

ONCE MORE: *DIATHĒKĒ* IN HEBREWS 9:16–17¹

by
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Poor translators! It is not an easy job. There is a story about one unfortunate translation—now known as the “Wicked Bible”—where the translators accidentally left out the word “not” in the seventh commandment.³ If you remember that commandment, the “not” is kind of a big deal. Of course, not every translation “decision” is as important, much less consequential. But every decision matters, which is why I want to argue that we should change *two* words in most of our English translations of the Bible to best reflect what God says to us.

Most English translations translate the Greek word διαθήκη in Hebrews 9:16–17 as “will,” even though they translate this same word as “covenant” everywhere else in Hebrews.⁴ The ESV is representative:

For where a will [διαθήκη] is involved, the death of the one who made it must be established. For a will [διαθήκη] takes effect only at death, since it is not in force as long as the one who made it is alive.

In what follows, I will argue that we should change “will” in both cases to “covenant.” I will begin by first explaining why so many translations prefer “will.” As we will see, there are good reasons behind this decision. But I will then argue that “covenant” is the better option, especially

¹I am grateful to both T&T Clark and *Desiring God* for permission to republish this material in this Festschrift honoring my dad, whose own valuable contribution to this conversation can be found in R. Bruce Compton, “An Examination of the New Covenant in the Old and New Testaments” (ThD diss., Grace Theological Seminary, 1986), 294–305 (Appendix B). That appendix (and larger dissertation), brimming with sound judgment, fresh insight, careful research, and clearly written prose, epitomizes my dad’s work and is one of many reasons I resonate so easily with Prov 17:6b.

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³Wikipedia contributors, “Wicked Bible,” *Wikipedia, The Free Encyclopedia*, https://en.wikipedia.org/w/index.php?title=Wicked_Bible&oldid=1267636069.

⁴See, e.g., NIV, NRSV, KJV (“testament” = “will”). Foreign translations follow suit (see, e.g., the LSG [French] and LUT [German] versions). For exceptions, see, e.g., the NASB 2020 and the LSB.

because it preserves a connection between sin and death that Hebrews does not make anywhere else.

Why Our Bibles Say “Will”

I will begin with the case for keeping “will” in our Bibles. As I said, there are good reasons behind this translation decision. Here we will consider four.⁵

First, διαθήκη referred to a will in the first-century Greco-Roman world. The word was used to describe how a testator—a *will*-maker—committed to having his property distributed upon his death. It could refer to other binding commitments, which is why the Greek Old Testament used διαθήκη to describe the binding commitments God made with Abraham and Moses and David. But such alternative uses were quite rare in comparison.⁶ What is more, while the author of Hebrews keeps a firm eye on his audience’s (Greek) Bible, he is also attuned to their everyday lives (see 3:4; 5:1–4; 6:16; 9:27). Thus, appeal to his readers’ everyday experience of διαθήκη-making (i.e., *will*-making) would not be out of character.

Second, Jesus could be the διαθήκη-maker in Hebrews 9:16–17. He could be “the one,” Hebrews says, “who made it” and, therefore, whose “death...must be established” (v. 16). If these verses are about a will, then Jesus would have to be the διαθήκη-maker. Who else could be the (necessarily dying) testator? Since the previous five verses focus on Jesus and his death (vv. 11–15), it is not a stretch to think verses 16–17 have the same focus, with their threefold mention of a διαθήκη-maker who must die. And when we zoom out to the larger argument (8:1–10:18), we see that Hebrews has already called Jesus a “priest” (8:1–2) and a “mediator” (8:6; 9:15). It would be easy, therefore, to imagine Hebrews adding one more title to that list—“testator.”

Third, what the author of Hebrews describes in Hebrews 9:16–17 initially sounds like a will. After connecting Jesus to a διαθήκη (“He is the mediator of a new διαθήκη”) and an “inheritance” (v. 15), Hebrews says, “Where a [διαθήκη] is involved, the death of the one who made it must be established” (v. 16). Hebrews goes on to say the same thing two more times: “A [διαθήκη] takes effect only at death” and “is

⁵These and similar arguments can be found in any number of commentaries, among which see, esp., Harold W. Attridge, *The Epistle to the Hebrews*, Hermeneia (Philadelphia: Fortress, 1989); F. F. Bruce, *The Epistle to the Hebrews*, New International Commentary on the New Testament (Grand Rapids: Eerdmans, 1990); Craig R. Koester, *Hebrews: A New Translation with Introduction and Commentary*, Anchor Bible (New York: Doubleday, 2001). For even more recent support, see Thomas R. Schreiner, *Hebrews*, Evangelical Biblical Theology Commentary (Bellingham, WA: Lexham Press, 2020) and Douglas J. Moo, *Hebrews*, Zondervan Exegetical Commentary on the New Testament (Grand Rapids: Zondervan, 2024).

⁶See, e.g., James Hope Moulton and George Milligan, *The Vocabulary of the Greek New Testament* (New York: Hodder and Stoughton, 1915), s.v., διαθήκη.

not in force as long as the [διαθήκη-maker] is alive” (v. 17). What Hebrews describes, to say it again, sounds like a will: a testator’s inheritance is distributed when he dies. If Hebrews is not describing a will and is instead describing a covenant, then this focus on the maker’s *death* would seem out of place. Moses and Israel were in covenant relationship with God and (apparently) lived to tell about it (see Exod 24). If they had to die first, then that part seems to have been left out of the story.

Fourth, there is a good reason for briefly introducing the idea of a will in Hebrews 9:16–17. By talking about Jesus as a testator, this gives Hebrews one more way to explain the necessity of his death, which is the author’s larger point (see, e.g., “it was necessary,” v. 23). Granted, he makes the point with a parenthetical pun, since διαθήκη means “covenant” everywhere else. But it is a move that serves his purpose and was right at hand. The idea of διαθήκη-as-will was simply too obvious and too useful to overlook.

These four arguments explain why so many of our translations say “will” instead of “covenant” in Hebrews 9:16–17. In these verses, translators assume that Hebrews briefly departs from his normal pattern of speech and appeals to the commonplace experience of his readers in a two-verse wordplay on διαθήκη. Jesus had to die so that we might receive the inheritance he so graciously willed to us.

Why Our Bibles Should Say “Covenant”

While good reasons exist for keeping “will” in our English Bibles, there are even better reasons for replacing it with “covenant.” Here I will give the four best, moving as Hebrews does from the lesser to the greater. Further, when giving my third reason, I will also interact with two versions of an increasingly popular argument used in support of “covenant.” I am not convinced either is right, but both are worth considering.⁷

Διαθήκη Elsewhere in Hebrews

First, διαθήκη refers to a covenant everywhere else in Hebrews—a total of *fifteen times* (7:22; 8:6, 8, 9 [2x], 10; 9:4 [2x], 15 [2x], 20; 10:16, 29; 12:24; and 13:20). Hebrews, in fact, refers to a covenant just before (9:15 [2x]) and just after (9:20) Hebrews 9:16–17. What is more, when Hebrews 9:18 begins, “Not even the *first*...was inaugurated without blood,” most translations supply “covenant” there too, since Hebrews goes on to describe the *first covenant’s* inauguration in Exodus 24 (see 9:18–22). Of course, this does not mean that διαθήκη must be translated “covenant” in Hebrews 9:16–17; otherwise, how could an author ever make a wordplay? Still, the evidence gives “covenant” a

⁷For these arguments and relevant bibliography, see, esp., Compton, *Psalm 110 and the Logic of Hebrews*.

kind of inertia. Or, to put it another way, it predisposes us to consider διαθήκη-as-covenant innocent until proven guilty.⁸

Sinful Humans as Διαθήκη-Makers

Second, sinful humans are the διαθήκη-makers, the ones entering into covenant with God, in Hebrews 9:16–17. Jesus is present, but he is not the focus. Sinners are. Already in the previous paragraph (vv. 11–14), Hebrews introduces us to people who need to be “purif[ied]” and “rede[em]ed” by sacrificial “blood” (vv. 12, 14). Then, just before verses 16–17, Hebrews talks about the same people, this time of their need to be “redeem[ed]...from...*transgressions*” by sacrificial “death” (v. 15). Without “blood” (vv. 11–14) or “death” (v. 15), sinners cannot receive the benefits of a covenant relationship with God (v. 15a, “so that”). They cannot enter his presence (cf. 9:1–10 with 9:24 and 10:19–21; see also 2:5–9, 10). Then, just after verses 16–17, Hebrews says that covenants are not “inaugurated without blood” (v. 18), once again linking “blood” (or “death,” v. 15) with sin—“without the shedding of *blood* there is no forgiveness of *sins*” (v. 22).

When Hebrews talks about “death” in verses 16–17 and links that death with a διαθήκη-maker, we are prepared to see a reference to the sacrificial debt sinful humans owe because of their sin. Jesus is present, only not as the covenant-maker but as the sacrificial death that gives sinners access to God.

Covenant Background

Third, what the author of Hebrews describes in Hebrews 9:16–17 fits a covenant even better than it does a will. It is true, on a first reading, that the connection between death and διαθήκη-making may seem straightforward: the διαθήκη-maker *himself* must die. This, of course, fits a testator’s case easily since he *actually* dies. A *covenant*-maker, on the other hand, dies only *vicariously*—through a sacrificial *substitute*. The description of the διαθήκη-maker’s death, however, is not as straightforward as it may first appear. Hebrews does not say that the διαθήκη-maker must *die*, but that his death “must be *established*” (v. 16), which translates a verb (φέρω) elsewhere translated “endure” (so 12:20; see also “go on,” 6:1; “bear,” 13:13; cf. “uphold” [or “bears up” YLT], 1:3). Neither inside nor outside of Hebrews does the word ever mean “establish.”⁹ Even if “endure” (or “endured”) is the better transla-

⁸So, e.g., R. Compton, “The burden of proof...rests on those who see a reference to a ‘will’” (“An Examination of the New Covenant,” 304).

⁹Moo notes that “most translations follow BDAG 1052, §8” and use this gloss [i.e., “established”] for φέρω here (*Hebrews*, 329, n. 60). Translations do this, however, despite the fact that BDAG gives no proof for the gloss other than citing Heb 9:16.

tion, it is still an odd way to describe someone's death, whether covenant-maker or testator.¹⁰

This “odd” word's close-cousin (ἀνα+φέρω), however, is used in Exodus 24 to describe the sacrifices Israel “brought” (ἀναφέρω) at Sinai. Hebrews recalls this scene in 9:18–22, even quoting directly from it (v. 20, citing Exod 24:8). The same close-cousin word is used at the end of Hebrews 9, in this case referring to the sins Jesus *bore* for his people: “So Christ, having been offered once to bear [ἀναφέρω] the sins of many...” (v. 28). Here once more, Hebrews uses language from the Old Testament, this time from Isaiah 53:12, where the Servant *vicariously* suffers for his people (see also φέρω in Isa 53:4 LXX).

Hebrews also does not say that a διαθήκη “takes effect only at death” (v. 17a). Rather, he says, “upon *dead bodies*” (ἐπὶ νεκροῖς). Again, it is an odd way to describe someone's death.¹¹ This peculiar language, however, also recalls the Sinai story, this time the bodies—the calves—Israel sacrificed (Heb 9:18; see Exod 24:5). It is a moment in Israel's story later described in the Psalms in language almost identical to Hebrews: “Bring my faithful people to me—those who made a covenant [διαθήκη] with me by giving sacrifices [ἐπὶ θυσίαις]” (Ps 50:5 NLT; cf. Ps 49:5 NETS). A διαθήκη upon *bodies*—it is an unusual way to talk about death, but it certainly fits a covenant better than a will.

The same can be said for other details in Hebrews 9:16–17. For example, the author of Hebrews says a διαθήκη “takes effect” (βέβαιος, v. 17a) and is “in force” (ισχύω, v. 17b) only upon its maker's death. In the first century, these were true not at death but at the moment a will was drawn up and notarized. If we insist that both refer instead to the *execution* of a will, then we still run into trouble. For starters, neither word means “execution.”¹² And Hebrews goes on to claim that a διαθήκη is “*never* [μήποτε] in force [i.e., executed] as long as the one who made it is alive” (v. 17b; on “never,” see NIV, NASB, CSB). Such a sweeping claim would be out of step with first-century will-making, which allowed for the execution of a will before the testator's death.¹³

¹⁰See, e.g., Ellingworth's similar admission in *The Epistle to the Hebrews*, New International Greek Testament Commentary (Grand Rapids: Eerdmans, 1993), 464.

¹¹Admittedly, it is just possible that ἐπὶ νεκροῖς denotes something like “by death” or, perhaps, “at death” (cf. NRSV), without any necessary connotation of multiplicity (see, e.g., Pausanias, *Descr.* 10.25.2; Appian, *Mith.* 14.96).

¹²Contra Kyu Seop Kim, P. Yadin 19 (see, esp., ἔχειν τὴν προγεγραμμένην...ἀπὸ τῆς σήμερον καὶ...μετὰ τὸ τελευτήσαι...βεβαίως εἰς τὸν ἅπαντα χρόνον [“possesses...from today and...after the death...*certainly* for all time”]) and, e.g., P. Hamb 1.73 (see, esp., βεβαιὸν μοι εἶναι θέλω ἀκολούθως ταύτη μου τῇ [“I am *certain* that I will follow this will of mine”]) are no exception (“The Concept of *Διαθήκη* in Hebrews 9:16–17,” *Journal for the Study of the New Testament* 43 [2020]: 256–57).

¹³See, e.g., Sabine R. Hübner, *The Family in Roman Egypt: A Comparative Approach to Intergenerational Solidarity and Conflict* (Cambridge: Cambridge University Press, 2013), 131–32.

Some think the details of Hebrews 9:16–17 fit a covenant better than a will for *another* reason. These insist that Hebrews describes a well-known covenant-making ritual known as a *drohritus*.¹⁴ In the ritual, covenant-makers swore an oath, calling down curses upon themselves were they to violate the terms of the covenant (see, e.g., Ezek 17:13–19, esp. vv. 15–16). The oath would then be followed (in some cases) by a sacrifice symbolizing the penalty if the oath should be broken. Thus, the parties said, in effect, “What we are doing to this animal, *may God do to us* if we violate our covenant commitments” (see Jer 34:18–20). The ritual’s focus on future, potential sins (i.e., covenant-breaking), however, is out of step with Hebrews. In Hebrews, it is *actual* sins that must be forgiven by sacrifice if sinners are to enter into covenant with God (9:22; also v. 15).

Still others insist that Hebrews 9:16–17 describes a self-maledictory ritual from the perspective of covenant-breaking, not covenant-making.¹⁵ These argue that a covenant-maker must die “since [a *broken* covenant] is not in force as long as the one who made it [and has now *broken* it] is alive (v. 17b; compare Ezek 17:15). This view rightly maintains the connection between death and *actual* sin but wrongly characterizes the sin as covenant-breaking. Those needing and receiving forgiveness in Hebrews are not first-covenant breakers but faithful believers who sinned under the first covenant (9:15) and whose subsequent sacrifices pointed to but simply could not provide the forgiveness they needed (see, esp., 9:8–10 and 10:1–4; see also 11:39–40). There were first-covenant breakers (10:28). But in their case, the problem went beyond the limits of the Levitical priesthood and included hearts *hardened* by disobedience and unbelief (3:7–4:13; see also 8:8–9; compare with the faithful in 11:1–40). Again, this latter group is present in Hebrews but, so far as I can tell, not in Hebrews 9:16–17 (see “called,” v. 15; also “our,” v. 14).¹⁶

¹⁴See, esp., John J. Hughes, “Hebrews IX 15ff. and Galatians III 15ff.: A Study in Covenant Practice and Procedure,” *Novum Testamentum* 21 (1979): 27–96. For recent commentaries in general agreement with Hughes’s seminal piece, see Sigurd Grindheim, *The Letter to the Hebrews*, Pillar New Testament Commentary (Grand Rapids: Eerdmans, 2023) and Robert J. Cara, *Hebrews: A Mentor Commentary* (Fearn, Ross-shire, Great Britain: Mentor, 2024).

¹⁵See Scott Hahn, “A Broken Covenant and the Curse-of-Death: A Study of Hebrews 9:15–22,” *Catholic Biblical Quarterly* 66 (2004), 416–36; “Covenant, Cult, and the Curse-of-Death: Διαθήκη in Heb 9:15–22,” in *Hebrews: Contemporary Methods—New Insights* (Boston: Brill, 2005), 65–88; *Kinship by Covenant: A Canonical Approach to the Fulfillment of God’s Saving Promises* (New Haven: Yale University Press, 2009). For recent arguments in support of Hahn’s proposal, see, e.g., R. B. Jamieson, *Jesus’ Death and Heavenly Offering in Hebrews*, Society for New Testament Studies Monograph Series 172 (New York: CUP, 2019).

¹⁶Jamieson rightly notes that “every transgression of [the Mosaic covenant], not only wholesale apostasy, merited commensurate retribution.” Still, to suggest that such transgressions, short of “wholesale apostasy” (or “turn[ing] their backs on God”; “set[ting] aside...the law”; “forsak[ing] the covenant”) brought about the “curse of Sinai” fails to reckon with the means of atonement and, thus, covenant-maintenance

We might also wonder why, if Hebrews 9:16–17 have a *broken* first covenant in view, Hebrews 9:18 then says, “Therefore not even the first covenant was inaugurated without blood.” Hebrews 9:18 makes it sound like verses 16–17 have another covenant *and* covenant inauguration (not maintenance) in view. If, however, we grant that the transition from Hebrews 9:16–17 to 9:18 is from the first covenant’s *breaking* (vv. 16–17) to its *beginning* (v. 18), we are still surprised by “not even” (οὐδέ). We would expect “not” (οὐ): “The first covenant is enforced by sacrifice (vv. 16–17), since it was not [οὐ] inaugurated without blood (v. 18).” That is to say, “Of course the first covenant is enforced by a death penalty, since it did *not* begin without sacrificially symbolizing such a punishment.” Again, I can see how “not” fits that reading; however, I do not see how “not *even*” can.

Further, Hebrews says the (inauguratory) blood of Hebrews 9:18 was necessary for “forgiveness of sins” (v. 22). That is different from saying it *prefigured* the forgiveness future sins would require. Plus, a focus on future sins downplays the immediate and continued, if still insufficient, cleansing first-covenant members needed if they were to live in covenant with God. It downplays, in other words, the connection Hebrews everywhere makes between sacrifice and atonement (see, for example, 5:1–3; 7:27; 8:3–5; 9:1–10, 11–14, 18–22, 23, 25; 10:1–4, 11).

Finally, on either *drohritus* reading, the need for “*better* sacrifices” in Hebrews 9:23 is hard to explain. In the ritual, the quality of the sacrifice is not relevant—beyond, of course, being blemish-free. What mattered was the *symbolism*: “As to this animal, *so to me*.” Even allowing for a reference to a substitute *penalty*-taker for the covenant-breaker(s), the substitute’s quality matters, it seems, only if it is somehow *less* than the guilty party (i.e., another animal *instead of* the offender himself). To require something *more than* or *superior to* the covenant-breaker would not (and, therefore, *does not*) fit the ritual.

Life through Substitutionary Death

Fourth, Hebrews uses διαθήκη-as-covenant in Hebrews 9:16–17 to make a theological connection only hinted at in other places. Life with God (i.e., the *goal* of covenant-making) is here explicitly linked with the sinful covenant-maker’s necessary death. The idea is implied elsewhere in the purification, redemption, and forgiveness available in sacrificial blood (see vv. 15 and 18–22; compare 2:9). Animals—to put it plainly—*were not killed for their own sins!* But Hebrews only here explains

provided by the cult and employed by the faithful. In other words, I remain convinced that, at least according to Hebrews, the fundamental problem for individual old covenant believers (i.e., a subset of the “called” in Heb 9:15) was the insufficiency of the Levitical sacrifices *not* the lingering curse of a broken covenant, however much that curse explains *Israel’s* status at the turn of the Christian era (*Jesus’ Death and Heavenly Offering in Hebrews*, 119, n. 71).

that the sacrifice's death *takes the place of* the sacrificer's (necessary) death. Thus, after saying that "transgressions" require "death" if sinners want to experience a relationship with God (Heb 9:15), Hebrews explains,

For where a covenant promising life to sinful human beings is involved, sin's debt—the death of the human covenant partner—must be borne. For a covenant like this takes effect only upon dead bodies, since a covenant promising life to sinful human beings is not in force as long as the sinful human partner lives and sin's debt remains unpaid (vv. 16–17, **ESV altered + my own additions**).

Hebrews 9:16–17, in other words, uniquely explains what Levitical sacrifices pointed to and what Jesus's death finally provides: death-escaping life with God for sinners. What is only hinted at elsewhere finally rises above the surface here.

Conclusion

Translating the Bible is tough business—and not just for those poor souls in the pre-digital age! Those who give their lives to this task deserve our gratitude and our support and, on occasion, our thoughtful feedback. Such is the case in Hebrews 9:16–17. As we have seen, the reasons for translating διαθήκη as "covenant" are superior to those for translating it as "will." On top of this, the decision made in most of our English translations comes with a hidden cost. After all, take away "covenant," and we lose a crucial step in the author's larger argument. For the moment, this step has been lost in translation. And I think it is time we ask to have it back.