

# Did the Author of Hebrews Change “Covenant” to “Last Will and Testament”?

## A Study of “Covenant” in Hebrews 9

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### *Introduction*

We all have to admit that our understanding of what the Bible says, and what it means, has been greatly affected by the English translations we read. Since most of us are not able to read the Scriptures in their original languages,<sup>1</sup> it stands to reason that our understanding of the Bible’s message will be based on the English translations we read. This is not all bad! Many of our modern translations are the product of diligent scholarship by competent scholars, and therefore faithfully represent the meaning of the original biblical texts. Still, translations are translations. Regardless of how carefully a translation is made, the theology, social background, and world-view of the translators will inevitably find their way into their translation. This has always been the case, because it is the nature of language itself. Even the early translations of the Tanakh into Greek (Lxx) and Aramaic (Targumim) clearly manifest this phenomenon. And so do our modern English translations.

However, God’s kindness is demonstrated in that He has providentially preserved the Scriptures in their original languages, giving us the ability to return to the words as they were originally given.<sup>2</sup> The ancient record of God’s verbal revelation remains in our possession as the unchanging standard against which translations may be accurately evaluated.

But understanding the author’s intended meaning at any given place in the sacred text requires diligent study and effort. Being separated from the original writings by time, language, and culture, we must strive to understand the historical, linguistic, and sociological factors that gave meaning to the words of the biblical authors in their time and setting. Failing to do so almost inevitably yields poor or even erroneous interpretations (as well as bad translations) of the biblical text. Most devastating is the naive approach that presumes to read the Bible as though it were written in our own era, forgetting that the world of the ancient Near East was, in many ways, vastly different than our modern Western culture.

### *The Problem in Hebrews 9:15–17*

When we turn our attention to the book of Hebrews, and to chapter nine in particular, we are presented with some clear difficulties. One in particular is the the fact that the author appears to

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1. The preponderance of evidence from extant data is that the Scriptures were originally written in Hebrew, Aramaic (Tanakh), and Greek (Apostolic Scriptures). There are some historical notices among the early Church Fathers that Matthew may have been written in Hebrew (or Aramaic), and perhaps the book of Hebrews as well. The earliest reference to the book of Hebrews is found in Eusebius (Hist. Eccl. vi.14) which is itself a quote from Clement of Alexandria (who lived approx. 150–220 CE), stating that the epistle “was written (by Paul) to Hebrews in the Hebrew language (which may refer to the Aramaic spoken in Judea) and translated (into Greek) by Luke” [cf. Westcott, Hebrews, xxxii). This belief, that the epistle was originally written in Hebrew and later translated into Greek, was held fairly consistently by the medieval Western Church. However, to date, no manuscripts (not even scraps of manuscripts) of the epistle of Hebrews have been found in Hebrew or Aramaic. Moreover, modern scholars point to the fact that the grammar of the Greek in Hebrews does not suggest a translation from a semitic language, and many of the Greek compounds found in the epistle have no equivalent in Hebrew or Aramaic.
  2. The issue of scribal mistakes in the copying of the Scriptures has not undermined our ability to ascertain the original text. Through the science of language itself, and the discipline of textual criticism, we are able substantially to recover the original text of the Scriptures. In the small percentage of places where valid questions remain as to the exact nature of the text, the wider voice of the Scriptures aids us in understanding the divine message. Or to put it another way: even in those cases where one is unable to decide from the witness of extant manuscripts, the exact wording of a text, other Scriptures that speak to the same doctrine being taught in the text under study, give a clear understanding in matters of doctrine, faith, and halachah.

misunderstand the very nature of covenant in ancient Israel. It appears to us, as we read our English Bibles, that he<sup>3</sup> considered the ancient covenant God made with Israel at Sinai as a “last will and testament,” rather than as a binding agreement between two parties. And as we consider the manner in which a “last will and testament” works in our times, we know that it does not become active until after the one making the will has died. In fact, this appears to be the very point our author wishes to make. Reasoning that the New Covenant was also a “last will and testament,” he teaches that Yeshua had to die in order for it to be activated, since an inheritance is not distributed until after the testator has died.

But everyone knows that the Sinai covenant was not a “last will and testament,” nor is the New Covenant. Was the author of Hebrews entirely unaware of what a covenant (בְּרִית, *b<sup>e</sup>rit*) was in the Tanakh? Was he ignorant of the Torah’s description of the giving of the Torah at Sinai and Jeremiah’s explanation of the New Covenant? Or had he entirely reinterpreted the covenants of the Tanakh as a Greek “last will and testament” in order to advance his own theology? Reading our English translations, it might appear that the author of Hebrews was very confused.

Hebrew 9:15–17 (NIV)

15 For this reason Christ is the mediator of a new covenant, that those who are called may receive the promised eternal inheritance—now that he has died as a ransom to set them free from the sins committed under the first covenant. 16 In the case of a will, it is necessary to prove the death of the one who made it, 17 because a will is in force only when somebody has died; it never takes effect while the one who made it is living.<sup>4</sup>

But let’s take a closer look.

### *The Context of Hebrew 9:15–22*

By the ninth chapter, the author of Hebrews has already described the exalted position of Yeshua as a High Priest after the order of Melchizedek (ch. 7), and thus as superior to the Aaronic priesthood in terms of obtaining eternal redemption.<sup>5</sup> While the Aaronic priesthood was able to mediate on behalf of Israel in terms of the earthly sanctuary, they were unable to affect an infinite and eternal redemption, since that was not their task. If the heart of the sinner was to be cleansed, something that would be required for the establishment of the New Covenant (cf. Jeremiah 31:34), then One greater than Aaron would be needed (9:9, 14). This One is, of course, the Messiah, Yeshua. Once again, our author contrasts the holy and appointed tasks of the Aaronic priest with that of Yeshua, a priest after the manner of Melchizedek. In 9:1, he writes, “Now even the first *covenant* had regulations of divine

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3. While the authorship of Hebrews is not stated in the epistle itself, and was therefore debated since the earliest centuries (though the early Church Fathers almost universally ascribed it to Paul, demonstrated by the fact that in early manuscripts, Hebrews is included among the Pauline corpus of epistles, cf. P46 where Hebrews follows Romans), it seems certain that the author was a man and not a woman (though some scholars have suggested Priscilla as the author). In 11:32, the author writes: “And what more shall I say? For time will fail me if I tell of Gideon, Barak, Samson, Jephthah, of David and Samuel and the prophets...,” where “if I tell” is a masculine participle, making it clear that the author was male.
  4. The NIV, RSV, NRSV, CJB, ESV, NetBible, NLT, CEV, GWT, HCSB, The Message, NAB, and TEV all translated *diatheke* in v. 17 with the English word “will.” The ASV, KJV, and NKJV, translated *diatheke* in this verse with the English word “testament.” Only the NASB retains the translation of *diatheke* by the English word “covenant” throughout the book of Hebrews.
  5. “Eternal redemption” (λύτρωσιν εὐράμενος, 9:12) is essentially equivalent with “eternal inheritance” (τῆς αἰωνίου κληρονομίας, 9:15), because they both envision the blessing of life in the world to come, or the blessing of redemption those who are “called” receive as covenant members. In this sense, then, the two phrases carry the sense of “eschatological redemption” or “eschatological inheritance.”

worship and the earthly sanctuary.” Note well that the word “covenant” is not in this verse (which is why some translations put it in italics). It was added by the translators, as it was in 8:13. In fact, the author’s point in this text is not to contrast the covenants, but to compare priesthoods: The earthly priests and their service with Yeshua as a priest after the order of Melchizedek. So we should understand the opening words of this chapter this way: “Now even the former *priesthood* had regulations of divine worship and the earthly sanctuary.” His point is that if we study the priestly regulations and duties given to the Aaronic priesthood, we will discover God’s paradigm of redemption itself which would ultimately be fulfilled in the work of Yeshua as the greater High Priest.

In describing the duties of the Aaronic High Priest, our author focuses upon the Day of Atonement, the one time each year when the High Priest entered the Most Holy Place. Some have been concerned about our author’s description of the Most Holy Place (vv. 3–4):

Behind the second veil there was a tabernacle which is called the Holy of Holies, having a golden altar of incense and the ark of the covenant covered on all sides with gold, in which was a golden jar holding the manna, and Aaron’s rod which budded, and the tables of the covenant;

At first it looks like he is mixed up here as well! Everyone who has read the Torah<sup>6</sup> knows that the golden altar of incense is not in the Most Holy Place, but just before the veil, in the Holy Place. This is obvious from the fact that the altar of incense is used every day (e.g., Exodus 30:7), while the High Priest goes into the Most Holy Place only once a year (Leviticus 16:2), so it is impossible that the altar of incense could have been in the Most Holy Place.

The key to understanding our author’s words is to recognize that the golden altar of incense is always connected with the ark of the covenant, for it is said to be placed “in front of the mercy seat that is over the ark of the testimony” (Exodus 30:6, cf. 40:5). This vital connection between the golden altar of incense and the ark of the covenant is clearly stated in 1Kings 6:22—“... He (Solomon) also overlaid with gold the altar that belonged to the inner sanctuary.”<sup>7</sup> The golden altar *belonged* to the Most Holy Place, because its placement in the Holy Place was directly in front of the ark, with the veil separating the two. The idea that the golden altar *belonged* to the Most Holy Place emphasizes that its primary function was in relation to the ark of the covenant, which is particularly seen on Yom Kippur when its coals and incense were taken into the inner sanctuary by the High Priest. In fact, the author of Hebrews carefully reproduces the language of 1Kings 6:22 by writing: “... the Holy of Holies, *having* a golden altar of incense.” Earlier, in v. 2, he utilized the preposition “in” (ἐν, *en*) to note the *location* of the menorah and the table of the bread of the Presence in the outer sanctuary. But in regard to the altar of incense, he utilizes the verb “to have,” (rather than the preposition “in”) when connecting the golden altar and ark of the covenant to the Most Holy Place. By doing so, he conveyed the language of the Tanakh which consistently connects the altar of incense with the ark of the covenant: the altar of incense *belonged* to the Most Holy Place.

Furthermore, the Greek word our author used, which nearly all the English versions translate as “altar,” is θυμιατήριον (*thumiaterion*), the same word used in the Lxx to denote a censer or pan used for burning incense (2Chronicles 26:19; Ezekiel 8:11; 4Maccabees 7:11). Some have argued that the censers were made of bronze, not gold, and that therefore a “golden censer” could not be what our author has in mind.<sup>8</sup> However, though the Torah does indeed mention censers made of bronze (Exodus 38:3; Numbers 16:39), these are specifically said to be the utensils of the altar of sacrifice (the brazen altar), not the altar of incense which was overlaid with gold. In fact, we do find that golden utensils connected with incense

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6. Cf. Exodus 30:1–10; 40:1–5;

7. The quote is from the NIV, which correctly renders the Hebrew וְכָל־הַמִּזְבֵּחַ אֲשֶׁר־לְדָבִיר צִפָּה זָהָב .

8. See William L. Lane, *Hebrews*, 2 vols. in *The Word Biblical Commentary* (Word, 1991), 2.215; P. E. Hughes, *A Commentary on the Epistle to the Hebrews* (Eerdmans, 1977), p. 311–12.

existed in the Tabernacle, for in the dedication of the altar, each tribe presents incense in golden dishes (Numbers 7:14ff). Moreover, in the historian's account of the destruction of the Temple by Nebuchadnezzar and his commander Nebuzaradan, we read: "The commander of the imperial guard took away the censers (הַמַּחֲתוֹת, *hamachtot*) and sprinkling bowls—all that were made of pure gold or silver." So in Solomon's Temple there were censers made of gold.

What is more, our author's perspective, that a golden censer was used for taking the coals into the Most Holy Place on Yom Kippur accords with the rabbinic tradition:<sup>9</sup>

Every day he [the High Priest] would scoop out the cinders with a silver fire pan and empty them into a golden one. But today [Yom Kippur] he would clear out the coals in a gold one, and in that same one he would bring the cinders into the inner sanctuary. (m.*Yoma* 4.4)

The author of Hebrews, rather than being "mixed up" about the Tabernacle and Temple service, is extremely accurate, utilizing language that directly corresponds to the wording of the Tanakh when describing the golden altar of incense as *belonging to* the Most Holy Place. This vital connection between the altar of incense and the Most Holy is seen by the fact that a golden censer is taken into the Most Holy on Yom Kippur, something corroborated by the Sages as well.

Having described the manner in which the High Priest and his service on Yom Kippur foreshadowed the priestly work of Yeshua, our author goes on to show how Yeshua accomplished everything necessary for the realization of the New Covenant (9:15–22). But does he portray each of the covenants of the Tanakh as a "last will and testament" as our English versions suggest? Once again, looking more closely at our author's words reveals an entirely different message.

#### *Diatheke* ("covenant") in the Book of Hebrews

The Greek word *diatheke* ("covenant") is found 17 times in Hebrews, comprising over half of its occurrences in the Apostolic Scriptures (33x). Leaving aside for the moment the use of *diatheke* in chapter nine, we see that in 7:22 Yeshua is the guarantor of the better covenant. In 8:6 and 12:24, Yeshua is noted to be the mediator of a better covenant, that is, the New Covenant. And in 13:20, our author speaks of the "blood of the eternal covenant." Four times the word *diatheke* is found in quotes from the Tanakh (8:8-10; 10:16). In each of these, the word *diatheke* bears its common meaning as a translation of Hebrew *b'erit* ("covenant"), that is, a binding agreement between two parties, and not the Hellenistic sense of the word as "last will and testament." A "last will and testament" needs neither a guarantor nor a mediator. This, in itself, should cause the interpreter some pause, who thinks *diatheke* has taken on a different meaning in chapter nine.

In chapter nine, *diatheke* is used seven times. In 9:4 our author writes of the "ark of the covenant" in which the "tables of the covenant" were placed. In 9:20, *diatheke* is found in the quote from Exodus 24:8. The remaining four times are in v. 15–17, which we will discuss below.

This quick survey of the use of *diatheke* by the author of Hebrews shows that throughout the epistle, he is using the word in the same manner as did the translators of the Lxx, in which *diatheke* translates the Hebrew word *b'erit* 270 times.<sup>10</sup> In fact, the decision on the part of the Lxx translators, to use *diatheke* as the regular word to translated *b'erit*, was no doubt governed by the fact that it alone best

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9. Besides the quote from the Mishnah, one should also note the wording of 2Baruch 6:7 (Syriac) which includes the presence of a "golden censer" in the Most Holy Place. 2Baruch (or *The Apocalypse of Baruch*) is dated to the late 1st Century or early 2nd Century CE. Likewise, the *Life of Adam and Eve*, a Jewish pseudepigraphic work of the 1st Century CE, speaks of "golden censers" used for burning incense (33.4).

10. Only rarely does *diatheke* translate other Hebrew words in the Lxx: עֲדוּת in Exodus 27:21; 31:7; 39:35; מִשְׁכָּן in Leviticus 26:11; דָּבָר in Deuteronomy 9:5; תְּזִנוּת in Ezekiel 16:29; תּוֹרָה in Daniel 9:13; חֵבֶר in Daniel 11:23.

conveyed the various aspects of the Hebrew word *b'rit*, which designates a legal bond initiated by a sovereign in which (in most cases) stipulations or terms governed the outcome of blessing or lack thereof for the inferior party.<sup>11</sup> Thus, if in every other use of *diatheke* in Hebrews, the proper understanding is that of “covenant,” we ought to be suspicious when *diatheke* is suddenly translated by “will” or “testament” in the text under consideration. In fact, as we will discover, our author intended that his use of *diatheke* throughout chapter nine should bear the meaning of “covenant” not “last will and testament.”

### *Diatheke in Hebrews 9:15–17*

Verse 15 opens with the words “For this reason,” indicating that this paragraph (vv. 15–22) is based upon the conclusions of the previous paragraph (vv. 11–14). Since Yeshua has entered the heavenly Holy of Holies (something foreshadowed in the Tabernacle rituals) and obtained “eternal redemption,” He is therefore the “mediator of a New Covenant.” As the mediator of this New Covenant, He has provided redemption for sins so that those who were called might receive the “eternal inheritance” promised in the Torah. The Torah given at Sinai is designated the “first (or former) covenant,” not because it was the first covenant God established, but because it was the first covenant to establish a priesthood and the Tabernacle service, which is the main subject of our author in this text. It was the establishment of the priesthood and Tabernacle service that more fully revealed God’s method of redeeming sinners, that is, through substitutionary sacrifice administered by an intercessor (priest).<sup>12</sup>

The phrase “since a death has taken place for the redemption of the transgressions that were committed under the first covenant” looks back to vv. 11–14 as a summary, giving the means by which Yeshua became the mediator of the New Covenant, that is, through His death. Verse 16–17 are then introduced to explain why a death had to take place. Since vv. 16–17 are given parenthetically to explain the necessity of Messiah’s death, it seems obvious that the use of *diatheke* in these verses must be consistent with its use in v. 15. It is highly unlikely that the author of Hebrews would use *diatheke* in v. 15 in its normal sense of “covenant,” and then switch to using the same word to mean “last will and testament” in vv. 16–17.

In explaining why it was *necessary* for Messiah (vv. 16–17) to die in order to qualify as the mediator of the New Covenant, our author makes several points: 1) a covenant ratification ceremony requires death, and 2) a covenant is not valid until a death occurs. He then goes on to show that these principles were illustrated by and shown to be true in the “first covenant” (vv. 18–22), that is, in the Sinai covenant which gave specific instructions regarding the priesthood and the service of sacrifices. If we look more carefully at the words in vv. 16–17, we will see how he is describing the ancient ritual for making a covenant, not the legal aspects of a “last will and testament.”

In our English Bibles, verse 16 reads: “For where a covenant is, there must of necessity be the death of the one who made it.” However, a more literal rendering of the Greek would be: “For where a covenant is, it is necessary for death to be borne<sup>13</sup> by the one who ratifies it.” In the Tanakh, the normal and technical language for “making a covenant” is *karat b'rit*, literally, “to cut a covenant.” This is correctly rendered by the author of Hebrews by the Greek term *διατίθημι* (*diatithemi*), for in the Lxx, *diatithemi* translates the verb *karat* (“to cut”) 74 times. In fact, in almost every occurrence of the

11. See John J. Hughes, “Hebrews ix 15ff. and Galations iii.15ff.: A Study in Covenant Practice and Procedure,” *NT* 21.1(1972), 31. The other Greek term which might have been used, *συνθήκη* (*suntheke*), “does not bear the consistently and pointedly legal nuance that *diatheke* did” (Ibid.).

12. This is Paul’s point as well when he writes: “Why the Torah then? It was added because (cavrin) of transgressions ....” It was the Torah that revealed God’s remedy for sin, by showing through the sacrificial service of the Tabernacle that sin could only be taken away by the death of an innocent sacrifice.

13. *fevresqai* from *fevrow* (*phero*) “to carry, bear, bring forward” also has the meaning “to demonstrate the reality of something,” cf. *BDAG*, “φέρω.”

phrase *karat b'rit* (“to make/ratify a covenant”) in the Tanakh, the Lxx uses the same verb as our author does. The word thus means “one who makes or ratifies a covenant,” not “testator,” or one who writes a “last will and testament.”<sup>14</sup>

The technical Hebrew phrase, “to cut a covenant,” came about because covenants of the ancient Near East always involved the slaughter of animals as part of the covenant ritual. In the ancient covenant ceremony, those taking the oath of the covenant would slaughter animals as a graphic illustration of what would happen if they failed to maintain their covenant oath. Having slaughtered the animals, the covenant partners (in the case of a bilateral covenant) or the one enacting the covenant (in the case of a unilateral covenant) would pass between the slain parts of the animals in the oath-taking ceremony. This was graphically to illustrate the oath: “may I be as these slain animals if I do not keep the covenant.” One of the best biblical illustrations of this was the covenant God enacted with Abraham (Genesis 15). Here, the One taking the oath was God Himself (since it was a unilateral covenant). Represented by the flaming torch and smoking pot, He passes through the parts of the slain animals to make known that He had committed Himself to fulfill the covenant at pain of death.

However, in our English Bibles, verse 16 of our text reads as though the one making the covenant must himself die. But this is because the Greek is not faithfully represented in our English translations. The Greek does not say that the one making the covenant must die, but rather that “death must be borne” by the one who ratifies the covenant. The meaning of the Greek verb *phero* used in this phrase is “to bear, carry, bring forward,” and in our text perfectly conveys the ancient covenant ceremony, showing that our author is well aware of covenant enactment ceremony in the Tanakh. For in using this word, the author of Hebrews means to convey the fact that in taking the covenant oath, the reality of the death of the one making the covenant is *demonstrated, represented* or *brought into the picture* when he walks between the slain parts of the slaughtered animals. Indeed, in the Lxx the verb *phero* (“to bear, carry, bring forward”) is regularly associated with the representative act of offering sacrifices, which may have also influenced our author’s choice of the word in our text. The one ratifying a covenant must offer (“bear”) the death of sacrificial animals as representative of his own death if he failed to honor the covenant.

Verse 17 explains why it is necessary to bring forward the death of the one making the covenant, and further explains the method of covenant enactment. In our English Bibles, the opening phrase reads: “For a covenant is valid only when men are dead” (NASB). Literally, the Greek reads “For a covenant is confirmed over the dead,”<sup>15</sup> where the word “dead” is plural (thus the NASB has “when *men* are dead”). Why does our author use the plural form of the word “dead?” Once again, the best explanation is that he has in mind the sacrificial animals slain at the covenant ratification ceremony. Had he actually intended to say that a covenant is not valid until the one making the covenant has himself died, he most likely would have put the word “dead” in the singular. So the phrase means that a covenant is legally guaranteed on the basis of the slaughtered animals (plural) over which the covenant oath is taken. The idea that a covenant is confirmed or enacted over sacrificial animals may be corroborated by the language of Psalm 50:5, which speaks of those “who have made a covenant with Me by (literally “over”) sacrifice.”<sup>16</sup>

The second clause of verse 17 makes it clear that a covenant is not valid until the death of the one making the covenant has been brought forward: “for it is never in force while the one who made it lives” (NASB).<sup>17</sup> The Greek word translated “in force” (ισχύει, *isxuei*) means “to be valid.” Since it is clear

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14. Note Psalm 50:5 (49:5 of the Lxx): “Gather My godly ones to Me, those who have made a covenant (τούς διατιθεμένους) with Me by sacrifice,” which uses the exact terminology of our author in Hebrews 9:16.

15. διαθήκη γὰρ ἐπὶ νεκροῖς βεβαία, so the literal word order is: “For a covenant, over the dead, is confirmed.”

16. Note the similar use of the preposition ἐπὶ: τοὺς διατιθεμένους τὴν διαθήκην αὐτοῦ ἐπὶ θυσίας.

17. Note that ὁ διαθέμενος is singular in contrast to the former plural τοὺς νεκροῖς. It makes no sense to presume that our author would use the plural of the one making the covenant, and then contrast it with the singular. This strengthens the interpretation that the plural “dead ones” refers to the sacrificial animals.

that v. 17 is an explanation of what was taught in v. 16 (note the connecting use of “for”), the phrase “while the one who made it lives” must be understood as a further explanation of v. 16, and thus to mean “while the one who made it has not yet represented himself as dead in the oath-taking ceremony.” Our author’s point is therefore clear: until the one making the covenant takes the covenant oath (which involves the representative slaughter of animals), the covenant is not valid.

We may therefore give an explanatory translation of verses 16–17 as follows: “For where there is a covenant, the one who ratifies it must represent himself as dead in the covenant ratification ceremony. For a covenant is only guaranteed on the basis of the oath taken in regard to sacrificial animals, for it is never valid while the one making the covenant lives, that is, has failed to represent himself as dead in the event he acts falsely against the covenant.”

This interpretation best represents the flow of the author’s argument in the wider context, and the words he uses. It likewise fits the whole picture of covenant as presented in the Tanakh, and known to exist in the ancient Near East.

But there is yet another reason why the typical interpretation, that our author has a “last will and testament” in mind, cannot stand. Generally, the “last will and testament” interpretation has been considered obvious on the basis of the mistranslation “there must of necessity be the death of the testator” (v. 16). But such an interpretation presumed that a last will and testament functioned in the ancient world as it does in our day, something that is clearly not the case. Presuming, for sake of argument, that our author is talking about a last will and testament, he offers three legal terms in verses 17–18 to describe such a will: “valid,” “in force,” and “inaugurated” (using the NASB translation). The three terms are better understood (respectively) as “legally secure,” “valid,” and “confirmed.”<sup>18</sup> In Hellenistic times, a last will and testament was “legally secure,” “valid,” and “confirmed” when it was 1) properly drawn up, 2) witnessed, and 3) deposited with a notary. In other words, a will was legally secure and valid *before* the death of the testator, not following his death. Moreover, in 1st Century Roman law, distribution of inheritance from a valid will did not necessarily await the death of the testator. In some cases, immediate distribution of inheritance could be enacted after the last will and testament was validated.<sup>19</sup> Thus, had our author insisted that a last will and testament could only be valid and activated following the death of the testator, his argument would have readily been judged invalid on the basis of current inheritance law.

We seen, then, that the author of Hebrews consistently used the word *diatheke* to mean covenant in its Tanakh sense, as a binding, legal enactment between two or more parties, made valid through an oath-taking ceremony that involved the death of sacrificial animals as representative of those entering into covenant.

### *Why was it Necessary for Yeshua to Die?*

Having interpreted Hebrew 9 in this way, how are we to understand our author’s main point, that it was necessary for Yeshua to die in order that He could be the mediator of the New Covenant? The answer to this most important question is given to us forcefully and clearly by the author of Hebrews, in that he has based his teaching upon the method of covenant making in the Tanakh, and he has shown how the covenant of Sinai followed this pattern. The giving of the Torah is specifically noted to be the enactment of a covenant between God and Israel. As such, Moses takes blood from the sacrificial animals slaughtered at the foot of Mt. Sinai, and sprinkling it upon the people he said: “Behold the blood of the covenant, which the LORD has made with you in accordance with all these words” (Exodus 24:8). The sprinkling of the blood upon the people represented their acceptance of the covenant oath, as

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18. John J. Hughes, *NT 21*(1972), 60. Inheritance distributed after the testator’s death was considered *donatio*, but there was also distribution of inherited property or privilege *inter vivos*, “among the living.”

19. *Ibid.*, 61-2 and the sources noted there.

though they all had passed among the slain parts of the sacrifice and said: “may we be like these if we act falsely against the covenant.” Having been sprinkled with blood, the people literally “bore death” upon themselves as the graphic representation of their covenant oath.<sup>20</sup> Having taken the oath in this legal manner, the covenant became “legally secure,” “valid,” and “confirmed.”

As we know, Israel did not keep the covenant. This very point is made explicit by Jeremiah in his promise of the New Covenant, for proclaiming the words of the Almighty, he wrote regarding Israel and the Torah covenant: “My covenant, which they broke” (Jeremiah 31:32). The oath that Israel took at Sinai required that, if she acted falsely against the covenant, she would become as the slain sacrificial animals. Put simply, she would be executed. Yet the New Covenant promised by Jeremiah does not envision the destruction of Israel as the just consequences of acting falsely against the covenant. In fact, just the opposite is proclaimed: “for I will forgive their iniquity, and their sin I will remember no more” (Jeremiah 31:34). How could God be just and not follow through with the death required for a covenant partner who acted falsely against the covenant? How could He forgive their iniquity and not require the covenant penalty of death for having broken the covenant? The answer is clear: Yeshua, as the Servant of the Lord, takes the covenant penalty upon Himself, and as the quintessential Israelite, represents Israel in His death. Having satisfied the justice required by the covenant, He is therefore able to administer the New Covenant, fulfilling the Sinai Covenant, for the Torah is written upon the heart of Israel so that she walks in obedience and loyalty to the covenant: “for they will all know Me, from the least of them to the greatest of them, declares the Lord” (Jeremiah 31:34). In this context, to “know” the Lord means to have an intimate, covenant relationship with Him, akin to a covenant of marriage (note Jeremiah 31:32, “although I was a husband to them”).

Obviously, the Aaronic High Priest, perfectly fit to administer the sacred duties of the earthly Tabernacle, and put forward as a revelation of the ultimate High Priest, could never pay the covenant penalty for the wayward nation. The priesthood of Israel, though ordained for their sacred tasks, and clothed in their garments of beauty, could never establish the New Covenant. And this is the main point of the author of Hebrews: the New Covenant required the greater High Priest, One after the order of Melchizedek, Whose infinite and spotless life could alone be given as the acceptable sacrifice in payment for the broken covenant. Only He could save those who otherwise would suffer the just penalty of their covenant unfaithfulness.

### *Conclusion*

Having looked more carefully at the teaching of Hebrews 9, we must conclude that the author was keenly aware of the Tanakh teaching regarding covenants, including the manner in which covenants in ancient Israel were enacted, and how this was portrayed in the Sinai covenant and the Tabernacle services, and ultimately fulfilled in the sacrificial death of Yeshua. Neither the context or flow of his argument, nor the language he utilized, support the notion that he was using the word *diatheke* (“covenant”) to mean “last will and testament.” Rather, drawing upon the clear meaning of covenant in the Tanakh, as well as the covenant ritual in which the one ratifying the covenant took an oath over sacrificial animals, he teaches us that Yeshua’s death was necessary as payment for the covenant penalty charged against those who had broken the covenant. Having paid with His own death the penalty required by the covenant, He is able to mediate the New Covenant, itself the fulfillment of the Torah covenant. As a result, He is able to bring upon God’s chosen people the blessings of the covenant rather than the curses, for He has obtained “eternal redemption” on their behalf.

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20. It is most likely that the blood was sprinkled upon designated tribal leaders who represented all of the people in the covenant ceremony.