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## Deeds of Will on Papyrus and the Use of the Term *διαθήκη* in the Letters of Paul

Romeo Popa 

Department of Biblical Studies and Ecclesiastical History, Faculty of Catholic Theology, Paris-Lodron University Salzburg, Salzburg, Austria

Email: [romeopopa@hotmail.com](mailto:romeopopa@hotmail.com)

### Abstract

The numerous testaments on papyrus provide a valuable basis for an investigation of legal language around *διαθήκη* in the Pauline letters. Of particular importance is the ancient practice of revoking wills, which I consider to be the legal frame of reference for the recipients of the Pauline letters to grasp expressions like *καινή/παλαιά διαθήκη*. In the Corinthian correspondence the conformity to the current legal practice is evident, but in Galatians Paul turns the whole procedure upside down, manipulating in the construction of his argument not only the practice of testamentary cancellation, but also the traditional connection of Abraham with circumcision. We are compelled to a text-internal solution of the problem in Gal 3.15–17 by the fact that the papyrological evidence shows clearly that no other type of document than the ordinary revocable *διαθήκη* can be taken into consideration. This approach is not compilatory, as it is often the case when dealing with documentary papyri applied to New Testament texts, but heuristic, with the purpose of elaborating new exegetical insights in old controversies.

**Keywords:** Paul's letters; legal language; wills on papyrus; revocation of wills; old/new Testament; disputes over inheritance

### 1. Introduction

The collection of the 27 books in a unified volume under the name 'New Testament' has made the Greek legal term *διαθήκη* particularly famous. This word was first used in Christian writings by Apostle Paul, several times, chronologically first in the Corinthian correspondence, then in the Letter to the Galatians, and finally in the Letter to the Romans. The designation 'new'/'old', which gives to the Christian use not only its characteristic, but also a certain evaluative character, also belongs to the Pauline vocabulary.

As a missionary in the Mediterranean area, Paul assumes a mediating role because of his Jewish cultural background. The theological framework and language have Jewish roots and draw from the Greek tradition of the Hebrew scriptures. But his addressees were, despite the dissemination of Jewish religious ideas, first of all familiar with their Greek-Roman cultural background and may have primarily associated certain Jewish terms with content from their own environment. This study builds on the premise that Paul was aware of this fact, and he often used terms or alluded to practices that were common and understandable to his recipients.

For this reason, the present approach starts there, where the language of everyday communication – be it in private life, in the work sphere or in relation to the official

administration – can be most clearly traced, namely in the documentary papyri.<sup>1</sup> Already A. Deissmann, in his pioneering work on the importance of the documentary papyri for New Testament exegesis, referred to the promising perspective connected with the term *διαθήκη*: ‘Perhaps the most necessary investigation still waiting to be made is related to the word *διαθήκη*.’<sup>2</sup> The study of the ancient legal language has received a considerable boost in recent decades through papyrological research. There would have already been the opportunity in publications on the letters of Paul in recent years to follow up this thought and explore the potential in the documentary papyri. Unfortunately, this statement of Deissmann is still valid after about a century.<sup>3</sup>

In previous exegetical research on these passages, the origins of the concept *διαθήκη* understood as the covenant of God with the people of Israel have played the main role. Some studies have focused on the Greco-Roman or Jewish legal background. The purpose of this contribution is not to trace the history of research on the subject.<sup>4</sup> In order to prove Paul’s knowledge of legal ancient language and the deliberate use of a more or less technical terminology, I will take up in the second section some elements of Pauline vocabulary and examine them in light of legal language in wills on papyrus. In a further step, the two Pauline phrases *καινή/παλαιά διαθήκη* from the Corinthian correspondence will be discussed against a background of the ancient practice of revocation of wills. The results are then summed up and applied to discuss the highly controversial passage Gal 3.15–18. A final review with further reflections on inheritance disputes will then round up and conclude this study.

## 2. Paul and the Language of Wills according to the Legal Documentary Papyri

The issue of ‘wills’ in the Pauline letters comes out best in Gal 3.15–18. Therefore, it is worth paying more attention to this passage first. The paragraph is embedded in a large argumentative section of the letter which, after the autobiographical insertion in Gal 1.11–2.21, is meant to be a detailed exposition of Paul’s own position. The figure of Abraham works as a link to the previous section in Gal 3.6–14. The references to the biblical texts no longer play a role; Paul now wants to speak in human terms and brings as an argument an aspect from everyday life, which he assumes as familiar.<sup>5</sup> With the

<sup>1</sup> Papyri are abbreviated according to the ‘Checklist of Editions of Greek, Latin, Demotic and Coptic Papyri, Ostraca and Tablets’ available at <https://papyri.info/docs/checklist>.

<sup>2</sup> A. Deissmann, *Light from the Ancient East: The New Testament Illustrated by Recently Discovered Texts of the Graeco-Roman World*. New and completely revised edition with eighty-five illustrations from the latest German edition, translated by L.R.M. Strachan (New York/London: Harper & Brothers, 1923) 337.

<sup>3</sup> The significant Pauline passages 1 Cor 11.25 and 2 Cor 3.6, 14 did not receive due attention in the thematic papyrological commentaries on the New Testament; cf. R.E. Kritzer in P. Arzt-Grabner/R.E. Kritzer et al., *1. Korinther* (PKNT2; Göttingen: Vandenhoeck & Ruprecht, 2006) 398–9; in P. Arzt-Grabner, *2. Korinther* (PKNT 4; Göttingen: Vandenhoeck & Ruprecht, 2014) 259–61, the reader gets about wills basically nothing more than a compilation of documents drawn up in 1 ce. More promising with regard to the legal language in the Pauline letters is the new series *Rechtsgeschichtlicher Kommentar zum Neuen Testament*, of which the first volume just appeared: *Einleitung, Arbeitsmittel und Voraussetzungen* (ed. F. Siegert with J. Maier and F. Löttsch; Berlin/Boston: De Gruyter, 2023).

<sup>4</sup> See some elements of this development in E. Bammel, ‘Gottes *διαθήκη* (Gal. iii. 15–17) und das Jüdische Rechtsdenken’, *NTS* 6 (1960) 313–9, here 313–4; S.R. Llewelyn in *New Documents Illustrating Early Christianity* 6 (ed. S.R. Llewelyn; Sydney: The Ancient History Documentary Research Centre Macquarie University, 1992) 43–6; B.R. Trick, *Abrahamic Descent, Testamentary Adoption, and the Law in Galatians. Differentiating Abraham’s Sons, Seed, and Children of Promise* (NovTSup 169; Leiden/Boston: Brill, 2016) 168–72.

<sup>5</sup> Cf. C.J. Bjerkelund, “‘Nach menschlicher Weise rede ich’”. Funktion und Sinn des paulinischen Ausdrucks’, *StTh* 26 (1972) 63–100, here 100: “Der Apostel führt aus dem Leben gegriffene Tatsachen an und zwingt auf diese Grundlage bestimmte Schlussfolgerungen herbei”; see also H.-J. Eckstein, *Verheißung und Gesetz. Eine exegetische Untersuchung zu Galater 2,15–4,7* (WUNT 86; Tübingen: Mohr, 1996) 176.

expression κατὰ ἄνθρωπον λέγω (3.15) we have an indication here that reference is made to a very common practice.<sup>6</sup>

Paul takes a human διαθήκη as an illustration of the divine promise to Abraham in an *minori ad maius* argument.<sup>7</sup> I will come to the actual applicability of the aspect that is introduced here – namely the possibility to annul or to add something to a will – later on. Now we have to consider the legal issue at stake. At the same time, the question arises whether the Pauline language is consistent with the legal vocabulary around wills and inheritance. Numerous wills or testamentary dispositions have been preserved on papyrus. Greeks and Egyptians, men and women, had the right to draw up a will. In the recent treatment of wills by U. Yiftach, 42 Greek deeds of will are mentioned, dating to the period between 31 BCE and 212 CE.<sup>8</sup>

The testament that Paul takes as an example in Gal 3.15 is characterised using the verb κυρώω. This term does not have an exactly similar usage in the documentary papyri as in Gal 3.15, but it may well express a similar state of affairs in papyri with business content. The meaning ‘to confirm’, ‘to ratify’ emerges always in the passive form.<sup>9</sup> The usual formula to express the validity of a document is the so-called κυρία-clause, which appears towards the end of the deed and states that it is to be considered authoritative.<sup>10</sup> We often find the κυρία-clause in wills, usually in the formula ἡ διαθήκη κυρία (‘the will is valid’) as in *P.Oxy.* 3.491.12 (28 Aug 126 CE). Interestingly, the opposite of κυρώω, the verb ἀκυρώω (‘to cancel’, ‘to revoke’) occurs often in wills, usually in the revocation clause to show that the testator maintains the right to make changes or to cancel the document at any time.<sup>11</sup>

Κληρονόμος (Gal 3.29; 4.1, 7) and κληρονομία (Gal 3.18) belong to the same thematic cluster as well. Each deed of will includes an appointment of heirs and the exact division of inheritance. The term κληρονόμος<sup>12</sup> appears often in the formula that introduces the part with the designation of heirs, as in line 4 of the will of an Eudaimon *P.Oxy.* 3.491 (28 Aug 126 CE): ἐὰν δ’ ἐπὶ τῆδε τῇ διαθήκῃ τελευτήσω κληρονόμους ἀπολείπω τοὺς υἱοὺς μου (‘but if I will die having this will, I leave as heirs my sons’).<sup>13</sup> The testator disposes very precisely about who will inherit and who will not and has complete freedom in

<sup>6</sup> Cf. W. Selb, ‘Διαθήκη im Neuen Testament. Randbemerkungen eines Juristen zu einem Theologenstreit’, *JJS* 25 (1974) 183–96, here 190; S.R. Llewelyn in *New Docs.* 6, 42–3; H.D. Betz, *Galatians. A Commentary on Paul’s Letter to the Churches of Galatia* (Hermeneia; Philadelphia: Fortress Press, 1979) 155; Trick, *Descent*, 163.

<sup>7</sup> Cf. D.F. Tolmie, *Persuading the Galatians. A Text-Centred Rhetorical Analysis of the Pauline Letter* (WUNT II/190; Tübingen, 2005) 125.

<sup>8</sup> Cf. U. Yiftach, ‘Deeds of Last Will in Graeco-Roman Egypt: A Case Study in Regionalism’, *BASP* 39 (2002) 149–64, here 149, n. 3. An important study on wills in the papyri remains, despite its age, H. Kreller, *Erbrechtliche Untersuchungen auf Grund der gräko-ägyptischen Papyrusurkunden* (Leipzig; Teubner, 1919); a special chapter is dedicated to wills in R. Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri 332 B.C.–640 A.D.* (2nd ed.; Warszawa: Państwowe Wyd. Naukowe, 1955) 190–204; see also O. Montevecchi, ‘Ricerche di sociologia nei documenti dell’Egitto greco-romano, I. I testamenti’, *Aeg* 15 (1935) 67–121. With reference to the legal term διαθήκη used by Paul in the Corinthian correspondence, cf. A. Papatomas, *Juristische Begriffe im ersten Korintherbrief des Paulus. Eine semantisch-lexikalische Untersuchung auf der Basis der zeitgenössischen griechischen Papyri* (Tyche. Supplementband 7; Wien: Holzhausen, 2009) 163–6.

<sup>9</sup> Cf. *P.Oxy.* 50.3558.8–9 (2 Jul 133 CE); *P.Ryl.* 2.97.11–12 (2 Dec 139 CE).

<sup>10</sup> On this topic, cf. M. Hässler, *Die Bedeutung der Kyria-Klausel in den Papyrusurkunden* (Berliner Juristische Abhandlungen 3; Berlin: Duncker & Humblot, 1960).

<sup>11</sup> Cf. *P.Oxy.* 66.4533.3 (end I–beginning II CE); *P.Sijp.* 43.4 (119/120 CE); and *P.Oxy.* 3.491.3 (28 Aug 126 CE).

<sup>12</sup> For more examples cf. J.H. Moulton and G. Milligan, *The Vocabulary of the Greek Testament Illustrated from the Papyri and Other Non-Literary Sources* (London: Hodder and Stoughton, 1929) s.v. κληρονόμος and κληρονομία; and F. Preisigke, *Wörterbuch der griechischen Papyrusurkunden, mit Einschluß der griechischen Inschriften, Aufschriften, Ostraka, Mumienschilder usw. aus Ägypten* (2 vols.; Berlin, 1925, 1927) s.v. κληρονόμος and κληρονομία.

<sup>13</sup> See also *P.Oxy.* 1.105.3 (118–138 CE); *P.Oxy.* 3.492.5 (22 Feb 130 CE); on this formula cf. Kreller, *Untersuchungen*, 346.

changing his decisions and granting his inheritance to other heirs. A certain Tiberius Alexander, for example, appoints in the Roman will *P.Oxy.* 38.2857 (17 May 134 CE) his fellow-freedwoman as ‘heir’ (l. 4: κληρονόμος) of all his property, but all others should be ‘disinherited’ (l. 4: ἀποκληρόνομο[ι]). As κληρονόμος, the noun κληρονομία occurs especially in the part specifying the distribution of the legacy, in petitions concerning disputed inheritance or incidentally also in various other types of documents.<sup>14</sup>

In the official copy of a will, *P.Oxy.* 3.494 (28 Oct–26 Nov 165 CE), the verb χαρίζομαι appears with exactly the same meaning as in Gal 3.18. The testator Akousilaos leaves his son Dios as heir (l. 11: κληρονόμον) to all his property. Right in the revocation clause, we can read about the right of ‘granting to any other persons’ (l. 26: ἑτέροις χαριζόμενος), which the testator reserves to himself.<sup>15</sup> Regarding the verb ἀθετέω (Gal 3.15), it occurs as a legal term in many contracts with the meaning ‘to cancel’, ‘to nullify’ any legal transaction or deed.<sup>16</sup> Closely related, for denoting the introduction of additional provisions in a will, Paul uses the verb ἐπιδιατάσσομαι. Other similar double compounds serve normally for this purpose: προσδιατάσσω (‘to dispose besides’, ‘to add a clause’) and especially μεταδιατίθημι (‘to alter a will’). We can find both terms in the above-mentioned *P.Oxy.* 3.494 (28 Oct–26 Nov 165 CE). We read in the revocation clause about the right of the testator as long as he lives: ‘to dispose besides whatever I want and to alter and to revoke this will’ (ll. 4–5: ὃ ἐὰν βούλωμαι ἐπιτελεῖν καὶ μεταδιατίθεσθαι καὶ ἀκυροῦν τὴν διαθήκην ταύτην); cf. ll. 25–27.<sup>17</sup>

Taking as his starting point the figure of Abraham and the promise made to him by God, Paul constructs an argument with explicit reference to a contemporary legal practice. This strategy occurs against the backdrop of sharp polemics with missionaries who wanted to impose a legalistic understanding of the Christian life in the communities of Galatia. By pointing to a common human practice in Gal 3.15, the Galatians are given a clear cognitive tool. The analysis of some individual terms from Gal 3.10–13 has shown that Paul does, indeed, use a vocabulary very close to the contemporary legal language around wills. I remain within the same thematic area and, in the next part, will take a particular look at the issue of the alteration and invalidation of wills.

### 3. The Legal Practice of Revoking Wills: From the ‘Previous’ to the ‘Second’ Testament

The revocation of wills is a well-attested practice already for the Hellenistic period, even if the exact administrative procedure has not yet been fully clarified.<sup>18</sup> The wills of the cavalry officer Dryton show us concretely how new circumstances resulted in changes in the

<sup>14</sup> Cf. *P.Wisc.* 1.13.7 (early II CE); *P.Oxy.* 38.2857.6 (17 May 134 CE); outside of Egypt we find the term, for example, in ll. 7–8 of a very fragmentary marriage contract written in Greek discovered in the Judean desert in the caves from Murabba’at, SB 10.10306 (II CE).

<sup>15</sup> As part of the formula ὁμολογῶ χαρίζεσθαι, the verb occurs often in deeds of gift, as in l. 11 of the first col. of *P.Nekr.* 10 (9–27 Sep 244 CE). The earliest document of the same type available so far is *P.Monts.Roca* 4.80 (161–168 CE) with a similar formula in line 6.

<sup>16</sup> See the examples from and outside of Egypt compiled by Paphthomas, *Begriffe*, 26–9; worth mentioning here would be the use of the verb ἀθετέω in divisions of property as in *P.Mich.* 3.186.21 (21 Feb 72 CE); 3.187.20 (25 Aug 75 CE); *P.Oslo* 2.31.21–2, 29, 32, 34–5 (138–161? CE) or on the *recto* of a deed of gift *P.Dura* 18.8, 27, 28 (28 Jul 87 CE). In a will, the verb is attested later in *P.Oxy.* 16.1901.43 (VI CE).

<sup>17</sup> The verb προσδιατάσσω occurs also in *P.Oxy.* 3.495.15–16 (182–189 CE), in a formula largely completed according to *P.Oxy.* 3.494.25–7; of the numerous occurrences of μεταδιατίθημι see only *P.Ups.Frid* 1.20 (24 Jul 48 CE); SB 18.13308.7 (82–96 CE); *P.Oxy.* 66.4533.3 (end I–beginning II CE); and *P.Wisc.* 1.13.3 (early II CE).

<sup>18</sup> For an overview on wills in the Hellenistic period, cf. M. Nowak, ‘Dryton’s Wills Reconsidered’, *RIDA* 59 (2012) 241–51, here 241–2; W. Clarysse, ‘Ptolemaic Wills’ in *Legal Documents of the Hellenistic World: Papers from a Seminar Arranged by the Institute of Classical Studies, the Institute of Jewish Studies and the Warburg Institute*,

division of one's property.<sup>19</sup> The existence of a clause in the will for this purpose is considered to be a condition.<sup>20</sup> This clause was formulated differently, but it basically had the same intention of securing the right for the testator to change or revoke a will:<sup>21</sup> [εἴη] | μὲν [read μέν] μοι ὑγιαίνοντα ἐμὲ τῶν ἐμαυτοῦ ὑπαρχόντων] | [κύριον εἶναι διοικούντα τρόπον ᾧ \ι ἄ / ν βούλωμαι ('may I enjoy good health and be master over my own properties, managing them the way I want').<sup>22</sup> On the basis of the available papyrus sources, the existence of such a formula can be considered as an 'established element of local testamentary practice'.<sup>23</sup> The relationship between the early will and the new one is clear. In *P.Petr.* 2.1.6 (238/237 BCE), we find in the reconstruction of lines 16–17<sup>24</sup> the formulation: ἄς δὲ πρότ[ερον τέθειμαι | διαθήκας ἄκυροι ἔστωσαν] ('the wills that I drew up earlier shall be invalid').

As far as the models and formularies in the testaments are concerned, there is continuity between the Ptolemaic and Roman period.<sup>25</sup> The following explanations draw on examples of wills from the Roman period, which make up the largest part of the documentary record and are also more relevant for the present investigation. *P.Köln* 2.100 (after 24 Aug 133 CE) contains the will of the Egyptian, Taharpaesis, with a detailed and differentiated revocation clause in lines 4–5: ἐφ' ὃν μὲν περιέμι χρόνον ἔχειν με τὴν τῶν ἰδίων ἐξουσίαν πᾶν ὃ ἐὼν βούλωμαι [περὶ αὐτῶν ἐπιτελεῖν καὶ μεταδιατίθεσθαι καὶ πρὸς ἀκύρωσιν ἄγειν τήν]δε τὴν διαθήκην. ὃ δ' ἂν ἐπιτελέσω, κύριον ὑπάρχειν ('as long as I live, I have the authority to manage all my possessions, to dispose whatever I want about them, whether to modify the present will or even to declare it invalid and whatever disposition I make, it shall be valid').<sup>26</sup>

The possibility to change a will by revoking or adding something is widely attested for Greek-Roman antiquity.<sup>27</sup> The administrative process and the concrete steps leading up to this goal can be reasonably determined on the basis of the official correspondence related to this procedure.<sup>28</sup> The valid wills, after they were composed and sealed by the testator, were kept at the public notary's office.<sup>29</sup> Therefore, before drawing up a new will with the actual dispositions of the testator, he had to withdraw the old one and thus make it invalid. Some papyri have survived, which help us to look at this issue and consider the whole process involved.

*University of London, February to May 1986*, (eds. M.J. Geller, H. Maehler; London: Warburg Institute, 1995) 88–105, here 89–92.

<sup>19</sup> There are four texts issued between 164–126 BCE, but *P.Dryton* 3, 4 are copies of one document; cf. K. Vanderpe in *P.Dryton*, p. 26–44; and Nowak, 'Dryton's Wills'.

<sup>20</sup> Cf. Taubenschlag, *Law*, 204; A.H.S. El-Mosallamy, 'Revocation of Wills in Roman Egypt', *Aeg* 50 (1970) 64–9, here 66.

<sup>21</sup> Cf. Kreller, *Untersuchungen*, 339–40; W. Clarysse in *P.Petr.* 2.1, p. 40; Nowak, 'Dryton's Wills', 246–7.

<sup>22</sup> This example is from *P.Petr.* 2.1.1.39–41 (238/237 BCE); with variations, we can find such clauses of reservation also in: *P.Petr.* 2.1.3.16–17, 45, 72; 6.3; 13.4–5 etc.; *P.Dryton* 2.16–17 (4 Mar 150 BCE); 4.2 (29 Jun 126 BCE).

<sup>23</sup> M. Nowak, *Wills in the Roman Empire. A Documentary Approach* (JJPSup 23; Warsaw, 2015) 127.

<sup>24</sup> Cf. W. Clarysse in *P.Petr.* 2.1, p. 133.

<sup>25</sup> Nowak, 'Dryton's Wills', 245.

<sup>26</sup> Revocation clauses in the first century CE can be found also in: *SB* 18.13308.6–9 (62–96 CE); *P.Oxy.* 1.104.8–9 (26 Dec 96 CE); *CPR* 6.72.4–6 (I CE); *P.Dura* 16.6–7 (late I CE); *P.Oxy.* 66.4533.2–4 (end I–beginning II CE); further examples in Nowak, *Wills*, 127–8, n. 99.

<sup>27</sup> Kreller, *Untersuchungen*, 389: 'Die graeco-aegyptischen Testamente sind prinzipiell ebenso frei widerruflich wie die römischen'; L. Mitteis, *Juristischer Teil, 1. Hälfte: Grundzüge*, 2 vols; in L. Mitteis and U. Wilcken, *Grundzüge und Chrestomathie der Papyruskunde* (Leipzig: Teubner, 1912) 241.

<sup>28</sup> On the various procedures for revocation of wills, cf. Kreller, *Untersuchungen*, 389–95; Mitteis, *Grundzüge*, 241; Taubenschlag, *Law*, 204; El-Mosallamy, 'Revocation', 63–4; P.J. Sijpesteijn, 'New Light on the Revocation of Wills (P. bibl. univ. Giss. Inv. 311.)', *ChrEg* 42 (1967) 360–8, here 362–4; N. Lewis, 'Revocation of Wills in Roman Egypt', *SCI* 24 (2005) 135–8; Nowak, *Wills*, 38–3, 57–8; 74–5.

<sup>29</sup> Cf. Yiftach, 'Deeds', 161; see also El-Mosallamy, 'Revocation', 59–60.

As long as a will was still in the state notary's office, it was valid; therefore, the procedure of cancellation began with an application to the *stratēgos* asking for revision or revocation, followed by his permission. Then an assistant from the public notary brought the will to the applicant for verification and handed it to him. The next step was to send a notification to the public notary, to inform that the will has been delivered according to the instructions. This is the case in *P.Oxy.* 1.106 (20 Apr 135 CE); an assistant of the public notary confirms that he has given to a certain Ptolemas, the will that she wrote and deposited in the archives thirty years ago in order to revoke it. At the end of the document, Ptolemas herself acknowledges: 'I have received my aforementioned will under the original seals' (ll. 20–2: ἀνέλαβον τὴν προκειμένην μου διαθήκην ἐπὶ τῶν αὐτῶν σφραγιίδων).<sup>30</sup>

It was a common practice for testators, sometimes decades after writing a first will, to change their minds and revoke the previous wills. This ordinary procedure led after a series of administrative steps to the replacement of the former testament by a new one. Knowing this, we are now able to ask in the next sections about the relevance of this legal practice for the Pauline language around *διαθήκη* first in the Corinthian correspondence and then in the letter to the Galatians.

#### 4. The Corinthians and the Pauline Expression 'Old/New Testament'

This procedure obviously did not always succeed, and it could happen that the testators had difficulties in withdrawing the old will in order to write down their modified provisions in a new one. In these circumstances, they had to take additional legal steps. Some documents dealing with this issue reveal interesting designations of the wills in the process of cancellation.

A certain Areios submits the petition *SB* 10.10562 (146–160 CE)<sup>31</sup> concerning his will (cf. l. 10: *διαθήκην*) because he was not able, as he writes: 'to revoke the one which I previously made' (l. 12: [ἄγει]ν εἰς ἀκύρωσιν ἣν πρότερον ἐθέμην). According to *SB* 14.11643 (23 Feb 214 CE), the testator had difficulties in revoking 'the previous will' (l. 6: τὴν προτέρ[αν] *διαθήκην*) as well.<sup>32</sup> *P.Wash.Univ.* 1.13 (161–169 CE) shows us even more precisely how 'by making a second will' (ll. 2–3: δευτέ[[ραν] τιθέμενος *διαθήκην*]), a testator revoked 'the previous will drawn up for him through the *agoranomion* in the same city' (l. 3: τὴν προτέραν *διαθήκην*ν ἣν ἔθετο διὰ τοῦ ἐν τῇ αὐτῇ πόλει ἀγορανομίου).<sup>33</sup>

The relationship between wills is phrased by adverbs as *πρότερος* and *δευτέρος*. Even if we do not find the explicit expression 'new/old testament', there is no doubt that the relationship between an old (previous) and a new (second) testament in the course of the administrative process can be assumed to be familiar to the recipients of the Pauline letters. The vocabulary Paul used in the Corinthian correspondence shows that he would have had knowledge of the legal process of revocation of wills. He is addressing a non-Jewish readership and formulates in common terms borrowed from the legal language of the time. The Jewish cultural and religious background is determinative for Paul, but for his addressees, the legal milieu was the appropriate frame of reference to grasp the Pauline language. Paul, for his part, was able to consciously use terms and representations on the same semantic level with his non-Jewish readers despite the Jewish roots of his ideas.

<sup>30</sup> See also *P.Oxy.* 36.2759 (19 Apr 116 CE); 1.107 (27 Feb 123 CE); *SB* 8.9766 (117–138 CE).

<sup>31</sup> On the debate about the probable situation behind the papyrus cf. Sijpesteijn, 'Revocation'; N. Lewis, 'P. bibl. univ. Giss. Inv. 311 Reconsidered', *ChrEg* 43 (1968) 375–9; El-Mosallamy, 'Revocation', 64–6.

<sup>32</sup> Cf. R.P. Salomons, 'Zwei erbrechtliche Urkunden aus der Wienerpapyrussammlung', *Aeg* 58 (1978) 117–36.

<sup>33</sup> The editor explains the circumstances as follows: 'The testator (...) testifies that in making his second will he has nullified the first'; cf. V.B. Schuman in *P.Wash.Univ.* 1, p. 2; see on this also S.R. Llewelyn in *New Docs.* 6, p. 41–42.

Paul found the term διαθήκη as part of the expression ἡ καινὴ διαθήκη (cf. 1 Cor 11.25) in the Last Supper tradition,<sup>34</sup> in fact an allusion to Jer 31.31 (38.31<sup>LXX</sup>).<sup>35</sup> The new covenant, announced by the prophet, stands as a counterpart to the old one on Mount Sinai and finds its realisation in Jesus Christ, who died on the cross. Paul adopts here an incipient liturgical practice of the Christian communities with textual resonances in the prophetic tradition. The expression ‘new testament’ (1 Cor 11.25; 2 Cor 3.6) implicitly points to the old one and considers it as being replaced.<sup>36</sup>

The implicit devaluation of the first (old) testament can also be confirmed in the other occurrences of διαθήκη in the Corinthian correspondence. The phrase ‘new testament’ appears also in 2 Cor 3.6, where again ‘the accent falls on καινὴ’.<sup>37</sup> There is here a contrast between the old order of the letter, which inevitably leads to death, and the new eschatological order of the Spirit.<sup>38</sup> By reference to γράμμα, the first covenant is connected in to the law giving on Sinai as its ‘hallmark’.<sup>39</sup> We find a similar relationship in 2 Cor 3.14, where an implied tension between the new and old testament also comes to light in the expression coined by Paul himself παλαιὰ διαθήκη.<sup>40</sup> The veil stands no longer between Moses and Israelites, but lies during the public reading over the ‘old testament’ and constitutes an obstacle between the text and the Jews of Paul’s time.<sup>41</sup> The Sinai ‘covenant’ has lost its effectiveness and is re-labelled by Paul himself as παλαιά.

<sup>34</sup> See J. Jeremias, *The Eucharistic Words of Jesus* (London: SCM Press, 1966) 171–2; 187 (‘a transformation and development of the oldest tradition’); J.A. Fitzmyer, *First Corinthians. A New Translation with Introduction and Commentary* (AncB 32; New Haven and London: Yale University Press, 2008) 429–30.

<sup>35</sup> Cf. O. Hofius, ‘Gesetz und Evangelium nach 2. Korinther 3’, in idem, *Paulusstudien* (WUNT 51; Tübingen: Mohr, 1989) 75–120, 78. G. Theissen and A. Merz, *The Historical Jesus. A Comprehensive Guide* (Minneapolis: Fortress Press, 1998) 422–3; G. Dautzenberg, ‘Alter und neuer Bund nach 2Kor 3’, in „Nun steht aber diese Sache im Evangelium...“ *Zur Frage nach den Anfängen des christlichen Antijudaismus* (ed. R. Kampling; Paderborn: Ferdinand Schöningh, 2003) 229–49, here 236; J. Schröter, ‘Schriftauslegung und Hermeneutik in 2 Korinther 3. Ein Beitrag zur Frage der Schriftbenutzung des Paulus’, *NovT* 40 (1998) 231–75; here 250–5; on the prophetic text, cf. B.P. Robinson, ‘Jeremiah’s New Covenant Jer 31,31–34’, *SJOT* 15 (2001) 181–204.

<sup>36</sup> Cf. A. Plummer, *A Critical and Exegetical Commentary on the First Epistle of St. Paul to the Corinthians* (ICC; Edinburgh: T&T Clark, 1955) 247: ‘The covenant is “fresh” as distinct from the former covenant which is now obsolete’; P. Stuhlmacher, ‘Das neutestamentliche Zeugnis vom Herrenmahl’, *ZThK* 84 (1987) 1–35; here 9 (‘abgelöst und vollendet’).

<sup>37</sup> R.P. Martin, *2 Corinthians* (WBC 40; Nashville: Thomas Nelson, 1986) 54.

<sup>38</sup> This antithesis between the old and the new covenant is emphasised by many commentators, cf. e.g. Hofius, ‘Gesetz’, 78 ‘antithetische[s] Begriffspaar’ in Hofius in 35, Martin, *2 Corinthians*, 54; M. E. Thrall, *A Critical and Exegetical Commentary on the Second Epistle to the Corinthians*, vol. 1 (ICC; Edinburgh: T&T Clark, 1994) 235; T. Schmeller, *Der zweite Brief an die Korinther, Teilband 1: 2Kor 1,1–7,4* (EKK 8/1; Neukirchen-Vluyn/Ostfildern: Neukirchener Theologie/Patmos, 2010) 187; B. Kuschnerus, *Die Gemeinde als Brief Christi. Die kommunikative Funktion der Metapher bei Paulus am Beispiel von 2 Kor 2–5* (FRLANT 197; Göttingen: Vandenhoeck & Ruprecht, 2002) 175–6; S. Grindheim, ‘The Law Kills but the Gospel Gives Life: The Letter-Spirit Dualism in 2 Corinthians 3.5–18’, *JSNT* 84 (2001) 97–115; here 106.

<sup>39</sup> M.J. Harris, *The Second Epistle to the Corinthians. A Commentary on the Greek Text* (NIGTC; Grand Rapids/Milton Keynes: Eerdmans/Paternoster, 2005) 273; γράμμα can even be considered ‘a synonym for νόμος and more specifically the law with its commands and regulations’ (Harris, *2 Corinthians*, 272); Hofius, ‘Gesetz’, 76 (‘Eben dieses Gesamtkorpus der Willenskundgebung Gottes – die “Tora vom Sinai” – ist mit der παλαιὰ διαθήκη gemeint’); see also Dautzenberg, ‘Alter und neuer Bund’, 238; Thrall, *2 Corinthians*, 235; E. Gräßer, *Der zweite Brief an die Korinther, Kap. 1,1–7,16* (ÖTNT 8/1; Gütersloh/Würzburg: Gütersloher Verlagshaus/Echter Verlag, 2002), 126; Kuschnerus, *Gemeinde*, 177.

<sup>40</sup> Cf. Harris, *2 Corinthians*, 302 (‘a pauline coinage’); Thrall, *2 Corinthians*, 266. On the implied valuation in this verse, Harris, *2 Corinthians*, 271 points out: ‘A καινὴ διαθήκη implies a παλαιὰ διαθήκη (3:14), and the new replace the old not because the earlier διαθήκη has been fulfilled or renewed but because the later διαθήκη is inherently superior’; Grindheim, ‘Law’, 108 speaks about the ‘abrogation of the Torah’; see also F. Hahn, ‘Die alttestamentlichen Motive in der urchristlichen Abendmahlsüberlieferung’, *EvTh* 27 (1967) 337–74; here 372 (‘der [vergehende] alte Bund’); Hofius, ‘Gesetz’, 80.

<sup>41</sup> Cf. J.A. Fitzmyer, ‘Glory Reflected on the Face of Christ (2 Cor 3:7–4:6) and a Palestinian Jewish Motif’, *TS* 42 (1981) 630–44, here 637; P.B. Duff, *Moses in Corinth. The Apologetic Context of 2 Corinthians 3* (NovTSup 159; Leiden: Brill, 2015) 181.

If we ask about the perception of such a designation by the recipients, it can be said that the adjective *παλαιός* has no intrinsic negative connotations. The negative meaning ('antiquated', 'dated')<sup>42</sup> appears along with positive expressions like 'old proven' or 'traditional'.<sup>43</sup> The clear pejorative meaning of the Pauline *παλαιά διαθήκη* comes primarily not from the semantic nuance of *παλαιά* but from the association with the legal practice of revoking wills. The new document is authoritative, while the old one is withdrawn from the public circulation and thus annulled.

Paul emphasises in 1 Cor 11.25 and 2 Cor 3.6, 14 the superiority of the *new* expression of God's will in Jesus Christ and makes the initial law-giving appear obsolete. The addressees of the Pauline letters could easily comprehend the relationship between an old and a new testament, even without deep knowledge about the history of salvation of the Jewish people. From a reader perspective, this legal background is the appropriate point of reference to assess the radicalism of the assertion.

The purpose of this section was to ask what kind of response the terms used could evoke in non-Jewish contemporary readers. The focus stands not on the Pauline source of the Lord's Supper tradition, but on the existing concepts and practices in the cultural environment that were available to an average Mediterranean reader in order to contextualise such statements. Reading expressions as *ἡ καινὴ/παλαιὰ διαθήκη*, the recipients in Corinth must have had in mind first of all the usual meaning of *διαθήκη*, namely 'testament,' as a disposition of property by will.<sup>44</sup> This meaning fits well with the theological statement, for a testament originates in a deliberate, unilateral initiative of the testator.<sup>45</sup> The 'new testament' is based on the voluntary death of Jesus 'which was the supreme example of God's unilateral action for man's salvation'.<sup>46</sup>

This relationship is consistent with the papyrological findings regarding the modification or cancellation of wills. First, because they depend exclusively on the will of the testator, the focus is always on the *new* document, which reflects the latest version. The legal practice might serve as a common frame of reference for Paul and his addressees. The intended law-critical approach emerges in the eyes of the recipients, against the background of the common legal practice of revoking wills Paul is certainly familiar with.

<sup>42</sup> Cf. the lease of garden land *P.Ross.Georg.* 2.19 (7 Nov 141 CE): the tenant undertakes to keep the irrigation system in good condition; however, should it come to that 'new machine or hammer or axle...' (l. 19: *καινῆς μηχανῆς ἢ ρασιτήρος ἢ ἄξονος κτλ*) are required, he is obliged to replace them 'with their equal and take the old ones' (l. 20: *ἀντὶ τούτων τὰ ἴσα, λαμβάνων τὰ παλαιά*); see on this papyrus J.S. Kloppenborg, *The Tenants in the Vineyard: Ideology, Economics, and Agrarian Conflict in Jewish Palestine* (WUNT 195; Tübingen: Mohr Siebeck, 2006) 516–21.

<sup>43</sup> This is the case, for example, in the edict of a prefect concerning archives preserved in the first two columns on the *verso* of *P.Oxy.* 1.34 (2 Oct 127 CE). In the first column, we read that the 'accounting scribes' must make lists of the registered contracts for the central archives by 'following the traditional custom' (col1.8: *κατὰ τὸ παλαι[όν] ἔθος*).

<sup>44</sup> See also Papatthomas, *Begriffe*, 164; Deissmann, *Light*, 337: '[N]o one in the Mediterranean world in the first century A.D. would have thought of finding in the word *διαθήκη* the idea of "covenant"'; see also Moulton/Milligan, *Vocabulary*, 148: 'In papyri and inscriptions the word means *testament, will*, with absolute unanimity, and such frequency that illustration is superfluous.'

<sup>45</sup> Cf. Mitteis, *Grundzüge*, 238–9; Moulton/Milligan, *Vocabulary*, 148; cf. Plummer, *1 Corinthians*, 247; Deissmann, *Light*, 337; P. Bonnard, *L'Épître des Saint Paul aux Galates* (2nd. ed.; CNT 9; Paris: Delachaux et Niestlé, 1972) 71. The question is raised in reference to Jer 38:31<sup>LXX</sup>, whether the translation 'covenant' would not be more appropriate for the term *συνθήκη* than for *διαθήκη*; see also Papatthomas, *Begriffe*, 163, or the comments of Gräßer, *2. Korinther*, 125: 'In diesem Sinne steht *Diathēke* vor allem zur Bezeichnung der göttlichen Willenskundgebung am Sinai'; cf. Fitzmyer, *1 Corinthians*, 444; S.W. Hahn, *A Canonical Approach to the Fulfillment of God's Saving Promises* (ABRL; New Haven: Yale University Press, 2009) 257.

<sup>46</sup> Thrall, *Second Corinthians*, 234.



### 5. 'Once a person's will has been ratified, no one adds to it or annuls it.' The Legal and Theological Inconsistencies of the Pauline Argumentation in Gal 3.15–17

Compared to the Corinthian correspondence, we are confronted in Gal 3.15–17 with a new situation. The focus is now no longer on the *new* (second) but on the already completed *old* (previous) document, whose modification or annulment is considered to be impossible (cf. οὐδεὶς in Gal 3.15). We face a shift of emphasis here, if not a clear contradiction, that now needs to be discussed in the context of Gal.

In summary, Paul's argument in Gal 3.15–17 consists of the two main parts of the analogy around the concept διαθήκη: In v. 15, the (opposite of the) well-known legal practice of changing wills is taken as a starting point (*Bildhälfte*) to support the assertion about the promising of God to Abraham in verse 17 (*Sachhälfte*). This argumentative intention links these two levels very closely. We are dealing with two documents of the same type, that is, two testaments (Gal 4.24: δύο διαθήκαι; cf. Rom 9.4). The conclusion in v. 7 is that the testament with the promise (ἐπαγγελία) to Abraham as its sign cannot be annulled by the later law (νόμος) as the hallmark of the testament at Sinai. Wills are not revoked or renewed by law, but by the initiative of the testator, who retracts the old one and draws up and registers a new one. Paul formulates his thesis in Gal 3.15 with the help of two verbs, which are, as already seen, with some variations, typical for the ancient legal language (ἀθετέω and ἐπιδιατάσσομαι).<sup>47</sup> The analogy between the two matters works, although in terms of content the legal evidence regarding the actual *possibility* of changing wills is obviously contradicted.

As a central point for every testament stand the issues of heirs and appointment of inheritance. Paul builds on this to introduce the decisive Christological point of his argument. The promise belongs to Abraham and his heir, which Paul conceives as singular (v. 16: τῷ σπέρματι) and relates to Christ.<sup>48</sup> The application in v. 17 helps to clarify the idea of inheritance as well. The promise remains exclusively linked to Abraham and thus to Christ. In this way, two goals are achieved: Any possible points of contact between Christ and the law are completely excluded, and Christ remains the sole source for the addressees to receive God's promise to Abraham. How valid this argumentation actually is will be asked later, but now we return to the main structure of this passage and the testament analogy.

As we have seen, the widespread practice of revoking or amending wills is to be taken as a legal background for this analogy; only his assertion completely contradicts this widely attested legal practice. Quite a number of documents clearly speak to the fact that wills can be actually annulled. The non-Jewish readers of the Pauline letters certainly were acquainted with this legal procedure. This is the most important result of the comparisons to contemporary legal practice. We can have a glimpse into the 'encyclopaedia' of the addressees and make informed assumptions about what they might associate certain terms with. With this secured knowledge, one can now ask what Paul makes of it; how appropriately or not does he use this legal basis, and why.

Various approaches have been proposed to explain the inconsistencies in Gal 3.15–17 and to 'rescue' the Pauline assertion. An old attempt to get around the problem in Gal 3.15 considers that οὐδεὶς has no absolute sense but relates to other persons except the testator himself ('no other').<sup>49</sup> Many exegetes think that this proposal would bring an implausible platitude in the conduct of argument and would be incompatible with

<sup>47</sup> As a comparison, Josephus always uses διαθήκη in the ordinary legal sense, but when he speaks of modifying wills, he takes the non-legal verb μεταγράφω (cf. Ant 17.188 and B.J. 1.646).

<sup>48</sup> See on this Hahn, *Approach*, 264: 'Paul reads the Abrahamic narratives typologically.'

<sup>49</sup> Cf. O. Eger, 'Rechtswörter und Rechtsbilder in den paulinischen Briefen', *ZNW* 18 (1918) 84–108, here 96.

ἐπιδικάσεται, which fits only the testator himself. On the other hand, in the application from v. 17, God and not another person is in both cases the ‘testator.’<sup>50</sup>

Other approaches go in a different direction and focus on the type of document taken as a comparison in Gal 3.15. In the older proposal of E. Bammel, the Jewish legal practice of allotments after death, the so called ‘*matenath bari*’ (מתנת ברִיא), is considered a solution for this controversial passage.<sup>51</sup> But this hypothesis fails in the eyes of many exegetes, due to the fact that Paul could not generally presume knowledge of this particular Jewish legal practice among his readers in Galatia, the majority of whom being non-Jews.<sup>52</sup> S.R. Llewelyn seeks similarly for a solution not in Greek-Roman legal practices, but in ‘a Jewish legal procedure, which evolved in the Greek-speaking communities of Palestine and of diaspora.’<sup>53</sup> The point of interest would be not a will in the proper sense, but an irrevocable disposition as the Jewish deed of gift *P.Yadin* 1.19 (16 Apr 128 CE), which in a Greek-speaking Jewish community might ‘have been called a *διαθήκη*’.<sup>54</sup> The implicit assumption of this hypothesis, however, is the implausible postulation of a predominantly Jewish ethnic character of the communities addressed in the letter. The same criticism, as in the case of E. Bammel, applies also to the S.R. Llewelyn’s attempt centred on the single source *P.Yadin* 1.19.

Furthermore, with recourse to legal practice in the fourth century BCE Athens, B.R. Trick tries to conceive *διαθήκη* in terms of unalterable inheritance through adoption.<sup>55</sup> However, the documentary sources do not indicate that an average reader from the Paul’s time would have associated a term like *διαθήκη* with testamentary adoption at all.<sup>56</sup> The large amount of the contemporary papyrological evidence clearly speaks a different language.

In light of the widespread legal practices, a reference in Gal 3.15 to documents other than the ubiquitous *διαθήκαι* would not, in my opinion, give the available evidence its due. The comparison with the wills on papyrus made two things clear: Paul uses terms that indicate he is thinking of the very common contemporary wills and not of Jewish documents of a particular kind and, second, his assertion about the impossibility of changing or annulling wills in Gal 3.15 is obviously false. The statement about the inalterability of valid wills not only contradicts widespread legal practice, but also Paul’s own way of reasoning from 1 Cor 11.25 and 2 Cor 3.6, 14.

<sup>50</sup> Cf. Selb, ‘*Διαθήκη*’, 191; see also Bammel, ‘*Gottes διαθήκη*’, 316 (‘Niemand, auch der Erblasser nicht’); F. Mußner, *Der Galaterbrief* (HThKNT; 3rd ed.; Freiburg/Basel/Wien: Herder, 1977) 236, n. 124; R.N. Longenecker, *Galatians* (Dallas: Word Books, 1990), 130; Eckstein, *Verheißung* 178 (‘auch der Verfügende selbst nicht’); or S.R. Llewelyn in *New Docs.* 6, p. 46: ‘The problem with this suggestion is that the illustration remains problematic, for (...) both the law and the promise are the dispositions of the same God.’ Cf. recently also Trick, *Descent*, 169: ‘Such explanations fail to give Paul’s use of οὐδεὶς its due and create problems for the interpretation of 3:17–20.’

<sup>51</sup> Cf. Bammel, ‘*Gottes διαθήκη*’; Eckstein, *Verheißung* 174–5; see the criticism of this hypothesis by S.R. Llewelyn in *New Docs.* 6, p. 43–6.

<sup>52</sup> Cf. Eger, ‘*Rechtswörter*’, 85–6; Tolmie, *Persuading*, 127; Hahn, *Approach*, 259; see also the discussion by Trick, *Descent*, 169–70 and his conclusion on p. 170: ‘Paul therefore seems unlikely to have expected the gentile Galatians to recognize this peculiarly Jewish deed as his referent.’

<sup>53</sup> S.R. Llewelyn in *New Docs.* 6, p. 47.

<sup>54</sup> S.R. Llewelyn in *New Docs.* 6, p. 47; for *διαθήκη* as ‘deed of gift’ argues also Timothy H. Lim, ‘The Legal Nature of Papyrus Yadin 19 and Galatians 3:15’, in *When Judaism & Christianity Began. Essays in Memory of Anthony J. Saldarini, vol. 1: Christianity in the Beginning* (eds. A.J. Avery-Peck, D. Harrington and J. Neusner; JSJSup 85; Leiden/Boston: Brill, 2004) 361–76.

<sup>55</sup> Trick, *Descent*, esp. 161–75

<sup>56</sup> On the language of adoption in the documentary papyri and how Paul makes use of it, cf. R. Popa, ‘Inheriting God. Paul’s Language of Guardianship and Adoption in Light of the Documentary Papyri (Gal 4:1–7)’, *Bib* 104 (2023) 274–293.

The fact that the two decisive episodes for the Jewish identity – the testament of God to Abraham and the Sinai covenant – are circumscribed with the term διαθήκη<sup>57</sup> can be seen as the basis for this analogous relation to a practice regarding testaments. The revocation of wills fitted quite well as comparison to the picture in the Corinthian letters. Now, however, since in Gal 3.15, 17 it is no longer the second but the first event that is to be emphasised, the same legal practice is turned upside down in order to serve the argumentative purpose.<sup>58</sup> Thus, suddenly, wills could no longer be annulled.

Paul tries now to draw an ‘unnatural’ contrast between the promise to Abraham and the law given to the people at Sinai.<sup>59</sup> The goal is to make plausible that the ‘works of the law’ advocated by its opponents, with the circumcision as core point, did not already come with Abraham, but later with the giving of the law. There is a clear omission in this Pauline assumption because circumcision is explicitly mentioned in connection with the promise to Abraham (cf. Gen 17.9–14).<sup>60</sup> Apparently, Paul was not concerned with the stringency of the arguments, but with reversing the strategy of his opponents.<sup>61</sup> Many scholars assume that the opponents introduced first the biblical topic of Abraham’s inheritance.<sup>62</sup> Paul was forced by the situation to produce such a statement because his theological position was endangered by the convincing argument of the opponents.<sup>63</sup> As some exegetes assume, Paul may probably have been aware that his assertion did not sound entirely logical,<sup>64</sup> but he sought for a strong response to the arguments of his opponents, even if he completely turned upside down both the meaning of the covenant with Abraham and the current legal practice regarding revocation of wills. Both testify to a highly selective and biased treatment of the sources.

We are compelled to a text-internal solution by the fact that the papyrological evidence and the consistency of the terminology in the letters of Paul, with the issue of wills and their revocation, is so clear that no other type of document than the ordinary διαθήκαι can be taken into consideration for the discussion of Gal 3.15, 17; and they are revocable. At the same time, only a contextual interpretation with reference to the use of

<sup>57</sup> Cf. Gen 17:2, 4, 7, 9, 10, 11, 13, 14; resp. Exod 24:7, 8.

<sup>58</sup> See in this direction also Tolmie, *Persuading*, 128: ‘[H]e is in fact creating the illustration in such a way that it will suit his argument later.’

<sup>59</sup> Cf. J.M.G. Barclay, *Paul and the Gift* (Grand Rapids: Eerdmans, 2015) 401. See also Betz, *Galatians*, 159: ‘Paul polemically separates what Judaism tries to hold together’; G. Howard, *Paul: Crisis in Galatia. A Study in Early Christian Theology* (2nd ed.; MSSNTS 35; Cambridge: Cambridge University Press, 1990) 64 (‘the law and the promise are opposites’); J. Louis Martyn, *Galatians. A New Translation with Introduction and Commentary* (AB 33A; New York: Doubleday, 1998) 345; G.W. Hansen, *Abraham in Galatians. Epistolary and Rhetorical Contexts* (JSNTS 29; Sheffield: JSOT Press, 1989) 172 (‘antithetical, discontinuous relationship’); Tolmie, *Persuading*, 129.

<sup>60</sup> Cf. J.D.G. Dunn, *The Epistle to the Galatians* (BNTS; Grand Rapids: Baker Academic, 1993) 182: ‘[T]he first covenant (with Abraham) had explicitly included circumcision’ as ‘a sign of the covenant’; Hansen, *Abraham*, 171. On Abraham as example of ‘perfect obedience to the law’, cf. B.H. Brinsmead, *Galatians – Dialogical Response to the Opponents* (SBLDS 65; Chico: Scholars Press, 1982) 110.

<sup>61</sup> See already E. de Witt Burton, *A Critical and Exegetical Commentary on the Epistle to the Galatians* (ICC; Edinburgh: T&T Clark, 1921) 504: ‘Paul is replying to the arguments of his judaising opponents’.

<sup>62</sup> Cf. J.M.G. Barclay, ‘Mirror-Reading a Polemical Letter: Galatians as a Test Case’, *JSNT* 31 (1987) 73–93, here 79: ‘[H]ere, if anywhere, Paul seems to be replying to his opponents’ arguments’; see also E.P. Sanders, *Paul, the Law and the Jewish People* (Philadelphia: Fortress, 1983) 18; Brinsmead, *Galatians*, 107; Hansen, *Abraham*, 171–2; Martyn, *Galatians*, 343–4.

<sup>63</sup> See again Barclay, ‘Mirror-Reading’, 87, who considers with respect to the use of the scripture by Paul that ‘his convoluted use of certain texts may indicate that he is countering their persuasive biblical exegesis’; Hansen, *Abraham*, 174; Brinsmead, *Galatians*, 109.

<sup>64</sup> Peter von der Osten-Sacken, *Der Brief an die Gemeinden in Galatia* (ThKNT 9; Stuttgart: Kohlhammer, 2019) 159, considers that the limited evidential value was also clear for Paul; Dunn, *Galatians*, 183, presumes with regard to the argument in Rom 4:9–12 that Paul ‘recognized the unsatisfactory character of the Galatians’ version’.

the term in the Corinthian correspondence as well<sup>65</sup> reveals the polemical distortion of the same legal practice and the one-sidedness of the argument in Galatians.

## 6. Conclusions and Outlook: The Conflict of Paul with his Opponents in Galatia as Dispute over Inheritance

In order to clarify the way Paul makes use in his letters of legal terms around testaments, it was first necessary to show by comparison his familiarity with the language of legal documents on papyrus. Of particular importance was the ancient practice of revocations of wills, regarded here as the common frame of reference to understanding the expressions *καινή/παλαιά διαθήκη*. If in the Corinthians correspondence, the consistency with the legal practice is clear, Paul turns in Galatians the whole procedure upside down. Suddenly, it is no longer the new testament that stands in the foreground as the last valid version of the testator's will, but the old one, which according to the problematic Pauline statement, cannot be changed or annulled anymore. For this readiness to use questionable logical means and to distort reality in Galatians, I consider the strongly polemical context in which this letter is written to be responsible.<sup>66</sup> The aim is to refute the arguments of his opponents point by point, even if thereby his explanations lose scriptural and legal support.

Paul combines the constructed opposition 'promise' vs. 'law' in Gal 3.18 as practical consequences of the two testaments with the question of the origin of the inheritance.<sup>67</sup> The heritage is granted by virtue of the promise made to Abraham, not by respecting the 'works of the law'. The question is finally about the legitimacy of the heirs. Such conflicts over inheritance are often found in petitions between brothers and sisters.<sup>68</sup> Therefore, it would be useful for one last time to point out some documentary papyri in order to illustrate how different heirs dispute over the inheritance.

Submitting the petition *P.Lond.* 2.177 (ca. 40 CE), a certain Orsenouphis seeks justice in an inheritance dispute with his sister. His father had bequeathed his property to him and his siblings 'according to a will' (ll. 6–7: *κατὰ διαθήκην*), leaving their mother, as long as she lived, the household utensils. After the death of the mother, the elder sister claimed these assets for herself and deprived the other heirs of their part.<sup>69</sup> An interesting opportunity arises from the consideration in parallel of the petitions *P.Gen.* 2.1.3 (21 Sep 179? CE) and *SB* 6.8979 with *BL* 6:149 (179–181 CE), which has been submitted in relation to the same inheritance dispute.<sup>70</sup> Both originated from heirs of a certain Melas, priest in Soknopaiou Nesos who has recently died, but reflect the events from two different perspectives, each

<sup>65</sup> The evidence in Rom 9:4; 11:27 brings no new elements in terminology or content.

<sup>66</sup> Lack of logical rigour and correctness has already been remarked upon at some other places in Paul's letters; see the treatment of this issue by M. Mayordomo, *Argumentiert Paulus logisch? Eine Analyse auf dem Hintergrund antiker Logik* (WUNT 188; Tübingen: Mohr Siebeck, 2005).

<sup>67</sup> The topic of inheritance is taken up again by Paul in Gal 4.1–7; cf. on this is also from a papyrological perspective Popa, 'Inheriting God'.

<sup>68</sup> See with examples M. Thoma, 'The law of succession in Roman Egypt: Siblings and non-siblings disputes over inheritance', in *Proceedings of the 28th Congress of Papyrology (Barcelona August 1st–6th, 2016)* (ed. A. Nodar and S. Torallas Tovar; Scripta Orientalia 3; Barcelona: Publicacions de l'Abadia de Montserrat, Universitat Pompeu Fabra, 2019) 475–83, here 476–8; S.R. Huebner, "It is a difficult matter to be wronged by strangers, but to be wronged by kin is worst of all". Inheritance and Conflict in Greco-Roman Egypt', in *Inheritance, Law and Religions in the Ancient and Mediaeval Worlds* (eds. B. Caseau and S.R. Huebner; Centre de Recherche d'Histoire et Civilisation de Byzance. Monographies 45; Paris: ACHCByz, 2014) 99–108.

<sup>69</sup> See also *BGU* 1.226 (25 Feb 99 CE); *P.Oxy.* 42.3015 (after 117 CE); *P.Stras.* 8.709.5 (II CE) and *SB* 22.15831 (II CE).

<sup>70</sup> See the result of the study by D.H. Samuel, 'P.Berol.Inv. 8797 and P.Gen. 3: Two Versions of a Dispute over an Inheritance', *ZPE* 37 (1980) 255–9.

accusing the other party of breaching testamentary dispositions and presenting himself as the true heir.

Paul considers his theological opponents in Galatia as deceivers who want to appropriate the inheritance of Abraham by unfair means. He sees himself as a Jew in the succession of the Abrahamic promise in contrast to his opponents, probably Jews too, who have in his opinion no share in the inheritance because of their reliance on the 'works of the law'. However, we only know the Pauline interpretation of the situation; the position of the other party has not been handed down to us in any sources. But the Abrahamic inheritance seems to have played a central role in both approaches. In light of the disputes over inheritance between siblings preserved on papyrus, we could also read the theological argument of Paul with his opponents through the letter to the Galatians in a similar key.

The use of legal terms around διαθήκη shows clearly that Paul is familiar with legal language and procedures but is not very concerned with using them, as one would necessarily expect. His argumentation has primarily a theological inner thread. The legal language is, after all, only an instrument to support his polemical purposes, even if its application is inconsistent with, or even contrary to, common legal practice.

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