THE COVENANT TERMINOLOGY
OF JOHANNES COCCEIUS:
THE USE OF *FOEDUS, PACTUM,* AND *TESTAMENTUM* IN A MATURE FEDERAL THEOLOGIAN

by Brian J. Lee

ONE OBSTACLE TO understanding the federal theology of Johannes Cocceius (1603–1669)—and by extension, that of other mature federal theologians in the mid-seventeenth century—is his distinctive use of a semi-technical, Latin terminology of the covenants. I say "semi-technical" because while Cocceius employed terms with a precise, technical sense, he did not presume broad agreement with his particular usage. Indeed, he regularly defined and defended it against both opponents and Reformed brethren. While Cocceius's terminology may not, therefore, reflect a commonly held Reformed orthodox position, it does reflect a universal growth in the precision and complexity of explanations pertaining to the history of biblical covenants.[1] In this article I will provide a description of the three main terms in Cocceius's thought (*foedus, pactum,* and *testamentum*), discuss briefly how these concepts were reflected in the structure of his thought, and give a few examples of how he applied them to contemporary problems.

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[1]Following the recent reappraisal of seventeenth-century theology which views scholasticism as a value-neutral theological method of doing theology in the schools (cf. Richard A. Muller, *Post Reformation Reformed Dogmatics*, 4 vols. [Baker, 2003]), I would contend that Cocceius's federal thought reflects the general "scholasticizing" tendency of his period. That is, contrary to the claim that federal theology was "biblical" and therefore "anti-scholastic," Cocceius's federal thought is itself thoroughly scholastic in its precision and complexity, and also in being tailored for use in theological debate and polemic.

Introduction

Unfortunately, previous treatment of this terminology has resulted in more confusion than clarity. Kenneth Hagen and J. Wayne Baker are representative of a tendency to use *foedus* and *testamentum* as descriptive titles in their theological typologies, making the sixteenth-century term carry the weight of a modern type.[2] Thus Hagen has written of the young Luther's "Theology of Testament," and the movement from "Testament to Covenant" in the sixteenth century.[3] To state his thesis crudely, "Testament" equals monergism in Luther, and Luther's heirs (Melanchthon, *et al.*) reflect a falling away of sorts. While Hagen's work recognizes the importance of these terms in Reformation thought, he nevertheless fails to account for their fluidity of signification and the rapid development which occurred in Luther's own lifetime as a result of the study of the Scriptures in the original languages. As a result, he presumes that moving from the use of "testament" to "covenant" indicates a theological transformation (or deformation), not merely a terminological one.

J. Wayne Baker's argument differs significantly from Hagen's, but he follows a similar path in pitting the "federal" theology of Heinrich Bullinger against the "testamentary" theology of Calvin and the Genevans, coming to the conclusion that these represent two Reformed traditions.[4] For Baker, "federal" as a theological

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[2]Another writer who has discussed the development of these terms in this period is David A. Weir, *The Origins of the Federal Theology in Sixteenth-Century Reformation Thought* (Oxford: Clarendon Press, 1990). While his discussion is equally problematic, it is not as helpful in connection with our topic here. See my "Biblical Exegesis, Federal Theology, and Johannes Cocceius: Developments in the Interpretation of Hebrews 7:1–10:18" (Ph.D. diss., Calvin Theological Seminary, 2003), 15–84, for a discussion of Weir.

[3]Kenneth Hagen, *A Theology of Testament in the Young Luther: The Lectures on Hebrews* (Leiden: E. J. Brill, 1974); Hagen, "From Testament to Covenant in the Early Sixteenth Century," *Sixteenth Century Journal* 3 (1972): 1–24.

[4]J. Wayne Baker, *Heinrich Bullinger and the Covenant: The Other Reformed Tradition* (Athens: Ohio University Press, 1980); Baker, "Heinrich Bullinger, the Covenant, and the Reformed Tradition in Retrospect," *Sixteenth Century Journal* 29, no. 2 (1998): 359–76; Charles S. McCoy and J. Wayne Baker, *Fountainhead of Federalism: Heinrich Bullinger and the Covenantal*

descriptor suggests greater cooperation between God and man in salvation, so that Bullinger being a "federal theologian" is reflected in his single-predestinarianism. In contrast, "testamentary" is a one-sided, double-predestinarian type of Reformed thought. Many scholars have noted that Baker's cleavage of the Reformed camp into two traditions results simply from a bowdlerized version of both Bullinger and Calvin, exaggerating the sinner's freedom in the first case and minimizing it in the latter.[5] Historical accuracy aside, Baker's use of these Latin terms as labels for different theological types flies in the face of plain evidence. Most notably, the "testamentary" Calvin frequently preferred *foedus* over *testamentum* in his Latin translation of the Bible, often substituting the prior in his translation where the Vulgate had used the latter.[6]

In short, previous scholarly attention to covenant terminology has oversimplified the significance of these terms. This reflects a general tendency to describe the origin and development of Reformed federal thought by dogmatic causes, ignoring exegetical issues which provided an impetus for this development. Thus scholars have failed to attend to exegetical developments resulting

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Tradition (Westminster/John Knox Press: Louisville, Kentucky, 1991); see in particular Appendix B of *Heinrich Bullinger and the Covenant*, "Covenant and Testament in Calvin's Thought," 193–198.

[5]Lyle D. Bierma, Peter A. Lillback, and Cornelis P. Venema have provided the most comprehensive responses to Baker's position. See Bierma, "Federal Theology in the Sixteenth Century: Two Traditions?" *Westminster Theological Journal* 45 (1932): 304-321; Lillback, *The Binding of God* (Grand Rapids: Baker Academic, 2001); and Venema, *Heinrich Bullinger and the Doctrine of Predestination: Author of "the other Reformed tradition"?* (Grand Rapids: Baker Academic, 2002).

[6]Calvin never translated *berith* in the Old Testament with *testamentum*, changing the many Psalter uses of the term. Further, when *diatheke* in the New Testament is found in an Old Testament quotation, Calvin replaced it with *foedus*, such as at Hebrews 8:7–10 (*Commentarius in epistolam ad Hebraeos*, ed. T. H. L. Parker, in *Ioannis Calvini opera exegetica*, vol. XIX [Librairie Droz, S. A.: Geneva, 1996], also in *Calvini opera*, 55:99–100). Comparison has been made between Calvin's Latin translation as found in his commentaries and extracted by Richard F. Wevers, and the Vulgate Latin; cf. Wevers' *A Concordance to the Latin Bible of John Calvin: Along with the Biblical Text Itself Reconstructed from the Text of His Commentaries* (Grand Rapids, MI, The Meeter Center for Calvin Studies, 1985) and Bonifatius Fischer's *Novae concordantiae Bibliorum Sacrorum iuxta vulgatam versionem critice editam* (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1977).

from the linguistic advances of biblical humanism. By way of introduction, it will be necessary to lay out briefly the basic exegetical issues behind these terms.

Behind Cocceius's Latin covenant terminology are the biblical terms ♦⊠☐�necked (*berith*), and its Greek parallel, diaqhvkh (*diatheke*).[7] Going back to Augustine and Jerome the parallel use of these terms in the Scriptures had presented a problem to interpreters, insofar as their proper meanings appear to diverge.[8] In the simplest of terms, *berith* seemed to come closer to a legal arrangement between two living parties, whereas a *diatheke* was generally understood as a last will and testament, the legal arrangement whereby a dead man disposed of his belongings. The "living/dead" dichotomy suggested that *foedus* required some degree of cooperative activity in the two parties coming to terms, while *testamentum* was necessarily one-sided in its origin and monergistic in its application.[9]

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[7]Throughout this essay I will generally transliterate ♦⊠☐necked and diaqhvkh with *berith* and *diatheke*, except when directly quoting a primary source that preserves the original.
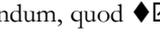
[8]Augustine, on Genesis 26:28 (PL 24:493): "Amant scripturae pro pacto ponere *testamentum* id est diatheken." Peter A. Lillback cites this and other examples from Augustine in *The Binding of God*, including comments on Gen. 21:27 (*PL* 34:491) and Joshua 9:7 (*PL* 34:539). Reference to Augustine's dictum is common in the sixteenth and seventeenth centuries, including Erasmus and Johannes Drusius (*Parallela sacra*, 1588) at Hebrews 9:20. At Romans 11:27 in his *Annotationes*, Erasmus referred to both Augustine and Jerome, citing the latter's comment on Mal. 2.: "Notandum, quod ♦⊠☐necked verbum Hebraicum Aquila sunqhvkh, id est, pactum, interpretatur. LXX. Semper diaqhvkhn, id est, testamentum. & in plerisque scripturarum locis testamentum non voluntatum defunctorum sonat, sed pactum viventium," *S. Hieronymi presbyteri opera pars I, opera exegetica, commentarii in Prophetas Minores*, in *Corpus Christianorum, series latina* 76A (Turnholti, Typographi brepols editores pontificii, 1970), 916. Similar comments are found in his comments on Jeremiah 11, *Corpus Christianorum, series latina*, 74:111.

[9]Some Socinian interpreters in the seventeenth century argued that *testamentum* could be equally conditional, as when a last will and testament had appended to it certain conditions for inheritance. Despite the fact that both parties are not involved with the making of such a testament, there is nonetheless a covenanting act which takes place when the testament takes effect and the heir enters into his inheritance. Though he was previously

The Latin Vulgate had generally translated *berith* with *foedus* and *diatheke* with *testamentum*, reflecting the contrast between the two words and leaving unexplained their parallel usage (perhaps the best option, from a translator's perspective). This created the interesting situation where Old Testament texts quoted in the New Testament diverged in their translation of this common term, e.g., Jeremiah 31:31–34 in Hebrews 8:7–13.[10] Augustine (in Latin terms) and Jerome (in Greek) had explained this as an *improper* use of *diatheke/testamentum* to mean *foedus*.[11] Medieval discussions appear to have used these terms interchangeably, without too much concern for whatever differences may lie behind the inexact correlation.[12]

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free from any legal commitment, upon receiving the heredity he covenants "*ex lege*" to perform the will of the testator, "So that every Testament at least when it is consummate and valid, is a kind of Covenant; and it is the best kind of Covenant," J. Crell, *The Expiation of a Sinner in a Commentary upon the Epistle to the Hebrews* (London, 1646), 179.

[10]For Jer. 31:31, the Vulgate reads "Ecce dies venient, dicit Dominus, et feriam domui Israel et domui Juda *foedus novum*," while for Heb. 8:8 it quotes this text "Ecce dies venient, dicit Dominus: et consummabo super domum Israel, et super domum Juda *testamentum novum*."

[11]Augustine, on Gen. 26:28 (*PL* 24:493): "Amant scripturae pro pacto ponere *testamentum* id est diatheken." Jerome's views can be found in his comments on Mal. 2: "Notandum, quod ♦◁□⋇✎❀ verbum Hebraicum Aquila sunqhvkh, id est, pactum, interpretatur. LXX. Semper diaqhvkh, id est, testamentum. & in plerisque scripturarum locis testamentum non voluntatum defunctorum sonat, sed pactum viventium," *S. Hieronymi presbyteri opera pars I, opera exegetica, commentarii in Prophetas Minores,* in *Corpus Christianorum, Series Latina* 76A (Turnholti, Typographi brepols editores pontificii, 1970), 916. Similar comments are found in his comments on Jeremiah 11, *Corpus Christianorum, series latina*, 74:111.

[12]An example of this can be found in Johannes Altenstaig, *Lexicon theologicum* (1517; Koln, 1619). In an entry for *testamentum* Altenstaig cites Gabriel Biel, *Canonis misse expositio*, a reference which can be found in the modern critical edition ed. Heiko A. Oberman and William J. Courtnay, 4 volumes (Wiesbaden: Franz Steiner, 1965), 2:306–307. Here Biel is explaining the words of institution, and he states that this is a New Testament because in both rite and effect it is new. "*NOVI ET ETERNI TESTAMENTI. Novi,* quia in ritu et effectu novum est." Texts cited in support include Jer. 31:31 (fedus *novum*); Isaiah 55:3 ("Ferima vobiscum pactum sempiternum"); and Heb. 9:16 and 10:14. Short of a true survey on the medieval status of this question, this usage is itself quite indicative of a lack of precision in the use of these terms.

The sixteenth-century reappraisal of the Vulgate translation drew attention to this contrast between Greek and Hebrew terms, long relatively dormant, and contributed to a growing degree of precise distinction between the Latin alternatives.[13]

As a result of these developments, mature federal theologians had at their disposal a selection of terms that had been increasingly distinguished through debate. These terms presented to Cocceius, and others, a broad palette of concepts and ideas, a palette which presented the opportunity to mix and match subtle shades of meaning in an attempt to portray the biblical covenants in the most helpful and meaningful way. To move from one visual metaphor to another, trying to understand their theology without an appreciation for the terminology is like watching a 3-D movie without the glasses. Not only will the depth and power of the images be lost, but one is bound to get more than a little disoriented and confused, and will probably end up with a headache.

Cocceius's Covenant Nomenclature: *Foedus*, *Pactum*, and *Testamentum*

Like all good scholastic treatises, Cocceius's *Summa doctrinae de foedere et testamento Dei* (1648) opens with an identification of the object under consideration, *De foedere Dei in genere*. This chapter opens with four paragraphs discussing the meanings of *foedus*, *berith*, and *diatheke*.[14] Cocceius is careful to note that when discussing the *foedere Dei*, one must not primarily attend to the Latin word, but the Hebrew for which it stands.[15] This methodological note is

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[13]For a full discussion of the development of covenant terminology in the sixteenth and seventeenth centuries, see chapter two of my "Biblical Exegesis, Federal Theology, and Johannes Cocceius," 15–85.

[14]Van Asselt surveys this material from the *Summa doctrinae* in his *The Federal Theology of Johannes Cocceius (1603-1669),* Studies in the History of Christian Thought, edited by Robert J. Bast, translated by Raymond A. Blacketer (Leiden, Boston, Köln: Brill, 2001), 38–40, 248–254. The discussion that follows differs from his only slightly in minor detail, as well as in developing to a greater degree the lexical issues specifically pertinent to this study.

[15]Cocceius, *Summa doctrinae de foedere et testamento Dei*, 1648 (henceforth abbreviated *SD*), in *Opera omnia theologica, exegetica, didactica, polemica, philologica. Editio tertia, auctior & emendatior.* 12 vols. (Amsterdam, 1701-

important, as it reflects a commitment not only to *sola Scriptura*, but also to the importance of reading the New Testament Scriptures in the primary context of the Hebrew Old Testament.[16]

Cocceius thus begins with the etymology of *berith*, inclining toward a derivation from the Hebrew term for "to choose" (ﬡﬨﬞﬞ, *deligere*) rather than "to cut" (ﬡﬨﬞﬞ, *succidere*), which, he notes, is the view of Hugo Grotius. His primary definition of *berith* reflects this etymology:

> Thus [a *berith*] is called an agreement concerning peace and friendship either before a war, things being whole, or when one party has violated the rights of another, or even after the beginning of war. In agreements however the condition is determined by the free choice and election of both parties (`ai{resi~` & *electio*). In agreements among friends, the condition is determined even by love, mutual benevolence and care, each contracting party choosing and even embracing one another.[17]

Here we see clearly stated the mutuality of covenants properly understood: *In conventionibus autem quibuslibet est conditionum* `ai{resi~` *& electio ex utraque parte.* Among friends, this is expressed by a loving, mutual embrace. This definition weighs against those who would portray Reformed federal theology as a legalistic or impersonal schema of redemption—Cocceius sees no contradiction between using legal terminology to express the nature of friendship with God, *amicitia Dei*.

1706), 7:39–130, §1: "Sed, quum de *Foedere Dei* agimus, cujus notificatio est in Scripturis, non tanti faciundum est, ut scias, quid vox Latina, quam quid vox Hebraea, pro qua ponitur, valeat."

[16]This method is also in stark contrast to Hugo Grotius, with whom Cocceius interacts heavily in this section. Grotius has an extended discussion of *diatheke* in the introduction to his New Testament annotations, wherein he determines the significance of the word first and foremost from its prevailing secular usage, coming to a quite different conclusion than Cocceius. See below.

[17]Cocceius, *SD* §1: "Sic dicitur conventio de pace & amicitia sive ante bellum, rebus integris, aut ab alter parte violato alterius jure, sive etiam post bellum inita. In conventionibus autem quibuslibet est conditionum `ai{resi~` & *electio* ex utraque parte; in conventione de amicitia, imo amore, & mutua benevolentia ac studio, etiam partium contrahentium una aliam eligit atque amplectitur."

This primary sense of *berith* is illustrated through a number of Old Testament examples, though at this point Cocceius avoids divine covenants and illustrates exclusively with agreements between men. Thus he cites Abraham's agreement with Mamre (Gen 14:13) and with Abimelech (Gen. 21:32); and Isaac's with Abimelech (Gen. 26:28–29). At the national level, there is the agreement between Israel and the Amorites (Ex. 34:12–15; Dt. 7:2). And the covenant between David and Jonathan illustrates that between friends (1 Sam. 18:3). Interestingly, Cocceius understands the covenant of peace (*foedus pacis*) of Isaiah 54:10 (cf. Zech. 11:10 and Dan. 9:27) to refer simply to an arrangement among the nations of men, namely, the historic state of affairs which came to pass in the reign of Augustus and his successors. A range of other primary uses are also treated in this paragraph, including covenants with things, natural obligations of friendship, and marital relations, where *berith* is used to express the bonds of immutable love, care, and comfort to which one is obligated.[18]

To be noted here is the great care and precision with which Cocceius defines his terms before even discussing the *foedus Dei*.[19] While he has drawn the meaning of this term from its Scriptural usage, he has demonstrated how *berith* is used only in relations among men, and by extension, between men and things. With equal care the following paragraph turns to a topic common in the discussion of covenants since Zwingli and Bullinger argued for infant baptism against the Anabaptists, namely, the ceremonies and rituals which conventionally accompany the initiation of such agreements.[20] These verbal formulae and the accompanying signs he distinguishes into two general types, depending upon whether they refer generally to the making of the covenant and warn of its sanctions, or more specifically, if they bear a similarity with the thing promised. For Cocceius, the signs associated with the *foedus*

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[18]Cocceius, *SD* §1.

[19]Precisely this type of precision is lacking from sixteenth-century discussions; see for example Bullinger's *nomenclatura testamenti* in *De testamento seu foedere Dei unico & aeterno Heinrychi Bullingeri brevis expositio* (Zurich, 1534), 2a–4b.

[20]Baker, *Heinrich Bullinger and the Covenant*, 2–25.

Dei are the latter, indicating specifically the promised blessing, in contrast, once again, with Grotius.[21]

The third and final paragraph turns to various figurative uses of *berith*, noting that by synecdoche *berith* sometimes referred merely to some of its constituent parts, i.e., either merely law, or merely the promise which is attached to it. Only under this figurative heading does Cocceius finally discuss divine covenants in Scripture. He begins by noting the sense in which *foedus*/*berith* can refer to the law or precept to which a promise is annexed, i.e., the ark of the covenant (Num. 10:33), table of the covenant (Dt. 9:15), and words of the covenant (Ex. 34:28). Similarly, Adam is said to have transgressed the *foedus* in Hosea 6:7. But in every covenant there is both precept and promise, and so by this same figure (whole for part) to make a covenant can simply mean to make a promise. So it is with God's saving covenants, which overwhelmingly propose promises to their recipients, and show God to be binding himself to their performance:

> For in *foedus* there is both precept and promise. For God made the *foedus* by proposing a law with the annexed promise of the law, and so he invited to the obedience of the law and the expectation of the promise. When "to make a *foedus*" (or "cut a *foedus*" as the Hebrews say) signifies "to promise" (*promittere*), and thus absolutely, without law or condition from the other party, metaphor is mixed to synecdoche. For when thus making a covenant, its author wills *himself* to be obligated to bear the stipulated conditions unto the execution of the promises. He who thus merely and simply promises, gives to those to whom he promises the right (*jus*) of expecting their promised payment.[22]

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[21]Cocceius, *SD* §2: "Declaratur autem verbis expressis, additis plerumque & signis notabilibus, saepe habentibus aptitudinem commonefaciendi vel generalem de foedere & sanctione ejus (quale est ferire, occidere animal, per caesi animalis partes transire, Jer. 34:18. Vide exotica hujus generis apud Grotium ad Matth. 26: vers. 28. Is ritus notabat, sanguinem vitamque foederati obnoxiam fieri, si fallat. Jer. 34:20.) vel specialem, per similitudinem rei promissae: ut in foederibus Dei liquebit." We will discuss Cocceius's disagreement with Grotius over the Lord's Supper more fully below.

[22]Cocceius, *SD* §3: "Nam in Foedere est tum Praeceptum tum Promissio. Deus enim Foedus facit proponendo Legem & legi annexam Promissionem: atque ita invitat ad Astipulandum legi, & Expectandam promissionem. Caeterum quando, ut patet, *ferire foedus* (Hebraei dicunt *secare*

The mutual element, so prominent in the proper sense of *berith* as it is employed among men, drops away in God's redemptive covenant-making. Cocceius illustrates this claim with a number of divine covenants, which he glosses as "mere promises" or "eternal promises" (2 Chron. 7:18; Hag. 2:4–5; 2 Sam. 23:5). Such a promise is not unlike an irrevocable gift (*donatio irrevocabilis*, Num. 18:19). This is analogically used to speak of that which God has efficaciously decreed and will certainly come to pass, as in the case of God being said to make a covenant with the day and with the night (Jer. 33:20; Job 31:1).[23]

Cocceius's understanding of *berith/foedus* counters the argument which moves merely from the proper, mutual sense of *foedus* to the fact that God's saving work requires human cooperation. Against this view Cocceius contends that the term can have a range of meanings, and that context is what ultimately determines its force in any given situation. Further, divine covenants consistently draw on this figurative sense of *berith*, which in part sets them apart from human covenants. Thus, Cocceius's discussion of the federal nomenclature concludes with a definition establishing the distinctive sense of the *foedus Dei:*

> The covenant of God with man is different than those which men make with each other. For men make covenants for the sake of mutual benefits, whereas God makes a covenant for his own

foedus, h.e. sectione animalis adhibita facere foedus) significat *promittere*, & quidem absolute, citra legem aut conditionem ab altera parte praestandam, Synecdochae miscetur Metaphora. Quemadmodum enim in foedere faciundo auctor ejus astipulanti latis conditionibus se obligatum vult ad praestandas promissiones; ita, qui nude & simpliciter promittit, iis, quibus promittit, dat jus expectandi earum promissionum praestationem…." (Emphasis mine).

[23]When he introduces the *foedus gratiae* in his *Summa theologiae* (*ST* 41§1), Cocceius states even more clearly that ♦⊠□✝✎❀ / *foedus* is used in a non-proper sense in speaking of this redemptive covenant: "Quum proposita est a Deo Promissio sive Testamentum publicatum est, *Foedus gratiae* homini peccatori propositum est. Quod creberrime in sacris literis memoratur, & ♦⊠□✝✎❀ *berith foedus* suo nomine appellatur. Quantumvis enim ea vox alicubi, ut supra docuimus, *Testamenti* notionem sustineat, tamen propterea non perdit propriam notionem: quae est pacti de pace & amicitiae; in quo est mutua personarum *ai{resi~* & electio, & approbatio conditionum…."

benefit. For the *foedus Dei* is nothing other than a divine declaration of the way in which one may obtain the love of God, and union and communion with him. Which way, if man follows, he is in a state of friendship with God (*amicitia Dei*)….[24]

This careful distinction of different senses of *berith* solves the problem of the relation between *berith* and *diatheke*, which he finally addresses. Cocceius grants that *diatheke* is often used in a broad, improper sense by Hellenistic Jews and non-native Greek speakers, even so far as to be used with the sense of *suntheke* or *pactum* (i.e., the proper sense of *berith*).[25] Nevertheless, in its more familiar and proper sense of a testamentary disposition (*testamentaria dispositio*), *diatheke* corresponds nicely with the figurative sense of *berith*/*foedus* just outlined. When this figurative use of *berith* is understood, the Septuagint's overwhelming choice of *diatheke* to translate *berith* is perfectly natural, and shouldn't be read as an improper use resulting from the linguistic crudity of Hellenistic Jews. Further support for this view of *diatheke* is clearly provided when the Apostle uses *diatheke* to mean *testamentum* at Galatians 3:15, Hebrews 9:16 and Hebrews 8:10. As a result, the *berith* of God tends toward the sense of *testamentum*/*diatheke*, and the problematic relation between Old and New Testament terms fades somewhat.

This concludes the terminological portion of Cocceius's general introduction. I have lingered a long time over merely two folio columns of text because they are densely packed with essential information for understanding his covenant theology. Importantly, he has bracketed the proper sense of *berith,* which includes both mutual conditions and promised benefits, and established the centrality of figurative uses when speaking about the *foedus Dei*. It is this figurative use of *foedus*, tending toward *testamentum*, which

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[24]Cocceius, *SD* §5: "Foedus Dei cum homine aliter se habet ac hominum inter ipsos. Homines enim de mutuis beneficiis: Deus de suis foedus facit. Est enim *Dei Foedus* nihil aliud, quam divina declaratio de ratione percipiendi amoris Dei, & unione ac communione ipsius potiendi. Qua ratione si homo utatur, in amicitiae Dei est…."

[25]Once again, Cocceius is opposing Grotius here, and his claim that *diatheke* in the New Testament should be read as *pactum*, based on the proper meaning of *berith*. Cocceius grants both the proper meaning of *berith* as *pactum* and the improper meaning of *diatheke* among some Hellenistic Jews, but denies that this is the case in the New Testament.

Cocceius will emphasize when speaking of the *foedus gratiae*, whereby God assigns benefits apart from works.[26]

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Opposition to Hugo Grotius and the Remonstrants:
The Negative and Positive Uses
of *Pactum* in Cocceius's Theology

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The subtext of the four paragraphs treated above is Cocceius's opposition to Hugo Grotius.[27] Explicitly, he disagrees with Grotius on the etymology of *berith*, the translation of kainh; diaqhvkh at Matthew 26:28, and the locations in the New Testament where Cocceius believes that diaqhvkh must of necessity be translated with *testamentum* (e.g., Luke 22:29). All of these disagreements touch upon whether *foedus* in its theological use is closer to *pactum* or *testamentum*, law or promise. It is clear that Cocceius sees the Grotian use of covenant terminology—held in common with Remonstrants and Socinians—to be a fundamental error which must be dismissed at the very beginning of any discussion of covenant. We turn now to treat this disagreement in detail, as it illustrates the use of *pactum* in Cocceius's theology.

Grotius discusses the meaning of *diatheke* in the preface to his *Annotationes in Novum Testamentum*, which is an extended discussion of the title, "H KAINH DIAQHKH, or *Novum Testamentum*." Quite typical of the method employed throughout his annotations, Grotius approaches the meaning of the *diatheke* from the perspective of secular literature and especially law: "There are three ways in which men are obligated to other men: by law, by suretyship, and by testament."[28] Grotius shows how all three of these obligations are spoken of in secular literature with the verb *diatithesthai*, and by extension, the noun *diatheke* has a same breadth of use. However, those public pacts known as *foedera* draw their

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[26]Cocceius, *SD* §11.

[27]Though Grotius is known today much more for his contributions to international law, he was an important theological figure of his day, and his *Annotationes in Novum Testamentum* (Groningen, 1826) were quite influential. His attempt to find a middle way between Remonstrant and Orthodox for the political well-being of the Dutch Republic earned him the disapproval of the Orthodox.

[28]Grotius, *Annotationes in Novum Testamentum* (Groningen, 1826), 1: "Tribus modis homines hominibus obligantur, Lege, Sponsione, Testamento…."

name from the cutting of the animal which accompanied their ratification, and this etymology is demonstrated from both the Latin and the Hebrew.

Contrary to Cocceius, Grotius doesn't allow for a broader, testamentary sense of *berith*, suggesting instead that the translation of it with *diatheke* is the result of an etymological confusion on the part of the Septuagint translators.[29] Once this error of the Hellenistic Jews is understood, it is plain enough why the Christian authors would have taken the name kainh; diaqhvkh for their canon. Clearly, they had in view the fact that the consummate teaching of Christ was sealed by his death, which he himself referred to as the new *berith*. It is true that the teaching of Christ was called the "law of Christ," and the Jews were accustomed to calling their doctrine simply torah, or law. Yet the New Testament frequently softens the term "law," calling it the "law of faith" (Rom. 3:27) or the "law of liberty" (James 1:25), and indeed often directly opposes the teaching of Christ to the law. With these great reasons, then, the Christians took the name *diatheke* rather than *nomos*. Given this confusion and the primary meaning of *diatheke*, it is not surprising that the New Testament authors at points allude to this testamentary meaning (Heb. 9:17), and that Latin authors use *testamentum* improperly when they really mean *pactum*. This improper use isn't entirely unfitting, since we are properly called "heirs of God."

The focal text for this controversy over the meaning of *diatheke* is Matthew 26:28, the institution of the Lord's Supper, which Cocceius refers to twice in the first paragraphs of the *Summa doctrinae*.[30] At stake is *why* Christ decides to call the *berith* of Abraham and Jeremiah a *diatheke*, and whether or not we should understand *diatheke* in Matthew 26:28 to indicate a *testamentum* or a *foedus*. According to Grotius, *diatheke* in Matthew ought to be read as

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[29]Grotius believes that the Hellenistic Jews erred in their understanding of the etymology of *berith*, thinking it came from a different (primary) sense of ℧⊡ℓ, meaning "to create" or "order" something (*Annotationes*, 1–3). This derivation of *berith* inclined the Greek translators to the verb *diatithesthai*, the root of *diatheke,* which means "to arrange" or "set in order" (cf. Liddell & Scott, 415. Primary entries include the idea of "to arrange," "distribute," or "dispose;" for the middle voice there is attested "4. To arrange or settle mutually… to make a covenant with.").

[30]Cocceius, *SD* §1–2.

suntheke, and the proper sense of *berith* as *pactum* predominates. On this view, the "blood of the new pact" acts as a sanctioning speech, "a part of him whose life is obligated … by which is confirmed that the same will happen to him who does not keep the covenant, Exodus 24:8."[31] Grotius grounds this in his etymological derivation of *berith* from "to cut," and this explains why Cocceius voices disagreement with him on this minor point. For Grotius, the ceremonial cutting of the animals, threatening what would occur should the covenant be broken, is the very heart of the *berith* concept, and therefore the very heart of the Lord's Supper.

This seemingly-abstract disagreement about covenant terminology becomes very concrete when one considers the fundamental nature of the Lord's Supper, the point at which Cocceius's opposition to Grotius becomes strongest. For Cocceius, whether we read *diatheke* as *testamentum* or *pactum* determines whether the supper is a seal of a promise or a threat of a curse: "The blood of the Testament (*sanguis Testamenti*) is the blood of the Testator unto the confirmation of the Testament. It is not, as among men, the making void of the possession of the inheritance for the heirs, but the bestowing of the right to an inheritance designated by God and procured by a death."[32] In other words, the shedding of Christ's blood removes the possibility that this testament might become void; it does not threaten against that possibility.

> Manifest is this error that confuses the dedication or ratification of the New Testament with the threatening of cutting him in two who does not keep the covenant by the pouring out of the blood of the

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[31]Grotius, *Annotationes* in Matt. 26:28, 2:307: "28. To aima mou th~ kainh~ diaqhkh~, *sanguis meus novi Federis*] Recete sentiunt, me iudice, Grammatici veteres, qui sanctionem dictam aiunt a *sanguine*. Nam in legibus *sanctio* dicebatur ea pars quae vitam hominis legi obligabat; in federibus ipsa effusio sanguinis victimalis, cui inerat comminatio similis excidii adversus eum qui federi non stetisset, Exod. 24:8." These comments are marked with copious examples from secular literature illustrating the import of this type of ratification ceremony.

[32]Cocceius, *SD* §87: "Igitur to; ai|ma th`~ diaqhvkh~ *sanguis Testamenti*, Heb. 10:29. est sanguis Testatoris ad confirmationem Testamenti & non, ut inter homines, ad possessionem haereditatis haeredi vacuam faciendam, sed ad jus haereditatem adeundi haeredi a Deo designato procurandum morientis."

victim, corresponding to a legal sanction. See Hugo Grotius at Matthew 26:28. As if the Sacrament of the Supper were not instituted by the Lord for consolation, but unto terror, in which the blood of Christ is made a tuvpo~ [type] of the infliction of punishment rather than of joy….[33]

Continuing, Cocceius makes clear that Grotius's error is a fundamental failure to distinguish between two types of *foedus* in the Scriptures, which is equivalent to failing to distinguish properly between Law and Gospel:

The source of this error is not distinguishing this testamentary covenant (*foedus testamentarium*) from a *foedus* which entails a pact and agreement (*pactum* et *conventio*), or a law. Because the Apostle diligently opposes *promises* and *law* (Gal. 3:18–21), and in a similar manner the "law of works" and the "law of faith" (Rom. 3:27). He understands by the "law of faith" not simply the commandment of faith which is comprehended in the law (for faith may be commanded as a work, namely that by which one gives true glory to God, receives all his testimonies, and holds them to be true, because the Law says, "He who does these things will live in them," and it does not exclude the commandment of glorification). But rather this "law of faith" is the life of Christ, by which he lives in us through faith (Gal. 2:20). Or it is grace—*for you are not under the law* requiring a condition for justification, *but under grace* of sanctification and justification (Rom. 6:14). Or regeneration, which is such a law that we are slaves of righteousness (Rom. 6:18), our eyes and ears having been opened, this same law is written on our hearts (Heb. 8:10).[34]

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[33]Cocceius, *SD* §87: "Manifestus igitur error est, hunc Testamenti Novi ejgkainismon (*dedicationem* diceret Cyprianus) sive kuvrwsin *ratificationem* cum comminatione excidii adversus eum, qui foederi non stetisset, per effusionem sanguinis victimae intimati, respondente legali sanctioni, quae vitam hominis legi obligat, confundere. Vide Hug. Grot. ad Matth. 26. vers. 28. Quasi Sacramentum Coenae non ad consolationem, sed ad terrorem institutum esset a Domino, inque eo Christi sanguis ut tuvpos poenae perfidis irrogandae sub figura potius laetificantis proponeretur."

[34]Cocceius, *SD* §87: "… Hujus confusionis fons est, hoc foedus testamentarium a foedere, quod pacto conventioneque nititur, sive lege, non distinguere. Quod diligenter facit Apostolus Galat. 3. vers. 18.21. ejpaggeliva~ *promissiones* & novmon *legem* opponens: & eadem mente novmon e[rgwn *legem Operum* & novmon pistevw~ *legem Fidei*, Roman.

Cocceius holds as essential the distinction between two different kinds of covenants, testamentary covenants (*foedus testamentaria*) and those which are closer to pacts or agreements—a difference which is nothing other than the contrast between Law and Gospel.

According to Cocceius, Grotius and the Arminian Remonstrants were guilty of replacing salvation by grace (i.e., by a *foedus testamentarium*), with salvation by a *novum pactum*, a fundamental error which undermined the merits of Christ. On the Remonstrant view, the death of Christ merited the initiation of a new covenant, or pact, freeing us from the bondage of our sin, but this new covenant merely made it *possible* for men to be saved by Christ's righteousness.[35] This alters the merit of Christ by transforming it into a mere *causam sine qua non*, a necessary antecedent. This is a long way from the orthodox view of Christ's merit, a merit which actually merits, procures, and obtains what is promised, excluding all other conditions and pacts.[36]

In his Hebrews commentary, Cocceius similarly addresses the error of Grotius, this time in conjunction with Socinians. "For *pactum* promises conditionally, that which *Testamentum* decrees absolutely. They [Grotius and Socinians] know nothing of faith except as a conditional word."[37] But while denying that Christ saves

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3. vers. 27. per legem Fidei non simpliciter intelligens mandatum fidei in lege comprehensum, (sic enim fides, ut opus, mandatur, nempe ea, quae Deo gloriam veritatis dat, & omne ejus testimonium recipit, & tenet, verum esse, quod lex dicit: *qui fecerit ea, vivet in eis:* & id mandatum non excludit ⲕⲁⲩⲭⲏⲥⲓⲛ *gloriationem*) sed vitam Christi, qua ille vivit in nobis per fidem Galat. 2:20. sive gratiam, (Rom. 6:14. *non enim estis sub lege* exigente conditionem justitiae; *sed sub gratia* sanctificationis & justificationis) & regenerationem, quae est tanquam lex, nos mancipans justitiae, Roman. 6:18. imo ipsa legis, oculis auribusque oblatae, inscriptio in cor. Hebr. 8. vers. 10."

[35] Cocceius, *SD* §169.

[36] Cocceius, *SD* §172: "Interim, illo posito, apparet, adeo per istos Meritum Christi evacuari, ut in *Causam sine qua non,* per quam intelligunt necessarium antecedens, convertatur, quod longe abest a merito vi pacti & dignitate propria bonorum praestationem iis, pro quibus mereri quis dicitur, impetrante & obtinente, omnemque aliam conditionem pactumque excludente."

[37] Cocceius, *Epistolae ad Hebraeos explicatio*, 7§100: "Nam *pactum* sub conditione promittit, quod *Testamentum* absolute decernit. Illi autem nullam fidem norunt, nisi verbi conditionati…." (hereafter abbreviated as *AdHeb.*)

by a *novum pactum*, Cocceius immediately affirms that Christ's merit is the result of another *pactum*, namely the *pactum salutis* with the Father:

> If the blood of him, to whom God promised a kingdom, assigns the same life and kingdom to us by his will (its execution intervening), as God wills and swears, then by an even more excellent reason is this will called a *testamentum*, insofar as it is the will of the priest concerning his heirs (see Heb. 9:15–16). But by the best of reasons it is also called a *foedus* and a *pactum*, insofar as it is the will of giving a *people* to the *priest* and even to the one pledging the sacrifice. Thus the priest is called the *surety* either of the *testament* or of the *pact*. Namely, that pact which gave the people to the same priest upon the condition of the sacrifice. For he is a priest who is prepared to do the will of God and obey his law, to expiate sin and procure the inheritance (Ps. 40:7–8). He is a true *surety*, and indeed he is a *surety* for those whom he redeems, whose sin he expiates, and for whom he prepares righteousness.[38]

In other words, Christ's own covenantal dealings are twofold: by a *testamentum* he mediates to us merit, merit which he earns in the *pactum* with the Father. To properly express the excellency of Christ's suretyship, or mediatorship, of a better testament (Heb. 7:22), it is necessary to expound his concurrent engagement in the

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Cocceius is careful to note that he doesn't reject the mere words *foedus* or *pactum*—he couldn't very well do so, since many influential Protestant exegetes and translators used these words to translate *diatheke*, most notably Theodore Beza in his *Novum Testamentum*. Yet it was necessary that if *foedus* or *pactum* were used, the sense of "testament" should prevail, and indeed, this is precisely the type of argument that Beza makes (cf. his comments on Heb. 9:16).

[38] *AdHeb* 7§103: "Si autem sanguis ejus, cui Deus regnum promisit, quique item nobis vitam & regnum voluntate sua assignat, interveniat exsecutioni ejus, quod Deus vult & jurat: utique adhuc excellentiori ratione dicetur ea voluntas *Testamentum*, quatenus est voluntas Sacerdotis de haeredibus suis (vide Hebr. 9:15.16) sed optima etiam ratione vocabitur *Foedus* & *Pactum*, quatenus est Voluntas dantis *populum sacerdoti* & sic spondenti sacrificium: & Sacerdos viceversa vocabitur *Sponsor* illius vel *Testamenti* vel *pacti*, nempe ad eum, qui ipsi, ut sacerdoti, & cum conditione sacrificii, populum dat. *Sacerdos* enim, qui paratus est voluntatem Dei facere & legi ejus obedire, ad peccatum expiandum & haereditatem emendam, Psal. 40:7.8, revera *sponsor* est; & quidem pro illis *sponsor* est, quos redimit, quorum peccata expiat, quibus justitiam parat."

divine pact of redemption. Fallen men must be saved by such a gracious testament, because they have no merit of their own to provide; the merit is only found in the Surety's pact with the Father. "Pertaining to this testament is the divine pact, upon which depends its solidity. This is a pact, indeed, not with fallen man, but with the Mediator."[39]

Clearly, a full discussion of the *pactum salutis* is beyond the scope of this essay. I mention it in this context to note the careful manner in which Cocceius is using his legal terminology to help distinguish between Law and Gospel and safeguard the substitutionary work of Jesus Christ on the part of fallen humanity. *Pactum* is forcefully rejected as an appropriate understanding of the biblical terms *berith* and *diatheke* in a redemptive aspect, precisely because it suggests a conditional and cooperative engagement between two parties. Only the first Adam, in the *foedus operum*, and the Second Adam, in the *pactum salutis,* ever stand in such an arrangement. In both cases, the receipt of the inheritance is conditioned on obedience.[40] In an important sense, all friendship with God is only attained *ex pacto*, either as a personal reward for one's own labors in the *foedus operum,* or by imputation resulting from the substitute's labors in *pactum salutis*. The fall having rendered personal obedience to the law impossible, the suretyship of Christ was necessary.

The Structure of Cocceius's Covenant Thought

Having identified the basic elements of Cocceius's covenantal terminology, and seen his opposition to the *novum pactum* of his opponents, in the present section I will show how these terms are deployed in the broad outlines of his covenant structure. In keeping with the focus of this essay, this treatment is not for the sake of

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[39]Cocceius, *SD* §88: "Inest tamen in hoc Testamento divino *Pactum*, quo nititur ejus firmitas. Pactum scil. non cum homine lapso, sed cum Mediatore." For more on the *pactum salutis*, see van Asselt's article on Christ's *sponsio* elsewhere in this issue.

[40]Cocceius, *Summa theologiae* (*SD*) 22§17: "*Foedus* autem appellamus vel minus plene legem, cui annexa est promissio excitans ad exspectationem boni, nempe communionis & amicitiae, sub conditione obedientiae: vel plenius pactum de amicitia consummatum; aut jus ad communionem & amicitiaem ex pacto proveniens."

providing his covenant teaching in full detail, but rather to illustrate the role his terminology plays.[41]

The title of Cocceius's main systematic treatment of the covenants indicates that *foedus* and *testamentum* are two different things: *Summa doctrinae de foedere et testamento Dei*.[42] The *Summa doctrinae* focuses on the *foedus Dei*, both in terms of its starting point and its overall structure. Cocceius concludes his introductory comments on the *foedus Dei* by noting that it is twofold, consisting of both the *foedus operum* and *foedus gratiae*. The former promised fellowship with God based on merit and works before the fall, the latter providing a way of redemption for fallen man based upon grace and faith. The relation between the covenant of works and the covenant of grace provides the structure for the entirety of the *Summa doctrinae*, with the *foedus operum* being abrogated or antiquated in five stages. Rendered unable to justify or give life on account of sin (the first abrogation), it is by four additional stages displaced by the *foedus gratiae* as a way for man to enjoy friendship with God— *amicitia Dei*. In the most general sense, therefore, the *Summa doctrinae* is dominated by the two covenants of works and grace.[43]

Upon closer inspection, however, the *foedus gratiae* points us toward the two different legal structures intimated in the previous section, namely the *testamentum Dei* and the *pactum Dei Patris & Filii*, or the *pactum salutis*. After introducing the *foedus gratiae*, Cocceius tells us that it is founded upon the *testamentum*. "Which is the free disposition of the saving God assigning his goods by his heir, according to his naming and generating will, excluding them from the danger of alienation."[44] The *testamentum Dei* is the decree of divine favor which is prior to and distinct from the *foedus gratiae*, the

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[41]For a full discussion of the structure of Cocceius's thought, I refer the reader to van Asselt, *The Federal Theology of Johannes Cocceius,* 219–287.

[42]In contrast, Bullinger entitled his work on the covenant *De testamento seu foedere Dei unico et aeterno*, "seu" indicating that *testamentum* and *foedus* were interchangeable names for the unified and eternal covenant.

[43]Cocceius, *SD* §58: "Foedus Operum gradata antiquatione … accedit ad abolitionem." See van Asselt's treatment in *The Federal Theology of Johannes Cocceius* (271–287) for a full discussion of the difficulties of interpretation.

[44]*SD* §86: "Plane igitur nititur hoc Foedus διαθηκη/*testamento*. Quod est libera dispositio Dei Salvatoris de bonis suis ab haerede suo, secundum voluntariam generationem & nominationem, citra alienationis periculum possidendis."

eternal will of God to save some through the redeeming work of his Son. *Diatheke* in the New Testament refers to this last will and testament, by which an inheritance is irrevocably assigned to heirs, a view he bases primarily on Hebrews 9:16–17 and Galatians 3:15–18.[45]

Yet, just as in his Hebrews commentary, the introduction of the *testamentum Dei* in the *Summa* leads Cocceius immediately into a discussion of the *pactum salutis* as the foundation of this irrevocable testament. As the covenant of grace flows from the eternal testament and draws its solidity from it, so the eternal testament flows from the *pactum* between the Father and the Son. It is this pact that defines the suretyship of the Son on behalf of the elect, and designates the merit of his obedience which he earns for them. Here we see the clear association of a *pactum* with a fully mutual arrangement between parties, the fulfillment of the terms of which is meritorious. All of the blessings of the *testamentum* which redound to the elect are obtained by the merit of the Second Adam's obedience to the *pactum salutis*, thereby excluding all merit from the good works of the heirs of the testament.[46]

Yet another use of *testamentum* in Cocceius's thought is introduced to us by the third abrogation of the covenant of works. This is brought about by the promulgation of the New Testament, an historical event which takes place at the conclusion of Christ's earthly ministry, i.e., at the fulfillment of the agreed upon terms of the *pactum*. This New Testament (along with the Mosaic Old Testament) is distinct from the eternal testament as its historically revealed analogue. Following Galatians 4:24, as well as Hebrews 8:13, Cocceius sees two testaments in redemptive history, not

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[45]Interestingly, Cocceius's later systematic work, the *Summa theologiae*, begins its discussion of the grace of redemption not by discussing the *foedus gratiae*, but instead by discussing the *testamentum*: "In the explication of grace Scripture ascribes to God a *Testamentum*, which signifies a divine counsel that cannot be changed, even as a 'last will' by which one designates heirs of righteousness and salvation by faith, not without a Mediator of the Testament." ("In gratiae explicatione tribuit Scriptura Deo *Testamentum*: quod significat Dei ajmetavqeton boulhvn *consilium*, *quod transponi non potest*, & voluntatem quasi ultimam, qua apud se ipsum disignavit haeredes justitiae & salutis per fidem, non sine Mediatore Testamenti. Hebr. 6:17. 8:6.") *Summa theologiae ex Scripturis repetita*, 33 §7.

[46]Cocceius, *SD* §88.

merely as two "books" of Scripture or historical epochs, but as two distinct economies ushered in by Moses and Christ. Both partake of the common substance of the eternal testament, that is, the benefits of Christ received by faith, but the Old Testament does so by anticipation and the New by consummation.[47]

Cocceius's other major systematic work, the *Summa theologiae ex Scripturis repetita* (1662), is organized into more recognizable theological *loci*, e.g., Scripture, God, Trinity, Creation, etc. Yet even here the historically progressive nature of redemption is incorporated into the structure of the system. Importantly, however, this progression is not indicated structurally by means of a fivefold abrogation of the *foedus operum* by the *foedus gratiae*, though the doctrine of the abrogations remains in an attenuated form. Instead, the progression is structurally expressed in terms of the two economies of the Old Testament and the New Testament. Thus, Cocceius treats redemptive topics such as faith and justification in two different places, both before and after the coming of Christ. The third abrogation of the covenant of works in the *Summa doctrinae*, brought about by the promulgation of the New Testament in Christ, occupies a more central place in redemptive history.[48]

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[47]Cocceius, *Epistolae ad Hebraeos explicatio*, 8 §§52–53. The identification of two testaments by Cocceius over the course of redemptive history was one of his more controversial claims, and he was compelled to defend it forcefully and vigorously in numerous different writings throughout the latter part of his career (for a discussion of the different views on the narrative of redemptive history, see Sebastian Rehnman, "Is the Narrative of Redemptive History Trichotomous or Dichotomous? A Problem for Federal Theology," *Nederlands archief voor kerkgeschiedenis* 80, no. 3 (2000): 296–308). Indeed, the only significant alteration from the first edition of the *Summa doctrinae* (1648) to the last (1662) was the addition of seventy-one additional sub-paragraphs at §338 clarifying his understanding of the relation between the Old and New Testament, with special reference to the law. With this addition, the explanation of the relation between the two testaments occupies almost half of the *Summa doctrinae*. Later works of Cocceius in which he defends himself include his treatise *Moreh Nebochim* (1666) and the preface to his Ephesians commentary, *S. apostoli Pauli epistola ad Ephesios, cum comm. Johannis Coccei* (1667).

[48]Indeed, *foedus* is no longer the privileged category. Instead, the primary category Cocceius employs to speak of God's saving work is *testamentum*: "In explicating grace Scripture attributes to God a *testamentum*, which signifies God's decree which cannot be changed (ajmetavqeton boulhvn), even like a last will, by which according to his own terms he

Covenant Subordinated to Testament

The emphasis on testament as the means by which Christ communicates his blessings to the church raises the question of the difference, and/or relation, between the New Testament as an historical reality and the covenant of grace. Cocceius hints at this relation in his introductory comments on the *foedus Dei*. After calling it a "declaration of the manner in which one may perceive the love of God and acquiring communion with him," he continues by noting that:

> This declaration can rightly be called *divine legislation ratified by promises* (Heb. 8:6), and when it serves the application of the testament (or the proposition of giving the inheritance), "the legislation of the testament"… Or, a testament elaborated into the power of a covenant and a law (*in vim Foederis & Legis deductum*).[49]

Here Cocceius calls the covenant "divine legislation" that serves the application of the testament, or simply "the legislation of the testament." Covenant and testament are thus distinct concepts that function together to bring about God's redemptive purpose.

The key concept here is the subordination of a *foedus* to a *testamentum*, and the text Cocceius returns to repeatedly is Hebrews 8:6, which he translates "The mediator of a better testament, which based on better promises has been rendered into the form of

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designates heirs of righteousness and salvation by faith, not without the Mediator of the Testament." (*Summa theologiae*, 33 §7: "In gratiae explicatione tribuit Scriptura Deo *Testamentum*: quod significat Dei ajmetavqeton boulhvn *consilium, quod transponi non potest,* & voluntatem quasi ultimam, qua apud se ipsum disignavit haeredes justitiae & salutis per fidem, non sine Mediatore Testamenti. Hebr. 6:17. 8:6.") Only after introducing the testament does he introduce the covenant of grace, and then in a much reduced role.

[49]Cocceius, *SD* §5: "Haec *declaratio,* ex Hebr. 8:6. dici recte potest qeiva ejpi; ejpaggelivai~ nomoqesi;a h.e. *Divina legislatio promissionibus sancita;* &, quando inservit applicationi *Testamenti,* sive Propositi de danda haereditate, (de qua applicatione infra agimus § 179. & 184) nomoqesiva Diaqhvkh~ *legislatio Testamenti,* sive Diaqhvkh nenomoqethmevnh *Testamentum in vim Foederis & Legis deductum.*"

law."[50] What is in view here, according to Cocceius, is the application of the unconditional testament—an irrevocable promise announced absolutely and unilaterally—to the people by means of a conditional *foedus*, or covenant. The blessings of the testament include the sanctification and renewal of the people, and the terms declare that this transformation is given freely as a gift. Yet this does not preclude its communication to the people by means of the covenant. God's saving legislation is a compound reality, containing two distinct elements.

In his Hebrews commentary, Cocceius makes this complex relation a little more clear by looking back at Israel's history in the Exodus. God proposed his testament to the people of Israel as he delivered them from bondage, the substance of which testament was Christ and the deliverance from all bondage to sin.[51] But in order to comfort and assure the people as they doubted in the wilderness, he added to this simple declaration of favor a *foedus* at Marah in the wilderness:

> By these words it is clearly indicated that at this time the *testamentum* nenomoqeth`sqai [cf. Heb. 8:6], *has been rendered in the form of a covenant*, that is, God begins to propose to them by the form of stipulations and precepts that which is contained in the testament of grace pertaining to their sanctification or renovation. And to this precept the promise is made adjunct. So that by observing their own obedience to their confession (as Paul says, 2 Cor. 9:13) in the words of the testament and stipulation, they might have confidence to ask or exact that which has been promised by God. Therefore in these words is contained both a *Testamentum* and a *Foedus*….[52]

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[50]This translation is found in the *Epistolae ad Hebraeos explicatio*. Cocceius's Greek text of Hebrews 8:6 does not differ significantly from modern critical editions. His text is as follows: kreivttono~ diaqhvkh~ ejsti; mesivth~, h{ti~ ejpi; kreivttosin ejpaggelivai~ nenomoqevthtai.

[51]*AdHeb* 8§§52–53.

[52]*AdHeb* 8§§55–56: "His verbis aperte significatur, tum *Testamentum* nenomoqeth`sqai *fuisse deductum in foederis formulam*, h.e. id, quod in Testamento gratiae continebatur pertinens ad ipsorum sanctificationem sive renovationem, coepisse Deum ipsis proponere per formulam stipulationis & praecepti: eique praecepto adjuntam fuisse promissionem; ut, interveniente ipsorum uJpotagh`/ th`~ oJmologiva~ *subjectione astipulationis* (six loquitur Paulus 2 Cor. 9:13.) in verba Testamenti & stipulationem, haberent parjrJHsivan ad ejperwvthsin sive ad

The *testamentum* is indicated by these words: "Jehovah your God … Jehovah your healer" (Ex. 15:26). In these brief words are expressed God's intended purpose (*propositum*) to bear the punishment for guilt, to sanctify and justify, even to bear the suffering and death.[53] But in order for God's purpose in his *testamentum* to be executed in the midst of his people, they had to be notified what this would look like—namely, by the declaration of a stipulation which itself was intended to work such obedience into them in the form of assent (*adstipulatio*). The intended result being that God could in turn give his people the confidence and liberty of restipulation (*restipulatio*), which is the boldness of asking for and expecting all the goods that have been promised to them in the *testamentum*. The giving of this confidence and liberty—which he frequently calls the *jus petendi*, the "right of requesting"—Cocceius considers to be the perfection or goal of justification. In this way, God uses a conditional legal arrangement (*foedus*) as the instrument by which he gives to the faithful participants of his *testamentum* the *jus petendi*, a legal right to claim their share of his benefits.[54]

To restate this, believers grow bold in their faith because God unilaterally gives them (by his testament) what he requires of them (by his covenant). Thus this boldness and confidence in the gospel is not merely subjectively experienced, but it is grounded in the fulfilled terms of a covenantal relation which is genuinely mutual and conditional—the conditions necessarily being provided graciously by God. The covenant gives to the faithful a legal right to demand of God what he has promised them, a *jus petendi*.

It is precisely this relation, illustrated from the history of the Exodus, that Cocceius believes is indicated by Hebrews 8:6, "The

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restipulandum a Deo promissa. Igitur in verbis illis continetur *Testamentum* & *Foedus….*"

[53] *AdHeb* 8§56.

[54] *AdHeb* 8§§56–57: "Igitur in verbis illis continetur *Testamentum* & *Foedus….* Quia igitur Testamentum in Israelitis debebat habere exsecutionem, & quidem inprimis per sanctificationem, quae consistit in imaginis Dei instauratione, necesse erat notificari hoc propositum Dei. Insuper vero addidit Deus & *stipulationem*, ut per eam in ipsis operaretur *obedientiam astipulationis*: & ut daret ipsis fiduciam & libertatem *restipulandi*, sive petendi & expectandi omne bonum. Nam in danda ea libertate consistit *justificationis* perfectio." Cf. *AdHeb* 8§§135–137.

mediator of a better testament, which based on better promises has been redacted into the form of law."[55] Since Cocceius reads diaqhvkh exclusively as *testamentum*, what is in view here is the introduction of a *foedus*, legislation consisting of stipulations and promises, which the Spirit uses as an instrument to achieve the end of the *testamentum*, that is, the gift of faith:

> Therefore what is said concerning nomoqesiva & ejpaggelivai~, is to be understood regarding the *stipulation* which is subordinated to the testament and the *promises* which move to assent (*adstipulatio*). The gift of faith is determined by the testament, and to it is annexed righteousness. However this gift of faith depends upon the announcement of the portion of salvation, and the publication of the divine law or stipulation, and the inscription of this law on the heart. Therefore, according to the testament it is necessary that the stipulation of faith be proposed, which is the instrument of the Spirit to the working of obedience to the confession (uJpotagh;n th`~ oJmologiva~), so that we might have the boldness (parjrJhsivan) to claim from God the promised goods, expressly, righteousness—and so we may be the very heirs of the testament.[56]

The testament, itself absolute, is applied to the heirs by being reduced to the form of *conditional* law and promises. The nature of the legislation or stipulations of the New Testament, i.e., faith in Christ, by definition required the Mediator of the testament to be truly exhibited. These promises are better in the New Testament

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[55]Cocceius arrives at his idiosyncratic translation largely as a result of his reading *diatheke* in the sense of *testamentum*. Since it makes no sense for him to see a testament "being founded upon" better promises, he has to read nenomoqevthtai as "being redacted or elaborated in the form of law."

[56]*AdHeb* 8§135: "Quod igitur de nomoqesiva & ejpaggelivai~ dicitur, id intelligendum est de *stipulatione*, quae Testamento huic subordinatur, & de *promissionibus*, quae ad astipulandum movent. Testamento destinatur donum fidei, & ei annectitur justitiae; donum autem fidei pendet a nuncio salutis partae, & publicatione legis sive stipulationis divinae, & inscriptione legis Dei in corda: ergo secundum Testamentum oportuit stipulationem fidei proponi, quae fieret instrumentum spiritus ad operandam working uJpotagh;n th`~ oJmologiva~, ut ita haberemus parjrJhsivan a Deo promissa bona & nominatim *justitiam* restipulandi: & sic haeredes Testamenti reipsa fieremus."

precisely because the object of faith is now at hand and no longer future.

Conclusion

The covenant terminology of Cocceius provides the raw materials for constructing a system of thought which precisely locates merit in the relation between God and humanity, safeguarding both the merits of Christ as our substitute and excluding the merit of sinners in their redemption. The *foedus operum* is a fully meritorious arrangement, a pact by which humanity as created could have earned the reward of eternal life. The *foedus gratiae* excludes this merit, and indeed approaches a *testamentum* as a legal instrument by which an inheritance is rewarded in a unilateral and irrevocable manner. The two are related to one another by the *pactum salutis*, the middle term which relates the demands of God's justice to the operation of his grace in Christ. Christ can be gracious to his brethren as the mediator of the *testamentum* only because he has earned that right as their *Surety* in the *pactum*—the benefits bestowed by a testament are earned by a pact. God's justice and grace are not unresolved opposites; he need not waive the former to demonstrate the latter.

The distinctions carry over from the operations of God's grace to the experience of the believer. Cocceius excludes meritorious working by making *testamentum* the primary redemptive category. The believer's mutual response of faith and sanctification operates within a covenant subordinated to this testament, offering grounds for assurance and boldness while excluding merit. The foundation of this confidence remains the blood of the testament, the purely promissory seal of Christ's work in the *pactum salutis* to restore sinners to *amicitia Dei*.