Covenant, Oath, and the Aqedah: Διαθήκη in Galatians 3:15-18

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ACCORDING TO ONE WIDELY HELD VIEW, the word διαθήκη in Gal 3:15 should be translated "will" or "testament," an "act by which a person determines the disposition of his or her property after death."[1] Another view, almost equally widespread, is that the verse, so rendered, is problematic: the legal background for Paul's statement and the logic of his argument in vv. 15-17 are obscure. As J. Louis Martyn remarks, "Paul's use of the term 'covenant' in Galatians 3 proves to be a kind of wild animal that cannot be so easily tamed."[2] It may be possible to "tame" the "animal," however, by taking διαθήκη in v. 15 in the usual Pauline sense of "covenant," that is, "a legal fellowship under sacral guarantees."[3] More-

[1] So Hans Dieter Betz, *Galatians: A Commentary on Paul's Letter to the Churches in Galatia* (Hermeneia; Philadelphia: Fortress, 1979) 155; Richard N. Longenecker, *Galatians* (WBC 41; Dallas: Word, 1990) 128; James D. G. Dunn, *The Epistle to the Galatians* (BNTC; London: A & C Black, 1993) 180-83; J. Louis Martyn, *Galatians*: A new translation with introduction and commentary (AB 33A; New York: Doubleday, 1997) 344-45. The definition is from *Merriam-Webster's Collegiate Dictionary* (11th ed.; Springfield, MA: Merriam-Webster, 2003) 1291a.

[2] J. Louis Martyn, "Events in Galatia: Modified Covenantal Nomism versus God's Invasion of the Cosmos in the Singular Gospel: A Response to J. D. G. Dunn and B. R. Gaventa," in *Pauline Theology*, vol. 1, *Thessalonians, Philippians, Galatians, Philemon* (ed. Jouette M. Bassler; SBL SymS 21; Minneapolis: Fortress, 1991) 160-79, here 173.

[3] Gottfried Quell and Johannes Behm, "διατίθημι, διαθήκη," *TDNT*, 2. 104-34, here 112 (Quell). For διαθήκη as "covenant" in Gal 3:15, see J. B. Lightfoot, *The Epistle of St. Paul to the Galatians* (London: Macmillan, 1866) 141-42; Ernest De Witt Burton, *A Critical and Exegetical Commentary on the Epistle to the Galatians* (ICC 35; Edinburgh: Clark, 1920) 496-505; Hermann N. Ridderbos, *The Epistle of Paul to the Churches of Galatia* (NICNT; Grand Rapids: Eerdmans,

over, refocusing the interpretation of vv. 15-18 on the concept of "covenant" may facilitate the identification of a specific covenant-making narrative underlying Paul's argument in these verses, which I will suggest is Gen 22:15-18, the covenant with Abraham ratified by divine oath after the Aqedah.

In this article, I will show, first, that the sense of διαθήκη in vv. 15 and 17 is "covenant"; second, that the διαθήκη in view here is the Abrahamic covenant ratified in Gen 22:15-18; and, third, that understanding the covenant oath of the Aqedah (Gen 22:15-18) as the subtext clarifies Paul's theological argument in Gal 3:15-18.

I. Διαθήκη as "Covenant" in Galatians 3:15

Although the most basic meaning of διαθήκη seems to have been "a disposition," from διατίθημι, "to dispose, determine, distribute, establish," this meaning is rarely attested and only in older texts.[4] Over time the term became particularized to one specific kind of disposition, namely, "a final testamentary disposition in view of death":[5]

> The law shall run as follows: Whosoever writes a will (διαθήκη) disposing of his property, if he be the father of children, he shall first write down the name of whichever of his sons he deems worthy to be his heir. . . . (Plato, *Laws,* 9.923c)[6]

Within Hellenistic Judaism, however, the development of the term followed a different trajectory. The translators of the LXX, with almost complete consistency, chose διαθήκη to render the Hebrew ברית, "covenant." This translational choice has elicited some scholarly discussion, since the usual Greek term for "covenant" is συνθήκη.[7] Yet there is no reason to think that the Septuagintal translators misunderstood ברית as "last will and testament"; rather, "it may be assumed that where LXX uses διαθήκη the intention is to mediate the sense and usage of בְּרִית."[8] "Testament" makes no sense in the contexts in which the LXX uses διαθήκη, for example, "So Abraham took sheep and oxen and gave them to Abimelech, and the two men made a covenant (διαθήκη)" (Gen 21:27). For the most part, later Second Temple literature also employed διαθήκη in the sense of "covenant."[9]

1953) 130-31; and John J. Hughes, "Hebrews IX 15ff. and Galatians III 15ff.: A Study in Covenant Practice and Procedure," *NovT* 21 (1976–77) 27-96, esp. 66-91.

[4] Behm, *TDNT*, 2. 125.

[5] Ibid., 104-5.

[6] Translation from Tufts University online "Perseus" edition: http://www.perseus.tufts.edu/cgi-bin/ptext?doc=Perseus:text:1999.01.0166:section=923c.

[7] Behm, *TDNT*, 2. 126. Aristophanes uses διαθήκη as "covenant" once: "Not I . . . unless they make a covenant with me (ἢν μὴ διάθωνταί γ' οἵδε διαθήκην ἐμοι) . . ." (*Av.* 440).

[8] Quell, *TDNT*, 2. 107.

[9] Behm, *TDNT*, 2. 127.

It scarcely needs demonstration that a testament is a quite different sort of legal institution from a covenant. A testament provided for the distribution of an individual's estate shortly before or after his or her death, whereas a covenant was a legally binding relationship of obligation—which could take a wide variety of forms—ratified by an oath between one party and one or more others, which seldom concerned the distribution of goods after one's death per se.[10]

Usually, which of the two senses διαθήκη bears is clarified by the context, but Gal 3:15 is a difficult case:

> Ἀδελφοί, κατὰ ἄνθρωπον λέγω· ὅμως ἀνθρώπου κεκυρωμένην διαθήκην οὐδεὶς ἀθετεῖ ἢ ἐπιδιατάσσεται.
>
> Brothers and sisters, I give an example from daily life: once a person's will has been ratified, no one adds to it or annuls it. (*NRSV*)

Like the translators of the *NRSV,* most contemporary commentators agree that διαθήκη here should be taken in the secular sense of "will" or "testament." This consensus holds despite three serious difficulties:

First, Paul always employs διαθήκη as "covenant" in his other writings.[11] The same is true for the LXX translators, as well as the other NT writers and the Apostolic Fathers.[12] With one possible exception, there is not a single instance where διαθήκη means "testament" in any of the above.[13]

Second, the reference to a Hellenistic "testament" in v. 15 would represent a lapse in the coherence of Paul's argument. Both before and after v. 15 he proceeds strictly within the conceptual sphere of the Jewish (not Greco-Roman) law. Since the dispute at hand concerns the interpretation of the Jewish Torah (νόμος), it is difficult to imagine what rhetorical force or relevance either Paul or his opponents would see in an analogy drawn from the secular court.

Third (and most seriously), if Paul intends διαθήκη to be understood as "testament" in v. 15, his statement that "no one adds to or annuls [a διαθήκη]" is quite

[10] On the definition of "covenant" (ברית), see Quell, *TDNT*, 2. 106-24; and Gordon P. Hugenberger, *Marriage as a Covenant: A Study of Biblical Law & Ethics Governing Marriage, Developed from the Perspective of Malachi* (VTSup 52; Leiden: Brill, 1994) 168-215.

[11] Rom 9:4; 11:27; 1 Cor 11:25; 2 Cor 3:6, 14; Gal 3:17; 4:24; cf. Eph 2:12.

[12] For the LXX, see Quell, *TDNT*, 2. 106-7; for the NT, see Behm, *TDNT*, 2. 131-34, esp. 134: "In both form and content the NT use of διαθήκη follows that of the OT." See Matt 26:28; Mark 14:24; Luke 1:72; 22:20; Acts 3:25; 7:8; Heb 7:22; 8:6, 8-10; 9:4, 15-17, 20; 10:16, 29; 12:24; 13:20; Rev 11:19; *1 Clem.* 15:4, 35:7; *Let. Barn.* 4:6-8; 6:19; 9:6, 9; 13:1, 6; 14:1-3, 5, 7. Only in Gal 3:15 and Heb 9:16-17 is the sense "testament" a possibility.

[13] See Hughes, "Hebrews IX 15ff.," 66-71. The exception is Heb 9:16-17 (see Harold W. Attridge, *The Epistle to the Hebrews: A Commentary on the Epistle to the Hebrews* [Hermeneia; Philadelphia: Fortress, 1989] 253-56). But even here I would read "covenant"; see Scott W. Hahn, "A Broken Covenant and the Curse of Death: A Study of Hebrews 9:15-22," *CBQ* 66 (2004) 416-36.

erroneous.[14] It is widely acknowledged that all known Greek, Roman, or Egyptian "testaments" could be annulled (ἀθετέω) or supplemented (διατάσσομαι) by the testator.[15] Legal practice in the first century directly contradicts what Paul seems to be claiming. This has led to an exegetical impasse.[16]

In an attempt to get beyond this impasse, some scholars suggest that Paul's statement οὐδεὶς ἀθετεῖ ἢ ἐπιδιατάσσεται means "no one [other than the testator] can annul or supplement [it]." It is then supposed that Paul holds God to be the "testator" of the Abrahamic "testament," whereas *angels* give the Mosaic Law (3:19).[17] Since the angels are not the "testators," their law cannot annul or supplement the original testament.

This interpretation strains the sense of v. 19. Ernest De Witt Burton remarks: "δι' ἀγγέλων does not describe the law as proceeding from the angels, but only as being given by their instrumentality, and the whole argument of vv. 19-22 implies that the law proceeded from God."[18] It was a commonplace in Second Temple Judaism that God gave the Sinaitic law by means of angels.[19] If Paul had intended to say something more radical—that is, that the angels were acting independently of God—one would expect him to have clarified his meaning.

Other attempts around the impasse have concentrated on finding some contemporary legal instrument that *does* fit Paul's description of a διαθήκη in v. 15. Greer Taylor suggests that Paul refers to the Roman *fidei commissum*.[20] Ernst Bammel states that Paul has the Jewish מתנת בריא in view.[21] While these suggestions cannot be ruled out, there is no positive evidence that Paul's Galatian audience would have been familiar with either of these legal institutions. Furthermore, neither was called a διαθήκη.[22] How could Paul expect his readers to

[14] Burton, *Galatians*, 502.

[15] See Hughes, "Hebrews IX 15ff.," 83-91; Longenecker, *Galatians*, 128-30; Betz, *Galatians*, 155.

[16] See Longenecker, *Galatians*, 130.

[17] Martyn, *Galatians*, 366-67; Hans J. Schoeps, *Paul: The Theology of the Apostle in the Light of Jewish Religious History* (trans. Harold Knight; Philadelphia: Westminster, 1961) 182-83. To the contrary, Longenecker, *Galatians*, 130.

[18] Burton, *Galatians*, 503; see also Paul N. Tarazi, *Galatians* (Orthodox Biblical Studies; Crestwood, NY: St. Vladimir's Seminary Press, 1994) 152; and Richard N. Longenecker, *The Triumph of Abraham's God: The Transformation of Identity in Galatians* (Edinburgh: Clark, 1998) 59.

[19] See Josephus *A.J.* 15.5.3 §136 ("through angels [δι' ἀγγέλων] *sent by God*"), Acts 7:38, 53; Heb 2:2.

[20] Greer M. Taylor, "The Function of ΠΙΣΤΙΣ ΧΡΙΣΤΟΥ in Galatians," *JBL* 85 (1966) 58-76.

[21] Ernst Bammel, "Gottes ΔΙΑΘΗΚΗ (Gal III 15-17) und das jüdische Rechtsdenken," *NTS* 6 (1959–60) 313-19. For a critique of Bammel, see Hughes, "Hebrews IX 15ff.," 72-76.

[22] Ben Witherington III, *Grace in Galatia: A Commentary on St. Paul's Letter to the Galatians* (Edinburgh: Clark; Grand Rapids: Eerdmans, 1998) 242-43.

understand that by διαθήκη he meant neither "covenant" nor "testament" but a lesser-known legal instrument not called by that name?[23]

A better interpretation results if one understands διαθήκη according to Paul's normal use of the word, that is, as "covenant." This has two advantages over the previously mentioned proposals: First, "covenant" is the only sense of διαθήκη used by Paul elsewhere in Galatians and in his other letters (not to mention the LXX and the other NT documents). If we may assume that the Galatian congregation was familiar with Paul and his manner of speaking, it seems likely that they would have understood Paul's use of διαθήκη according to his usual meaning.[24] Second, since a covenant was irrevocable even by its maker (as I will show immediately below), Paul's statement οὐδεὶς ἀθετεῖ ἢ ἐπιδιατάσσεται rings true without nuance.[25]

A. The Covenant as Inviolable Legal Institution

The institution of the covenant had a life of its own in antiquity quite apart from its particular religious significance in Judaism and Christianity. Frank Moore Cross offers the following working definition: "Oath and covenant, in which the deity is witness, guarantor, or participant, is . . . a widespread legal means by which the duties and privileges of kinship may be extended to another individual or group."[26] Covenants were widely used to regulate human relationships on the personal, tribal, and national levels throughout ancient Mesopotamian, Anatolian, Semitic, and classical (Greek and Latin) cultures.[27] The Bible itself attests to the widespread use of covenants: at least *twenty-five* different covenants between two human parties—always rendered by διαθήκη in the LXX—are mentioned in the Hebrew Scriptures: for example, between Abraham and Abimelech (Gen 21:27-32), Laban and Jacob (Gen 31:14), David and Jonathan (1 Sam 18:2), David and Abner (2 Sam 3:12-13), and many others.[28]

[23] See Betz, *Galatians*, 155. The מתנת בריא was distinguished from a דייתיקי (διαθήκη) in Jewish law; see Longenecker, *Galatians*, 129-30; Betz, *Galatians*, 155.

[24] As Martyn (*Galatians*, 344-45) admits. Cf. Burton, *Galatians*, 504: "Paul is replying to the arguments of his judaising opponents, and is in large part using their terms in the sense which their use of them had made familiar to the Galatians."

[25] On the covenant as irrevocable, see Quell, *TDNT*, 2. 114; Burton, *Galatians*, 505.

[26] Frank Moore Cross, *From Epic to Canon: History and Literature in Ancient Israel* (Baltimore: Johns Hopkins University Press, 1998) 8.

[27] See Moshe Weinfeld, "The Common Heritage of Covenantal Traditions in the Ancient World," in *I trattati nel mondo antico: forma, ideologia, funzione* (ed. L. Canfora et al.; Rome: L'Erma di Bretschneider, 1990) 175-91.

[28] See Gen 26:28 (covenant between Isaac and Abimelech); 1 Sam 11:1 (Nahash the Ammonite and the men of Jabesh-gilead); 20:8 and 23:18 (David and Jonathan); 2 Sam 5:3 (David and the elders of Israel); 1 Kgs 5:12 (Solomon and Hiram); 15:19 (Asa and Ben-hadad/Baasha and

Of particular relevance to Paul's point in Gal 3:15 is the narrative of the covenant between the Israelites and Gibeonites in Joshua 9 (and the epilogue of the story in in 2 Sam 21:1-14), which illustrates the binding nature of a human covenant. In Joshua 9 we have a covenant between two human parties (Israelites and Gibeonites): "Joshua made peace with them and made a covenant (διαθήκη, LXX) with them, to let them live, and the elders of the congregation swore to them" (Josh 9:15). Significantly, the text explicitly testifies that the covenant, once sworn, cannot be annulled, even when it comes to light that it was made on the basis of a deception:

> But all the leaders said to all the congregation, "We have sworn to them by the LORD, the God of Israel, and now we may not touch them. . . . Let them live, lest wrath be upon us, because of the oath which we swore to them." (Josh 9:19-20)

This passage illustrates the point that even a human διαθήκη—indeed, one made without consulting the LORD (Josh 9:14)—is inviolable, a point brought home even more poignantly in 2 Sam 21:1-14, where, even after the passage of several generations, Saul's breech of the covenant with the Gibeonites still results in three years of famine for Israel and must be atoned for by the death of seven representatives of his family.

Also of significance for Paul's use of διαθήκη is the fact that the author of 1 Maccabees felt free to use the word to describe secular covenants between *human* parties in recent times. For example:

> In those days lawless men came forth from Israel, and misled many, saying, "Let us go and make a covenant (διαθήκη) with the Gentiles round about us, for since we separated from them many evils have come upon us." (1 Macc 1:11)

Likewise, later in the book we read:

> [King Ptolemy] sent envoys to Demetrius the king, saying, "Come, let us make a covenant (διαθήκη) with each other, and I will give you in marriage my daughter who was Alexander's wife, and you shall reign over your father's kingdom." (1 Macc 11:9)

Ben-hadad); 20:34 (Ahab and Ben-hadad); 2 Kgs 11:4 (Jehoidada and the captains of the guards); Isa 33:8 (human covenants in general); Jer 34:8 (Zedekiah and the people of Jerusalem); Ezek 17:13 (Zedekiah and Nebuchadnezzar); 30:5 (an international treaty); Hos 12:1 (Israel and Assyria); Amos 1:9 (Edom and Tyre); Obad 1:7 (Edom and surrounding nations); Mal 2:14 (husband and wife); Ps 55:20 (psalmist and his friend); Dan 9:27 (the "prince" and "many"); 2 Chr 16:3 (Asa and Ben-hadad/Baasha and Ben-hadad); 23:3 (Joash and the "assembly"), 16 (Jehoiada, people, and king). Paul Kalluveettil has examined these human (or "secular") covenants in *Declaration and Covenant: A Comprehensive Review of Covenant Formulae from the Old Testament and the Ancient Near East* (AnBib 88; Rome: Pontifical Biblical Institute, 1982).

Obviously, διαθήκη in 1 Macc 1:11 and 11:9 cannot refer to a "last will and testament." Thus, the author of 1 Maccabees provides us with the example of a Hellenistic Jew, writing not so very long before Paul, who understood διαθήκη in the sense of ברית, or "covenant," and applied the term in that sense to relatively recent human affairs.

Those scholars who work with biblical and nonbiblical texts concerning covenant point out that a covenant *was always ratified by an oath.*[29] The close relationship between a covenant and its ratifying oath can be seen in the narrative of Joshua 9 (esp. vv. 15, 18-20) cited above. Gordon P. Hugenberger states, "the *sine qua non* of 'covenant' in its normal sense appears to be its ratifying oath."[30] For this reason, the terms "oath" (אלה, ὅρκος) and "covenant" (ברית, διαθήκη) are frequently associated and at times functionally equivalent in the Bible (both testaments), OT Pseudepigrapha and Apocrypha, Qumran literature, Targums, ancient Near Eastern documents, and classical Greek literature.[31]

The oath that ratified a covenant generally took the form of an implicit or explicit self-curse in which the gods were called upon to inflict punishments upon the covenant maker should he violate his commitment.[32] Because a covenant was ratified by oath before the gods (or God), the obligations to which the parties had sworn could not be subsequently annulled or supplemented by either party.[33] Gottfried Quell summarizes the legal status of an oath-sworn covenant as follows:

> The legal covenant . . . makes the participants brothers of one bone and one flesh. . . . Their relationship as thus ordered is *unalterable, permanent, . . . and inviolable,* and thus makes supreme demands on the *legal* sense and responsibility of the participants. There is no firmer guarantee of *legal* security . . . than the covenant. Regard for

[29] Quell, *TDNT*, 2. 115; Moshe Weinfeld, "בְּרִית *b^{e}rîth*," *TDOT*, 2. 256; Cross, *Epic*, 8.

[30] Hugenberger, *Marriage as a Covenant*, 4 (see also 182-84).

[31] For the juxtaposition of "oath" (אלה, שבע, ὅρκος, ὁρκισμός) with "covenant" (ברית, διαθήκη, συνθήκη), see Gen 21:31-32; 26:28; Deut 4:31; 7:12; 8:18; 29:12, 14; 31:20; Josh 9:15; Judg 2:1; 2 Kgs 11:4; Ps 89:3; Ezek 16:8, 59; 17:13, 16, 18, 19; Hos 10:4; CD 9:12; 15:6, 8; 16:1; 1QS 5:8, 10; 4QD^{b} (4Q267) 9 i.7; 4QD^{f} (4Q271) 4 i.11; Wis 18:22; 12:21; *Jub.* 6:10-11; *Pss. Sol.* 8:10; *Ass. Mos.* 1:9; 2:7; 3:9; 11:17; 12:13; Josephus *A.J.* 10.4.3 §63; Luke 1:72-73; and Heb 7:21-22. For a fuller listing of Hebrew evidence, see Hugenberger, *Marriage as Covenant*, 183-84. For "covenant and oath" as hendiadys in Hittite, Akkadian, and Greek literature, see Weinfeld, "Common Heritage," 176-77; in the Targums, see Robert Hayward, *Divine Name and Presence: The Memra* (Oxford Centre for Postgraduate Hebrew Studies; Totowa, NJ: Allanheld, Osmun & Co., 1981) 57-98. The targumists "understand the covenant as an oath sworn by God to the Fathers" (ibid., 57).

[32] Hugenberger, *Marriage as Covenant*, 194.

[33] So F. C. Fensham, "The Treaty Between Israel and the Gibeonites," *BA* 27 (1964) 96-100, esp. 98-99; and Walther Eichrodt, *Theology of the Old Testament* (2 vols.; OTL; Philadelphia: Westminster, 1975) 2. 69.

> the institution is made a religious duty by means of the oath taken at its establishment.[34]

Thus, if διαθήκη is taken as "covenant" in Gal 3:15, Paul's statement that "no one annuls or supplements even a human διαθήκη once it is ratified" makes excellent sense. Paul, like the translators of the LXX and the author of 1 Maccabees, has employed διαθήκη as the equivalent of ברית to describe covenants both human and divine.

B. Coherence with the "Covenant Logic" of Galatians 3:6-18

Two other aspects of the institution of the covenant integrate smoothly into Paul's argument in Gal 3:6-18. First, as Cross has indicated (see above), the covenant was a legal means of extending kinship privileges to outsiders. It is precisely the extension of the privilege of sonship—both divine and Abrahamic—to the Gentiles that is of paramount concern to Paul in Galatians 3–4 (see 3:7, 26-29; 4:1-7, 21-31). Even when Paul speaks of the outpouring of the Spirit on the Gentiles (3:2-3, 5, 14), that Spirit is the Spirit of the Son (4:6), which imparts sonship (4:5) to the recipients.

Second, as numerous biblical and ancient Near Eastern covenant documents attest, covenants transmit blessings and curses.[35] It is precisely the interplay between covenantal curses and blessings that concerns Paul in the dense discussion of the Mosaic Law and Abrahamic blessing in vv. 10-14.

Thus, not only does the inviolable covenant fit the precise statements of Paul in v. 15, but Paul's thinking throughout chaps. 3 and 4 is deeply shaped by the institution of the covenant, such that one could describe it as "covenant logic."[36]

C. Arguments for "Testament" Critiqued

If διαθήκη as "covenant" fits the context of Gal 3:15 so well, why is the term so widely taken as "will" or "testament"? Usually it is proposed that either (1) the presence of "technical legal terms" (κυρόω, ἀθετέω, ἐπιδιατάσσομαι)[37] or (2) the introductory statement κατὰ ἄνθρωπον λέγω suggests that Paul is using διαθήκη in its Hellenistic sense.[38]

First, with respect to the legal terminology in v. 15, Johannes Behm's assessment is typical: "The many legal terms used in the passage make it clear that he is

[34] Quell, *TDNT*, 2. 114-15 (emphasis mine).

[35] E.g., Leviticus 26, Deuteronomy 28, *ANET*, 201a, 205b, 206b, 532-41.

[36] Witherington, *Grace in Galatia*, 243.

[37] So Dunn, *Galatians*, 182; Betz, *Galatians*, 156; Martyn, *Galatians*, 338.

[38] So Longenecker, *Galatians*, 128; and F. F. Bruce, *The Epistle to the Galatians: A Commentary on the Greek Text* (NIGTC; Grand Rapids: Eerdmans, 1982) 169.

here using the word διαθήκη in the sense of Hellenistic law," that is, in the sense of "testament."[39] Unfortunately, Behm presupposes a false dichotomy between the "legal" sense of διαθήκη as "testament" and the "nonlegal" sense of διαθήκη as "covenant." In fact, however, as we have seen above, a "covenant" is just as much a legal instrument as a "testament," only of a different kind. Legal terminology is equally applicable to both.[40] In fact, Paul uses "legal" terminology throughout Galatians 3, yet always within the context of Israel's religious law and covenantal history.[41]

Moreover, Behm and others exaggerate the extent to which the terms used in v. 15 are associated specifically with the secular court.[42] For example, the verb κυρόω is by no means exclusively legal in its usage, as can be seen from 2 Cor 2:8 and 4 Macc 7:9. Significantly, Paul applies the variant forms προκυρόω and ἀκυρόω to διαθήκη in Gal 3:17, but no one for that reason suggests that διαθήκη in v. 17 means "testament." Ἀθετέω is even less restricted to the legal sphere; observe the use of the word in Mark 6:26; 7:9; Luke 7:30; 10:16; 1 Cor 1:19; 2:21; 1 Thess 4:8; 1 Tim 5:12; Heb 10:28; and Jude 1:8. Διατάσσω likewise has a wide range of uses, only some of which are legal.[43] The form of the verb used by Paul in v. 15 (ἐπιδιατάσσομαι) is a *hapax legomenon* in Greek literature, legal or otherwise; Paul seems to be coining the term.[44] Therefore, none of the words Paul uses in Gal 3:15 is so exclusive to the secular court as to require διαθήκη to be taken in the sense of "testament."

Second, as Charles H. Cosgrove has shown, the typical rendering of κατὰ ἄνθρωπον λέγω as "I cite an example from everyday life" cannot be substantiated by the use of the phrase in Greek literature.[45] A better translation would be "I

[39] Behm, *TDNT*, 2. 129.

[40] See Quell, "The Covenant as Legal Institution," *TDNT*, 2. 111-18.

[41] E.g., διαθήκη (3:17), νόμος (3:2, 5, 10-13, 17, 19, 21, 23-24), δικαιόω (3:8, 11, 24), προκυρόω (3:17), ἀκυρόω (3:17), κληρονομ- (3:18, 29), προστίθημι (3:19), διατάσσω (3:19).

[42] See Hughes, "Hebrews IX 15ff," 68-69.

[43] See LSJ, 414b.

[44] See Longenecker, *Galatians*, 128; Bruce, *Galatians*, 171; Burton, *Galatians*, 180. BAG(D)'s oft-quoted definition of the word, "to add a codicil to a will," can only have been derived from Gal 3:15 and so begs the question of the meaning of διαθήκη in the verse. Compare the more judicious definition in Johannes P. Louw and Eugene A. Nida, *Greek-English Lexicon of the New Testament Based on Semantic Domains* (2 vols.; 2nd ed.; New York: United Bible Societies, 1988) 603a, §59.73: "to add to." The middle διατάσσομαι is used in the NT with same force as the active διατάσσω (e.g., Acts 7:44; 20:13; 24:23; 1 Cor 7:17; 11:34; Titus 1:5) and never in a juridical setting.

[45] Charles H. Cosgrove, "Arguing Like a Mere Human Being: Galatians 3. 15-18 in Rhetorical Perspective," *NTS* 34 (1988) 536-49. Cf. Witherington, *Grace in Galatia*, 241; Burton, *Galatians*, 504: "To take [this expression] as meaning 'I am using terms in a Greek, not a Hebrew sense' . . . is quite unjustified by the usage of that expression."

speak according to human standards." Paul is introducing the lesser, human element (prime analogate) in his lesser-to-greater (*a fortiori*) argument, with the greater, divine element introduced in v. 17. His argument runs as follows: if according to human standards of justice it is illegal to alter the obligations of a covenant after one has ratified it by oath (v. 15), how much more so according to divine standards, when God himself ratifies a covenant (v. 17)?[46] In order for this argument to be valid, the central term, διαθήκη, must bear the same meaning (i.e., covenant) in each analogate (vv. 15 and 17).

Therefore, neither the presence of legal terminology nor the phrase κατὰ ἄνθρωπον λέγω supports understanding διαθήκη as "testament" rather than "covenant."

II. The Διαθήκη of Galatians 3:15, 17 as the Covenant Oath of the Aqedah

If, by διαθήκη, Paul means "covenant" in Gal 3:15, can one determine a specific διαθήκη with which Paul draws his analogy of a "human covenant"? Although commentators often describe vv. 15 and 17 as speaking of "*the* Abrahamic covenant" in general, some scholars have recently drawn attention to the fact that Genesis records at least two distinct covenant-making episodes in the life of Abraham (Gen 15:17-21 and 17:1-27).[47] While these are often read as doublets of the same event narrated by different redactors (J and P), Paul would have read them synchronically, as two separate covenants.[48] Furthermore, in addition to

[46] On the inviolability of human covenants, in addition to Josh 9:3-27 and 2 Sam 21:1-14 mentioned above, see Ezek 17:11-18; Mal 2:14-15; and Fensham, "Treaty Between Israel and the Gibeonites," 96-100. Paul may have had this biblical background in mind, and/or the fact that commitments ratified by oath are inviolable in human culture generally—certainly in first-century Hellenistic culture. See Joseph Plescia, *The Oath and Perjury in Ancient Greece* (Tallahassee: Florida State University Press, 1970); Peter Karavites and Thomas E. Wren, *Promise-Giving and Treaty-Making: Homer and the Near East* (Mnemosyne, bibliotheca classica Batava Supplementum 119; Leiden: Brill, 1992) 48-81, 116-200; and John T. Fitzgerald, "The Problem of Perjury in a Greek Context: Prolegomena to an Exegesis of Matthew 5:33; 1 Timothy 1:10; and *Didache* 2.3," in *The Social World of the First Christians: Essays in Honor of Wayne A. Meeks* (ed. L. Michael White and O. Larry Yarbrough; Minneapolis: Augsburg Fortress, 1995) 156-77.

[47] Paul R. Williamson, *Abraham, Israel, and the Nations: The Patriarchal Promise and Its Covenantal Development in Genesis* (JSOTSup 315; Sheffield: Sheffield Academic Press, 2000) 1-25 *et passim*.

[48] Carol K. Stockhausen ("2 Corinthians 3 and the Principles of Pauline Exegesis," in *Paul and the Scriptures of Israel* [ed. Craig A. Evans and James A. Sanders; JSNTSup 83; Studies in Scripture in Early Judaism and Christianity 1; Sheffield: Sheffield Academic Press, 1993] 143-64, here 159-61) shows that Paul noticed significant differences between the covenant in Genesis 15 and that in chap. 17.

Gen 15:17-21 and 17:1-27, it is likely that Paul, like other first-century Jews, recognized another episode in the Abrahamic narrative as the ratification of a covenant: namely, the divine oath at the Aqedah (Gen 22:15-18).

A. The Oath of the Aqedah as "Covenant" in Second Temple Judaism

Several texts witness to the identification in late Second Temple Judaism of the oath of the Aqedah as a covenant with Abraham. Luke 1:72-73 tells of Zechariah praying to the Lord "to remember his holy covenant, the oath which he swore to our father Abraham." The "holy covenant" (διαθήκης ἁγίας) is thus identified with "the oath . . . to Abraham" (ὅρκον ὃν ὤμοσεν πρὸς Ἀβραάμ), a reference Gen 22:15-18, the only explicit divine oath to Abraham in Scripture.[49] The identification is confirmed by v. 74, which speaks of "being rescued from the hands of our enemies," a reflection of the promises of Gen 22:17: "And your offspring shall possess the gate of their enemies."

In Acts 3:25, Peter refers to "the covenant (διαθήκη) which God gave to your fathers, saying to Abraham, 'And in your seed (ἐν τῷ σπέρματί σου) shall all the families of the earth be blessed'" (my translation). Since only in Gen 22:18 does God swear a covenant with Abraham that the blessing of the Gentiles shall be "in your seed" (ἐν τῷ σπέρματί σου), Acts 3:25b again identifies the "covenant" with the oath of the Aqedah.

Assumption (Testament) of Moses 3:9 reads "God of Abraham . . . remember your covenant (διαθήκη) which you made with them, the oath *which you swore to them by yourself*," which can only refer to Gen 22:15-18, the only time God swears by himself to any of the patriarchs. The phrase "covenant and oath" occurs elsewhere in the book as a reference to the oath of the Aqedah.[50] Although its date is uncertain, the *Fragmentary Targum* of Lev 26:42 speaks of "the covenant oath which I swore with Isaac on Mount Moriah" in reference to Gen 22:15-18.[51]

Why would Second Temple Jews consider the oath of Gen 22:15-18 to be the establishment of a διαθήκη, a "covenant"? Apparently, they recognized an interpretive trajectory begun in the Hebrew Scriptures themselves that is recognized also by some contemporary scholars. John Van Seters, for example, observes the equivalence of "oath" and "covenant" in Genesis: "The expression 'I will establish . . . my covenant' (17:7) corresponds to . . . 'I will establish . . . the

[49] Joseph A. Fitzmyer, *The Gospel According to Luke I–IX*: Introduction, Translation, and Notes (AB 28; Garden City, NY: Doubleday, 1981) 384.

[50] Betsy Halpern-Amaru, *Rewriting the Bible: Land and Covenant in Postbiblical Jewish Literature* (Valley Forge, PA: Trinity Press International, 1994) 56-58.

[51] See Hayward, *Divine Name and Presence*, 72-73, 80-81.

oath' (26:3), since oath and covenant are equivalent terms here."[52] T. Desmond Alexander applies Van Seters's observation—confirmed by the equivalence of "covenant" and "oath" in Gen 21:22-34; 26:26-33; and 31:43-54—to Gen 22:16-18 and the relation of these verses to earlier promises made to Abraham, concluding, "Following the successful outcome of his testing of Abraham, God confirms with an oath in 22:16-18 what he had earlier promised. *It is this oath which ratifies or establishes the covenant.*"[53]

Alon Goshen-Gottstein notes a shift between Genesis and Deuteronomy in the terms used to describe the patriarchal covenant:

> The term "covenant" [in Deuteronomy] is replaced by the term "oath" to the Patriarchs. This occurs with every mention of the patriarchal covenant in Deuteronomy. . . . The covenant with the Patriarchs is understood as an oath, the oath to the Patriarchs taking the place of the covenant with the Patriarchs.[54]

In sum, the ancient readers of Deuteronomy came to associate the patriarchal "covenant" with God's "oath," pointing back to Gen 22:16-18, the only oath God explicitly swears with the patriarchs.[55]

B. To Which Abrahamic Covenant Text Does Paul Refer in Galatians 3:15-18?

In looking for Paul's specific source text for the Abrahamic covenant in Gal 3:15-18, careful readers are drawn to consider Gen 22:15-18. Indeed, it can be shown that this Abrahamic covenant episode fits the context of Paul's remarks in Gal 3:6-18 better than the other two covenant-making episodes, Gen 15:17-21 and 17:1-27.

A close reading of the context of Gal 3:15-18 reveals three salient characteristics of the διαθήκη of v. 17: (1) It is *"ratified by God"* (προκεκυρωμένην ὑπὸ τοῦ θεοῦ, v. 17), not by a human (ἄνθρωπος, v. 15). (2) It is made with *Abraham*

[52] John Van Seters, *Abraham in History and Tradition* (New Haven: Yale University Press, 1975) 283.

[53] T. Desmond Alexander, *Abraham in the Negev: A Source-Critical Investigation of Genesis 20:1–22:19* (Carlisle: Paternoster, 1997) 110 (emphasis mine); see also pp. 87-89.

[54] Alon Goshen-Gottstein, "The Promise to the Patriarchs in Rabbinic Literature," in *Divine Promises to the Fathers in the Three Monotheistic Religions: Proceedings of a Symposium Held in Jerusalem, March 24-25th, 1993* (ed. Alviero Niccacci, O.F.M.; Studium Biblicum Franciscanum Analecta 40; Jerusalem: Franciscan Printing Press, 1995) 65. See Deut 1:8; 4:31; 7:12; 8:18; 29:12; Josh 2:1; 1 Chr 16:16; and Ps 105:9.

[55] See Keith N. Grüneberg, *Abraham, Blessing and the Nations: A Philological and Exegetical Study of Genesis 12:3 and its Narrative Context* (BZAW 332; Berlin: de Gruyter, 2003) 228-35.

and his "seed" (σπέρμα, vv. 16, 18).[56] (3) It guarantees a divine *blessing* (εὐλογία) *to the Gentiles* (τὰ ἔθνη, v. 14).[57] Since neither Gen 15:17-21 nor 17:1-27 promises blessing to the Gentiles, Gen 22:16-18 is the only potential source text with all three characteristics.[58] The passage reads:[59]

> By myself I have sworn (κατ' ἐμαυτοῦ ὤμοσα), says the LORD, because you have done this, and have not withheld your son, your only son,[60] I will indeed bless you (εὐλογῶν εὐλογήσω σε), and I will multiply your seed (σπέρμα) as the stars of heaven and as the sand which is on the seashore. And your seed shall inherit the gate of his enemies[61] and by your seed shall all the nations (πάντα τὰ ἔθνη) of the earth be blessed . . . .

Here all three elements occur—(1) *ratification by God* with a solemn oath of a covenant containing a promise (2) *to Abraham and to his "seed"* concerning (3) *blessing of the Gentiles* (ἐνευλογηθήσονται . . . πάντα τὰ ἔθνη, v. 18a).[62] Therefore, it is reasonable to conclude that the specific διαθήκη Paul has in mind

[56] Verses 16 and 18 speak of a promise(s) (ἐπαγγελία[ι]), and v. 14 of a blessing (εὐλογία). Some suggest that Paul equates the "covenant" (vv. 15, 17) with the "promise(s)" in vv. 16, 18 (e.g., Frank J. Matera, *Galatians* [ed. Daniel J. Harrington; SacPag 9; Collegeville, MN: Liturgical Press, 1992] 128; Jeffrey R. Wisdom, *Blessing for the Nations and the Curse of the Law: Paul's Citation of Genesis and Deuteronomy in Gal 3.8-10* [WUNT 2nd ser. 133; Tübingen: Mohr Siebeck, 2001] 147-48) and the "promise" with the "blessing" in v. 14 (Wisdom, *Blessing*, 143, 145; Martyn, *Galatians*, 323). But the proper relationship is this: Paul is describing a *covenant* containing a *promise* of *blessing*.

[57] See previous note. Significantly, v. 14a is an interpretive reworking of Gen 22:18; see Nils A. Dahl, *Studies in Paul: Theology for the Early Christian Mission* (Minneapolis: Augsburg, 1977) 171; Jon D. Levenson, *The Death and Resurrection of the Beloved Son* (New Haven: Yale University Press, 1993) 212-13; Geza Vermes, *Scripture and Tradition in Judaism: Haggadic Studies* (SPB 4; 2nd ed.; Leiden: Brill, 1973) 221.

[58] Wisdom (*Blessing*, 23 and *passim)* and Martyn (*Galatians*, 339) point out that, of the three patriarchal promises of land, descendants, and blessing to the nations, only the promise of blessing to the nations concerns Paul in Galatians 3. Genesis 15:17-21 and 17:1-27 promise only land and descendants. Other points that count against Gen 15:17-21 or 17:1-27 include the following: (1) In Gen 17:1-27, *God* does not ratify the covenant (Alexander, "Genesis 22 and the Covenant of Circumcision," *JSOT* 25 [1983] 17-22; Williamson, *Abraham*, 69-71); *Abraham* does, through circumcision (see Hugenberger, *Marriage as Covenant*, 196). Note v. 17: προκεκυρωμένην *ὑπὸ τοῦ θεοῦ*. (2) Neither Gen 15:17-21 nor 17:1-27 describes Abraham as receiving "blessing" (εὐλογία). But compare Gal 3:14a (ἡ εὐλογία τοῦ Ἀβραάμ) with Gen 22:17a (εὐλογῶν εὐλογήσω σε).

[59] The translation is mine, highlighting what may have been important nuances to Paul.

[60] The MT has יחידך, "your one/only"; the LXX, ἀγαπήτος, "beloved." But Paul is aware of the MT, as will be shown below.

[61] MT has איביו, "his enemies," singular to agree with זרע, "seed."

[62] On ratification by oath, see Alexander, *Abraham in the Negev*, 85: "The divine oath of chap. 22 marks the ratification of the covenant . . . . " The covenant in Gen 17:1-27 is not ratified by God; see n. 58 above.

in Gal 3:17 is the Abrahamic covenant in its final form, as ratified most solemnly by God's oath after the Aqedah (Gen 22:15-18).

C. Supporting Evidence: Allusions to the Aqedah in the Near Context

This conclusion is strengthened by the evidence that Paul has the Aqedah and its subsequent oath in mind in the near context of Gal 3:15-18. Already in Gal 3:8, Paul alludes to the covenant oath of the Aqedah by forming a conflated quotation of Gen 12:3 and 22:18.[63] The text reads:

> ἡ γραφὴ . . . προευηγγελίσατο τῷ Ἀβραὰμ ὅτι ἐνευλογηθήσονται ἐν σοὶ πάντα τὰ ἔθνη.

The phrase ἐνευλογηθήσονται ἐν σοί must be taken from Gen 12:3, but πάντα τὰ ἔθνη as the object of the blessing comes from Gen 22:18, the only place those words are spoken to Abraham.[64]

More significant than the brief allusion to Gen 22:18 in Gal 3:8, however, is the substantial relationship between the Aqedah and vv. 13-14. It may be helpful to cite these verses here:

> 13 Χριστὸς ἡμᾶς ἐξηγόρασεν ἐκ τῆς κατάρας τοῦ νόμου γενόμενος ὑπὲρ ἡμῶν κατάρα, ὅτι γέγραπται· ἐπικατάρατος πᾶς ὁ κρεμάμενος ἐπὶ ξύλου, 14 ἵνα εἰς τὰ ἔθνη ἡ εὐλογία τοῦ Ἀβραὰμ γένηται ἐν Χριστῷ Ἰησοῦ, ἵνα τὴν ἐπαγγελίαν τοῦ πνεύματος λάβωμεν διὰ τῆς πίστεως.
>
> 13 Christ redeemed us from the curse of the law by becoming a curse for us—for it is written, "Cursed is everyone who hangs on a tree"— 14 in order that in Christ Jesus the blessing of Abraham might come to the Gentiles, so that we might receive the promise of the Spirit through faith. (*NRSV*)

Several scholars have suggested that in v. 13 Paul works with an Isaac/Christ typology, juxtaposing the Aqedah and the passion. The quotation from Deut 21:23, ἐπικατάρατος πᾶς ὁ κρεμάμενος ἐπὶ ξύλου, obviously has the crucifixion of Christ ἐπὶ ξύλου, "upon a tree" (cf. Acts 5:30; 10:39; 13:29; 1 Pet 2:24) primarily in view. But one hears echoes of an earlier near-death "upon the wood" (ἐπάνω τῶν ξύλων):

> καὶ ᾠκοδόμησεν ἐκεῖ Αβρααμ θυσιαστήριον καὶ *ἐπέ*θηκεν *τὰ ξύλα* καὶ συμποδίσας Ισαακ τὸν υἱὸν αὐτοῦ ἐπέθηκεν αὐτὸν *ἐπὶ* τὸ θυσιαστήριον *ἐπάνω τῶν ξύλων*. (Gen 22:9 LXX)

[63] Richard B. Hays, *Echoes of Scripture in the Letters of Paul* (New Haven/London: Yale University Press, 1989) 106, 108; and C. J. Collins, "Galatians 3:16: What Kind of Exegete Was Paul?" *TynBul* 54 (2003) 75-86, esp. 80-86.

[64] Genesis 18:18 is not the source for πάντα τὰ ἔθνη, since, unlike Gen 22:18, this verse is not spoken to Abraham, and Gal 3:8 says, ἡ γραφὴ . . . προευηγγελίσατο *τῷ Ἀβραάμ*.

> When they came to the place that God had shown him, Abraham built an altar there and laid the wood in order. He bound his son Isaac, and laid him on the altar, on top of the wood. (Gen 22:9 *NRSV*)

Deuteronomy 21:23 may have been linked in Paul's mind with Gen 22:9 by the analogy of ἐπάνω τῶν ξύλων with ἐπὶ ξύλου. Max Wilcox argues that "behind the present context in Galatians 3 there is an earlier midrashic link between Gen 22:6-9 and Deut 21:22-23 by way of the common term עץ (ξύλον, קיסא)," citing *Gen. Rab.* 56:4 and (Ps.)-Tertullian, *Adv. Iudaeos* 10:6 as evidence.[65]

By itself, however, the link between Deut 21:23 and Gen 22:9 via the hook word ξύλος would not be conclusive. But when Paul's thought is followed into the next verse (v. 14), one finds an undeniable textual relationship with the Aqedah. As was mentioned above, v. 14a is essentially a reworking of Gen 22:18a.[66] The phrase εἰς τὰ ἔθνη ἡ εὐλογία . . . γένηται in Gal 3:14a corresponds to ἐνευλογηθήσοντα . . . πάντα τὰ ἔθνη in Gen 22:18a, and ἐν Χριστῷ Ἰησου with ἐν τῷ σπέρματί σου. Here Paul implicitly equates the "seed" of Abraham with Jesus Christ, as he will do explicitly in v. 16.[67]

Thus, the sense of vv. 13-14 is that the death of Christ ἐπὶ ξύλου allows the blessing of Abraham given after the Aqedah (Gen 22:18) to flow to the ἔθνη through Jesus Christ (ἐν Χριστῷ Ἰησου). The movement of v. 13 to v. 14 is structured on the Aqedah itself, where the binding of Isaac ἐπάνω τῶν ξύλων merits from God a covenant oath to bless the ἔθνη through Abraham's "seed."[68] The typology of the Aqedah has not been lost on Jewish scholars of Paul. Geza Vermes notes the implicit comparison of the death of Christ and the self-offering of Isaac, commenting, "In verses 13 and 14 [Paul] obviously has Genesis xxii. 18 in mind. . . . In developing his theological interpretation of the death of Christ, Paul . . . followed a traditional Jewish pattern."[69] Jon D. Levenson also recognizes how typology of the Aqedah controls much of the argument here: "The equivalent for Jesus of the binding of Isaac is, once again, his crucifixion. It is undoubtedly this that underlies Paul's citation of Deuteronomy 21:23 (Gal 3:13)." For Levenson, Gal 3:13-14 is Paul's reapplication of the model of the Aqedah—the father sacrificing his son to release blessing to the nations—to Jesus' sacrifice on the cross.

[65] Max Wilcox, "'Upon the Tree'—Deut 21:22-23 in the New Testament," *JBL* 96 (1977) 85-99, here 98.

[66] Dahl, *Studies*, 171; Levenson, *Beloved Son*, 212-13; Vermes, *Scripture*, 221.

[67] See Wilcox, "'Upon the Tree,'" 97; and Charles H. Cosgrove, "The Mosaic Law Preaches Faith: A Study of Galatians 3," *WTJ* 41 (1977) 146-64, esp. 150-51.

[68] See Joseph P. Braswell, "'The Blessing of Abraham' Versus 'The Curse of the Law': Another Look at Gal 3:10-13," *WTJ* 53 (1991) 73-91, here 89 n. 46.

[69] Vermes, *Scripture*, 220-21.

Thus, "In the juxtaposition of Gal 3:13 and 3:14, we can thus hear a recapitulation of the whole movement of Pauline salvation history."[70]

Since Paul has the Aqedah in mind in the verses directly preceding (vv. 13-14) his discussion of the Abrahamic διαθήκη (vv. 15-18), it is all the more likely that the specific form of the Abrahamic διαθήκη discussed in vv. 15-18 is that of Gen 22:16-18. Even the example of a human διαθήκη in v. 15 itself may have been inspired by Paul's meditation on the near context of the Aqedah: strikingly, the Aqedah (Gen 22:1-19) is directly preceded by the first account of the making of a *human covenant* recorded in Scripture: that between Abraham and Abimelech (Gen 21:22-34). Since Paul engages the pericope of the Aqedah (Gen 22:1-19) in Gal 3:15-18 and the pericope of the expulsion of Ishmael (Gen 21:8-21) in Gal 4:21-31, he cannot have failed to notice the narrative of a human covenant (Gen 21:22-34) sandwiched between them.[71]

D. The Significance for Paul of the Aqedah and Its Covenant Oath

The ratification of the covenant at the Aqedah is not merely one of three covenant-making texts (Gen 15:17-21; 17:1-27; 22:15-18) on which Paul could have chosen to draw. Rather, as the final ratification of the covenant with Abraham, it is the "last word," the definitive form of that legal bond. For Paul, the Aqedah is the occasion on which the Abrahamic covenant takes on its greatest theological significance, where Abraham's *faith* and God's *promise* reach their quintessential expressions (cf. Jas 2:21-24). God's promise (ἐπαγγελία) and Abraham's faith (πίστις) are, as it were, the two strands from which Paul weaves his theology here (Gal 3:6-29) and elsewhere (e.g., Romans 3–4). Although the word "faith" (πίστις) is not used in the LXX of Gen 22:1-14, clearly in this narrative Abraham's faith successfully undergoes its most severe test, as Second Temple literature attests.[72] As a result of Abraham's demonstration of faith, the divine blessings, given in the form of promises alone in Gen 12:1-3, are raised to the level of legally binding covenant stipulations ratified by solemn oath (Gen 22:16-18).[73] The Aqedah brings to perfection both Abraham's faith and the consequent divine promise to bless all nations.

[70] Levenson, *Beloved Son*, 213.

[71] Stockhausen ("2 Corinthians 3 and Pauline Exegesis," 150) remarks that "when the constitutive presence of Abraham's story in Paul's argument" is recognized, "then segments of Galatians not generally seen to relate to Paul's scriptural argument . . . become less isolated and problematic." The relationship between Gen 21:22-34 and Gal 3:15 may be a case in point.

[72] See Sir 44:19-21; 1 Macc 2:52; Heb 11:17; Jas 2:21-24; Longenecker, *Triumph of Abraham's God*, 131.

[73] See Rabbi Hirsch, quoted by Meir Zlotowitz and Nosson Scherman, *Bereishis = Genesis: A New Translation with a Commentary Anthologized from Talmudic, Midrashic, and Rabbinic Sources* (2 vols.; New York: Mesorah, 1978) 2. 809.

III. The Interpretation of Galatians 3:15-18

Granted that Paul has the covenant oath of the Aqedah in mind in his discussion of the "διαθήκη ratified beforehand by God" in vv. 15 and 17, how does this insight illuminate Paul's theological argument in Gal 3:15-18?

A. The Legal Form of Paul's Argument in Galatians 3:15-17

Paul's argument in vv. 15-18 is a *legal* one (thus the legal terminology) in the *qal wāḥômēr* (*a fortiori*, or lesser-to-greater) form.[74] Since even in the lesser sphere of human justice it is illegal to change the conditions of a covenant after one has sworn to it (v. 15), it is more so in the sphere of divine justice, when God unilaterally swears to bless all the Gentiles through Abraham's seed (v. 17).

Paul's argument is also a *reductio ad absurdum*: he shows that his opponent's position leads to an unacceptable conclusion. The Judaizers argue that obedience to the Mosaic Law is necessary for the Abrahamic blessing to reach the Gentiles, that is, for them to become children of God and children of Abraham. In Paul's view, this concept would be tantamount to placing the Mosaic Law as a condition for the fulfillment of God's covenant with Abraham to bless the nations through his "seed" (Gen 22:16-18). Since, at the Aqedah, God put himself under a unilaterally binding oath to fulfill his covenant with Abraham, this would be nonsense. To suppose that God added conditions (the Mosaic Law) to the Abrahamic covenant, long after it had been unilaterally sworn by God, would imply that God acted *illegally*, reneging on a commitment in a way not tolerated even with human covenants. This would be an utterly unacceptable conclusion; therefore, the premise that obedience to the Mosaic Law had become the condition for inclusion of Gentiles in the blessings of the Abrahamic covenant must be rejected.

B. Paul's Argument in Galatians 3:16: The One "Seed" Is Christ

If the Aqedah is indeed the background for the discussion in vv. 15-17, light is shed on Paul's puzzling argument based on the singular "seed" of Abraham in v. 16, a notorious *crux interpretum*.[75] The narrative context of the Aqedah enables

[74] Matera (*Galatians*, 131) and Burton (*Galatians*, 141) recognize Paul's *qal wāḥômēr* argument in vv. 15, 17, but unless διαθήκη is taken with the same meaning ("covenant") in both verses, the argument's logic fails and apologies must be made for it (e.g., Dunn, *Galatians*, 181-82; Longenecker, *Galatians*, 127-30).

[75] See discussion in Witherington, *Grace in Galatia*, 244. Because v. 16 contains καὶ τῷ σπέρματί σου, Gen 17:8 is usually considered the referent. But καὶ τῷ σπέρματί σου also occurs in Gen 13:15; 24:7; 26:3; 28:4, 13; 35:12; and 40:4. Collins ("Galatians 3:16") sees v. 16 as a reference to Gen 22:18a: "καὶ . . . ἐν τῷ σπέρματί σου . . . ."

Paul to lay another subtle but significant plank in his argument against his Judaizing opponents.

It is not coincidence that the narrative of Genesis 22 stresses three times that Isaac is the *one* or *only* son of Abraham (יחיד, vv. 2, 12, 16; cf. Gal 3:16, ἐφ' ἑνός), pointedly excluding Ishmael (cf. Gen 17:18-21) and any other progeny (cf. 25:1-5) from view. Moreover, the covenantal blessing in v. 18, unlike similar ones in 12:3 and 18:18, is only through Abraham's "seed," which in this context is Isaac. Thus, Paul's point about the promise not being to "seeds" but to the one "seed" has some justification from the narrative of Genesis itself.[76]

If Paul had simply made the point that the "seed" in the context of Genesis 12–22 is primarily one individual, Isaac, there would be no controversy. However, Paul identifies the one "seed" as Christ. Why Christ and not Isaac? The most satisfying explanation is that Paul is engaged in an Isaac/Christ typology.[77] What Paul has in view is probably Isaac's singular claim to Abrahamic sonship in Genesis 22, precisely as a result of the expulsion and disinheritance of Abraham's other "seed" Ishmael in Genesis 21. This becomes explicit in Gal 4:21-31, the climax of Paul's argument.[78] Miguel Pérez Fernández comments:

> Throughout Paul's entire argumentation and in the typological representation that he makes of Isaac, the term with which Isaac is denominated in Gen 22.2.12.16 in the chapter about the *Akedah* is fundamental. . . . Paul . . . translate[s] the concept of *yaḥid* with the Greek numeral *heis*. The whole argumentation of chapter 3 of Galatians is based on the following equivalence: Isaac is *heis,* Jesus is *heis,* God is *heis,* believers are called to overcome their differences [cf. Gal 3:28] . . . by being *heis* in Christ.[79]

But more is involved in Paul's Isaac/Christ typology than the motif of "only" (יחיד, εἷς) sons: he sees Christ's passion as the fulfillment of Isaac's binding.

Isaac indeed carries the wood of his death up the mountain and is affixed to it in sacrifice, the "only" beloved son of his father, offering himself in obedience to God's command. But ultimately the sacrifice is abortive: it is, after all, the

[76] See Levenson, *Beloved Son*, 210-11; Witherington, *Grace in Galatia*, 244-45; Dunn, *Galatians*, 184-85.

[77] Levenson (*Beloved Son*, 211) denies an Isaac/Christ typology, but Wilcox ("'Upon the Tree,'" 96-99) interprets Gal 3:16 as a *pesher* on the Aqedah.

[78] Betz (*Galatians*, 19-22, 238-40) argues that the epistolary *probatio* (main argument) extends from Gal 3:1 to 4:31. Thus 4:21-31 is not an afterthought but a climax.

[79] Miguel Pérez Fernández, "The Aqedah in Paul," in *The Sacrifice of Isaac in the Three Monotheistic Religions: Proceedings of a Symposium on the Interpretation of the Scriptures Held in Jerusalem, March 16–17, 1995* (ed. Frédéric Manns; Studium Biblicum Franciscanum Analecta 41; Jerusalem: Franciscan Printing Press, 1995) 81-98, here 90. See also Wilcox, "'Upon the Tree,'" 96-99.

Aqedah and not the *ʿōlâ* (burnt offering) of Isaac. The sacrifice is incomplete, and the divine promises (Gen 22:16-18) are not actualized in Isaac.

When and through whom was Isaac's abortive sacrifice completed and the promises actualized? In Paul's view, through Christ at Golgotha. There, the "only beloved son" (cf. Rom 8:32; John 3:16) bore the wood of his death up the mountain, was affixed to it, and died in obedience to the command of the Father. Now through him the promised blessing of the Gentiles (Gen 22:18)—that is, the outpouring of the Holy Spirit (Gal 3:2, 5, 14)—had come to pass. For Paul, Abraham's binding of Isaac not only merited the blessing of the Gentiles through Abraham's "seed" (Gen 22:18), but in fact *prefigured* and *pre-enacted* the sacrifice of the only beloved Son, which would release that same blessing.[80]

Galatians 3:16 is not the only evidence that Paul reads the Abrahamic narratives typologically.[81] An implicit Isaac/Christ typology of the Aqedah has been recognized by Vermes, Levenson, and others in vv. 13-14, as noted above. Moreover, at the climax of the epistolary *probatio* in Gal 4:21-31,[82] Paul draws an explicit typological allegory based on Genesis 21, in which the exclusion of Ishmael from the Abrahamic covenant blessing and the exclusive identification of Isaac as Abraham's heir figure prominently. Paul intends his readers to link the Gentiles who accept circumcision with Ishmael, who received circumcision as an adult (Gen 17:25) but was nonetheless disinherited (Gen 21:10), whereas uncircumcised converts are meant to be associated with the late-in-coming Abrahamic son of promise, Isaac, who was designated heir while still uncircumcised (Gen 17:19). Galatians 3:16 may be seen as anticipating Gal 4:21-31. As Gal 3:16 sees Isaac as a type of Christ in Genesis 22, so Gal 4:21-31 sees Isaac in Genesis 21 as a type of Christians. The typologies are intimately related, since believers are "one in Christ Jesus . . . Abraham's offspring, heirs according to the promise" (Gal 3:28).[83]

C. The Conclusion of Paul's Argument: The Priority of the Abrahamic Covenant

Understanding the covenant oath of the Aqedah as the background for Gal 3:6-18 clarifies Paul's argument concerning the relationship of the Abrahamic

[80] Gordon J. Wenham, *Genesis 16–50* (WBC 2; Waco: Word Books, 1994) 117.

[81] On Gal 3:16 as typology, see Pérez Fernández, "Aqedah in Paul," 88-89.

[82] See n. 78 above.

[83] For a fuller discussion of Galatians 3 and the covenants with Abraham, see Scott W. Hahn, "Kinship by Covenant: A Biblical Theological Study of Covenant Types and Texts in the Old and New Testaments" (Ph.D. diss., Marquette University, 1995; available from University Microfilms, Ann Arbor, MI) 370-467.

and Mosaic covenants, as well as their fulfillment in Christ's curse-bearing death on the "tree."

Paul sees the historical *priority* of the Abrahamic covenant vis-à-vis the Mosaic covenant as revealing the theological *primacy* of God's sworn obligation to bless all nations, over and against Israel's sworn obligation to keep the Sinaitic Torah (v. 17). In other words, Paul argues that since the Mosaic covenant is *subsequent* to the Abrahamic, God's purpose in binding Israel at Sinai to keep the Law (i.e., as Abraham's seed) must be legally *subordinated* to his purpose in binding himself at the Aqedah to bless all the nations (i.e., through Abraham's seed). What God promised to Abraham was not negated by what happened at Sinai. Yet the Sinai legislation did serve a pedagogical function, as a divine accommodation to Israelite transgressors, that is, the backsliding descendants and heirs of the Abrahamic promise (v. 19).

The oath of the Aqedah ensured the success of God's plan to bless all the nations through Abraham's seed despite their backsliding. By swearing the oath, God subjected himself to a curse, should Abraham's seed fail to convey that blessing to the Gentiles.[84] After Israel had sworn a covenant with God at Sinai (Exod 24:1-8)—which they promptly transgressed (Exod 32:1-8)—the covenant curse-of-death was triggered (Exod 32:10).[85] This curse was averted only when Moses appealed to God to keep his *own* covenant oath, sworn to Abraham's seed at the Aqedah (Exod 32:13). God's oath to Abraham preserved the life of rebellious Israel on that and other occasions (Num 14:16, 23). Still, the Mosaic Law stipulated many covenant curses (Deut 28:15-68), all of which were borne collectively by Israel as a nation, with the notable exception of one singular curse-bearing provision that was applied only to individuals (Deut 21:23).[86]

Paul's citation of that unique stipulation in the immediately preceding context (Gal 3:13) indicates the covenantal form of the legal logic behind his typological argument, by which he proves the salvific efficacy of God's sworn

[84] An oath always entailed at least an implicit self-curse: "The fact that אָלָה (originally meaning "curse") . . . is used [to mean "covenant"] serves to emphasize the hypothetical self-curse which underlies biblical oaths" (Hugenberger, *Marriage as Covenant*, 194, cf. 200-201).

[85] On death as the usual penalty for covenant transgression, see John Dunnill, *Covenant and Sacrifice in the Letter to the Hebrews* (SNTSMS 71; Cambridge: Cambridge University Press, 1992) 249; and O. Palmer Robertson, *The Christ of the Covenants* (Grand Rapids: Baker, 1980) 11-12.

[86] See Kjell A. Morland, *The Rhetoric of Curse in Galatians: Paul Confronts Another Gospel* (Emory Studies in Early Christianity 5; Atlanta: Scholars Press, 1995) 220: "Deut 21:23 . . . is the only law in the deuteronomic law corpus that has a curse as a sanction. It may thus easily be drawn together with the curses of Deut 27. It is also the only deuteronomic law that denotes individual persons as cursed in a metonymic way [i.e. as *becoming* a curse]. . . . It may thus easily be drawn together with the other metonymic expressions of Israel as cursed in the Deut 27–30 tradition." See also pp. 70-71.

covenant to Abraham at the Aqedah over and against Israel's sworn (and transgressed) covenant at Sinai. The covenant consequences of Christ's death are revealed: On the one hand, Christ's willing consent to crucifixion—prefigured by Isaac—uncovers the deepest dimension of the Aqedah, that is, the pre-enactment of what God alone must do to bring about "the blessing of Abraham" for Israel and the nations, even if it calls for his own sacrificial self-identification with Abraham's "seed" (and "only beloved son"). On the other hand, Christ's curse-bearing impalement "on a tree"—also prefigured by Isaac—reveals God's pre-emptive strategy and merciful resolution to remove the legal impediment of the Deuteronomic curses that hang over unfaithful Israel (Gal 3:13).[87] In sum, the laws and curses of the Mosaic covenant will not cause—or prevent—the promises and sworn blessings of the Abrahamic covenant from reaching Israel and the nations.

IV. Conclusion: The Aqedah as Subtext and Hermeneutical Key to Galatians 3:6-18

In a stimulating essay published over a decade ago, Carol Stockhausen proposed several principles of Paul's exegesis, among them that the "narrative texts of the Pentateuch are usually at the core of his arguments," that "he is extremely concerned with the stories themselves," and that he pays "consistent attention to the context of cited passages." In fact, "a fundamental awareness of the constitutive presence of Abraham's story in Paul's argument requires that Paul's arguments in the whole of Galatians be seen . . . [as having] the primary goal of correctly interpreting the story of Abraham itself."[88] The present study confirms Stockhausen's observations. The narrative text of the Pentateuch at the core of Paul's argument in Gal 3:6-18 is the Aqedah and its context.

It was demonstrated above that διαθήκη in Gal 3:15 should be taken as "covenant," which accords well with the actual statements of the verse and the "covenant logic" of the context. In particular, the διαθήκη Paul has in mind in vv. 15, 17 is the covenant oath sworn by God at the Aqedah to Abraham and his "seed" (Gen 22:16-18). The example of a "human covenant" (Gal 3:15) itself may have been prompted by the record of a human covenant immediately preceding the Aqedah (Gen 21:22-34). A pattern of allusion to the Aqedah and its context is evident throughout Gal 3:6-18.

[87] Having "become" a curse according to Deut 21:23, Christ serves as an expiatory sacrifice on behalf of the people. See the discussions in Morland, *Rhetoric of Curse*, 221-23; Helmut Merklein, "Die Bedeutung des Kreuzestodes Christi für die paulinische Gerechtigkeits- und Gesetzesthematik," in *Studien zu Jesus und Paulus* (WUNT 43; Tübingen: Mohr Siebeck, 1987) 1-106.

[88] Stockhausen, "2 Corinthians 3 and Pauline Exegesis," 144-45, 150.

In the heart of the unit, vv. 15-18, Paul uses a *qal wāḥômēr* argument—only valid if διαθήκη means "covenant" in *both* v. 15 and v. 17—to demonstrate that the Mosaic covenant cannot possibly supplement or alter the conditions of the covenant oath of the Aqedah, in which God took upon himself the responsibility to bless the Gentiles through Abraham's seed. The background in the Aqedah also elucidates the obscure argument of v. 16: Paul sees Isaac, the "only son" of Abraham, as a type of the Christ, the "one seed" of Abraham par excellence, whose self-sacrifice would be completed and would serve to actualize the promised blessing of the Gentiles merited at the Aqedah. The thrust of the entire unit (vv. 15-18) is that the Abrahamic covenant enjoys historical priority and theological primacy over against the Mosaic covenant at Sinai. The coherence of Paul's argument in Gal 3:15-18, though subtle, is recognizable when we acknowledge his contextual use and typological reading of biblical texts.

Covenant, Oath, and the Aqedah: Διαθήκη in Galatians 3:15-18

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