

“NOT A COVENANT OF WORKS IN DISGUISE”  
(HERMAN BAVINCK<sup>1</sup>):  
THE PLACE OF THE MOSAIC COVENANT  
IN REDEMPTIVE HISTORY

by Robert Letham

READERS WILL DOUBTLESS be aware of the argument that the Mosaic covenant is in some way a republication of the covenant of works made by God with Adam before the fall. In recent years, this has been strongly advocated by Meredith Kline and others influenced by his views. In this article I will ask some historical and theological questions of the claim. I will also consider how far Reformed theology, particularly in the period up to the production of the major confessional documents of the Westminster Assembly (1643-47), was of one mind on the question.<sup>2</sup> I will concentrate on the argument itself, without undue reference to persons.<sup>3</sup>

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1. Herman Bavinck, *Reformed Dogmatics, Volume 3: Sin and Salvation in Christ* (Grand Rapids: Baker Academic, 2006), 222.

2. Apart from the works of Kline, cited below, others have addressed the matter in some detail - Mark W. Karlberg, “The Search for an Evangelical Consensus on Paul and the Law,” *JETS* 40 (1997): 563-79; Mark W. Karlberg, “Recovering the Mosaic Covenant as Law and Gospel: J. Mark Beach, John H. Sailhammer, and Jason C. Meyer as Representative Expositors,” *EQ* 83, no. 3 (2011): 233-50; D. Patrick Ramsey, “In Defense of Moses: A Confessional Critique of Kline and Karlberg,” *WTJ* 66 (2004): 373-400; Brenton C. Ferry, “Cross-Examining Moses’ Defense: An Answer to Ramsey’s Critique of Kline and Karlberg,” *WTJ* 67 (2005): 163-68; J. Mark Beach, *Christ and the Covenant: Francis Turretin’s Federal Theology as a Defense of the Doctrine of Grace* (Göttingen: Vandenhoeck & Ruprecht, 2007); Michael S. Horton, *Covenant and Salvation: Union with Christ* (Louisville: Westminster John Knox Press, 2007), 9-36; James T. Dennison Jr., “Merit or ‘Entitlement’ in Reformed Covenant Theology: A Review,” *Kerux* 24, no. 3 (2009): 3-152; David Van Drunen, “Natural Law and the Works Principle under Adam and Moses,” in *The Law is Not of Faith: Essays on Works and Grace in the Mosaic Covenant*, ed. Bryan D. Estelle, J.V. Fesko and David Van Drunen (Phillipsburg, New Jersey: Presbyterian and Reformed, 2009), 283-314; Van Drunen, “Israel’s Recapitulation of Adam’s Probation under the Law of Moses,” *WTJ* 73 (2011): 303-24; Cornelis P. Venema, “The Mosaic Covenant: A ‘Republication’ of the Covenant of Works?” *MAJT* 21 (2010): 35-101.

3. I am grateful to Bob Strimple, Dick Gaffin, Sinclair Ferguson, and Ronald Di Giacomo for reading this paper in advance of submission. I want to thank too Noel Weeks and Jack Collins for their comments on OT and ANE studies. The contents of the paper are mine and none of the above are responsible for any shortcomings it may have.

## 1. The Pre-Fall Covenant

First, we will summarize the main contours of the classic Reformed doctrine of the pre-fall covenant of works,<sup>4</sup> since this is what is considered in some way to be repeated at Mount Sinai. This summary will avoid later embellishments and interpretations.<sup>5</sup>

In this covenant there were two parties: God, who laid down the terms, and Adam, with the entire human race in him as its head and representative. God gave Adam the task of keeping the garden. He gave him the freedom of the garden, with one stipulation: he was not to eat the fruit of the tree of the knowledge of good and evil. The penalty for disobedience to the law of God was to be death for Adam and, according to Romans 5:12ff, all he represented (Gen. 2:15-17).

Since throughout Scripture, a warning entails a promise and vice-versa, there is here an implied promise. If Adam broke God's law he would die but, on the other hand, if he were to continue in faithful obedience he would be confirmed in that obedience and given life. Hence, the Westminster Assembly's documents refer to this covenant as a covenant of life. Debate occurred as to whether this would simply be maintenance in the state in which Adam found himself at creation or, instead, elevation to a higher plane, receiving eternal life. The presence of the tree of life in the garden suggests the latter, as does the resurrection of Christ, the second Adam. Eating the fruit of this tree is explicitly connected with everlasting life (Gn. 3:22) - a theme that occurs also in the NT (Rev. 22:10-2).

As we all know, Adam fell into sin and the penalty of death was visited upon him and the entire human race in him as its head. Adam was cast out of the garden. The way back was barred. There could be no repeat, no second chance. On the basis of the covenant of works, he and the race were dead in sins. The only hope was another covenant, on a different basis altogether.

## 2. The Covenant of Works According to the Republication Theory

Advocates of republication tend to argue that the covenant of works was transacted on the exclusive basis of justice. Kline opposes any idea of grace being present in this covenant as this would undermine the doctrines of justification and atonement. "Adam would have fully deserved the blessings promised in the covenant, had he obediently performed the duty stipulated in it. Great as the blessings were to which the good Lord committed himself, the granting of them would not have involved a gram of grace. Judged by

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4. *WCF* 7:2.

5. Among these is the fascinating eschatological discussion in John V. Fesko, *Last Things First* (Fearn: Mentor, 2007).

the stipulated terms of the covenant, they would have been merited in simple justice.”<sup>6</sup> In this context, Kline understands grace as operative only after the entry of sin into the world, restricted to “God’s blessing of man in spite of his demerits.”<sup>7</sup> Given this understanding of grace, Kline is correct, for Adam had not sinned when the covenant was made, and so had no demerit. However, by this definition Kline tends to gloss over the abundance of goodness and favor given to Adam in his created state. Instead, “simple justice was the governing principle in the pre-Fall covenant.”<sup>8</sup> As a consequence, the element of continuity running through pre-fall and redemptive covenants is not grace but justice.<sup>9</sup> Ironically, in an earlier work Kline had acknowledged that “in another sense grace is present in the pre-redemptive covenant. For the offer of a consummation of man’s original beatitude ... was a display of the graciousness and goodness of God to this claimless creature of the dust.”<sup>10</sup>

The covenant of grace was enacted with Abraham and his seed. The Mosaic covenant was instituted by Yahweh with Israel after the Exodus as it was on its journey to the land promised to Abraham in the Abrahamic covenant. It was based on the same principle as the pre-fall covenant, inheritance by works. It existed side by side with the promise covenant but was radically different.<sup>11</sup> Israel failed to be obedient and so forfeited the promised blessing in the land of Canaan. In some sense this was a covenant of works. In what sense was this so? According to Kline, it reiterated the works principle which existed side by side with the gracious promises to Abraham. It related to the administration of the covenant, to Israel’s reception of the covenantal blessings of the Mosaic covenant, rather than to individual salvation. These blessings were to be earned by works, by obedience to the law, and were typological of the consummate blessings of the covenant of grace, of which they were an administrative part.

However, Israel proved disobedient and so was disinherited. It was sent into exile in Babylon and eventually suffered the loss of the land, the temple, and the destruction of its national identity. By Israel’s failure the way was prepared for the coming of Christ. Christ as the second Adam took Adam’s place and obeyed God. By his

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6. Meredith G. Kline, “Covenant Theology Under Attack,” *New Horizons in the Orthodox Presbyterian Church* 15 (February 1994): 4.

7. *Ibid.*, 3.

8. *Ibid.*, 3.

9. *Ibid.*, 4.

10. Meredith G. Kline, *By Oath Consigned: A Reinterpretation of the Covenantal Signs of Circumcision and Baptism* (Grand Rapids: Eerdmans, 1968), 36.

11. *Ibid.*, 22–25.

obedience he fulfilled the stipulations of the covenant of works and so merited salvation (what Adam had forfeited) for all who were placed in him by God. He was vindicated in the resurrection and so confirmed in everlasting life for himself and all his people. Kline sums up his case in this way: “Coherence can be achieved in Covenant theology only by the subordination of grace to law.”<sup>12</sup> Hence, Kline understands God’s covenant with man “as an administration of God’s lordship, consecrating a people to himself under the sanctions of divine law.”<sup>13</sup>

The basis of this claim is that God deals primarily with man by law and justice. Both Kline and Michael Horton cite the Ancient Near Eastern treaty forms as parallels: they posit two sorts of covenant - a vassal suzerainty treaty and a royal grant.<sup>14</sup> The Abrahamic covenant is an example of the latter, the Mosaic covenant and the covenant of works the former. The two operated together from the time of Moses until the coming of Christ. They exemplified antithetical principles; unilateral royal grants and a principle of inheritance by works. Individual salvation by grace was based on the former, while Israel’s possession of the temporal covenant blessings was based on the works-inheritance principle and had typological significance, signifying Christ’s meriting the blessings of salvation for his people.

### 3. Preliminary theological evaluation

#### *3.1. First we need to examine further the covenant of works - or life - and the covenant of grace in relation to the first and second Adams*

In both covenants there are covenant heads - Adam and Christ. Both are distinguished by their representing others; Adam the human race, Christ the new humanity, the elect. Both are without sin. Adam was created *in* the image of God, blameless but capable of sinning. Christ *is* the image of God (2 Cor. 4:4, Col. 1:15, Heb. 1:3) and was sanctified by the Holy Spirit from the moment of conception (Lk. 1:34-35). Debate has surrounded whether it was ever possible for him to have sinned.<sup>15</sup> For both Adams there was a promise of everlasting life to be obtained on completion of the unspecified period of obedience. Whereas Adam was tempted to sin in the beautiful

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12. *Ibid.*, 35.

13. *Ibid.*, 36.

14. See Kline, *By Oath Consigned*, 14–22; Horton, *Covenant and Salvation*, 12–29.

15. Among those who have argued for peccability—the idea that it was possible for Jesus to have sinned—are Charles Hodge, *Systematic Theology* (Grand Rapids: Eerdmans, 1977), 2:457; and Trevor Hart, “Sinlessness and Moral Responsibility: A Problem in Christology,” *SJT* 48 (1995): 37–54. In favor of impeccability are W.G.T. Shedd, *Dogmatic Theology* (Grand Rapids: Zondervan, 1971), 2:330–49; and Oliver D. Crisp, *God Incarnate: Explorations in Christology* (London: T&T Clark, 2009), 122–36.

garden, with a profusion of food available, the second Adam when tempted in a desolate wilderness, without food for an extended period, remained faithful. Whereas Adam sinned by eating from the tree, the second Adam achieved atonement and reconciliation by his obedience on the tree. For both there is judgment—on Adam consequent on sin, for Christ in his mediatorial work on behalf of sinners. Whereas Adam was cast out of the garden and the return journey debarred for him and his posterity, Christ was openly vindicated in his resurrection and his elect people raised in him.

### 3.1.1. Can the covenant of works continue in any form after the fall?

Allowing for the argument that Christ fulfils the covenant of works as the second Adam, as we have outlined above, we must ask whether that covenant remains operative for the fallen human race after the first Adam broke it. If it were not to remain in operation, the Mosaic covenant could hardly be said to republish it.

First, in the Mosaic covenant, the parties are Yahweh and Israel, but Israel was already in covenant with Yahweh through the Abrahamic covenant. The land was given to Israel freely *by promise* (Gen. 12:1-3). In turn, the law was given to a people in covenant already by God's free grace. The preamble reads "I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery. You shall have no other gods before me" (Exod. 20:2-3). The process was not "do this and live" but "you are my people; therefore you shall do this, and in doing this you shall live."

Second, there was no sinless covenant head here. Yahweh did not make this covenant with a representative person but with a community. The first Adam had already forfeited God's favour; the second Adam was yet to come.

Third, that this covenant did not proceed on the works principle requiring meritorious obedience on the part of the subordinate party, Israel, is clear from its record. As soon as the covenant was enacted on Mount Sinai, Israel at the foot of the mountain was busy worshipping the golden calf. If this was a works covenant it would have been over then and there. The subsequent history is one of continued and repetitive unfaithfulness on Israel's part and continued mercy and grace, patience and forgiveness from the side of Yahweh. The land was given by free promise (Gen. 12:1, 7, 15:7-21) and retained despite repetitive unfaithfulness.<sup>16</sup>

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16. See, among many other places, Psalm 78 for a catalogue of such scenes and the Book of Judges for a record of decline and deliverance. Psalm 106 is also pertinent; in the face of the unrelenting disobedience of Israel, Yahweh "for their sake..."

Fourth, if the Mosaic covenant had been based on a works principle an unavoidably schizoid character would have dogged the rest of the OT—which aspect was Abrahamic and which Mosaic? The poor Israelites—their bewilderment would have been incorrigible! Yet Kline embraces this point without reserve. He says, “The Sinaitic Covenant in itself, as a covenant ratified by Israel’s oath, made law obedience by the Israelites themselves the way of life-inheritance, and yet in the Mosaic revelation as a whole law was accompanied by promise sealed by divine oath and offering *an alternative way of inheritance* [my italics].”<sup>17</sup> Kline reiterated this point—although one wonders how clear it could have been at the time—when he says “the administrative compatibility of the law and promise principles of inheritance, as joint elements within a single covenant, is explained by the fact that *they were alternates to one another*.”<sup>18</sup>

### 3.1.2. Were there ancillary consequences of the pre-fall covenant of works?

After the covenant of works was broken it expired. As Bavinck comments, “When humans broke the covenant of works, God replaced it with the greatly improved covenant of grace.”<sup>19</sup> However, the effects of the broken covenant remained. The whole race in Adam participated in the death he earned. All present in Adam are covenantally dead, children of wrath, inheriting condemnation, all dead in sins, under the curse of the covenant of works (Eph. 2:1); only in Christ, in the covenant of grace, are they released from this dire outcome. Notwithstanding, this did not represent an ongoing covenantal situation, in which everlasting life was held out as a possibility if they remained obedient. By sharing in the sin of Adam, all were born in a state of disobedience and condemnation. There are no further probationary periods, still less for each and every person conceived individually. The sacrament of the covenant of life was no more. There were no promises remaining from this covenant. God does not promise everlasting life to individual people on condition of their own personal and unabbreviated obedience.

However, while that covenant was broken and abolished, one can say, with Turretin, that no mortal is outside its reach.<sup>20</sup> A war may be fought and ended but the results for the losers, the wounded, and bereaved are ongoing. J.H. Heidegger comments similarly when he says that the covenant of works could not be obliterated entirely, for

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remembered his covenant, and relented according to the abundance of his steadfast love” (v.45).

17. Kline, *By Oath Consigned*, 32.

18. *Ibid.*, 33.

19. Bavinck, *Reformed Dogmatics*, 3:65.

20. Francis Turretin, *Institutes of Elenctic Theology*, ed. James T. Dennison, Jr. (Phillipsburg, New Jersey: Presbyterian & Reformed, 1992–96), 2:191–92.

man is still under obligation to obey God. The rule of God and his law could not be overthrown by sin. But, Heidegger adds, man's obligation was as a creature to his creator, by creation and prior to the covenant. So his continuing obligation is as a creature - and not in covenantal terms.<sup>21</sup> There is no sacrament of this covenant left, no promise of life, only a sentence of death, and so no probationary period. There was no way back to the garden after Adam was cast out, no chance - even hypothetical - to take his place and try again. Given this there can be no active covenant.

However, the law of God, given in the covenant of works, remains. The particular law relating to the tree of the knowledge of good and evil is no longer relevant. Nevertheless, the law of God - of which it was a specific instance - is the perpetual revelation of his requirements for the human race. It is expanded in the Decalogue, was obeyed by Christ on behalf of all under his headship, and remains the rule of life for all who are in him. It condemns all in Adam, who fell from the covenant of life. It transcends and outlasts that covenant. Apart from its relation to the obedience of the second Adam, its presence in subsequent covenants cannot be held to denote that they also displayed a principle of inheritance by meritorious works like in the first covenant. The law still applies as a rule of life for believers in the new covenant but their works are not the efficient cause of their obtaining the heavenly inheritance.

Failure to recognize this distinction between the law as it functioned in the covenant of works and the law as such is at the root of a confusion that continues to dog this debate. We shall discuss this later. Because the law of God was at the heart of the covenant of works/life, and since it continues to be valid and operative as long as humans live, some conclude that that first covenant also remains in effect.

### 3.1.3. The relationship of law and gospel is complex and requires careful definition

The law and gospel were carefully distinguished by the Reformed. Law itself has a range of meanings in the Bible. It can refer to whatever God has instituted, to the doctrine of the OT and NT, to the OT as a whole, to God's demands, to the moral law, the ceremonial law, or the civil law, to the Levitical priestly ministry, to a principle of seeking salvation by self-effort, or instead to a principle of life led by the Holy Spirit, to the first five books of the OT, to the Mosaic covenant, to the law of nature impressed on man's heart at creation,

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21. Joh. Henrici Heidegger, *Corpus theologiae Christianae* (Zurich: Joh. Henrici Bodmeri, 1700), 11:1. 371-72.

or to human law.<sup>22</sup>

In what follows we will refer to the moral law, perpetually true and valid, found in the law of nature at creation, encapsulated in the Decalogue, expounded and intensified by Jesus in the Sermon on the Mount, and written on the heart by the Holy Spirit in the new covenant. This law continues to apply to Christians now no less than to the Jews in the OT. Where we consider other senses of the law we will distinguish these clearly.

First, as ways of salvation law and gospel are in direct antithesis. Adam was in a very different situation than we who live under the covenant of grace; in his sinlessness, life was promised by works of obedience, for us it is - and can only be—by grace.

Second, on the other hand our gratuitous salvation was achieved by Christ by means of his obedience to the law of God. This reflects an inherent compatibility between law and grace.

Third, the law had the aim of convicting of sin and so leading people to Christ. So we, having been redeemed by grace, based on Christ's obedience, are freed to obey the law, its righteous demands being met in those who live according to the Spirit (Rom. 8:3-4). In both these last two cases, law and gospel work together in a complementary manner. As Augustine wrote, "it is not by the law that the ungodly are made righteous but by grace...The law was therefore given, in order that grace might be sought; grace was given, in order that the law might be fulfilled."<sup>23</sup>

Fourth, the law, in the sense of the OT as a whole, contained the gospel. It is seen in the promises God made in his covenants, the provision for atonement in the sacrificial system, and the patience and forbearance of God in the face of Israel's rebellion and obstinacy. Indeed, the sacraments of the Mosaic covenant spoke of grace and deliverance; the Passover and the triumphant rescue by Yahweh from Egypt, circumcision and the regeneration by the Spirit.

Fifth, and similarly, the NT, revealing the gospel in greater clarity, also maintains and preserves the law as the rule of life for believers. In all these latter senses, the law and the gospel are complementary, not competitive.

A major confusion existed among some Reformed theologians between the law of God and the covenant of works. The law is perpetually valid for all people, functioning in distinct and different ways depending on their status; for Adam before the fall, for all people after the fall, for believers before Sinai (Rom. 5:12f), after Sinai, and after Christ. For believers it functions as a rule of

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22. See the treatment *de Lege Dei* by Johannes Polyander in the symposium, Johannes Polyander, *Synopsis purioris theologiae, disputationibus quinquaginta duabus comprehensa* (Leiden: Ex officina Elzevierianus, 1625), 204–10.

23. Augustine, *De Spiritu et Littera*, 19:43. In *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church*, First Series (ed. Philip Schaff; 1887; rpr., Edinburgh: T&T Clark, 1979), 5:97.



righteousness, while they are not under its dominion since it is written on their hearts.

However, it does not follow because God's law is constant that the covenant of works is perpetually and universally operative, as—*inter alia*—Robert Rollock taught.<sup>24</sup> If that were so, believers now would be subject to a “works principle” too. Alternatively, if believers are not subject to a works principle but the law is identified as a covenant of works, the law would cease to apply to them, as Cornelis Venema considers Van Drunen appears to suggest is true outside the civil sphere.<sup>25</sup>

Calvin strongly opposed comparing law and gospel based upon a contrast between free imputation and the works principle. In the *Institutes* he wrote, “we refute those who always erroneously compare the law with the gospel by contrasting the merit of works with the free imputation of righteousness.” And, in the same section, “the gospel did not so supplant the law as to bring forward a different way of salvation” for “where the whole law is concerned, the gospel differs from it only in clarity of manifestation.”<sup>26</sup> Therefore in the words of *The Westminster Confession of Faith*, law and grace or gospel are not polar opposites in the redemptive economy of God for they “sweetly comply.”<sup>27</sup> The reason is that salvation was never on offer after the fall by works of obedience performed by the sinner; personal obedience to the law by the sinner was never the way by which salvation is received, whether for Israel or for us. Once we had sinned in Adam under the covenant of works we were covenantally dead in sins. This route was forever prohibited. It was a complete and utter impossibility.

However, Kline and Horton—recognizing this—affirm, on the basis of the covenant of grace, that salvation for the individual is entirely by grace on the ground of the vicarious accomplishment of Christ in obeying the law in sinless perfection and in suffering its sanctions. This, they agree, was the case at all stages in the history of redemption including from the time the Sinaitic covenant was enacted. Their claim is that the Mosaic covenant as such was a law covenant, with the works principle operative, *in terms of the covenant community's reception of covenantal blessing* such as possession of the land of Canaan. These blessings are typological of the spiritual blessings of the covenant of grace. By this means, the covenant of

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24. Robert Rollock, *A treatise of God's effectual calling*, trans. Henry Holland (London: Felix Kyngston, 1603), 1–27. Note Rollock's confusion between the law and the covenant of works, p.17.

25. Van Drunen, “Natural Law and the Works Principle,” esp. 313–14. See the critical comments of Venema, “The Mosaic Covenant,” 96–98.

26. John Calvin, *Institutes*, II.ix.4.

27. WCF, 19:7.

grace is one in substance in all ages but its administration in the Mosaic covenant was on the basis of law and enshrined a works principle *by which Israel's maintenance of covenantal blessings* was conditioned upon its meritorious obedience. These two principles operated side by side. Kline writes of "alternate ways of inheritance." We shall evaluate this claim historically and theologically.

#### 4. Historical evaluation

##### 4.1. *History of the emergence and early development of the doctrine of the covenant of works*

The term *foedus operum* (covenant of works) was first used by Dudley Fenner (1538-1587) in 1585.<sup>28</sup> The first occasion of a confessional commitment to it is in *The Westminster Confession of Faith* (1647). There were clear precursors to Fenner in Zacharias Ursinus (1562) and medieval antecedents.<sup>29</sup> However, before the 1580s there was acceptance of one covenant, the covenant of grace, exemplified by the title of the first treatise on the subject.<sup>30</sup> Calvin did not describe the pre-fall situation as covenantal, although Lillback thinks he had all the ingredients for an inchoate covenant.<sup>31</sup> From the late 1580s it was commonplace to consider the situation at creation to be a covenant of works, although not all shared this position.<sup>32</sup> From this time there began to be significant reflection on the relationship between the covenant of works and the Mosaic covenant, although as I have argued the emergence of the covenant of works largely resulted from reflection on the relationship between law and gospel. Before long the republication idea surfaced although it never progressed beyond a minority report. The Westminster Confession is committed—as were all the Reformed—to the perpetuity of the moral law, particularly in the face of the threat from the antinomians. However, the divines were careful to distinguish this from the covenantal administrations under Adam and Moses. This is an important distinction highlighted by Venema.<sup>33</sup>

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28. Dudley Fenner, *Sacra theologia, sive veritas quae secundum pietatem* (Geneva, 1585).

29. See Richard A. Muller, *After Calvin: Studies in the Development of a Theological Tradition* (Oxford: Oxford University Press, 2003), 175–89.

30. Heinrich Bullinger, *De testamento seu foedere Dei unico & aeterno brevis expositio* (Zürich, 1534).

31. Peter A. Lillback, *The Binding of God: Calvin's Role in the Development of Covenant Theology* (Grand Rapids: Baker Academic, 2001).

32. See Robert Letham, "The Foedus Operum: Some Factors Accounting for Its Development," *SCJ* 14 (1983): 63–76.

33. Venema, "The Mosaic Covenant."

#### 4.1.1. Differing views on the Mosaic covenant

Two major works highlight the diversity of views on the nature of the Mosaic covenant among Reformed theologians at this time. John Ball, one of the leading divines of the seventeenth century, died in 1642. His work on the covenant, *A Treatise on the Covenant of Grace*, published in 1645, received widespread praise. He considered there to be four main positions on the matter. Later, Francis Turretin, in his *Institutes* agreed with Ball's classification. Both Ball and Turretin comment that the standard teaching among the Reformed concerning the covenant of grace was that "for manner of administration this Covenant is divers...but for substance it is one,"<sup>34</sup> for at all stages it has the same mediator, faith, promises, and way of reconciliation.<sup>35</sup>

##### (1) The first category to which Ball refers is the Mosaic covenant as a covenant of works.

Ball refers to some who made the OT and NT as, respectively, the covenant of works and the covenant of grace, opposed in substance. This he calls "an unsound distinction...leaving all that Moses puts under Covenant to be the Covenant of works and old Testament" for "neither can it be proved, that ever God made the Covenant of works with the creature fallen."<sup>36</sup> Nonetheless, a number of well regarded divines took this position.

Robert Rollock held that after the fall the covenant of works is the same for the unregenerate as it was for Adam before the fall. In this case it cannot justify them since it condemns them, while for the elect it is abolished in this sense but it is not abolished as a schoolmaster that prepares them for the covenant of grace.<sup>37</sup> Hence, according to Rollock, it is repeated continuously by Moses and by the prophets, so as to prepare the elect for the covenant of grace.<sup>38</sup> Thus when a person trusts Christ he is "freed from the covenant of works [and] ... forthwith he is admitted to the covenant of grace."<sup>39</sup>

The Puritan, William Perkins, in his famous work, *A Golden Chaine* states that the covenant of works is expressed in the moral law, which commands perfect obedience and forbids the contrary. "The Decalogue...is an abridgement of the whole lawe, and the

34. John Ball, *A treatise of the covenant of grace* (London: Simeon Ash, 1645), 23.

35. Turretin, *Institutes*, 2:192–205.

36. Ball, *Treatise*, 93.

37. Robert Rollock, *Effectual calling*, 21–24.

38. Robert Rollock, *Quaestiones et responsiones aliquot de foedere Dei, deque sacramento quod foederis Dei sigillum est* (Edinburgh: Henricus Charteris, 1596), A4b-A5b.

39. Rollock, *Effectual calling*, 27.

covenant of workes.”<sup>40</sup> It is notable that Perkins’ exposition of the first commandment and the preamble to the Decalogue, “I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery,” makes little or no reference to the historical context of Exodus nor to its placing the commandments in the already operative covenant of grace.<sup>41</sup> In his *An Exposition of the Symbole or Creed of the Apostles* he does say, in expounding the covenant of works, that Adam by creation received grace for himself and his posterity, and in his fall transgressed not only for himself but for all his posterity,<sup>42</sup> but he does not discuss its relationship to the Mosaic covenant. In *An Exposition upon the First Five Chapters of the Epistle to the Galatians*, he writes that the whole law is not of faith - it does not prescribe faith in the Messiah, but promises blessing to he who does the things contained in the law, who performs perfect obedience by his works.<sup>43</sup> The Lord repeats the law after the fall for “weightie reasons.”<sup>44</sup> The law in terms of the legal and Mosaical manner of revealing sin was added until Christ<sup>45</sup> but as a rule of life is unchangeable and admits no abrogation.<sup>46</sup>

Turretin, in opposing this idea, points out that some, such as Rollock, Piscator, and Trelcatius, oppose the old covenant to the covenant of grace, whereas others say there is only one covenant. He concludes, “It is one thing to live under a legal economy; another, however, to be under the law as a covenant or to be of the works of the law.”<sup>47</sup>

Such are the principal reasons why the identification of the Mosaic covenant with the covenant of works is untenable.<sup>48</sup>

(2) Second, notes Ball, is the argument that the Mosaic covenant was a subservient covenant to the covenant of grace, neither a covenant of works nor the covenant of grace.

John Cameron (1579-1625) was a leading exponent of this idea. Cameron discusses this covenant in his *The threefold covenant of God*

40. *The Workes of that famous and worthie minister of Christ, in the Universitie of Cambridge, Mr. W. Perkins*. STC 19649. (Cambridge: John Legate, 1608), 1:32.

41. *Ibid.*, 1:32-35.

42. *Ibid.*, 1:168.

43. William Perkins, *Workes* (London: John Legate, 1631), 2:235.1.c-2b.

44. *Ibid.*, 2:237.1b.

45. *Ibid.*, 2:245.1b.

46. *Ibid.*, 2:251.1a.

47. Turretin, *Institutes*, 2:255-56.

48. It is opposed by the *Formula Consensus Helvetica* (1675), 25, composed by Heidegger and Turretin: “We disapprove therefore of the doctrine of those who fabricate for us three Covenants, the Natural, the Legal, and the Gospel Covenant, different in their whole nature and pith...” in A.A. Hodge, *Outlines of Theology* (1879; repr., Grand Rapids: Zondervan, 1972), 663.

*with man*.<sup>49</sup> His contention is, “We say therefore there is a Covenant of Nature, another Covenant of Grace, and another Subservient to the Covenant of Grace (which is called in Scripture, the old Covenant) ...”<sup>50</sup> The subservient covenant had the purpose to prepare the people of Israel for faith, enflame them with a desire for the promise of the gospel covenant, and restrain them from impiety.<sup>51</sup> It agrees with the covenant of nature, in terms of the parties (God and man), the condition annexed, the stipulation is the same (the Mosaic law), the promise is the same, and both lead to Christ. They differ in that the covenant of nature was made with all, whereas the subservient covenant was only with the Israelites.<sup>52</sup> They differ in timing, and in the contrasts between the law of nature and the Mosaic ceremonies, life in Canaan or life in paradise, an indirect as opposed to a direct relation to Christ, and being founded on creation and election respectively.<sup>53</sup>

The subservient covenant agrees with the covenant of grace insofar as God is the author of both, both are made with man as a sinner, both reveal sin, restrain from sin, and lead to Christ, are badges of the church of God, are made through the mediator, and promise life.<sup>54</sup> They differ in seventeen ways: the subservient covenant reproves sin and approves righteousness whereas the covenant of grace remits sin and provides a new righteousness; the stipulations are “do this” in contrast to “believe;” relative antiquity as the subservient covenant was added to the promises of grace; an indirect or direct discovery of sin; restraint from sin by “coaction” as against restraint by voluntary inclination; direct or indirect leading to Christ; the outward badge of the Jewish church contrasted with the spiritual badge of the church of Jews and Gentiles; Moses or Christ as the mediator; the spirit of bondage as opposed to the Spirit of adoption; a means to an end compared with the end itself; terrified consciences against comforted consciences; man dead in sin as the object of the covenant or man terrified in conscience; a declaration of the manner of worship compared with performing it; a covenant against us versus a burden cast off; from Mount Sinai or from Mount Zion; the Gentiles shut out or received; life in Canaan versus life in heaven.<sup>55</sup>

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49. Bound with Samuel Bolton, *The true bounds of Christian freedom: whereunto is annexed a discourse of the learned Iohn Camron, touching the threefold covenant of God with man* (London: J.L. for Philemon Stephens, 1645).

50. *Ibid.*, 356.

51. *Ibid.*, 381.

52. *Ibid.*, 382.

53. *Ibid.*, 383.

54. *Ibid.*, 392.

55. *Ibid.*, 393–95.

In summary, “The Old [subservient] covenant is that, whereby God doth require from the people of Israel, obedience of the Morall, Ceremoniall and Iudiciall Law; and to as many as doe give it to him, he promises all sorts of blessings in the possession of the land of Canaan; on the contrary, to as many as deny it him, he denounces, most severely, curses and death; and that for this end, that he might bring them to the Messias which was for to come.”<sup>56</sup>

Cameron was regarded by some as close to Arminianism but Muller correctly rebuffs this argument.<sup>57</sup> Cameron’s distinction between absolute and conditional covenants was more in alignment with the hypothetical universalism which was within the bounds of Reformed orthodoxy at the time, of which prominent spokesmen at Dort were John Davenant and Matthias Martinius.<sup>58</sup>

Ball concludes, it appears “the Divines of this opinion, make the Old Covenant differ from the new in substance, and kind, and not in degree of manifestation, as also did the former.”<sup>59</sup> Turretin too, in considering this position, states “we do not think that the received opinion (which retains the twofold division...) ought to be discarded.”<sup>60</sup> The proposal that the Mosaic covenant was a subservient covenant to the covenant of grace, neither a covenant of grace nor of works, received no confessional support.

(3) Ball lists an inconsistent and ambiguous attempt to see the Mosaic covenant as part of the covenant of grace but differing in degree.

Most divines, he says, “hold the old and new Covenant to be one in substance and kind, to differ only in degrees: but in setting down the differences they speake so obscurely, that it is hard to find how they consent with themselves.”<sup>61</sup> Some distinguish the covenants sharply, “but how all these differences shall stand, if they be not Covenants opposite in kind, it is not easy to understand.”<sup>62</sup> Meanwhile, others seek to reconcile the two in varying ways.<sup>63</sup> To my mind, Kline fits somewhat into this category, certainly more closely than to any of the others, insofar as he considers the covenant of

56. *Ibid.*, 400–01.

57. Richard A. Muller, “Divine Covenants, Absolute and Conditional: John Cameron and the Early Orthodox Development of Reformed Covenant Theology,” *MJT* 17 (2006): 11–56.

58. See Jonathan D. Moore, *English Hypothetical Universalism: John Preston and the Softening of Reformed Theology* (Grand Rapids: Eerdmans, 2007); and a chapter of mine in *From Heaven He Came and Sought Her*, ed. David Gibson and Jonathan Gibson (Wheaton: Crossway, forthcoming).

59. Ball, *Treatise*, 92–95.

60. Turretin, *Institutes*, 2:218. See also *ibid.*, 2:262–69.

61. Ball, *Treatise*, 95.

62. *Ibid.*, 96.

63. *Ibid.*, 96–102.

grace to be one in substance in all ages yet to coexist with an antithetical works principle in the Mosaic covenant. However, the distinctiveness of his theories effectively creates a new classification of its own.

Some of those whose comments approximate to what Ball describes are Amandus Polanus (1562-1609) and Johannes Polyander (1568-1646). Polanus, in his *Syntagma*, first published in 1609, writes that the covenant of works was repeated by God with the people of Israel through Moses. He then gives four reasons why it was repeated<sup>64</sup> before going on to say that since the fall there has been only one covenant, the covenant of grace, one in substance differing in administration.<sup>65</sup> This implies that according to substance there is one covenant and so the Mosaic covenant is part of the one covenant of grace but that it is also a covenant of works in terms of administration. This is an argument akin to Kline's but in an undeveloped state.

Johannes Polyander was one of the four Dutch theologians who produced the *Leiden Synopsis* in 1625, a handbook of Reformed theology affirming the orthodox position of the Synod of Dort. On the one hand, in discussing the differences between the OT and NT he goes as far as saying that the Mosaic covenant offered a different way of salvation to the NT. Strictly, the law given through Moses to the Jews promised life *sub conditione perfectae obedientiae* and warned of a curse against transgressors, whereas the NT offers spiritual grace and salvation freely. In this sense the difference between OT and NT relates not merely to circumstances and accidents but to essence (*essentialiter*). There are different reasons for salvation (*diversa prorsus salutis ratio*), a promise of life on condition of works and a promise of life through faith in Christ.<sup>66</sup> In this sense the OT is a ministration of death, the letter that kills, an intolerable yoke.<sup>67</sup> On the other hand, the promise given to Adam, and then to Abraham and his seed, in which blessing was to come to all nations, was joined to the law given through Moses. Its meaning was concealed, as the law was a pedagogue to lead us to Christ. In turn, the NT requires repentance and new obedience.<sup>68</sup> So, when measured strictly, there is no agreement between the law and the gospel, yet the first covenant contained promises too.<sup>69</sup>

So, in fact, the two testaments are one and the same in terms of

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64. Amandus Polanus, *Syntagma theologiae Christianae* (Geneva: Petri Auberti, 1612), 2:321.

65. *Ibid.*, 2:322–23.

66. Polyander, *Synopsis purioris theologiae*, 279.

67. *Ibid.*, 280.

68. *Ibid.*, 281.

69. *Ibid.*, 282.

substance. They have the same efficient cause (God); the same material cause (faith and obedience); the same promise of eternal life through the imputation of the righteousness of faith, and free adoption in Christ; the same formal cause (a covenant between different parties confirmed by the blood of a mediator); the same final cause (blessings of a good life); and the same ultimate cause (the praise of the glorious grace of God in Christ). Thus, we refer to two testaments in terms of accidents or manner of administration, not substance.<sup>70</sup> In the internal administration of God they are the same. In the external administration there is less clarity in the OT, in which the promises focused on Abraham and his seed, and the heirs were little more than servants.<sup>71</sup> But the benefits of grace cannot be separated from the OT.<sup>72</sup>

Therefore, Polyander makes a distinction between the OT and NT in a strict sense, in which two alternative ways of salvation are offered, but restricts this to the circumstances and accidents, attempting to hold on at the same time to the unity of the covenant in substance. In this he, like Polanus, foreshadows some of the interests of Kline. This supports Ball's observation that there was a lot of confusion among some divines.

(4) Ball's fourth category is the claim that the Mosaic covenant was the covenant of grace accommodated to the time and the people.

This is Ball's own position. Muller erroneously argues that Ball held that the Mosaic covenant was a subservient covenant, the second of the four alternatives.<sup>73</sup> However, Ball opposes the idea that anything after the fall can be called a covenant of works, since all are part of the covenant of grace, and dismisses those who make the old covenant a subservient covenant, since "they make the Old Covenant differ from the new in substance, and kind, and not in degree."<sup>74</sup> Rather, Ball concludes, "Some Divines hold the old Testament, even the Law, as it was given upon Mount Sinai, to be the Covenant of Grace for substance, though propounded in a manner fitting to the state of that people, time and condition of the Church." It was given to the Jews so that they might deny themselves and flee to the mercy of God in Jesus, to be a rule of life to the people in covenant. "This I take to be the truth, and it may be confirmed by many and strong reasons out of the word of God."<sup>75</sup>

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70. *Ibid.*, 283.

71. *Ibid.*, 284–85.

72. *Ibid.*, 286.

73. Muller, "Divine Covenants," 50.

74. Ball, *Treatise*, 93–95.

75. *Ibid.*, 102.



Ball supplies a number of reasons for his preferred interpretation. Firstly, just before the decalogue was given, the contract of spiritual marriage is described (Exod. 19:4-5, cf. Jer. 11:2-4). This is a covenant of grace and mercy in which God promises to be Israel's God and take them as his people.<sup>76</sup> After the fall it is impossible that God could enter into covenant with man except through a mediator. A peculiar people is one loved by the Lord. Israel could never have been a kingdom of priests under a covenant of works.<sup>77</sup>

Secondly, in the promulgation of the law God proclaims himself to be the God of Israel (Exod. 20:1f). Ball writes, "all acknowledge [these words] to be the free Covenant, which promiseth pardon of sin, and requireth faith in the Messiah."<sup>78</sup>

Thirdly, Christ recites the first commandment where "we are enjoined to take God to be our God...to trust in him as our only Saviour. And it can hardly be questioned, whether that Covenant wherein we are bound to take God to be our Father, King and Saviour be the Covenant of grace or no?"<sup>79</sup>

Fourthly, after the giving of the law Yahweh enacts a covenant with Israel. This could not be done by a covenant of works since they would have bound themselves to most dreadful curses. The legal covenant of works cannot be renewed once it is broken; it does not admit repentance "but exacts perfect and perpetuall obedience." But this covenant "might be renewed after transgression, did admit repentance...And if the Covenant after transgression may be renewed, it is of grace."<sup>80</sup>

Fifthly, the godly kings often renewed their covenant after transgression. "Without question, they understood, that God of his free grace had promised to be their God, and of his undeserved and rich mercy would accept of their willing and sincere obedience, though weake and imperfect in degree."<sup>81</sup>

Sixthly, the covenant of grace made with Abraham is the same in substance with the covenant made with Israel upon Mount Sinai. The promise is the same and the things required are the same.<sup>82</sup>

Seventhly, God when he gave the Law troth-plighted the people to himself and himself to them.<sup>83</sup>

Eighthly, the law requires faith as well as love and obedience. Christ is not the end of the law if the law does not require faith in

76. *Ibid.*, 103.

77. *Ibid.*, 104.

78. *Ibid.*, 104.

79. *Ibid.*, 105.

80. *Ibid.*, 106-7.

81. *Ibid.*, 108.

82. *Ibid.*

83. *Ibid.*, 109.

him.<sup>84</sup>

So, Ball concludes, “From all this it followeth, that the Law as it was given to the Jewes, is for substance the Covenant of grace, or a rule according to which the people in Covenant ought to walk.”<sup>85</sup> “God of his free-grace and mercy made this Covenant with Israel upon Mount Sinai.”<sup>86</sup> He betrothed himself to Israel, with tokens of majesty and terror.<sup>87</sup> This covenant was made in Christ, the promised Messiah, but according to the administration, Moses was the mediator<sup>88</sup>—but only the typical mediator.<sup>89</sup> The covenant was made not only with those he brought out of Egypt but with their posterity (Deut. 29:10-12).<sup>90</sup>

The good things promised were temporal or spiritual; but the temporal were types of the spiritual.<sup>91</sup> Free forgiveness of sins is promised in this covenant. It is implied in the promise to be their God.<sup>92</sup> Eternal life is promised in this covenant.<sup>93</sup> While death and destruction is threatened for breach of the covenant, obedience is not an antecedent condition (where the condition is a cause of the things promised) but a consequent one (where it is annexed to the promise as a qualification in the subject).<sup>94</sup> The condition of the covenant is faith in the promised Messiah—implied in the promise “I will be their God.”<sup>95</sup> Ball insists that “The words, ‘Do this and live, must not be interpreted, as if they did promise life upon a condition of perfect obedience...but they must be expounded Evangelically, describing the subject capable of life eternall, not the cause why life and salvation is conferred: and by doing sincere, uniforme, unpartiall obedience, not exact fulfilling of the Law in every title [sic] is to be understood.”<sup>96</sup>

For the better administration of this covenant God ordained suitable ordinances—the ministry and priesthood.<sup>97</sup> Not all under the outward administration of this covenant were partakers of the blessings promised. Whatever any of them enjoyed it was under the covenant of grace not for the dignity of their works. Again he emphasizes that obedience was not a causal condition but a consequent condition (not the reason why they should inherit but

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84. *Ibid.*

85. *Ibid.*, 111.

86. *Ibid.*, 122.

87. *Ibid.*, 123.

88. *Ibid.*, 127.

89. *Ibid.*, 128.

90. *Ibid.*, 129.

91. *Ibid.*, 130.

92. *Ibid.*, 131.

93. *Ibid.*, 132.

94. *Ibid.*, 132–33.

95. *Ibid.*, 134.

96. *Ibid.*, 136–37.

97. *Ibid.*, 138.

what they were to do when they inherited).<sup>98</sup>

#### 4.1.2. Antecedents to and Contemporaries of John Ball

There were notable antecedents for Ball, as he mentions. Caspar Olevian (1536-87) is one. In his *De substantia foederis gratuita inter Deum et electos* (1585) he considers the covenant of grace in detail. He writes of a first covenant with Adam,<sup>99</sup> although he is vague about what it entailed. The later lineaments of the covenant of works are not present. As Bierma comments “it is an idea without an assigned place in Olevianus’s theology.... The doctrine occurs frequently enough not to escape notice, but...it plays at most a minor role.”<sup>100</sup> This at once raises a question about whether he could argue for the repetition of a covenant about which he gives no clear detail. There is no such problem with the covenant of grace; this is free, without conditions.<sup>101</sup> His following treatment of the legal covenant (*foedus legale*) and the new covenant are both aspects of the *foedus gratiae*.

The legal covenant obliged the people to perfect obedience to the law in their own strength. In the law God promised eternal life for perfect obedience and threatened *maledictio* on transgressors.<sup>102</sup> However, the scope of the legal covenant was Christ.<sup>103</sup> In it God fully recorded our sins, whereas in the new covenant there is renewal in the image of God and our sins are not recorded fully.<sup>104</sup> In terms of the administration of the covenant of grace, the natural obligation in the law of nature and again in the law written on stone tablets arouses horrors of conscience and propels the elect towards faith. As a result, they arrive at the promise of the gospel.<sup>105</sup>

In his Romans commentary, Olevian writes that Paul calls the letter without grace the *foedus legale*.<sup>106</sup> The law of nature is the same as the decalogue, yet what it says is not to be equated with the precepts of God.<sup>107</sup> The moral law has been abrogated *nempe quatenus foedus est*, as it obliges to perfect obedience or to a

98. Ibid., 142.

99. Caspar Olevian, *De substantia foederis gratuiti inter Deum et electos* (Geneva, 1585), 9.

100. Lyle D. Bierma, *German Calvinism in the Confessional Age: The Covenant Theology of Caspar Olevianus* (Grand Rapids: Baker Books, 1996), 119–20.

101. Olevian, *De substantia*, 2–3, 15–16.

102. Ibid., 13.

103. Ibid., 14.

104. Ibid., 19–20.

105. Ibid., 251–52.

106. Caspar Olevian, *In epistolam D. Pauli apostoli ad Romanos notae* (Geneva: Eustathium Vignon, 1584), 271.

107. Ibid., 273.

curse.<sup>108</sup> However, it is not abrogated in itself, since it is the immutable rule of righteousness in the mind of God, requiring perfect internal and external obedience and condemning whatever is not in conformity.<sup>109</sup> In this, Olevian recognizes a vital difference between the abiding validity and functions of the law and the law as the basis of a covenant.

It is clear to Olevian that the law cannot justify nor was it ever given with the intention of doing so. Echoing Paul, he affirms that by works of the law no one can be justified.<sup>110</sup> The law is not of faith since it does not offer free righteousness to believers but requires perfect implementation. It has no promise of remission of sins.<sup>111</sup> Of course, the ceremonial law did promise remission but Olevian's concentration is on the moral law. In this, he asserts that the obedience of the Son is superior to all the righteousness of the law.<sup>112</sup> At the time he composed his commentary on Galatians, no one had yet formally propounded the covenant of works and his own *De substantia* was still some years in the future. Evidently, Olevian did not have the tools at his disposal at this point to provide a basis for understanding the work of Christ as second Adam. He goes on to reinforce his earlier point; God had other ends in view in giving the law than as a means of justification. The law itself teaches that it does not justify.<sup>113</sup> Rather, it discloses sin, placing us under the penalty of the curse (*maledictio*), leads us to Christ and remains a rule of gratitude (*regula gratitudinis*).<sup>114</sup>

It is noteworthy that, in his Galatians commentary (1578) Olevian has no proper exegesis of the relationship between the Abrahamic and Mosaic covenants, despite the text demanding it.<sup>115</sup> This suggests strongly that this relationship only became a live issue after the doctrine of the covenant of works emerged, with the issues that it highlighted. So, is the law against the promises of God? Olevian is certain—"nullam esse repugnantiam inter Legem & gratuitam promissionem."<sup>116</sup>

Guilielmus Bucanus (fl. c. 1600) is another theologian who, for one reason or another, does not mention the covenant of works in discussing Adam before the fall. So for him the Mosaic covenant could not be a repetition of it!<sup>117</sup> This, despite the doctrine's

108. *Ibid.*, 269.

109. Caspar Olevian, *In epistolam D. Pauli apostoli ad Galatas notae* (Geneva: Eustathium Vignon, 1578), 49–50.

110. *Ibid.*, 51.

111. *Ibid.*, 54.

112. *Ibid.*, 57.

113. *Ibid.*, 70.

114. *Ibid.*, 71.

115. *Ibid.*, 73.

116. *Ibid.*, 75.

117. William Bucanus, *Institutiones of Christian religion, framed out of Gods Word, and the writings of the best divines* (London: George Snowdon, and Leonell Snowdon,

appearance and widespread adoption in the previous decades.

Correctly, Bucanus affirms that the law was repeated with Moses. Paul uses terms for the law, when comparing it with the gospel, that seem degrading (*ignominiosas*) but this is by relation, by our fault, not due to any fault in the law. Considered in itself it is called a holy law (*lex sancta*).<sup>118</sup> The moral law is no different than the law of nature; it clarifies the latter and is needed due to sin.<sup>119</sup> The difference between our doctrine and those who lived under the law relates to the manner of dispensation, not to the substance. Law and gospel are not opposite one another. In some things there is a great difference, in others they agree. He lists those who disagree and assert a radical difference—the Manichees, Pelagians, antinomians and libertines, Pharisees, papists, fanatics, and anabaptists.<sup>120</sup> There are differences relating to knowledge, manifestation, the promises (conditional as opposed to free), the effects, and to whom they should be preached.<sup>121</sup>

Since the fall, Bucanus continues, there has been only one covenant or testament of God.<sup>122</sup> Scripture mentions two covenants because of the dispensation of the same covenant at different times. However, the old covenant refers only to the free covenant made with Adam after the fall, confirmed with Abraham, the law of Moses given as a help, and renewed in Christ. They are one in substance.<sup>123</sup> The diversity consists wholly in the adjuncts (*tota in Adjunctis*), in the manner of the administration and circumstances of the economy (in administrandi ratione, & της οικονομια).<sup>124</sup>

Franciscus Junius (1545-1602) does not mention the covenant of works in his commentary on Genesis. He focuses on calling (*vocatio*) and on the ideas of gift and obligation.<sup>125</sup> In his *Theses theologicae* he does expound the doctrine.<sup>126</sup> However, when he considers the Mosaic covenant he sees it as confirming the Abrahamic covenant rather than repeating the covenant of works.<sup>127</sup>

James Usher (1581-1656) affirms the perpetuity of the moral law, that it was repeated at Sinai on stone tablets and continues on

1606), 104–11.

118. Guilielmus Bucanus, *Institutiones theologicae, seu locorum communium Christianae religionis* (Geneva: Jacob Stoer, 1618), 186–87.

119. *Ibid.*, 193.

120. *Ibid.*, 203.

121. *Ibid.*, 203–6.

122. *Ibid.*, 207.

123. *Ibid.*, 208.

124. *Ibid.*, 211.

125. Franciscus Junius, *Opera theologica* (Geneva: Petrum & Iacobum Chovet, 1613), 1:40–248.

126. *Ibid.*, 1:2048–50.

127. *Ibid.*, 1:2051–55.

thereafter but he does not equate this with a repetition of the covenant of works.<sup>128</sup>

Anthony Tuckney (1599-1670), who played a crucial role in the compiling of *The Westminster Larger Catechism*, [in his posthumously published *Praelectiones theologicae* (1679) writes] of the Mosaic covenant as an administration of the covenant of grace. Law and gospel are complementary not contrary, the law having a subordinate and strengthening (*subordinatae & corroboratione*) function.<sup>129</sup>

We shall leave aside the question of whether Calvin (1509-1564) taught a covenant of works - for which there is nothing explicit, only inference. It seems to me that, given this, he could not believe it was repeated at Sinai. Calvin considers the law in the context of redemption in Christ.<sup>130</sup> Since the whole race perished in Adam, the law was given to foster hope in Christ.<sup>131</sup> Moses was made a law giver so as to renew the blessing promised to Abraham. Christ is the end of the law as the law was a preparation for Christ.<sup>132</sup> From our perspective, we discern death in the law as none of us can keep it.<sup>133</sup> However, it is of value as it drives us to Christ having convicted us of our sin.<sup>134</sup> The third and principal use of the law—the “proper use of the law”—is the law written on our hearts,<sup>135</sup> an everlasting rule by which to live.<sup>136</sup> Later, he refutes those who always erroneously contrast the law with the gospel by contrasting the merit of works with the free imputation of righteousness. There is a contrast, but “the gospel did not so supplant the entire law as to bring forward a different way of salvation.” Rather it confirmed and satisfied what the law had promised.<sup>137</sup>

Calvin makes clear his stance in his commentary on Galatians, where in chapter 3 Paul discusses the relationship of the Abrahamic and Mosaic covenants. Commenting on Galatians 3:10, he writes that it is accidental that the law should curse, for the blessing it offers is excluded by our depravity.<sup>138</sup> So, in verse 12, the law does not conflict with faith, “otherwise God would be unlike himself.” Rather, Paul’s language is adapted to particular circumstances. The

128. James Ussher, *A Body of divinitie, or The summe and substance of Christian religion* (London: Thomas Downes and George Badger, 1645), 124–25, 157–59.

129. Anthony Tuckney, *Praelectiones theologicae, nec non determinationes quaestionum variarum insignium in Scholis Academicis Cantabrigiensibus habitae* (Amsterdam: ex officina Stephani Swart, 1679), 170-73.

130. Calvin, *Institutes*, 2:6:1–4.

131. *Ibid.*, 2:7.

132. *Ibid.*, 2:7:2.

133. *Ibid.*, 2:7:3.

134. *Ibid.*, 2:7:4.

135. *Ibid.*, 2:7:12.

136. *Ibid.*, 2:7:13.

137. *Ibid.*, 2:9:4.

138. John Calvin, *Calvin’s Commentaries: The Epistles of Paul to the Galatians, Ephesians, Philippians and Colossians*, ed. T.H.L. Parker (Grand Rapids: Eerdmans, 1965), 53.

law has a method of justifying a man which is completely foreign to faith. The question is whether believers obtain righteousness by their works, which is impossible.<sup>139</sup> The substance of the Abrahamic covenant rests on Christ alone, from which it follows that it is free.<sup>140</sup> It was given by free promise without mutual reciprocity.<sup>141</sup> Moreover, in verse 17, the law and the gospel are not at variance except in regard to justification. The law could not bring salvation apart from grace.<sup>142</sup> The purpose of the law, following verse 19, was to keep the ancient people in the faith of Christ.<sup>143</sup> In an important passage, commenting on verse 21, Calvin states that whoever alleges any contradiction between the law and the promises “blasphemes against God.” The law would be against the promises only if it had the power to justify. Then there would be two contradictory ways of justification. But Paul removes this from the law and the contradiction is removed.<sup>144</sup>

#### 4.2. The Westminster Confession of Faith

WCF 7.5 introduces us to the difference between OT and NT. *The covenant of grace is administered differently under the law and the gospel* (cf., LC, 33). Here there is a redemptive-historical distinction recognized between the OT and the NT. However, it is a distinction that relates to the administration of the covenant, not to its substance or intrinsic nature. This point had been brought out clearly by Calvin.<sup>145</sup> The Assembly recognizes the contrast between law and gospel, a central theme in Lutheranism. However, what the Confession and the *Larger Catechism* go on to say is that both law and gospel are the means of administration of the one covenant of grace. While there is a difference between them there is a more basic compatibility.

WCF 7.5 spells out clearly that the law was an administration of the covenant of grace. Through “the promises, prophecies, sacrifices, circumcision, the paschal lamb, and other types and ordinances” given to the Jews God signified Christ who was to come in the future. Thus the whole OT was a preparation for Christ, an integral part of

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139. Calvin, *Epistles of Paul*, 54; “Certum est legem cum fide non pugnare. Alioqui Deus ipse sibi esset dissimilio.” John Calvin, *Commentarii in Pauli Epistolas*, Ioannis Calvini Opera Exegetica (Genève: Librairie Droz, 1992), 69.

140. Calvin, *Epistles of Paul*, 57.

141. Calvin, *Epistles of Paul*, 60; “Deum Abrahae donasse, non requirendo mutuam quasi compensationem, verum sponte pollicendo.” Calvin, *In Pauli Epistolas*, 76.

142. Calvin, *Epistles of Paul*, 59.

143. *Ibid.*, 62.

144. *Ibid.*, 64; “Quisquis ergo aliquid inter eas repugnantiae inducit, in Deum est blasphemus.” Calvin, *In Pauli Epistolas*, 81–82.

145. Calvin, *Institute*, 2:9:1–2:11:14.

God's redemptive plan. In its own day, it was both sufficient and efficacious, by the power of the Holy Spirit for its intended purpose, which was to prepare the people for the coming of the Messiah. It was by the Messiah who was to come that remission of sins and eternal salvation was effected. Meanwhile, Abraham, David and others were justified by faith like we are, as Paul argues in Romans 4; only this was by virtue of the work of Christ who was yet to come (LC, 34). The law was therefore not an alternative way of salvation but the means of administering the one and only way of salvation in Christ in the covenant of grace.

#### 4.3. Some Reformed Theologians Post-Westminster

Among theologians after the time of the Westminster Assembly, Francis Turretin (1623-1687) asserts that the covenant of grace is one in substance in both the OT and the NT. It has the same mediator, the same condition (faith), the same spiritual promises, and the same substance of the sacraments (signifying and sealing Christ and his benefits).<sup>146</sup> Why, then, did God dispense the covenant of grace in different ways? Turretin points to a range of reasons. Behind all of them is the will of God; then there is the condition of the church, the need to excite a desire for the Messiah, and the progressive nature of revelation.<sup>147</sup> The decalogue is connected to the qualifications for the covenant of grace; Turretin distances himself from any supposition that it is the covenant of works.<sup>148</sup> Instead, the internal dispensation of the OT relates to the substance of the covenant of grace and the gospel promise.<sup>149</sup>

There are, of course, differences between the old and new covenants.<sup>150</sup> The old covenant, strictly speaking, means "the covenant of works of the moral law given by Moses." The Jews misconstrued it, for its true end was Christ for righteousness to every believer.<sup>151</sup> Turretin refers to Calvin, Martyr, and Ursinus as taking it as embracing the promise of grace, seeing the differences in terms of substance and accidents, not genus and species.<sup>152</sup> He affirms that the promise to Adam was the same in substance in the NT.<sup>153</sup> The Old Testament and the Mosaic covenant, taken strictly as to legal relation, differ in substance from the New Testament; but taken broadly and as to their gospel relation there is no substantial

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146. Turretin, *Institutes*, 2:192-205.

147. *Ibid.*, 2:216-18.

148. *Ibid.*, 2:226-27.

149. *Ibid.*, 2:230.

150. *Ibid.*, 2:233-40.

151. *Ibid.*, 2:234.

152. *Ibid.*

153. *Ibid.*, 2:235.



difference but only in the manner of dispensation.<sup>154</sup> The differences that exist are not to be identified with those between the law and the gospel.<sup>155</sup> The orthodox view is that difference between the OT and the NT is accidental not essential, for the thing itself was the same in both.<sup>156</sup>

Turretin goes on to ask whether the Sinaitic legal covenant was a third covenant distinct from the covenant of nature [works] and the covenant of grace? This was the claim of Cameron. Turretin denies it.<sup>157</sup> He proceeds to list the same four categories of interpretation as Ball did and agrees with Ball that the Mosaic covenant is a covenant of grace but promulgated with the law.<sup>158</sup> He and the orthodox recognize only two covenants.<sup>159</sup>

In his *Corpus theologiae Christianae* (1700), J.H. Heidegger (1633-1698) argues that the covenant of works was interrupted by sin but remains in terms of man's obligation to obedience.<sup>160</sup> In opposing Amyraut, he argues that the covenant of works could not be entirely wiped out. Man was still under obligation to obey God.<sup>161</sup> The rule of God and the law of God could not be overthrown by the sin of man. But man's obligation was as a creature to his creator, by creation and prior to the covenant of works. So his continuing obligation is as a creature and endures beyond the covenant.<sup>162</sup> Later, he acknowledges that the place of the Mosaic covenant as part of the covenant of grace is a little bit more difficult to explain. At root, God promises his grace under the type of the inheritance of the land of Canaan, promising a spiritual and heavenly inheritance and confirms and seals it by many types and sacraments. He made this covenant not as creator or judge but as saviour of his people.<sup>163</sup> The mediator of the Sinaitic covenant is both the true mediator, Christ, and the typological mediator, Moses.<sup>164</sup>

Heidegger recognizes that there are many legal requirements in the Mosaic covenant.<sup>165</sup> But—refuting Amyraut again—the Sinaitic covenant was not a law of works, as in the covenant of works. This was the error of the Jewish people. Certainly the decalogue includes a law of works (*legem operum*) but it is as a rule of sanctification

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154. Ibid.

155. Ibid., 2:236.

156. Ibid., 2:237.

157. Ibid., 2:262–69.

158. Ibid., 2:262.

159. Ibid., 2:262–63.

160. Heidegger, *Corpus*, 370.

161. Ibid., *Corpus*, 371.

162. Ibid., 372.

163. Ibid., 456.

164. Ibid., 458.

165. Ibid., 461.

without which it is impossible to see God (*regula sanctificationis, sine qua nemo Deum videre potest*).<sup>166</sup> After the fall man could never be justified by works. For God to lay down a law by which he could be saved was not possible. All saving efficacy is from the promise and the imputation of righteousness through faith. Nor, since the fall, was it possible for God to make a covenant from which his people could inherit Canaan as a type of the heavenly inheritance.<sup>167</sup>

Herman Witsius (1636-1708) is regularly cited in discussions on covenant theology.<sup>168</sup> In his *De oeconomia foederum Dei cum hominibus* (1694) he considers at length the unity of the substance of the covenant of grace.<sup>169</sup> The covenant has different economies; God has seen fit to dispense the covenant of grace in different ways at different time periods. This was summed up in two heads - the OT and the NT - referring to the times before and after Christ came in the flesh. In the OT it was administered through types, while in the NT it was consecrated by Christ's blood. The difference between these testaments was *non in substantia promissae collocandum esse haereditatis* as if the OT referred to an earthly Canaan and the NT a heavenly inheritance. Nothing would be less accurate than to think this. It was more that the OT was under shadows while the NT was clear. The *diversitas testamentorum est in diversa dispensatione eiusdem salutaris gratiae, & diversiis quibusdam adjunctis, ac circumstantis*.<sup>170</sup>

In short, the covenant was propounded in a different manner. The OT begins soon after the fall, with the first promise of grace, and ends in Christ.<sup>171</sup> There are three administrations of the covenant of grace: promise (before Moses), law (from Moses to Christ), and the gospel (NT).<sup>172</sup> If the OT declared the will of God concerning the giving of the land of Canaan, it was not from the time of Moses but began earlier with Abraham.<sup>173</sup> Nothing could be clearer than the Mosaic covenant as the covenant of grace.

More recent summaries of the question that take the same position are by A.A. Hodge<sup>174</sup> and Herman Bavinck.<sup>175</sup>

166. *Ibid.*, 462.

167. "Praeterea Deus non potuit cum populo Israel sub conditione legis operum foedus pangere..." *Ibid.*, 463.

168. See, *inter alia*, Jeffrey Scott, "Herman Witsius and the Economy of the Covenant of Works: A Sketch of His Doctrine," *MAJT* 22 (2011): 145-59.

169. Herman Witsius, *De oeconomia foederum Dei cum hominibus* (Editio tertia; Trajecti ad Rhenum: Franciscum Halman, 1694), 260-61.

170. *Ibid.*, 276-77.

171. *Ibid.*, 278.

172. *Ibid.*, 287-88.

173. *Ibid.*, 291.

174. A.A. Hodge, *Outlines of Theology*, 370-77.

175. Bavinck, *Reformed Dogmatics*, 3: 219-28.

(5) Incidentally, there is also a fifth category in addition to the four mentioned by Ball and Turretin, consisting of those who devoted little or no attention to the relationship between the covenants.

Typically, this was due to their writing before this had become a live issue and before the doctrine of the covenant of works had emerged in the middle of the 1580s. Some, like Bucanus, still did not adopt the covenant of works at around the turn of the century. Others, before the 1580s, could hardly reflect on whether a covenant about which they did not teach or write was repeated in any form at a later time. Theodore Beza is a case in point - to say nothing of whether, and to what extent, Calvin had the ingredients of the covenant of works ready to hand. The same applies to such crucial figures as Bucer and Bullinger. Beza, in his *Confessio Christianae fidei in Tractationes* (1576) has nothing about the covenant of works. This is not a surprise as it had yet to find articulation! Nor does he reflect on the relationship between the various redemptive covenants. He merely states that there is one covenant in substance, two in terms of circumstances.<sup>176</sup> Later, he discusses differences between the law and the gospel in a standard, orthodox way. He affirms that in Jesus Christ law and gospel are not against one another.<sup>177</sup> In the *Quaestionum & responsionum Christianorum libellus* (1570) there is nothing about the relationship between the covenants either.<sup>178</sup> In fact, in the *Tractationes*, the index of *verborum memorabilium*, consisting of eight folio pages, has no entry for *foedus* / *fedus*, *pactum* or *testamentum*.

## 5. Further Theological Evaluation

We shall now sum up our conclusions and ask some pertinent theological questions. It is clear that a position with formal similarities to Kline's was held in Reformed orthodoxy. It was a minority report. It was not adopted by any Reformed confession. Confessions do not address every issue, nor do they exclude perspectives that many might consider wrong but are yet within the bounds of acceptable doctrine.

### 5.1. The priority of law?

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176. Theodore Beza, *Tractationes theologiarum* (Geneva: Eustathium Vignon, 1576), 4.

177. *Ibid.*, 18–20.

178. *Ibid.*, 654–88.

Underlying the claim that the Mosaic covenant is a covenant of works, in some sense or other, is the notion that God primarily and consistently relates to man—whether to Adam before the fall or us in the covenant of grace—on the basis of law and justice. Meredith Kline articulates this claim in his *By Oath Consigned*. He writes, “The conclusion may now be stated that a truly systematic formulation of the theology of the covenant will define covenant generically in terms of law administration.”<sup>179</sup> Again, “Coherence can be achieved in Covenant Theology only by the subordination of grace to law. Election must be subordinated to covenant...”<sup>180</sup> Kline bases this on his doctrine of God: “merciful he may be according to his sovereign will; but all his works are in righteousness and truth.”<sup>181</sup> In this he makes justice an essential attribute while relegating love, goodness and grace to arbitrary attributes. This is the account of Calvinism that was at the heart of James Torrance’s unfortunate strictures.<sup>182</sup>

Although Kline wants to restrict the works principle to Israel’s inheritance of Canaan and associated temporal blessings, he considers these as typological of the blessings of the covenant of grace. These blessings, received by us through grace, are founded on Christ’s meritorious obedience to the covenant of works as the second Adam. Let us suppose for a moment that this was so. If this argument is correct, the archetypal blessings of salvation in Christ would be received by grace through faith, as Kline acknowledges, but Israel would receive the typological blessings, such as Canaan, by meritorious law-keeping according to the works principle. These, Kline has stated, are two alternative, antithetical ways of inheritance. But a type corresponds to the antitype. If the one is a type of the other, we conclude either that the blessings of the covenant of grace are received by law-keeping on the part of the recipients - in which case there is no gospel - or the temporal blessings of the Mosaic covenant were to be received by grace, which undermines Kline’s argument. The only other possibilities are either that law and grace work together, in distinct ways, or that the typical relationship is

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179. Kline, *By Oath Consigned*, 33.

180. Ironically, by making covenant supreme in relation to election, Kline agrees with Norman Shepherd, to whom he was viscerally opposed!

181. Kline, *By Oath Consigned*, 33.

182. See James B. Torrance, “Covenant or Contract? A Study of the Theological Background of Worship in Seventeenth-Century Scotland,” *SJT* 23 (1970): 51–76; James B. Torrance, “The Incarnation and Limited Atonement,” *EQ* 55 (1983): 82–94; taking a critical position against Torrance is Paul Helm, “The Logic of Limited Atonement,” *SBET* 3 (1985): 50. See also Robert Letham, *The Work of Christ* (Leicester: Inter-Varsity Press, 1993), 238. There is, of course, a vital point in what Kline says - one I support in the above reference - that by their natures neither can justice be abrogated nor mercy be required. Torrance - the very model of a Christian gentleman - was my doctoral supervisor and virtually all our discussions would lead, as if drawn by magnetism, to his criticism of federal Calvinism which I, for my part, would resolutely defend.

untenable; in both cases the argument is undermined.<sup>183</sup>

Moreover, there are two far-reaching problems with this position. While Kline is correct, against the neo-orthodox, that God's law is indispensable, and his concerns for the doctrine of justification are commendable and well founded, his theory has serious consequences for the doctrine of God.

## 5.2. The doctrine of God

If the claim that God's relationship to Adam before the fall was purely on the basis of law, justice, and merit were true, then one of two alternatives is theoretically possible. Either God revealed himself truly to Adam before the fall or he did not.

If he did not reveal himself truly before the fall, the underlying structure of redemption would be undermined. This would be because the reliability of God would be in question. If he had fellowship and communion with Adam before the fall but his appearance was not true, how could we rely on him thereafter?

On the other hand, if God did reveal himself truly to Adam and if this revelation was purely by law and justice, questions arise for the doctrine of the trinity. Do the persons of the trinity relate purely on the basis of law? If so, the indivisibility of God is threatened. If in order to act the three persons must interact in a contractual manner, and in relation to man as an employer and law giver, to the exclusion of grace, goodness and so on, it is hard to see how the classic Trinitarian doctrine of the inseparable operations—held by both East and West, Cappadocians as well as Augustine—can be maintained. Behind this doctrine is the indivisibility of the trinity. Kline affirms that the relations between the Trinitarian persons in the pre-temporal covenant are those of "simple justice."<sup>184</sup> This claim needs further thought.

Moreover, if justice is elevated above other attributes one has to ask how this may impinge on the simplicity of God, a doctrine held not only by Augustine and the West but by the Cappadocians as well,<sup>185</sup> as recent scholarship has highlighted.<sup>186</sup>

183. As James Dennison and others remark, "The mainstream Reformed tradition ... is very uneasy with any construction that places God's people simultaneously under two antithetical principles of obedience. It is either works, or it is faith. It is either grace, or it is merit. It cannot be both at the same time." James T. Dennison, Jr., Scott F. Sanborn, Benjamin W. Swinburnson, "Merit or 'Entitlement' in Reformed Covenant Theology: A Review" *Kerux* 24 (2009): 81.

184. Kline, "Covenant Theology," 4.

185. Herman Bavinck, *Reformed Dogmatics: Volume 2: God and Creation* (Grand Rapids: Baker Academic, 2004), 173–77.

186. See Robert Letham, *The Holy Trinity: In Scripture, History, Theology, and Worship* (Phillipsburg, New Jersey: Presbyterian & Reformed, 2004); Lewis Ayres,

### 5.3. Extra-Biblical material

It seems to me that Kline and others devote undue attention to extra-Biblical material, which has been allowed to assume a controlling force on crucial doctrine. Instead of such sources being used—with great care and caution—as secondary supports for Scriptural doctrine, they appear to be deployed as structural markers into which Biblical teaching is placed.

The Hittite suzerainty treaties are obvious as pillars of Kline's argument. This in the face of the stern warnings by Yahweh to Israel to have nothing to do with the culture and practices of the Hittites!<sup>187</sup> From this arises a sharp contrast between suzerainty treaties and royal grants, and so to a radical antithesis between the Mosaic and Abrahamic covenants. This paradigmatic use of extra-Biblical sources is a similar strategy to that of the New Perspective on Paul, in its reliance on a supposed consensus of the multi-faceted literature of second Temple Judaism.<sup>188</sup> If Scripture cannot be the authoritative interpreter of itself it can hardly be authoritative on anything else. If the doctrine of the covenants must be mediated via the Hittites, what sources should govern our doctrine of atonement?

It is interesting to note that the predilection for Ancient Near Eastern parallels, while all the rage in the fifties and sixties, has for some time gone into eclipse among OT scholars.<sup>189</sup> Mendenhall's theories,<sup>190</sup> which Kline adopted,<sup>191</sup> were extremely influential in Biblical studies half a century ago but have been all but abandoned since.<sup>192</sup> Noel Weeks argues that "the simple borrowing models that have been used...do not do justice to the complexity of the data."<sup>193</sup> The evidence suggests that in the late second millennium BC there is a lack of evidence of treaty forms in Canaan.<sup>194</sup> It is "practically impossible to judge whether covenants in Israel have any relation to treaties in the world outside."<sup>195</sup> Evidence from historians points to

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*Nicaea and Its Legacy: An Approach to Fourth-Century Trinitarian Theology* (Oxford: Oxford University Press, 2004); Lewis Ayres, *Augustine and the Trinity* (Cambridge: Cambridge University Press, 2010), 208–16; Bradley G. Green, *Colin Gunton and the Failure of Augustine: The Theology of Colin Gunton in the Light of Augustine* (Eugene, Oregon: Pickwick Publications, 2011).

187. See Exod. 23:23–24; Lev. 18:2–4; Deut. 7:1–5.

188. This is as useful a concept as "twentieth century Americanism."

189. Noel Weeks, *Admonition and Curse: The Ancient Near Eastern Treaty / Covenant Form as a Problem in Inter-Cultural Relationships* (London: T&T Clark, 2004), 1.

190. G.F. Mendenhall, *Law and Covenant in Israel and the Ancient Near East* (Philadelphia: The Biblical Colloquium, 1955).

191. Meredith G. Kline, *The Structure of Biblical Authority* (Grand Rapids: Eerdmans, 1972).

192. Weeks, *Admonition and Curse*, 135.

193. *Ibid.*, 9.

194. *Ibid.*, 163.

195. *Ibid.*, 139.

something more complex than a single covenant form.<sup>196</sup> Stephen Dempster follows Brevard Childs in warning against the overuse of information about the wider historical context when he writes “Childs makes an important point that the burgeoning information about the historical context needs to be carefully evaluated before it is automatically appropriated since uncritical acceptance can lead to hermeneutical distortions.”<sup>197</sup> Ernest Nicholson, in a review, considers Weeks’ book “an invaluable contribution, which, indeed, had it been written forty to fifty years ago would have spared much paper and print.”<sup>198</sup>

## 6. Conclusions

1. The idea that the pre-fall covenant of works was republished in some form in the Mosaic covenant has a pedigree in classic Reformed theology. It was not considered to be outside the boundaries of the Reformed faith.

2. Most of those who advocated this perspective considered the legal elements of the Mosaic covenant to be circumstantial, relating to the administration of the covenant to Israel. They maintained that the covenant of grace was one in substance in all ages.

3. However, this idea was never the majority position and was not given confessional status. The consensus was that the Mosaic covenant as a whole was part of the covenant of grace, differing in certain administrative, circumstantial ways from its fullest realization in the new covenant.<sup>199</sup>

4. The fact that the minority claim was held by some divines considered to be orthodox does not, of course, mean that it was correct. Differing views may be held on certain matters within the parameters of orthodox belief—differing views on eschatology, the

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196. K.A. Kitchen, *On the Reliability of the Old Testament* (Grand Rapids: Eerdmans, 2003). See Ronald S. Hendel, William W. Hallo, and Kenneth A. Kitchen, “The Kitchen Debate,” *Biblical Archaeology Review* 31/4 (2005): 48-53, for polarised views on Kitchen’s work. Kitchen, an eminent Egyptologist, berates OT scholars for being behind the times in their knowledge of historical learning in Ancient Near East studies. See James K. Hoffmeier, *Ancient Israel in Sinai: The Evidence for the Authenticity of the Wilderness Tradition* (New York: Oxford University Press, 2011), and Kenneth A. Kitchen and Paul J.N. Lawrence, *Treaty, Law and Covenant in the Ancient Near East* (Weisbaden: Harrassovitz, 2012) for important recent works of relevance here.

197. Stephen Dempster, “A Member of the Family or a Stranger? A Review Article of Jeffrey A. Niehaus. *Ancient Near Eastern Themes in Biblical Theology*. Grand Rapids: Kregel, 2008,” *Themelios* 35/ 2 (2010): 228–37.

198. Ernest Nicholson, “Review of Noel Weeks. *Admonition and Curse: The Ancient Near Eastern Treaty / Covenant Form as a Problem in Inter-Cultural Relationships*. London: T&T Clark, 2004,” *JTS* 57/ 2 (2006): 608–10.

199. Ernest F. Kevan, *The Grace of Law: A Study in Puritan Theology* (Grand Rapids: Baker, 1965), 113–26.

order of decrees, or the impeccability of Christ may be of relevance here.

5. I have argued that there appear to me to be very good reasons why this view is wrong. The Mosaic covenant cannot be another covenant of works and, as Bavinck put it, “it was not a covenant of works in disguise and did not intend that humans would obtain justification by their own works.”<sup>200</sup> It is easy to forget that the inheritance of the land in the OT was in accordance with *the gracious promises of the Abrahamic covenant!*

6. It is noteworthy that, in an age when polemics were often fierce, the exponents of these various positions in the seventeenth century treated each other with courtesy. Disparaging comments were notable by their absence. Recognition of this might help lower the temperature of future discussions.

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