaism, Moses is the μεσίτης par excellence. In Galatians 3:19-20, Paul describes Moses as μεσίτης, that is, a mediator of the law. In 1 Timothy 2:5, Christ is a mediator between God and mankind. We can understand μεσίτης in both Galatians and 1 Timothy as *mediator* of the covenant. The author of Hebrews, while describing Jesus as μεσίτης, sees the mediating role of Christ as a function of his true high-priestly activity (5:6, 10; 6:20; 7:17, 21, 26). The corresponding phrase in 7:22 (Jesus has also become the ἔγγυος of a better covenant) may suggest that the μεσίτης is a *guarantor* of a new covenant (cf. 8:6).<sup>18</sup> Thus, for the author of Hebrews, Christ is not only the high priest and sacrifice, but also the mediator of a new covenant.<sup>19</sup> The basis of his mediatorship is his sacrificial death. By virtue of his death, redemption has been provided for those who had

17. For detail, see A. Oepke, μεσίτης in *TDNT*, 4.598-624; H. Balz, μεσίτης, *EDNT*, 2.409; C. Spicq, μεσίτης, *Theological Lexicon of the New Testament*, 2.465-468.

18. The fact is that Christ’s mediation is not simply to intercede on our behalf (Heb 7:25) but first and foremost to offer himself as a sacrifice and thus redeem our sins. The fact that Christ’s mediation is always set in relation to the διαθήκη καινή shows that Christ is first and foremost a pledge or guarantee of the covenant; his shed blood is the surety that guarantees God’s performance of all its clauses and which is valid for all mankind. Cf. D. Bornhauser, “Der Mittler” in *Neue kirchliche Zeitschrift* (1928): 21-24; A. Oepke, μεσίτης, *TDNT*, 4.598-624.

19. See Michel, *Der Brief an die Hebraer*, 316.

broken the law of God. The life of Christ was the costly price paid to liberate them from their sin.<sup>20</sup>

The ὅπως clause of verse 15 is a final clause expressing the purpose for which Christ is διαθήκης καινῆς μεσίτης. The purpose of Christ in being the high priestly διαθήκης καινῆς μεσίτης is that those called under the πρώτη διαθήκη may now receive in their experience the promise, i.e., the eternal inheritance. The mediator of a new covenant who offered himself to God as a spiritual and eternal sacrifice has become to all those who obey him the provider of eternal salvation (Heb 5:9). The eternal inheritance is for οἱ κεκλημένοι who have already been designated κλήσεως ἐπουρανίου μέτοχοι (Heb 3:1, a close parallel). Even though the close connection between God's effectual calling of His people and the inheritance which is theirs as His sons and heirs is not set out as fully in Hebrews as in the writings of Paul (cf. Rom 8:14-30), the author of Hebrews seems to relate the effectual calling of God to the calling that leads to heaven (3:1), the calling to an office (5:4-6), and God's calling of persons (11:8).

The phrase τὴν ἐπαγγελίαν (...) τῆς αἰωνίου κληρονομίας can be either an objective genitive, referring to the act of promising, or an exegetical genitive, meaning "what God promises, namely, an eternal inheritance." The latter is to be preferred because it is unlikely that for the author of Hebrews an eternal inheritance is a totally future thing. Rather, for the author, the inheritance which God had long ago promised to his people was now available as a result of the sacrificial mediation of the new covenant. In my view it is most likely that the genitive is exegetical, meaning "the promise of God, i.e. the eternal inheritance," because several appearances of the term ἐπαγγελία are closely related to the content of the promise (4:1; 6:14f; 11:9). Moreover, the term αἰώνιος supports the latter interpretation because the term is not used in a temporal sense (not merely promising of future inheritance). The term αἰώνιος in Hebrews (5:9; 6:2; 9:12, 13, 15; 13:20) has special significance for the author's eschatology. The predominant focus in each case seems to be an eschatological state or event. Because in each case αἰώνιος is pointedly associated with the age to come, the author seems not to employ the term in a purely temporal sense. So it is likely that the predominant focus seems to be on an eschatological state or event.<sup>21</sup>

20. See Bruce, *The Epistle to the Hebrews*, 208-209.

21. J. J. Hughes pointed out that it not only has the qualitative meaning of "eschatological," but also the temporal meaning of "everlasting." However, the latter nuance is derivative from and subsidiary to the former. See "Hebrews ix 15ff. and Galatians iii 15ff.," 33.

The term ἔπαγγελία occurs fifty-two times in the New Testament. Hebrews also has ἔπαγγελία and ἔπαγγέλλομαι frequently (a total of eighteen times). The basic implication of ἔπαγγελία is *promise of salvation*: a meaning which originated first in Judaism, and later became a decisive feature for New Testament usage. For Paul, ἔπαγγελία as the promise of salvation brings together the theological concepts of the word of promise and the promised blessing. In the New Testament the one who gives the ἔπαγγελία is always God.<sup>22</sup> The promise is addressed most commonly those who are chosen or called by God (Gal 3:18; Rom 4:13; Heb 6:12-17; note especially οἱ κληθέντες in Heb 9:15). The content of the promise is the messianic salvation, especially in Hebrews (4:1, Sabbath rest; 6:14f, descendants; 9:15, eternal inheritance; 11:9, land). Hebrews 4:1 speaks of the promise of entering into the rest of God. Inasmuch as εὐαγγέλιον does not appear in Hebrews, ἔπαγγελία takes on the meaning of “gospel,” which is more precisely described in 4:2 as ὁ λόγος τῆς ἀκοῆς. For the author, the Old Testament promise is fulfilled in Christ, but not yet in believers (11:3, 8, 9, 39).

The term κληρονομία in the LXX refers to the possession of the land that God gave to Israel as a permanent possession (Exod 32:13; Num 26:52-56). For Paul, the promise of κληρονομία was given once to Abraham and his descendants and is now realized in Christ (Gal 3:16). In Hebrews ἡ κληρονομία (articular noun) is used in an eschatological sense with the use of the term αἰώνιος. For the author, the promised inheritance (Heb 6:12, eternal inheritance; 9:15, salvation as inheritance) could not be attained by the law of the old covenant; it is attainable only through the sacrificial mediation of the new covenant (9:15).

θανάτου γενομένου is grammatically a genitive absolute. The grammatical use of the participle may be temporal or causal. The death is clearly that of Christ; ἐπὶ τῇ πρώτῃ διαθήκῃ παραβάσεων indicates the purpose or the result of Christ’s death. The final choice between purpose and result is difficult.<sup>23</sup> Our preference is the former because it is likely that Christ died in order to set free those who transgressed the law of God. Ἀπολύτρωσις occurs two times (9:15; 11:35). The basic meaning of ἀπολύτρωσις is the redemption of prisoners or slaves on the basis of a payment of ransom. The word designates in the New Testament the effect of the saving act of God, *the human state of being redeemed* through

22. In Hebrews, the term λάβωσις indicates that those who are called receive the ἔπαγγελία from God. Moreover, for the author God is the giver of the promise (the ἔπαγγειλάμενος, 6:13; 10:23; 11:11).

23. See Ellingworth, *Hebrews*, 460. He gives two reasons for the difficulty: 1) result implies purpose in this context; 2) the decision depends on how far the rest of verse is understood as referring to a present or future state.



the precious blood of Christ (Heb 9:11-14; cf. Mark 10:45; Matt 20:28; 1 Pet 1:18f.; and Rom 3:24). In Pauline literature the word denotes the “redemption” which God offers through the death of God’s son. For Paul, ἀπολύτρωσις is God’s gracious turning to humanity in its need for redemption (Rom 3:24 and 1 Cor 1:30). The author of Hebrews sees that the redemption as God’s decisive eschatological act of salvation has been given to those who are called through the redemptive death of Christ. Jesus’ giving of his own life leads to this redemption and effectively mediates it. Απολύτρωσις in Hebrews retains the basic New Testament meaning, that is, it is on the basis of a *payment of ransom* because the author appeals to the redemption as taking place through the precious blood of Christ (Heb 9:11-14; cf. Mk 10:45; Matt 20:28; 1 Pet 1:18f.; and Rom 3:24). The author relates ἀπολύτρωσις to the death of Christ and to forgiveness (Heb 9:22; 10:18). In my view, it is also possible the author understands ἀπολύτρωσις in the sense of its Old Testament usage whereby it establishes the covenant relationship of Israel to God through the saving act of God. For the author, redemption from the bondage of Egypt in the Old Testament as a manifestation of God’s covenantal saving act (cf. Exod 21:8 and Lev 25:48) can be equal to redemption in the New Testament, i.e., forgiveness of sins as a sign of God’s new covenantal saving act. Ἐπί + dative refers to “on the basis of.” The author here is referring to infractions of the provisions of the old covenant and its law.<sup>24</sup> Παραβάσις in the New Testament refers to the violation of the law given or sanctioned by God (Luke 6:4 and Rom 2:23, 25, 27). In Paul, the term is found only in Galatians and Romans, always in discussion of the law.<sup>25</sup> The term probably refers to deliberate as well as accidental sin.

To summarize the primary implication of verse 15, it is stated there that the death of Jesus Christ takes place in the new covenant for deliverance from the transgressions in the first covenant so that those who have been called might receive the promise—i.e., the promise of eternal and eschatological salvation.

24. Ellingworth, *Hebrews*, 461.

25. As Ellingworth indicated, some scholars, notably Spicq, find the relationship between the Pauline idea and that of Hebrews suggests that the Old Testament law actually stimulated sin (Gal 3:19-22). Nevertheless, there is no clear evidence for this argument. As Westcott well pointed out, there is no reason to expand the reference to “all transgressions committed on the basis of Law . . . .” cited in Ellingworth, *Hebrews*, 461.

### *Exegesis of 9:16*

Since we have discussed διαθήκη earlier in a broad way, let us look into the occurrences and usage of the term outside of the New Testament. The term διαθήκη is commonly used for “last will” or “testament” in literary and popular Greek.<sup>26</sup> In the LXX διαθήκη is mostly used (275 times) for the Hebrew בְּרִית. When the LXX uses διαθήκη, it is often thinking of a “covenant.” It seems that this is the proper translation of בְּרִית because the word was a legal term designating a relationship that was sovereignly inaugurated, defined and controlled by one party who, by means of specific stipulations or terms, ordered the course of action of an “inferior party” so that obedience resulted in blessing and disobedience in the lack of it. The Old Testament apocrypha and pseudepigrapha present the same picture as the LXX. In Philo one cannot find the usage of διαθήκη.

The word διαθήκη occurs nine times in Paul, four times in the Synoptic Gospels, two times in Acts, one time in Revelation, seventeen times in Hebrews. Paul’s use of διαθήκη is shaped by the LXX rather than the current legal sense. In Romans 11:27, Paul understood that the future event of Israel’s redemption could be interpreted as the divine realization of the continuing validity of the covenant of salvation with the fathers. The use of διαθήκη in Galatians 3:16f. indicates that salvation in Christ is the act of God’s faithfulness in realizing the covenant of salvation granted to Abraham. In 2 Corinthians 3:1-14, Paul sees the divine promise in Jeremiah 31:33 come to pass in his apostolic ministry. In Luke 1:72-74, διαθήκη is used with the oath and designates the covenant promise to Abraham, understood as continuing and realized in the new salvation event. For both Paul and Luke, διαθήκη is used in accordance with the predominant usage in the LXX. They, however, understood it even more sharply and consciously in terms of the salvation that occurred in the Christ-event. Moreover, they understood διαθήκη in a new way, namely that the διαθήκη in the LXX is completely fulfilled in the redemptive work of Christ, an understanding based on the sayings of Jesus over the cup in Lord’s Supper.

Now let us turn to the issue which we should tackle. What is the legitimate translation of the word διαθήκη in this verse? Before we go into a detailed discussion about the issue, it is legitimate to look into the general lexical use of διαθήκη in Hebrews. Is it right to imagine that the author of Hebrews understood διαθήκη in a Hellenistic sense of “will” or “testament”? There is much room for doubt in the idea that the LXX translators thought of בְּרִית as a Greek διαθήκη (meaning “will” or “testament”) because they chose the most suitable translation

26. For detailed references see *TDNT*, vol. 2.124; *BAGD*, 83.

as we have seen earlier. It is my contention that διαθήκη in the LXX must be understood and interpreted in the light of its usage in the LXX and not in the light of its usage in the papyri and classical sources.<sup>27</sup> If the LXX translators so understood διαθήκη, is it possible that the author of Hebrews could have understood διαθήκη only in the light of its Hellenistic meaning? My answer is No, since it is very hard to imagine that when he speaks of διαθήκη in 8:7ff. and 9:4, he was ignorant of the historical background of the term, not only because he was well aware of LXX usage of the term but also because he was a theologian of considerable ability.<sup>28</sup> Therefore, there is no reason to doubt that the correct translation of διαθήκη in 8:6, 8, 9; 9: 4, 15; 10:16; and 12:24 is “covenant” because the author of Hebrews clearly knows its Old Testament meaning: For example, he clearly speaks of the ark of the διαθήκη (9:4) and the tables of διαθήκη in the sense of LXX usage (9:4). Particularly, as we have indicated, not only in the light of its use in Luke and in Paul to mean “covenant” but also in the light of its meaning as “covenant” in the LXX, it should be clear that the author of Hebrews follows the meaning of the Old Testament.<sup>29</sup> So, lexically speaking, it is most unlikely that he interpreted the word in light of its Hellenistic use.

From a syntactical point of view, it seems likely that verses 16 and 17 are introduced by the author to explain why a death had to take place. The logical relationship between verse 15 and verses 16 and 17 is clearly testified by the conjunction γάρ which is used to explain. Thus, the meaning of διαθήκη in verses 16 and 17 is qualified by its meaning in verse 15, since verses 16-17 parenthetically explain the necessity of Christ’s death. It seems logical that verses 16-22 should be seen as a parenthetical explanation of verse 15 which is, in turn, the climax of verses 11-14. So, it is legitimate to say that the meaning of διαθήκη in verses 16-17, which explain why it was necessary for Christ to die in order to be the mediator of the new covenant, should be consistent with

27. G. Quell, “διαθήκη” in *TDNT* vol. 2.106, 107.

28. Hughes (“Hebrews ix 15ff. and Galatians iii 15ff,” 32) well pointed out this aspect as follows: “The author of Hebrews, with his sensitive feel for and accurate understanding of the cultus, policy and practice of the institutions of the old covenant order, hardly strikes one as a man (or woman) capable of committing such an elemental and misleading blunder.”

29. As Hughes (“Hebrews ix 15ff. and Galatians iii 15ff,” 33) rightly observed, since the author’s use of διαθήκη is firmly rooted in its LXX usage in every other instances except 9:15-18, as a matter of a priori concern one should at least exceedingly cautious in attributing a meaning to διαθήκη in 9:15-18 that is so foreign to the author’s use of the word elsewhere, not to mention its use in the rest of the New Testament and in the LXX.

its meaning in verses 16-22.<sup>30</sup> The argument that the meaning of διαθήκη in verses 16-17 is to be understood in light of verse 15 is once more validated by the syntactical relationship between the word θάνατος in verse 15 and in verse 16. That is, the author seems to relate both terms consciously at a syntactical level.<sup>31</sup>

Now let us consider the semantic reasons for translating and interpreting διαθήκη in verses 16-17 to mean “covenant.” It seems clear syntactically that the ὅπου γάρ clause of verses 16-17 explains the retrospectively cumulative circumstantial clause of θανάτου γενομένου εἰς ἀπολύτρωσιν τῶν ἐπὶ τῇ πρώτῃ διαθήκῃ παραβάσεων not ὅπως . . . τὴν ἐπαγγελίαν λάβωσιν οἱ κεκλημένοι τῆς αἰωνίου κληρονομίας. The close examination of two phrases (θάνατον ἀνάγκη φέρεσθαι and τοῦ διαθεμένου) will help us in understanding the correct interpretation. The word φέρω in a legal context refers to “bringing a charge or accusation” (John 18:29; Acts 25:18). The word here may refer to legal argumentation: “Where there is διαθήκη| the death of τοῦ διαθεμένου must be brought forth.” The author of Hebrews has used the verb φέρω four times (1:3; 6:1; 9:16; and 12:20). In every case there is the idea of movement. Hence the suitable translation of φέρεσθαι may be “to be introduced” in the sense of representation.<sup>32</sup> So, Westcott translates it as follows: “For where there is a covenant, it is necessary to bring forward (i.e. to represent) the death of the one who ratifies.”<sup>33</sup> Hughes translates it “where there is a covenant, it is necessary to represent (introduce) the death of the ratifier.”<sup>34</sup> According to Hughes, this word is not used in the extra-biblical literature in conjunction with διαθήκη or διατίθημι although it is very infrequently employed in some legal texts (cf. Demosthenes *Or.*

30. Hughes (“Hebrews ix 15ff. and Galatians iii 15ff,” 34) argues, “it is special pleading on the part of the exegete to assume that διαθη,κη in vv. 16, 17 means something different than it does in v. 15 and vv. 18ff. To assume that the author switched meanings in midstream cannot be justified syntactically.”

31. The word θάνατος in verse 15 clearly refers to the death of Christ. Since it seems fit in the train of thought of the author that θάνατος in v. 15 is consistent with the use of the term θάνατος in verse 16. Syntactically, it is likely that the author used διαθήκη in v.16 in light of its meaning in verse 15. The nature of death and the subject of the death will be dealt later.

32. Milligan (*The Theology of the Epistle to the Hebrews*, 168) says, “v. 16 does not say that in the case of a διαθήκη ‘there must of necessity be the death of him that made it but that his death must be ‘brought in’, that is, assumed, taken for granted, posited, according to a very common usage of this word - a meaning which is inapplicable in the case of a will which only comes into force after the death of the testator, but which falls in admirably with the idea of a covenant based upon sacrifices.”

33. Westcott, *Hebrews*, 265.

34. Hughes, “Hebrews ix 15ff. And Galatians iii 15ff,” 46.

58.22; Polybius xxxiii. 11.2; Josephus *B.J.* 7.33; *Ant.* 20.47; and Plutarch *Cat. Mi.* 19). He argues that since φέρω has a cultic use in the LXX, it can refer either to the bringing of sacrifices to be offered or to the act of offering itself. Thus, for him, it seems best to understand φέρεσθαι in verse 16 against a cultic LXX use of bring sacrifices to be offered so that the symbolic death of the one who ratifies a covenant is seen as a sacrificial death.<sup>35</sup>

What is the meaning and translation of the word ὁ διαθεμένος in this verse? Just as διαθήκη is used to mean “will” or “testament” in Hellenistic non-Jewish/Christian usage, so διατίθημι functioned as a legal term used with respect to the making of wills.<sup>36</sup> If the verb was used against the background of Hellenistic usage, οὐ διαθεμε, noj means “testator.” But the verb διατίθημι is used to translate כָּרַב (seventy-four times out of eighty occurrences in LXX). According to Hughes, just as MT כָּרַב כָּרַב was the standard technical legal phrase referring either to the inauguration or ratification of a covenant, so the LXX διατίθημι διαθήκη was its equivalent.<sup>37</sup> In my view, the most suitable translation of ὁ διαθεμένος is “the ratifier” or “the one who ratifies.” This rendering is supported by Psalm 50:5 where οἱ διαθεμένοι occurs. The οἱ διαθεμένοι of the Psalm is best translated “those who ratify” just as the ὁ διαθεμένος of Hebrews is “the one who ratifies.” So the correct translation of ὁ διαθεμένος is not “testator” but “ratifier.” The problem of this translation is whether or not the death of “a ratifier” actually takes place before a covenant could be ratified. When we observe Old Testament covenant practice, it clearly does not. In the Old Testament, those who ratified or renewed a covenant often did so by means of a self-maledictory oath ritual which involved the bloody dismemberment of representative animals.<sup>38</sup> Since the object of the covenant-making ceremony was to establish a legally bonded relation between the two parties (God and Israelites; suzerain and vassal), animals as covenant-victims were used to represent the party who ratified the covenant. The person himself did not have to die in order for the covenant to be ratified. For the author of Hebrews, when he uses the word ὁ διαθεμένος and the verb φέρω, the death of the ratifier of a covenant can only refer to a representative,

35. For detail argument, see Hughes, “Hebrews ix 15ff. and Galatians iii 15ff,” 65-66.

36. Cf. G. Quell, διατίθημι, *TDNT* 2.104.

37. Hughes (“Hebrews ix 15ff. and Galatians iii 15ff,” 40) explains the reason why the term διατίθημι was chosen by the author as follows: “Διατίθημι was a legal term just as διαθήκη was; 3. just as the phrase כָּרַב כָּרַב was the legal terminus technicus in the Old Testament, so in Hellenistic usage διατίθημι was associated in this way with διαθήκη.”

38. G. E. Mendenhall, “Covenant,” *Interpreter’s Dictionary of the Bible*, 1.714.

not actual, death.<sup>39</sup> So for the author, the death of Jesus Christ is a representative death because of the necessity of “representing” the death of “the ratifier” in order to make the new covenant operative.<sup>40</sup> Since Jesus Christ offered his own blood (a sacrificial death representing those who are defiled), those who are called obtained eternal redemption (9:11-14) and Jesus Christ became the mediator of a new and better covenant.

If it is in the author’s mind that θανάτος is closely related to αίματος, the correct translation of διαθήκη again has to be “covenant” because “testament” has nothing to do with “blood.” It seems obvious to me that the author deliberately uses αίματος as a symbolic expression of death.<sup>41</sup> Moreover, αίματος in verse 18 leads us to draw a connection to θανάτος in verse 16 and νεκροίς in verse 17, since the author of Hebrews seems to use the two terms θανάτος and αίματος interchangeably in a figurative sense. The conjunction ὅθεν also supports this argument because it draws a logical relation between διαθήκη γάρ ἐπὶ νεκροίς βεβαία and οὐδὲ ἡ πρώτη χωρὶς αίματος ἐγκεκαίνισται. Syntactically speaking, it is natural to conceive that θανάτος in verse 16 is in line

39. Westcott (*Hebrews*, 265) comments as follows: “He who makes the covenant (ὁ διαθεμένος) is, for the purposes of the covenant, identified with the victim by whose representative death the covenant is ordinarily ratified. In the death of the victim his death is presented symbolically.”

40. Westcott (*Hebrews*, 265) continues to comment “In the case of the New Covenant Christ in His Divine-human Person represented God who reveals through and in Him the unfailing greatness of the divine love, and at the same time He represented the complete self-surrender of humanity . . . The thought expressed by the representative victim had become an eternal fact.”

41. In Old Testament statements concerning the blood of human beings, it is viewed as the carrier of life; the soul dwells in it (Heb. נַפֶּשׁ, Gr. Ψυχή; Cf. Gen 9:4; Lev 17:11, 14; Deut 12:23). In New Testament, in its figurative sense, the experience of witnessing people bleed to death (cf. Luke 13:1) leads to the equation of blood and death, of the shedding of blood and murder (Matt 23:35; Luke 11:50; Mark 14:24; Acts 22:20; Rom 3:15). Pilate wishes to be innocent of Jesus’ blood, i.e. of his death (Matt 27:24). The author of Hebrews uses the term in the same way. One is to fight against sin to the point of shedding blood, i.e. to the point of death (Heb 12:4). Furthermore, in 9:11-22, the author clearly links the blood of Jesus Christ (9:12, 14) with his death (9:15). This argument can be validated by the fact that the author interprets the death of Christ as a blood sacrifice who is simultaneously high priest and sacrificial animal (9:11-10:18). On the basis of his train of thought, it is likely that θανάτος in 9:16 has close relationship with the blood of Jesus Christ. If so it is hardly that the proper translation of διαθήκη is “testament” or “last will” because only “covenant” is related with “blood.”

with θανάτος in verse 15, because, as we indicated earlier, the ὅπου γάρ clause is closely related to the θανάτου γενομένου clause.

### *Exegesis of 9:17*

Verse 17 explains why it is necessary to bring forward the death of the covenant ratifier (v. 16). Just as verse 16 speaks of covenant practice in general, so does verse 17. As the conjunction γάρ indicates, verse 17 gives the reason for verse 16. The phrase ἐπὶ νεκροῖς βεβαία refers to the representative animals used in the self-maledictory rite of covenant ratification. The word βέβαιος (βεβαι- word group) is a word which can refer either to the inauguration or establishing of something (Heb 6:19; 13:9) or to the ratifying or confirming of it (Heb 2:2, 3; 3:6; 6:16; 9:17). Particularly, in 9:17 it refers to the ratification of the διαθήκη, the legal validation or guaranteeing of the διαθήκη ἐν πρὶ νεκροῖς. It also is used to refer to the act of holding fast to one's faith (Heb 3:14; 2 Cor 1:7) It sometimes denotes "to make firm or secure" in the sense of a "legal guarantee."<sup>42</sup> It seems to me that the best translation of βέβαιος in verse 17 is "confirmed" in a legal sense. Here it refers to the ratification or legal confirmation of a covenant. As Hughes rightly observed, the use of the singular διαθήκη with the plural ἐπὶ νεκροῖς is strong evidence for dismissing the 'testament' interpretation of verses 16 and 17.<sup>43</sup> The preposition ἐπί is used to express the accompanying circumstances or conditions (1 Thess 4:7; 1 Cor 9:10; 2 Cor 9:6; Gal 5:13; Eph 2:10; 2 Tim 2:14; Heb 9:15, 17). If these two verses describe the death of the testator, why did the author use ἐπὶ νεκροῖς rather than ἐπὶ νεκρῶν if he meant that a "will" or "testament" becomes valid or operative on the basis of or at the time of the death of the testator? Why did he not employ the construction μετὰ νεκροῦ if he meant that a "testament" or "will" becomes valid only after the death of the testator? If we translate ἐπὶ νεκροῖς "over the dead" on the basis of the fact that the preposition ἐπί is used to express the accompanying circumstances or conditions (1 Thess 4:7; 1 Cor 9:10; 2 Cor 9:6; Gal 5:13; Eph 2:10; 2 Tim 2:14; Heb 9:15, 17), taking νεκροῖς in a generic sense, there is problem for the "testament" translation.<sup>44</sup>

42. Moulton and Milligan (*Vocabulary of the Greek New Testament*, 107) note that the term was in the papyri a technical term meaning 'legally guaranteed security.' cf. H. Schlier, βεβαίος κτλ, *TDNT* 1.602-603.

43. See Hughes, "Hebrews ix 15ff. and Galatians iii 15ff." 43-44, 60-61; Gardiner, "On διαθήκη in Heb. ix 16, 17," 16.

44. Even though it is possible to construe that ἐπί + dative is used in a legal contexts, it is more likely to think that the sense of ἐπί is providing the accompanying conditions as we consider the immediate context of "covenant"

Moreover, it is to be noticed that it is not true to historical facts to maintain that a will became operative only after a person's death. In fact, it became operative as soon as it was properly drafted, witnessed and notarized.<sup>45</sup> Thus, because of the general nature of verses 16 and 17 and because these verses purport to define exclusively the practices regarding a διαθήκη, it seems impossible to interpret them as referring to last will and testaments. The phrase ἐπὶ νεκροῖς βεβαία, ἐπεὶ μήποτε ἰσχύει ὅτε ζῆ ὁ διαθέμενος excludes the possibility of testamentary disposition *inter vivos*.

### Conclusion

Finally, let us summarize the discussion concerning the correct meaning and translation of the word διαθήκη in verses 15-17. The major translations (NRSV, NEB, JB, TEV, NIV) and most commentators are in agreement that in verses 16-17 διαθήκη refers to "last will" or "testament." According to this dominant point of view, the author or Hebrews has in mind an analogy between the necessity of a death in establishing the validity of a will and the necessity of a death in inaugurating the new covenant. The study above has demonstrated that it is impossible to translate διαθήκη in verses 16 and 17 as "will" or "testament" and to harmonize the author's statements with any known form of Hellenistic, Egyptian, or Roman legal practice.<sup>46</sup> As Hughes well indicated, syntactically the tightly knit use of particles in 9:15-18 militates against the assignment of a different meaning to διαθήκη in verses 16-17 from the one it has in verses 15 and 18. More specifically, διαθήκη in Hebrews 9:16-17 may refer to the Sinai covenant.<sup>47</sup> Lexical and semantic considerations indicate that the author has employed διαθήκη in a consistent way in 9:15-18 to mean "covenant."

Verse 15 has been interpreted as a climactic verse in 9:11-22. Having introduced the thought of the death of Christ, the author proceeds to

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in this verse and the generic use of νεκροῖς.

45. Bruce (*The Epistle to the Hebrews*, 213) argues that the correct interpretation of διαθήκη in verses 16, 17 is "testament" and that the passage has to do with the question of testamentary inheritance. Against this, J. J. Hughes argues that it does not necessarily follow that inheritance only occurred after the death of the testator. In Egypt, following the procedure of Hellenistic testamentary practice, a testamentary disposition could take effect either at the testator's death, as *donatio*, or immediately, as parental distribution *inter vivos*. It was thus an acceptable legal practice for an inheritance *inter vivos* to take place before death (Hughes, "Hebrews ix 15ff. and Galatians iii 15ff.," 61-63).

46. Cf. Hughes, "Hebrews ix 15ff. and Galatians iii 15ff.," 59-65.

47. O'Brien, *The Letter to the Hebrews*, 332; Hahn, "A Broken Covenant and the Curse of Death," 436.



develop it. This death is the means of redeeming people from the plight in which they found themselves as the result of sin. It brings them an eternal inheritance. The author expounds that Christ is the mediator of the new covenant through his death in order that the called might receive the eternal inheritance. The author of Hebrews sees that redemption as God's decisive eschatological act of salvation has been given to those who are called through the redemptive death of Christ. For the author, Jesus' giving of his own life leads to the redemption and effectively mediates it. Moreover, Christ's death is viewed as "a ransom" which suggests that the redemption avails for those who sinned under the old covenant as well as for those who are embraced in the new covenant. To sum up the implication of verse 15, the death of Jesus Christ the mediator of the new covenant through his sacrificial death for deliverance from the transgressions in the first covenant so that those who have been called might receive the promise, i.e. the eternal and eschatological salvation.

In discussing above the proper interpretation and translation of διαθήκη in Hebrews 9:15-17, particularly in verses 16-17, we have pointed out that it is highly unlikely that any occurrence of διαθήκη in Hebrews would mean "testament." Lexically speaking, it is certain that the author of Hebrews interpreted διαθήκη in light of its Old Testament meaning. We have concluded that in a syntactical sense the translation "covenant" makes better sense. Furthermore, because of the semantic evidence, it seems certain that the author of Hebrews is employing διαθήκη in 9:15-17 in a consistent way to mean "covenant."