Letter & Spirit 9 (2014): 153-175

Fulfillment in Christ
The Priority of the Abrahamic Covenant in Paul's Argument Against the Galatian Opponents (Galatians 3:15–18)[1]

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Introduction

Some scholars hold that the word διαθήκη (*diathēkē*) in Galatians 3:15 should be translated "will" or "testament," an "act by which a person determines the disposition of his or her property after death."[2] Other scholars, almost as equally widespread, hold that the verse, so translated, renders Galatians 3:15–18 unintelligible with respect to both the legal background of the passage and the logic of Paul's argument.

This article will attempt to bring intelligibility and clarity to Galatians 3:15–18. I will show, first, that the meaning of διαθήκη in Galatians 3:15, 17 should be understood in the usual Pauline sense of "covenant," that is, "a legal fellowship under sacral guarantees."[3] Next, and having the interpretation of 3:15–18 now guided by the concept of "covenant" rather than by "will" or "testament," the

1 This article is a revision of my earlier treatment of Gal. 3:14–18, "Covenant, Oath, and the Aqedah: Διαθήκη in Galatians 3:15–18," *Catholic Biblical Quarterly* 67 (2005): 79–100. In this present article I take into account, among other things, responses to my initial article from Don Garlington, *An Exposition of Galatians: A Reading from the New Perspective* (3rd Ed.; Eugene, Oregon: Wipf & Stock, 2007); Thomas R. Schreiner, *Galatians*, Exegetical Commentary on the New Testament 9, ed. Clinton E. Arnold (Grand Rapids: Zondervan, 2010); Jerome Murphy O'Connor, *Keys to Galatians: Collected Essays* (Collegeville: Liturgical Press, 2012).

2 So Hans D. Betz, *Galatians: A Commentary on Paul's Letter to the Churches in Galatia* (Hermeneia; Fortress, 1979), 155; Richard N. Longenecker, *Galatians*, Word Biblical Commentary 41 (Dallas: Word, 1990), 128; James D. G. Dunn, *The Epistle to the Galatians* (London: A & C Black, 1993), 180–183; J. Louis Martyn, *Galatians: A New Translation with Introduction and Commentary*, Anchor Bible 33A (New York: Doubleday, 1997), 344–345. The definition is from *Merriam-Webster's Collegiate Dictionary*, 11th edition (Springfield, Mass.: Merriam-Webster, 2003), 1291a.

3 See Gottfried Quell and Johannes Behm, "διατίθημι, διαθήκη," *Theological Dictionary of the New Testament*, trans. G. Bromiley, eds. G. Kittel and G. Bromiley (Michigan: Eerdmans, 1964) [hereafter, *TDNT*] 2.104–134, here at 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), 141–142; Ernest De Witt Burton, *A Critical and Exegetical Commentary on the Epistle to the Galatians*, International Critical Commentary 35 (Edinburgh: T&T Clark, 1920), 496–505; Hermann N. Ridderbos, *The Epistle of Paul to the Churches of Galatia*, New International Commentary on the New Testament (Grand Rapids: Eerdmans, 1953), 130–131; and John J. Hughes, "Hebrews IX 15ff. and Galatians III 15ff.: A Study in Covenant Practice and Procedure," *Novum Testamentum* 21 (1976–77): 27–96, espec. 66–91.

identification of a *specific Old Testament covenant-making narrative* underlying Paul's argument will appear—Genesis 22:15–18, the covenant with Abraham ratified by divine oath after the Aqedah (the binding of Isaac). Once it has been determined that the specific narrative Paul has in mind in Galatians 3:15–18 is the covenant-oath of the Aqedah, his theological argument emerges. The thrust of the entire unit (3:15–18) is that the Abrahamic covenant enjoys historical priority and theological primacy over the Mosaic covenant at Sinai.

The coherence of Paul's argument in Galatians 3:15–18, though subtle, is recognizable when we follow sound lexicography, employ contextual sensitivity, and engage biblical texts with a typological reading.

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. …[6]

Within Hellenistic Judaism, however, the development of the term followed a different trajectory. The translators of the Septuagint [hereafter, 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," outside of the LXX, is συνθήκη.[7] Yet there is no reason to think that the LXX 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 ברית."[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.

4 Behm, *TDNT* 2.125.

5 Behm, *TDNT* 2.104–105.

6 Plato, *Laws*, XI, 923c, trans. 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.

21:27). For the most part, later Second Temple literature also employed διαθήκη to mean "covenant."[9]

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 Galatians 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 remains strong 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 for 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 Jewish (not Greco-Roman) law. Since the

9 Behm, *TDNT* 2.127.

10 On the definition of "covenant" (ברית), see Quell, *TDNT* 2.106–124; and Gordon P. Hugenberger, *Marriage as a Covenant: A Study of Biblical Law & Ethics Governing Marriage, Developed from the Perspective of Malachi*, Vetus Testamentum Supplements 52 (Leiden: Brill, 1994), 168–215.

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

12 For the LXX, see Quell, *TDNT* 2.106–107; for the NT, see Behm, *TDNT* 2.131–134, espec. 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], 253–256). 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," *Catholic Biblical Quarterly* 66 (2004): 416–436.

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 "no one adds to or annuls [a διαθήκη]" is simply 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 (Gal. 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. Burton remarks: "δι' ἀγγέλων ("through angels") 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—then one would have expected him to clarify 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 can-

14 Burton, *Galatians*, 502.

15 See Hughes, "Hebrews IX 15ff.," 83–91, Longenecker, *Galatians*, 128–130, Betz, *Galatians*, 155.

16 See Longenecker, *Galatians*, 130.

17 So Martyn, *Galatians*, 366–367; Hans J. Schoeps, *Paul: The Theology of the Apostle in the Light of Jewish Religious History*, trans. Harold Knight (Philadelphia: Westminster, 1961), 182–183. To the contrary, Longenecker, *Galatians*, 130.

18 Burton, *Galatians*, 503. Compare with Paul N. Tarazi, *Galatians*, Orthodox Biblical Studies (Crestwood, NY: St. Vladimir's Seminary Press, 1994), 152; and Longenecker, *The Triumph of Abraham's God: The Transformation of Identity in Galatians* (Edinburgh: T&T 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," *Journal of Biblical Literature* 85 (1966): 58–76.

21 Ernst Bammel, "Gottes ΔΙΑΘΗΚΗ (Gal III 15–17) und das jüdische Rechtsdenken," *New Testament Studies* 6 (1959–60): 313–319. For a critique of Bammel, see Hughes, "Hebrews IX 15ff.," 72–76.

not 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 have expected his readers to 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 ("no one sets aside or adds to [it]") rings true without nuance.[25]

A. The Covenant as Inviolable Legal Institution

The covenant institution 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

22 Ben Witherington III, *Grace in Galatia: A Commentary on Paul's Letter to the Galatians* (Edinburgh: T&T Clark/Grand Rapids: Eerdmans, 1998), 242–243.

23 See Betz, *Galatians*, 155. The מתנת בריא was distinguished from a דייתיקי (διαθήκη) in Jewish law (see Longenecker, *Galatians*, 129–130; Betz, *Galatians*, 155).

24 As Martyn (*Galatians*, 344–345) admits. See also 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), 175–191.

Jacob (Gen. 31:44), David and Jonathan (1 Sam. 18:3), David and Abner (2 Sam. 3:12–13), and many others.[28]

Of particular relevance to Paul's point in Galatians 3:15 is the narrative of the covenant between the Israelites and Gibeonites in Joshua 9 (and the epilogue of the story 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 states that the covenant, once sworn, could not 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 Samuel 21:1–14, where, even after the passing of several generations, Saul's breech of the covenant with the Gibeonites still results in three years of famine on 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 that in the late 2nd century B.C. the author of 1 Maccabees used the word to describe secular covenants between human parties:

> 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)

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 (David and Jonathan), 23:18 (the same); 2 Sam. 5:3 (David and the elders of Israel); 1 Kings 5:12 (Solomon and Hiram), 15:19 (Asa and Ben-hadad/Baasha and Ben-hadad), 20:34 (Ahab and Ben-hadad); 2 Kings 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 Chron. 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*, Analecta Biblica 88 (Rome: Pontifical Biblical Institute, 1982).

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)

Obviously, διαθήκη in 1 Maccabees 1:11 and 11:9 cannot refer to a "last will and testament." Thus, the author of 1 Maccabees provides us an 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 non-biblical covenant texts 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 psuedepigrapha 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:

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29 Quell, *TDNT* 2.115; Weinfeld, "ברית *bᵉrîth*," *Theological Dictionary of the Old Testament*, eds. G. Johannes Botterweck and Helmer Ringgren (Grand Rapids: Eerdmans, 1974) [hereafter, *TDOT*], 2.256; Cross, *Epic*, 8.

30 Hugenberger, *Marriage as a Covenant*, 4, 182–184.

31 For the juxtaposition of "oath" (שבע אלה, 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 Kings 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 v.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 a Covenant*, 183–184. For "covenant and oath" as a hendiadys ("one [idea] from two [words]") in Hittite, Akkadian, and Greek literature, see Weinfeld, "Common Heritage," 176–177; in the Targums, see Robert Hayward, *Divine Name and Presence: The Memra*, Oxford Centre for Postgraduate Hebrew Studies (Totowa, N.J.: Allanheld, Osmun & Co., 1981), 57–98, at 57, where Hayward states that the Targumists "understand the covenant as an oath sworn by God to the Fathers."

32 Hugenberger, *Marriage as a Covenant*, 194.

33 So F. C. Fensham, "The Treaty Between Israel and the Gibeonites," *Biblical Archaeologist* 27

> 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 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 Galatians 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 covenant institution integrate smoothly into Paul's argument in Galatians 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), he is speaking of *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 Gal 3:10-14.

Third, since covenants created kinship ties, they could also order the transmission of property (see Gen. 15:18–21), or an "inheritance" (κληρονομία), a concept Paul mentions in Galatians 3:18. In fact, Abraham's "inheritance" was given to him by God via a promise incorporated into a covenant oath (see Gen. 15:1–21, especially vv. 18–21).[36]

(1964): 96–100, espec. 98–99, and Walther Eichrodt, *Theology of the Old Testament*, Old Testament Library; (Philadelphia: Westminster, 1975), 2.69.

34 Quell, *TDNT* 2.114–115 (my emphasis).

35 See, for example, Lev. 26, Deut. 28, J. B. Pritchard (ed.), *Ancient Near Eastern Texts Relating to the Old Testament* (Princeton, N. J.: Princeton University Press, 1969), 201a, 205b, 206b, 532–541.

36 Thus, *pace* Jerome Murphy-O'Connor (*Keys to Galatians*, 113–114), it should not be argued that the discussion of "inheritance" in Gal. 3:18 is only compatible with διαθήκη as "will" and not as "covenant."

Thus, not only does the inviolable covenant fit the precise statements of Paul in v. 15, but Paul's thinking throughout chapters 3 and 4 is deeply shaped by the covenant institution, such that one could describe it as "covenant logic."[37]

C. Arguments for "Testament" Critiqued

If διαθήκη as "covenant" fits the context of Galatians 3:15 so well, why is the term so widely understood as "will" or "testament"? Usually it is proposed that either (1) the presence of "technical legal terms" (κυρόω, αθετέω, επιδιατάσσομαι [ratify, set aside, add to])[38] or (2) the introductory statement κατὰ ἄνθρωπον λέγω ["I am speaking in human terms"[39]] suggests that Paul is using διαθήκη in its Hellenistic sense.[40]

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 here using the word διαθήκη in the sense of Hellenistic law," that is, in the sense of "testament."[41] Unfortunately, Behm presupposes a false dichotomy between the "legal" sense of διαθήκη as "testament" and the "non-legal" sense of διαθήκη as "covenant." Rather, 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.[42] Indeed, Paul uses "legal" terminology throughout Galatians 3, yet always within the context of Israel's religious law and covenantal history.[43]

Moreover, Behm and others exaggerate the extent to which the terms used in v. 15 are associated specifically with the secular court.[44] For example, the verb κυρόω is not used as an exclusively legal term, as can be seen from 2 Corinthians 2:8 and 4 Maccabees 7:9. Significantly, Paul applies the variant forms προκυρόω and ακυρόω to διαθήκη in Galatians 3:17, but no one for that reason suggests that διαθήκη as used *there* (v. 17) means "testament." The verb αθετέω 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 Corinthians 1:19, 2:21; 1 Thessalonians 4:8; 1 Timothy 5:12; Hebrews 10:28; and Jude 8. The verb δικαιόω likewise has a wide range of uses, only some of which

37 Witherington, *Grace in Galatia*, 243.

38 So Dunn, *Galatians*, 182; Betz, *Galatians*, 156; Martyn, *Galatians*, 338.

39 This phrase will be discussed at length below.

40 So Longenecker, *Galatians*, 128; and F. F. Bruce, *The Epistle to the Galatians: A Commentary on the Greek Text*, New International Greek Testament Commentary (Grand Rapids: Eerdmans, 1982), 169.

41 Behm, *TDNT* 2.129.

42 See Quell, "The Covenant as Legal Institution," *TDNT* 2.111–118.

43 For example, see 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), and διατάσσω (3:19).

44 See Hughes, "Hebrews IX 15ff," 68–69.

are legal.[45] 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.[46] 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 all-too-common rendering of κατὰ ἄνθρωπον λέγω as "I cite an example from everyday life" cannot be substantiated by similar phraseology in contemporary Greek literature.[47] A better translation would be "I 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)?[48] In order for Paul's argument to be valid, the central term, διαθήκη, must bear the same meaning (covenant) in each analogate (vv. 15 and 17).

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

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45 See Liddell-Scott-Jones, *Greek-English Lexicon*, 414b.

46 See Longenecker, *Galatians*, 128; Bruce, *Galatians*, 171; Burton, *Galatians*, 180. The oft-quoted definition of the word given by Bauer, "to add a codicil to a will," can only have been derived from Gal. 3:15, and so begs the question regarding the meaning of διαθήκη in the verse (see W. Bauer, W. F. Arndt, and F. W. Gingrich (3d ed.; rev. by F. W. Danker), *Greek-English Lexicon of the NT* [Chicago: Chicago University Press, 2000], s.v. ἐπιδιατάσσομαι). 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 the same force as the active διατάσσω (see, for example, Acts 7:44, 20:13, 24:23; 1 Cor. 7:17, 11:34; Titus 1:5) and never in a juridical setting.

47 Charles H. Cosgrove, "Arguing Like a Mere Human Being: Galatians 3. 15-18 in Rhetorical Perspective," *New Testament Studies* 34 (1988): 536–549. Compare with Witherington, *Grace*, 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."

48 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," 96–100. Paul may have had this biblical background in mind, and/or the notion 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 Treatment-Making: Homer and the Near East*, Mnemosyne, bibliotheca classica Batava Supplementum 119 (Leiden: E. J. 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), 156–177.

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

If, by διαθήκη, Paul means "covenant" in Galatians 3:15, can one determine a specific διαθήκη from which Paul draws his analogy to a "human covenant"? Although commentators often describe vv. 15 and 17 as speaking of "*the* Abrahamic covenant" in general, some scholars have recently noted that Genesis records at least two distinct covenant-making episodes in the life of Abraham (Gen. 15:17–21 and 17:1–27).[49] 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.[50] Furthermore, in addition to Genesis 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 from late Second Temple Judaism witness to the identification 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 which he swore to Abraham" (ὅρκον ὃν ὤμοσεν πρὸς Ἀβραάμ), a reference to Genesis 22:15–18, the only explicit divine oath made to Abraham in Scripture.[51] The identification is confirmed by Luke 1:74, which speaks of "being rescued from the hands of our enemies," a reflection of the promises of Genesis 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 Genesis 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*

49 See Paul R. Williamson, *Abraham, Israel, and the Nations: The Patriarchal Promise and Its Covenantal Development in Genesis*, Journal for the Study of the Old Testament Supplements 315 (Sheffield: Sheffield Academic Press, 2000), 1–25.

50 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, Journal for the Study of the New Testament Supplements 83, Studies in Scripture in Early Judaism and Christianity 1[Sheffield: Sheffield Academic Press, 1993], 143–164, here 159–161) shows that Paul noticed significant differences between the covenant in Gen. 15 and the one in chapter 17.

51 Joseph A. Fitzmyer, *The Gospel According to Luke I–IX: Introduction, Translation, and Notes*, Anchor Bible 28 (Garden City: Doubleday, 1981), 384.

them by yourself," which can only refer to Genesis 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.[52]

Although its date is uncertain, the *Fragmentary Targum* of Leviticus 26:42 speaks of "the covenant oath which I swore with Isaac on Mount Moriah" in reference to Genesis 22:15–18.[53]

Many contemporary scholars recognize the virtual equivalence of the oath in Genesis 22:15–18 to the establishment of a διαθήκη. John Van Seters, for example, observes the correspondence between "oath" and "covenant" in Genesis: "The expression 'I will establish … my covenant', (17:7) corresponds to … 'I will establish … the oath' (26:3), since oath and covenant are equivalent terms here."[54] T. Desmond Alexander applies Van Seters' observation—confirmed by the equivalence of "covenant" and "oath" in Genesis 21:22–34, 26:26–33, and 31:43–54—to Genesis 22:16–18 and the relationship 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*."[55]

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.[56]

In sum, the ancient readers of Deuteronomy came to associate the patriarchal "covenant" with God's "oath," pointing back to Genesis 22:16–18, the only oath God explicitly swears to any patriarch.[57]

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52 On this, see Betsy Halpern-Amaru, *Rewriting the Bible: Land and Covenant in Postbiblical Jewish Literature* (Valley Forge, Penn.: Trinity Press International, 1994), 56–58.

53 See Hayward, *Divine Name*, 72–73, 80–81.

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

55 T. Desmond Alexander, *Abraham in the Negev: A Source-Critical Investigation of Genesis 20:1–22:19* (Carlisle, Cumbria, U.K.: Paternoster, 1997), 110 (my emphasis). See also Alexander, *Abraham in the Negev*, 87–89.

56 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, OFM, 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 Chron. 16:16; and Ps. 105:9.

57 See Keith N. Grüneberg, *Abraham, Blessing and the Nations: A Philological and Exegetical Study*

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 Galatians 3:15–18, Genesis 22:15–18 is the most likely candidate as it fits far more agreeably into the context of Paul's remarks in Galatians 3:6–18 than the other two covenant-making episodes in the Abrahamic narratives—those of Genesis 15:17–21 and 17:1–27.

A close reading of the context of Galatians 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 and his "seed"* (σπέρμα, vv. 16, 18).[58] (3) It guarantees a divine *blessing* (εὐλογία) *to the Gentiles* (τὰ ἔθνη, v. 14).[59] Since neither Genesis 15:17–21 nor 17:1–27 promise blessing to the Gentiles, Genesis 22:16–18 is the only potential source-text with all three characteristics.[60] The passage reads:[61]

> 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,[62] 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

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of Genesis 12:3 and its Narrative Context, Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 332 (Berlin: Walter de Gruyter, 2003), 228–235.

58 Verses 16 and 18 speak of a promise(s) (ἐπαγγελία[ῖ]), 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 (for example, Frank J. Matera, *Galatians*, ed. Daniel J. Harrington, Sacra Pagina 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*, Wissenschaftliche Untersuchungen zum Neuen Testament 133, 2nd series [Tübingen: Mohr Siebeck, 2001], 147–148), 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*.

59 See previous note. Significantly, v. 14a is an interpretive reworking of Genesis 22:18. See Niels 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), 212–213; Geza Vermes, *Scripture and Tradition in Judaism: Haggadic Studies*, Studia postbiblica 4, 2nd ed. (Leiden: Brill, 1973), 221.

60 Wisdom (*Blessing*, 23 *et 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 Gal 3. Gen. 15:17–21 and 17:1–27 promise only land and descendants. Other considerations that work against Gen. 15:17–21 or 17:1–27 are: (1) In Gen. 17:1–27, *God* does not ratify the covenant (Alexander, "Genesis 22 and the Covenant of Circumcision," *Journal for the Study of the Old Testament* 25 [1983]: 17–22; Williamson, *Abraham*, 69–71). *Abraham* does, through circumcision (see Hugenberger, *Marriage*, 196). (2) Neither Gen. 15:17–21 nor 17:1–27 describe Abraham as receiving "blessing" (εὐλογία). But compare Gal. 3:14a (ἡ εὐλογία τοῦ Ἀβραὰμ) with Gen. 22:17a (εὐλογῶν εὐλογήσω σε).

61 The translation is mine, highlighting what may have been important nuances to Paul.

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

> the gate of his enemies[63] 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).[64] It is reasonable to conclude that the specific διαθήκη Paul has in mind in Galatians 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

The conclusion that in Galatians 3:15–18 Paul has the Aqedah and its subsequent oath in mind is strengthened by evidence in the near context.

In Galatians 3:8, Paul alludes to the covenant-oath of the Aqedah by forming a conflated quotation of Genesis 12:3 and 22:18.[65] The text reads:

> ἡ γραφὴ … προευηγγελίσατο τῷ Ἀβραὰμ ὅτι ἐνευλογηθήσονται ἐν σοὶ πάντα τὰ ἔθνη.
>
> …the scripture…preached the gospel beforehand to Abraham, saying, "In you shall all the nations be blessed."

The phrase ἐνευλογηθήσονται ἐν σοὶ ("in you shall be blessed") must be taken from Genesis 12:3, but πάντα τὰ ἔθνη ("all the nations") as the object of the blessing comes from Genesis 22:18, the only place those words are spoken to Abraham.[66]

More significant than the brief allusion to Genesis 22:18 in Galatians 3:8, however, is the substantial relationship between the Aqedah and vv. 13–14. This text reads:

> 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.

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63 MT has איביו, "his enemies," singular to agree with זרה, "seed."

64 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. 60 above.

65 So 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?," *Tyndale Bulletin* 54 (2003): 75–86, espec. 80–86.

66 Gen. 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 Ἀβραὰμ."

> 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 with the passion. Paul's quotation is from Deuteronomy 21:23, ἐπικατάρατος πᾶς ὁ κρεμάμενος ἐπὶ ξύλου ("cursed is everyone who hangs on a tree"), and primarily has the crucifixion of Christ "on a tree" in view (see Acts 5:30, 10:39, 13:29; 1 Pet. 2:24). But one hears echoes of an earlier near-death experience "upon the wood" (ἐπάνω τῶν ξύλων):

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

> …and 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)

Paul has apparently linked Deuteronomy 21:23 with Genesis 22:9 via the analogy of ἐπάνω τῶν ξύλων ωιτη 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.[67]

By itself the link between Deuteronomy 21:23 and Genesis 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 mentioned above, v. 14a is essentially a reworking of Genesis 22:18a.[68] The phrase εἰς τὰ ἔθνη ἡ εὐλογία … γένηται ("to the nations the blessing…might be") in Galatians 3:14a corresponds to ἐνευλογηθήσοντα … πάντα τὰ ἔθνη ("all the nations will be blessed") in Genesis 22:18a; ἐν Χριστῷ Ἰησου ("in Christ Jesus"—Gal. 3:14a) corresponds to ἐν τῷ σπέρματί σου ("in your seed"—Gen. 22:18a). Here Paul implicitly equates the "seed" of Abraham with Jesus Christ, as he will do explicitly in v. 16.[69]

Thus, the sense of vv. 13–14 is that the death of Christ ἐπὶ ξύλου ("on a tree") allows the blessing of Abraham given after the Aqedah (Gen. 22:18) to flow to the

67 Max Wilcox, "'Upon the Tree'—Deut 21:22-23 in the New Testament," *Journal of Biblical Literature* 96 (1977): 85–99, at 98.

68 Dahl, *Studies*, 171; Levenson, *Beloved Son*, 212–213; Vermes, *Scripture*, 221.

69 See Wilcox, "Upon the Tree," 97; and Cosgrove, "The Mosaic Law Preaches Faith: A Study of Galatians 3," *Westminster Theological Journal* 41 (1977): 146–164, espec. 150–151.

ἔθνη ("nations") 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 ("upon the wood [collective idea]" or, literally, "upon the trees") merits from God a covenant oath to bless the ἔθνη (nations) through Abraham's "seed."[70]

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."[71] Jon D. Levenson also recognizes how Aqedah-typology 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)."[72] For Levenson, Galatians 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. 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."[73] Since Paul has the Aqedah in mind in the verses 13–14—immediately preceding 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 Genesis 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 Galatians 3:15–18 and the pericope of the expulsion of Ishmael (Gen. 21:8–21) in Galatians 4:21–31, he cannot have failed to notice the narrative of a human covenant (Gen. 21:22–34) sandwiched between them.[74]

D. The Significance of the Aqedah and its Covenant-Oath to Paul

The ratification of the covenant at the Aqedah is not simply one of three covenant-making texts (Gen. 15:17–21, 17:1–27, or 22:15–18) from which Paul could have drawn his argument. 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

70 See Joseph P. Braswell, "'The Blessing of Abraham' Versus 'The Curse of the Law': Another Look at Gal 3:10-13," *Westminster Theological Journal* 53 (1991): 73–91, at 89 n. 46.

71 Vermes, *Scripture*, 220–221.

72 Levenson, *Beloved Son*, 212–213.

73 Levenson, *Beloved Son*, 213.

74 Carol Stockhausen 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" ("2 Corinthians 3 and Pauline Exegesis," 150). The relationship between Gen. 21:22–34 and Gal. 3:15 may be a case in point.

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 (see James 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 (for example, Rom. 3–4). Although the word "faith" (πίστις) is not used in the LXX of Genesis 22:1–14, clearly in this narrative Abraham's faith successfully undergoes its most severe test, as Second Temple literature attests.[75] As a result of Abraham's demonstration of faith, the divine blessings, given in the form of promises alone in Genesis 12:1–3, are raised to the level of legally-binding covenant stipulations ratified by solemn oath (Gen. 22:16–18).[76] The Aqedah brings to perfection both Abraham's faith and the consequent divine promise to bless all nations.

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 Galatians 3:15–18?

A. The Legal Form of Paul's Argument in Galatians 3:15–18

Paul's argument in vv. 15–18 is a *legal* argument (thus the legal terminology) in the *qal wāhomer* (*a fortiori*, or lesser-to-greater) form.[77] 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

75 Sir. 44:19–21; 1 Macc. 2:52; Heb. 11:17; James 2:21–24; Longenecker, *Triumph of Abraham's God*, 131.

76 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* (New York: Mesorah, 1978), 2.809.

77 Matera (*Galatians*, 131) and Burton (*Galatians*, 141) recognize Paul's *kal va-homer* 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 (for example, Dunn, *Galatians*, 181–182; Longenecker, *Galatians*, 127–130).

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 the inclusion of the 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 Galatians 3:15–17, light is shed on Paul's puzzling argument based on the singular "seed" of Abraham in v. 16, a notorious *crux interpretum*.[78] The narrative context of the Aqedah enables 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 ["one, only"] vv. 2, 12, 16; see Gal. 3:16, ἐφ ἑνός ["to one"]), pointedly excluding Ishmael (see Gen. 17:18–21) and any other progeny (see Gen. 25:1–5) from view. Moreover, the covenantal blessing in Genesis 22:18, unlike similar ones in 12:3 and 18:18, is only through Abraham's "seed," which in 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.[79]

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.[80] 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 expulsion/replacement theme becomes explicit in Galatians 4:21–31, the climax of Paul's argument.[81] Miguel Pérez Fernández comments:

> Throughout Paul's entire argumentation and in the typological representation that he makes of Isaac, the term with which

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

79 See Levenson, *Beloved Son*, 210–211; Witherington, *Grace*, 244–245; Dunn, *Galatians*, 184–185.

80 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.

81 Betz (*Galatians*, 19–22, 238–240) argues that the epistolary *probatio* (main argument) extends from Gal. 3:1–4:31. Thus 4:21-31 is not an afterthought but a climax.

> 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* ["one" or "only"]. 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.[82]

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 *Aqedah* and not the *'olah* (whole 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" (see 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.[83]

Galatians 3:16 is not the only evidence that Paul reads the Abrahamic narratives typologically.[84] An implicit Isaac/Christ typology of the Aqedah has been recognized by Vermes, Levenson, and others in Galatians 3:13–14, as noted above. Moreover, at the climax of the epistolary *probatio* in Galatians 4:21–31, 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). 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 Galatians 4:21–31. As Galatians 3:16 sees Isaac as a type of Christ in Genesis 22, so Galatians 4:21–31 sees Isaac

82 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, at 90. See Wilcox, "Upon the Tree," 96–99.

83 Gordon J. Wenham, *Genesis 16–50*, Word Biblical Commentary 2 (Waco: Word, 1994), 117.

84 On Gal. 3:16 as typology, see Pérez Fernández, "Aqedah in Paul," 88–89.

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. 3:29).[85]

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

Understanding the covenant oath of the Aqedah as the background for Galatians 3:6–18 clarifies Paul's argument concerning the relationship between the Abrahamic 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 (Gal. 3:17). 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 (that is, as Abraham's seed) must be legally *subordinated* to his purpose in binding himself at the Aqedah to bless all the nations (that is, 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 (Gal. 3:19, 23–24).

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.[86] 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).[87] 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 provi-

85 For a fuller discussion of Gal. 3–4 and the covenants with Abraham, see Scott W. Hahn, *Kinship by Covenant: A Canonical Approach to the Fulfillment of God's Saving Promises*, Anchor Yale Bible Reference Library (New Haven & London: Yale University Press, 2009), 238–277.

86 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 a Covenant*, 194, 200–201).

87 On death as the usual penalty for covenant transgression, see John Dunnill, *Covenant and Sacrifice in the Letter to the Hebrews*, Society for New Testament Studies Monograph Series 71 (Cambridge: Cambridge University Press, 1992), 249; and O. Palmer Robertson, *The Christ of the Covenants* (Grand Rapids: Baker, 1980), 11–12.

sion that was only applied to certain individuals—namely, being hung on a tree for a crime punishable by death (Deut. 21:23).[88]

Paul's citation of that notable exception 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 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 preemptive strategy and merciful resolution to remove the legal impediment of the Deuteronomic curses that hang over unfaithful Israel (Gal. 3:13).[89] 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. Conclusions

A. Paul was a Contextually Sensitive Exegete

What kind of exegete was Paul?[90] Scholarly opinion on this question falls across a wide spectrum. Some argue that Paul routinely disregards the context of his Old Testament Scriptural quotations and deploys *rhetorically* effective but *logically* incoherent arguments.[91] Others—at least those who are willing to accept his understanding of the inspiration and authority of the Scriptures of Israel—find

88 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 [that is, 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 Morland, *Rhetoric of Curse*, 70–71.

89 Having "become" a curse according to Deut. 21:23, Christ serves as an expiatory sacrifice on behalf of the people. See discussion in Morland, *Rhetoric of Curse*, 221–223; Helmut Merklein, "Die Bedeutung des Kreuzestodes Christi für die paulinische Gerechtigkeits- und Gesetzesthematik," in *Studien zu Jesus und Paulus*, Wissenschaftliche Untersuchungen zum Neuen Testament 43 (Tübingen: Mohr/Siebeck, 1987), 1–106.

90 C. J. Collins raised this question with respect to Gal. 3 over a decade ago: "Galatians 3:16: What Kind of Exegete Was Paul?" *Tyndale Bulletin* 54 (2003): 75–86.

91 Heikki Räisänen gained notoriety for adopting a strong form of this position: see his *Paul and the Law*, WUNT 29 (Tübingen: Mohr-Siebeck, 1987). Mika Hietanen is less rhetorically aggressive, but similarly faults Paul at a number of places for fallacious argumentation: *Paul's Argumentation in Galatians: A Pragma-Dialectical Analysis*, European Studies on Christian Origins; LNTS [JSNTS] 344 (London: T & T Clark, 2007).

his use of Scriptural quotations profoundly sensitive to the Old Testament context, and his logic compelling.[92]

In an essay published over two decades ago, Carol Stockhausen proposed several principles concerning 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."[93] Stockhausen also states that "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."[94] This article confirms Stockhausen's observations. We have shown that, far from employing a hermeneutical and rhetorical slight-of-hand, in Galatians 3–4, Paul engages in a thoughtful and exacting meditation on the theological implications of the Abrahamic narrative—especially the account of the Aqedah—for the Gospel and for the Church.

B. The Priority of the Abrahamic Covenant in Paul's Argument in Galatians 3

It was demonstrated above that διαθήκη in Galatians 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 with 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 Galatians 3:6–18.

In the heart of the unit, vv. 15–18, Paul uses a *kal va-homer* argument—only valid if διαθήκη means "covenant" in *both* v. 15 and v. 17—to demonstrate that

92 The origin of the "contextual" approach to Pauline scriptural citation may be C. H. Dodd, *According to the Scriptures: The Sub-Structure of New Testament Theology* (New York: Charles Scribner's Sons, 1953). More recent discussion (pro and con) may be found in the following: M. D. Hooker, "Beyond the Things That are Written? St. Paul's Use of Scripture," *New Testament Studies* 27 (1981-82): 295–309; D. A. Carson and H. Williamson (eds.), *It is Written: Scripture Citing Scripture* (New York: Cambridge University, 1988); R. B. Hays, *Echoes of Scripture in the Letters of Paul* (New Haven: Yale, 1989); G. K. Beale, "Did Jesus and His Followers Preach the Right Doctrine From the Wrong Texts? An Examination of the Presuppositions of Jesus' and the Apostles' Exegetical Method," *Themelios* 14 (1989): 89–96; Carol Stockhausen, "2 Corinthians 3 and the Principles of Pauline Exegesis," in *Paul and the Scriptures of Israel*, ed. C. A. Evans and J. A. Sanders (Sheffield: Journal for the Study of the Old Testament Press, 1993), 143–164; G. K. Beale (ed.), *Right Doctrine From Wrong Texts?* (Grand Rapids, MI: Baker, 1994).

93 Stockhausen, "2 Corinthians 3 and Pauline Exegesis," 144–145.

94 Stockhausen, "2 Corinthians 3 and Pauline Exegesis," 150.

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 of the Aqedah also elucidates the obscure argument in 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 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 Galatians 3:15–18, though subtle, is recognizable when we acknowledge his contextual use and typological reading of biblical texts.