

Moses, Leviathan, and the Kingdom of God:  
Covenant Theologies and Political Legitimation in Early Modern England

By

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To Meg

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*Though words be the signs we have of one another's opinions and intentions: because the equivocation of them is so frequent, according to the diversity of contexture, and of the company wherewith they go... it must be of extreme hard to find out the opinions and meanings of those ... that are gone from us long ago, and have left us no other signification thereof but their books; which cannot possibly be understood without history enough to discover those aforementioned circumstances, and also without great prudence to observe them.<sup>1</sup>*

~ Thomas Hobbes

## CHAPTER 1

### *Introduction:*

### *Early Modern Covenant Theology and Political Thought in Conversation*

#### **Overview**

On October 6, 1643, those gathered together to sign the Solemn League and Covenant heard Joseph Caryl preach a rousing sermon at St. Margaret's Church, Westminster. Caryl optimistically reminded his listeners of the Covenant's many eternal and temporal blessings, a national relationship with God that "will make us an holy people, and then, we cannot be an unhappy people."<sup>2</sup> While the eternal veracity of Caryl's claim may be hard to measure, the temporal component certainly proved a disappointment, as the Covenant's primary historical function was to demonstrate to its proponents that the Three Kingdoms, like Israel before them, justly deserved the displeasure of the God they failed to honor. Although the

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<sup>1</sup> Thomas Hobbes, *Human Nature and De Corpore Politico*, ed. J.C.A. Gaskin (New York: Oxford, 1999 [1640], 76-7.

<sup>2</sup> Joseph Caryl, *The Nature, Solemnity, Grounds, Property, and Benefits, of a Sacred Covenant* (London, 1643), 26. Unless otherwise noted, all subsequent early modern sources were published in London.

religious and political functions of such national covenants represents a fascinating set of topics in itself, Caryl's sermon is even more interesting for the political valence of his definition of theological covenants:

A Covenant is a solemn compact or agreement between two chosen parties or more, whereby with mutual, free, and full consent they binde themselves upon select conditions, tending to the glory of God and their common good."<sup>3</sup>

This study investigates the intellectual context as well as the theological and political uses of covenantal definitions like this one. Such a study is warranted for at least two reasons. First, most previous treatments of the intersection between the "religious" and various other social contexts of early modern covenants tend to operate with linear constructs that make one determinate of the other. Either covenant theology arose as a means to deal with changing social or economic changes, or national covenants developed as theological concepts were retooled to serve political ends.<sup>4</sup> Neither of these simplistic causal narratives can account for the evidence, however, as covenant theology developed in a variety of social,

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<sup>3</sup> Caryl, *The Nature, Solemnity, Grounds, Property, and Benefits, of a Sacred Covenant*, 7.

<sup>4</sup> For the argument that early modern covenant theology was a response to changing social and economic conditions, albeit as an attempt to deal organizationally with those realities, see David Zaret, *The Heavenly Contract: Ideology and Organization in Pre-Revolutionary Puritanism* (Chicago: University of Chicago, 1985), as well as the widely cited article by Christopher Hill, "Covenant Theology and the concept of 'A public person,'" in *The Collected Essays of Christopher Hill*, Vol. III (Amherst, MA: University of Massachusetts, 1986), 300-24. Two recent counter examples to these tendencies include the work of Edward Vallance and Laura Stewart. See Edward Vallance, *Revolutionary England and the National Covenant: State Oaths, Protestantism, and the Political Nation, 1553-1682* (Rochester, NY: Boydell, 2005) and "An Holy and Sacramentall Paction: Federal Theology and the Solemn League and Covenant in England," *The English Historical Review* 116 (2001): 50-75; and Laura A. M. Stewart, *Rethinking the Scottish Revolution: Covenanted Scotland, 1637-1651* (New York: Oxford, 2016).



economic, and political contexts and instances of political covenants often precede evidence of systematized theological conceptions. Second, most treatments of covenantal ideas that do take the theology seriously tend to isolate the thought forms from their social, political, and historical context.<sup>5</sup> In this case a legitimate interest in soteriological concerns divorces theological answers from the various life experiences that formally gave rise to the theological questions in the first place. Furthermore, the few scholarly treatments of covenant theology that do take historical context seriously are plagued by methodological problems or driven by anachronistic confessional debates regarding continuity within a variously conceived tradition of “Calvinism.” There is a significant need for studies of early modern covenantal ideas that take their intellectual context seriously in a way that resists ideological determinism of one sort or another.

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<sup>5</sup> Historical theology as a discipline is notorious for this tendency, and several otherwise insightful works offering careful and close readings of the works of important figures are no exception, including Willem J. van Asselt, *The Federal Theology of Johannes Cocceius (1603-1669)* (Leiden: Brill, 2001); Jordan J. Ballor, *Covenant, Casuality, and Law: A Study in the Theology of Wolfgang Musculus* (Bristol, CT: Vandenhoeck and Ruprecht, 2012); J. Mark Beach, *Christ and the Covenant: Francis Turretin’s Federal Theology as a Defense of the Doctrine of Grace* (Bristol, CT: Vandenhoeck and Ruprecht, 2007). This critique should also be leveled at what is in many ways the best recent survey in English of the development of covenant theology, Andrew Woolsey’s 1988 doctoral dissertation at the University of Glasgow, recently published as *Unity and Continuity in Covenantal Thought: A Study in the Reformed Tradition to the Westminster Assembly* (Grand Rapids, MI: Reformation Heritage Books, 2012). While Woolsey is willing to acknowledge that the political background of the Westminster Assembly is not irrelevant to his narrative, the theological ideas are not connected with the social, political, and cultural context, and Woolsey goes so far as to explicitly deny any direct relationship between the development of covenant theology and early modern political conceptions of the social contract (see pp. 152, 184-5). This is curious, because Woolsey himself recognizes that the “relation of the church to the secular government was one of the key issues driving the development of contract theory in the medieval period,” on p. 428.

This project seeks to meet that need by tracing the genealogy of one particular subset of covenantal ideas, namely the biblical covenant between God and Moses, by setting its development in its proper intellectual context and the specific circumstances that attended its development in England in the 1640s and 1650s, while also taking into account some of the trajectories in the years immediately preceding these decades. This narrow focus is necessitated by the sheer volume of the printed works directly treating covenant ideas during this period, and the multiplicity of theological, ecclesiastical, and political debates to which these texts contributed. At the same time, the Mosaic covenant is a locus of historical theological reflection that is especially interesting for the way its development speaks to a number of important historiographical issues.

Perhaps most obviously, debates about the nature of the Mosaic covenant and the contemporary validity and utility of its attendant legal codes lay at the core of the Antinomian controversy. Whereas an older trajectory of scholarship most typically associated with Perry Miller identified a legalistic tendency in the federal theologians who bifurcated God's covenants with humanity into those of works and grace, more recently Michael McGiffert has argued the opposite, namely that the identification of the Mosaic covenant with the original covenant of works with Adam in fact represented an antinomian sensibility inherent in what he refers to as a theological "Perkinsonian Moment."<sup>6</sup> In fact, there is an element of truth in each

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<sup>6</sup> Leonard J. Trinterud, "The Origins of Puritanism," *Church History* 20, no. 1 (1951): 37–57; Perry Miller, *Errand into the Wilderness* (Cambridge: Harvard University Press, 1956); Jens G. Møller, "The Beginnings of Puritan Covenant Theology," *The Journal of Ecclesiastical History* 14, no. 1 (1963): 46–67; Richard L. Greaves, "The Origins and Early Development of English Covenant Thought," *Historian* 31, no. 1

reading, but both interpretive schemas are overdetermined by contrasting a supposedly homogeneous monocovenantal tradition that emphasized the unity of the covenant of grace (usually associated with John Calvin) with an opposing bicovenantal tradition that distinguished between the covenants of works and grace (usually associated with Theodore Beza, Rhineland theologians, or puritans).<sup>7</sup> A growing body of scholarship recognizes that this tendency to pit “Calvin against the Calvinists” typically represents the imposition of foreign theological categories of a later provenance, and furthermore that it obscures the aspects of genuine development within the tradition.<sup>8</sup> In point of fact, by the 1620s, the conversation

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(1968): 21–35. For McGiffert’s argument regarding the antinomian possibilities of seventeenth century covenant theology, see his “The Perkinsian Moment of Federal Theology,” *Calvin Theological Journal* 29, no. 1 (April 1994): 117–48. On the other hand, McGiffert is not always consistent on this point. For example, he argues that the national application of the Mosaic Covenant tended in a legalistic direction in his earlier article, “Grace and Works: The Rise and Division of Covenant Divinity in Elizabethan Puritanism,” *Harvard Theological Review* 75, no. 4 (October 1982): 481ff.

<sup>7</sup> The most notorious example of this tendency is J. Wayne Baker, *Heinrich Bullinger and the Covenant: The Other Reformed Tradition* (Athens, OH: Ohio University Press, 1980). For other examples, see below.

<sup>8</sup> The most well known and influential arguments along these lines belong to Richard Muller, especially in his *The Unaccommodated Calvin: Studies in the Foundation of a Theological Tradition* (New York: Oxford University, 2000); and *After Calvin: Studies in the Development of a Theological Tradition* (New York: Oxford University Press, 2003). Andrew Woolsey’s recently published doctoral thesis is the most thorough treatment of these issues in relation to covenant theology. See Andrew Woosely, *Unity and Continuity in Covenantal Thought*. Woolsey’s assessment has been confirmed by a number of more recent studies, including J. Mark Beach, *Christ and the Covenant*; Brian J. Lee, *Johannes Cocceius and the Exegetical Roots of Federal Theology: Reformation Developments in the Interpretation of Hebrews 7-10* (Oakville, CT: Vandenhoeck & Ruprecht, 2009); Aaron C. Denlinger, *Omnes in Adam Ex Pacto Dei: Ambrogio Catarino’s Doctrine of Covenantal Solidarity and Its Influence on Post-Reformation Reformed Theologians* (Oakville, CT: Vandenhoeck & Ruprecht, 2010); and Jordan J. Ballor, *Covenant, Causality, and Law*.

was not about one or two covenants, but theologians identified anywhere between one and *four* covenants.<sup>9</sup> Furthermore, the identification of additional covenants, whether of works or grace, could be variously employed in self-conscious attempts to oppose the “Calvinist” system or to defend it. The Mosaic covenant represents a chief point of tension in these debates, as some denominated it a covenant of grace, others a covenant of works, some neither, and others even both. These discussions regarding the covenant with Moses represented not only a fundamental hotspot for debates about Antinomianism, but also figured in the development of various moderating positions between Arminians and Reformed theologians.

Consequently, attention to use of the Mosaic covenant in theological texts and sermons also sheds light on the issues close to the heart of revisionist and post-revisionist accounts of the early Stuart period. Although in his own work on the subject Nicholas Tyacke encouraged sensitivity to the problems inherent in replacing the old Anglican-puritan binary so rightly critiqued by revisionist historians with a matching Arminian-Calvinist one, not every account building on his foundation has been so judicious.<sup>10</sup> Just as Jonathan Moore has demonstrated

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<sup>9</sup> For example, see the typology in Edmund Calamy, *Two Solemne Covenants Made Between God and Man* (1646), 1–2. For a detailed exposition of Calamy’s taxonomy, see chapter 3.

<sup>10</sup> Nicholas Tyacke, *Anti-Calvinists: The Rise of English Arminianism, C. 1590-1640* (New York: Oxford University Press, 1990), ix–x. Although both Tyacke and his critics have been accused of this very thing, for example in Charles W. A. Prior, *Defining the Jacobean Church: The Politics of Religious Controversy, 1603-1625* (New York: Cambridge, 2005), 8ff. Prior criticizes not only Tyacke’s thesis but also responses to it like Peter White, *Predestination, Policy and polemic: conflict and consensus in the English Church from the Reformation to the Civil War* (New York: Cambridge, 1992) and G. W. Bernard, “The Church of England c. 1529-c. 1642,” *History*, vol. 75 (1990): 183-206. While Prior has a point, the approach taken here

that John Preston's hypothetical universalism represented one of several moderating positions between "Calvinism" and Arminianism with significant political implications, both at the York House Conference and in the years that followed, Preston's corresponding contribution to covenant theology was also important and not yet adequately studied.<sup>11</sup> John Cameron and James Ussher were two other moderate Reformed theologians associated with hypothetical universalist thought who also produced significant works of covenant theology, and these works experienced an interesting reception. For example, the Westminster Divine Samuel Bolton appended an English translation of Cameron's work to his own *True Bounds of Christian Freedom* (1645). In that work, Bolton appropriated Cameron's covenantal architecture as he dealt extensively with the role of the Christian magistrate in matters regarding religion. These so called hypothetical universalists made major contributions to early Stuart reflection on God's covenants with

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is different. Prior sought to shift attention from doctrinal matters to a range of topics including "the sovereignty of the Crown in parliament, the tension between episcopal power and the common law, and the problem of religion in the three kingdoms." Prior deems these matters of "ecclesiastical polity" not captured by the notion of a "Calvinist consensus." By contrast, the thesis explored here is not that doctrinal matters have received undue emphasis or that Tyacke's thesis regarding the rise of anti-Calvinism is incorrect, but rather that doctrinal matters have not received *enough* attention and that a category of "Calvinism" that focuses merely on the doctrine of predestination is inadequate.

<sup>11</sup> Jonathan Moore, *English Hypothetical Universalism: John Preston and the Softening of Reformed Theology* (Grand Rapids, MI: Eerdmans, 2007); McGiffert briefly examines Preston's covenantal thought in "The Perkinsian Moment of Federal Theology", but his analysis is seriously mistaken; Young Jae Timothy Song, *Theology and Piety in the Reformed Federal Thought of William Perkins and John Preston* (Lewiston, N.Y.: Edwin Mellen Press, 1998) has similar problems.

humanity, and their theology and its political implications and context are subjects worthy of further study.<sup>12</sup>

In addition to challenging the Anglican-Puritan and Calvinist-Arminian binaries, debates about the Mosaic covenant also point up problems with other relationships conceived on dichotomous terms. Here the frequently noted differences on sacraments and ceremonies, as well as the nature of the relationship between Israel and England come to mind. These debates also occurred on spectrums that frequently transcended simplistic party bounds conceived according to binary categories. Speaking to the relationship between biblical Israel and contemporary England, John Coffey recently has demonstrated that the older tendency to place “prophetic” and “apocalyptic” modes of discourse in competition does not fit the work of figures such as Samuel Rutherford. While future events were understood to be contingent upon the faithfulness of God’s people, Rutherford continued to maintain that the ultimate outcome was dependent nevertheless upon the irresistible work of a faithful God.<sup>13</sup> Greater attention to such sensibilities ought to moderate the tendency of historians to read the relationships drawn between biblical Israel and contemporary nations too literally. At the same time, Theodore Bozeman rightfully points out that many covenant theologians did not distinguish

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<sup>12</sup> See Richard Muller, “Divine Covenants, Absolute and Conditional: John Cameron and the Early Orthodox Development of Reformed Covenant Theology,” *Mid-America Journal of Theology* 17 (2006): 11–56. For Bolton and his use of Cameron, see chapter 3.

<sup>13</sup> John Coffey, *Politics, Religion and the British Revolutions: The Mind of Samuel Rutherford* (Cambridge: Cambridge University Press, 2002), 227; c.f. John F. Wilson, *Pulpit in Parliament: Puritanism During the English Civil Wars, 1640-1648* (Princeton, NJ: Princeton University Press, 1969).

between the national covenant with Israel and the soteriological covenant of grace, thus enabling the “elect nation” motif undergirding such relationships.<sup>14</sup> On the other hand, William Lamont’s older claim that millenarianism ceased to exercise a significant influence upon English Protestantism by the time of the Protectorate, the very moment when theological reflection upon the covenant with Moses was at full flower, should not be dismissed so quickly.<sup>15</sup> Instead of taking an either/or approach to understanding the development of covenant theology and its cultural significance, the sources demand a more nuanced method of interpretation. The most fascinating aspect of the covenant with Moses, and perhaps its central irony, was that the same covenantal mechanism utilized to identify England or any other nation with biblical Israel could also be redeployed to dissociate them. The complexity of the political implications and uses of the Mosaic covenant have not been appreciated fully in the literature and they are worthy of further consideration.

To that end, the early modern British context, and England in particular, represents an especially fruitful ground for such a study for at least two reasons. First, the number of works published in England in the seventeenth century on or related to the topic of covenant theology is staggering. A perusal of the Stationer’s Register in the 1640s and 1650s reveals that in the midst of the turmoil of the years of civil war, the Long Parliament, regicide, Commonwealth and Protectorate, English

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<sup>14</sup> Theodore Dwight Bozeman, “Federal Theology and the ‘National Covenant’: An Elizabethan Presbyterian Case Study,” *Church History* 61, no. 4 (1992): 394–407; see also Michael McGiffert, “God’s Controversy with Jacobean England,” *American Historical Review* 88, no. 5 (December 1983): 1151–74.

<sup>15</sup> William M. Lamont, *Godly Rule: Politics and Religion, 1630-1660* (London: Macmillan, 1969), 20.

readers were inundated with work after work off the press. The popularity and longevity of weekly lectures on the subject, both by well-known ministers like Anthony Burgess and less well-known figures like Francis Roberts, gives further indication that the outpouring of works was not merely a supply lacking a corresponding demand.<sup>16</sup> Furthermore these works were almost without exception works of controversy, and their authors frequently made explicit reference to one another, even to works only just published or circulating in manuscript. As a result of this record it is possible to trace the development of the ideas with a surprising degree of clarity as to the points of both friction and consensus.

Second, as indicated above, the trajectory of the recent historiography of early modern England invites a renewed investigation of the relationship between “religion” and “politics” and the dynamics that led to the momentous events of these same decades and their aftermath. For some time revisionist accounts of the period have emphasized in various ways that prior to 1642 English politics did not revolve around clear-cut ideological divisions or a strong hostility to royal governance. Therefore these revisionist narratives have emphasized local politics and the particular contingencies that led to the disintegration of the complex modes of participation in seventeenth century English society. More recently, a series of post-revisionist works acknowledge various aspects of these claims but nevertheless point to persistent ideological tensions as significant contributing factors in the lead

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<sup>16</sup> For background information on the works of Burgess and Roberts, as well as the context of their lectures, see chapters 3 and 4, respectively.



up to the fatal events of these tumultuous years.<sup>17</sup> Several aspects of this study confirm the significance of these ideological factors, including the fact that Robert Sanderson's theological politics of the covenant in his sermons in the 1620s and 1630s closely anticipated so many key features of Hobbes' ideas (chapter two), the fact that the key questions in both their works mirror the key debates between various puritan factions at the Westminster Assembly (chapters three and four), and the fact that Hobbes found it useful to pick and choose the component pieces of his theological system from various points along the spectrum of opinion among his opponents (chapters five and six). The persistence of debates about these ideas and the increasing rancor associated with them together challenge revisionist accounts that tend to marginalize the importance of ideology and in particular theological disagreement in narrating these important years, as well as social histories that distrust print sources or explicitly minimize their significance and cultural histories that so privilege modes and methods of discourse that they neglect the subject of the conversation.

In sum, early modern contract theory and covenant theology are two subjects that are often studied, but with a few notable exceptions they are subjects rarely

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<sup>17</sup> For example, see the essays collected in Thomas Cogswell, Richard Cust, and Peter Lake, eds. *Politics, Religion, and Popularity in Early Stuart Britain: Essays in Honour of Conrad Russell* (New York: Cambridge, 2002). Most notably, this study is generally appreciative of Michael Winship's warnings against an overly reactionary "recoil from the excesses of earlier 'Whig' historiography" and the unhelpful bifurcation of disciplinary boundaries that "fence off church government from political history." See Michael P. Winship, *Godly Republicanism: Puritans, Pilgrims, and a City on a Hill* (Cambridge, MA: Harvard, 2012), 5.

considered in relation to one another.<sup>18</sup> While there are a variety of explanations for this separation, not least the modern distinction between the disciplines of the history of political thought and historical theology, the merit of this division constitutes a topic worthy of reconsideration.

### **Summary of Chapters**

Chapter two introduces the study by offering an examination of the covenantal themes in the sermons Robert Sanderson preached in the 1620s and early 1630s. Sanderson began his career in Lincoln before moving to Lincolnshire in 1619, where he served as rector of Boothby Pagnell. Charles I made him one of his chaplains in 1631 upon the recommendation of William Laud, but in spite of these associations and the fact that he was consecrated bishop of Lincoln months after the

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<sup>18</sup> The work of Daniel J. Elazar is a notable exception, although it draws upon the conclusions of an older historiography of covenant theology that has undergone serious revision over the last thirty years. See his four volume series entitled *The Covenant Tradition in Politics* (Piscataway, NJ: Transaction Publishers, 1995-1999). There are, however, excellent studies of political, civil, and church covenants. See David A. Weir, *Early New England: A Covenanted Society* (Grand Rapids, MI: Eerdmans, 2005) and Edward Vallance, *Revolutionary England and the National Covenant: State Oaths, Protestantism, and the Political Nation, 1553-1682* (Rochester, NY: Boydell Press, 2005). As noted above, even the best survey in English of early modern covenant theology, Andrew Woolsey's *Unity and Continuity in Covenantal Thought*, fails to properly connect the theological ideas with the social and political context in which the ideas developed. Michael McGiffert stands out for his attempt at a nuanced study of the connections between the theology of the covenants to the politics of the period. See especially his "God's Controversy with Jacobean England," *American Historical Review* 88, no. 5 (December 1983): 1151-74; "The Perkinsonian Moment of Federal Theology," *Calvin Theological Journal* 29, no. 1 (April 1994): 117-48; and "Covenant, Crown, and Commons in Elizabethan Puritanism," in *The Covenant Connection: From Federal Theology to Modern Federalism*, ed. Daniel J. Elazar and John Kincaid (Landham, MD: Lexington Books, 2000), 163-86.

Restoration in 1660, previous scholarship has typically treated him as a “Calvinist” on the basis of his opposition to Arminians in his early sermons and his tense relationship with other conformists like Henry Hammond, Herbert Thorndike, and Thomas Pierce in the 1650s.<sup>19</sup> Sanderson’s appeals to covenantal themes are significant for a number of reasons. First, as Neil Lettinga, Michael McGiffert and others have demonstrated, covenant theology was by no means the preserve of puritan theologians, for Sanderson was nothing if not rabidly opposed to non-conformists and what he viewed as their sectarian and seditious tendencies.<sup>20</sup> Sanderson’s covenant theology reaffirms this conclusion and also broadens the spectrum of conformists interested in covenant theology beyond the circle of Henry Hammond and Herbert Thorndike. Second, Sanderson’s covenant theology

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<sup>19</sup> See Oxford DNB, s.v. Robert Sanderson; Leif Dixon, *Practical Predestinarians in England, c. 1590-1640* (Burlington, VT: Ashgate, 2014), 209-52; Clive Holmes, *Seventeenth Century Lincolnshire* (Lincoln, UK: History of Lincolnshire Committee for the Society for Lincolnshire History and Archaeology, 1980); Peter Lake, “Serving God and the Times: The Calvinist Conformity of Robert Sanderson,” *Journal of British Studies*, 27, no. 1 (April, 1988): 81-116; John Sears McGee, *The Godly Man in Stuart England: Anglicans, Puritans and the Two Tables, 1620-1670* (New Haven, CT: Yale University Press, 1976); Nicholas Tyacke, *Aspects of English Protestantism c. 1530-1700* (Manchester, UK: Manchester University Press, 2001), 283. For a review and critique of older scholarship that associated Sanderson with “Anglicanism” and “Anti-Calvinism” see Dixon, *Practical Predestinarians in England, c. 1590-1640*, 211-15.

<sup>20</sup> Neil Lettinga, “Covenant Theology Turned Upside Down: Henry Hammond and Caroline Anglican Moralism: 1643-1660,” *Sixteenth-Century Journal* 24, no. 3 (1993), 653-69, and “Covenant Theology and the Transformation of Anglicanism” (Ph.D. dissertation, Johns Hopkins University, 1987); Michael McGiffert, “Henry Hammond and Covenant Theology,” *Church History* 74, no. 2 (June 2005): 255-85, and “Herbert Thorndike and the Covenant of Grace,” *Journal of Ecclesiastical History* 58, no. 3 (July 2007): 440-60. For a useful, widely cited, and representative study that unfortunately typifies the tendency of treating covenant theology in England as a puritan preserve, see John Von Rohr, *The Covenant of Grace in Puritan Thought* (Eugene, OR: Wipf and Stock, 1986).

remarkably anticipates many of the features of the thought of Thomas Hobbes considered in chapter five and six. Previous scholarship on Hobbes has often treated his engagement with theological ideas with skepticism. However, given the apparent acceptance of Sanderson's theological perspective under both William Laud and Charles I as well as the Restoration regime under Charles II, the striking similarity between Hobbes' covenantal perspective and many of Sanderson's views challenges such skeptical readings and rather confirms the trajectory of recent scholarship that treats the subject of Hobbes' orthodoxy and his use of theological categories with greater nuance and care.<sup>21</sup> Third, Sanderson's theological sensibilities may help Hobbes' orthodox credentials, but they do not help Sanderson's "Calvinist" ones. While Sanderson was certainly an anti- Anti-Calvinist, careful attention to his opposition to English Arminianism reveals significant tensions between the views he preached as well as those he expressed in his posthumously published *Pax Ecclesiae* and even the most moderate of "Calvinists." This study therefore confirms key aspects of Peter Lake's important study, "Serving God and the Times: The

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<sup>21</sup> Classic skeptical treatments of Hobbes' theology include Leo Strauss, *Hobbes's Critique of Religion and Related Writings* (Chicago: University of Chicago Press, 2011 [1934]); and Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (New York: Cambridge, 1997), especially 376-425. While these works are useful in many ways, several recent studies helpfully set Hobbes' theology against the context in which it was written, including Jeffrey R. Collins, *The Allegiance of Thomas Hobbes* (New York: Oxford, 2005); Paul Lim, *Mystery Unveiled: The Crisis of the Trinity in Early Modern England* (New York: Oxford, 2012), 217-70; Nicholas D. Jackson, *Hobbes, Bramhall and the Politics of Liberty and Necessity: A Quarrel of the Civil Wars and Interregnum* (New York: Cambridge, 2007); Noel Malcolm, *Aspects of Hobbes* (New York: Oxford, 2003); Jon Parkin, *Taming the Leviathan: The Reception of the Political and Religious Ideas of Thomas Hobbes in England, 1640-1700* (New York: Cambridge, 2007). Of particular note is George Wright's convincing account of Hobbes's religion and its influence in his *Religion, Politics and Thomas Hobbes* (Dordrecht: Springer, 2006).

Calvinist Conformity of Robert Sanderson,” but does so with some sympathy for Sanderson’s “Calvinist” contemporaries who may have emphasized “the times” in Lake’s title. Accordingly, it also raises questions about the usefulness of a single-issue, predestinarian “Calvinism” as an interpretive lens for understanding the rising temperature of politically laden theological discord during the early Stuart period. Even truly excellent studies of ecclesiological and sacramental debates in the early Stuart period tend to make views of predestination a touchstone of “Calvinist” identity in early modern England, but this tendency obscures the theological underpinnings of Sanderson’s vehement opposition to John Cotton.<sup>22</sup> By coordinating Sanderson’s predestinarian views with his covenantal and ecclesiological positions, this chapter seeks to illustrate the connections between covenant theology and ecclesiological views related to both ecclesiastical and civil governance.

Chapters three and four demonstrate that the significant aspects of Sanderson’s covenantal polemics continued to be debated not only between puritans desirous of further reform of both church polity and doctrine and their conformist opponents, but within puritan circles as well. Chapter three traces these debates through the intramural friction between presbyterians in the years leading up to and during the Westminster Assembly. A careful comparison of the most important printed works of covenant theology during this period reveals that

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<sup>22</sup> For an example of the tendency to identify “Calvinism” with predestination to the explicit exclusion of sacramental and ecclesiological views in an otherwise groundbreaking study of those subjects, see Kenneth Fincham and Nicholas Tyacke, *Altars Restored: The Changing Face of English Religious Worship* (New York: Oxford, 2007), 273.

debates regarding the precise nature of the relationship between the Bible's old and new covenants constitutes a window through which to observe the developmental interplay between the covenantal ideas of early modern theology and political thought. Although twentieth century historical theology typically located the focal point of debate in the developing understanding of a theological covenant of works juxtaposed to a covenant of grace, these sources instead are oriented around the relationship between the historical covenants mediated by Moses and Christ. A consideration of the favored method by which contemporaries summarized the key issues at stake in their own disputes easily substantiates this claim. In treatise after treatise, when pressed to identify the heart of their disagreements about covenant theology, these authors offered taxonomies of the various understandings of the relationship between the Mosaic covenant and the new covenant.<sup>23</sup> Therefore attention to these taxonomies sheds light not only upon the polemical tempest surrounding the systematization of covenantal thought during this period but also helps to identify the actual intellectual context of the covenantal ideas of Hobbes (chapters five and six) and other important figures as well.

By shedding light on this pluriformity and its significance, one major implication of these chapters is that the recent historiography regarding the

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<sup>23</sup> Previous treatments of these taxonomies include Brenton Clark Ferry, "Works in the Mosaic Covenant: A Reformed Taxonomy" (MA Thesis, Westminster Theological Seminary, 2009); Mark Jones, "The 'Old' Covenant," in *Drawn into Controversie: Reformed Theological Diversity and Debates within Seventeenth-Century British Puritanism*, ed. Michael A.G. Haykin and Mark Jones (Oakville, CT: Vandenhoeck and Ruprecht, 2011), 183-203. Chapters three and four seek to build on these studies by illustrating how perspectives regarding the "orthodoxy" of the various Presbyterian views shifted between the 1640s and 1650s.

development of covenant theology during this period has placed far too much emphasis on the continuity of the tradition and given far too little attention to the significant discontinuity. This is true not only in regards to the *longue durée*, but particularly with regard to the immediate context of the 1640s and 1650s. As noted above, Richard Muller and others have demonstrated convincingly the problematic nature of much of the “Calvin vs. the Calvinists” thesis that radically juxtaposed the positions of John Calvin to those of either his contemporaries or heirs. At the same time parallel treatments and some of those building on Muller’s work have made the opposite error by presenting a monolithic “Reformed” tradition and especially a unitary “Puritan” tradition of covenant theology. These chapters do not seek to rehabilitate either the “two traditions” thesis regarding continental covenant theology or its British counterpart, but they do demonstrate that “puritan” covenant theology was anything but monolithic.<sup>24</sup> Significant debates divided not only figures associated with puritanism generally, but even more particular groups like the presbyterians in their midst. These disputes not only were important in their immediate political context, and after the 1650s they not only contributed to the

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<sup>24</sup> Representative interpretations setting forth the “discontinuity” between “Calvin and the Calvinists” that are dependent upon the assumption or defense of the continental and British “two traditions” approaches respectively include J. Wayne Baker, *Heinrich Bullinger and the Covenant: The Other Reformed Tradition* (Athens, OH: Ohio University Press, 1980) and Richard Greaves, “The Origins and Early Development of English Covenant Thought.” Two works that sharply criticize the approaches of Baker and Greaves but arguably overplay the continuity in the Reformed tradition and especially amongst the puritans include Von Rohr, *The Covenant of Grace in Puritan Thought* and Woolsey, *Unity and Continuity in Covenantal Thought*.

fragmentation of whatever coherency puritanism as a movement ever possessed, but they also proved fertile soil for the rhetoric of figures like Hobbes.

Therefore, chapters three and four speak not only to the historiography of the development of covenant theology, but also to the historiography of early modern England more generally and to works in the history of political thought that frequently rely upon the work of historical theology in making broader claims about the period. For example, Edward Vallance's excellent recent examination of national covenants in England and Scotland convincingly substantiates the close relationship between covenant theology and the political covenants he studies, thus confirming certain aspects of the work of T.D. Bozeman and Patrick Collinson, and he rightly critiques the earlier work of David Weir and others that sought to disconnect the two forms of covenantal thinking.<sup>25</sup> However, Vallance's failure to deal with more recent studies of covenant theology that critique Weir's work limits his own

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<sup>25</sup> For Vallance's use of Bozeman and Collinson, see his *Revolutionary England and the National Covenant*, 28-32. See T.D. Bozeman, "Federal Theology and the 'National Covenant': An Elizabethan Presbyterian Case Study," *Church History*, 61 (1992), 394-407; and Patrick Collinson, "Biblical Rhetoric: The English Nation and National Settlement in the Prophetic Mode," in *Religion and Culture in Renaissance England*, eds. C. McEachem and D. Shuger (New York: Cambridge, 2006), 15-45. For the argument of those who disconnect the covenant of grace from political concerns, see David A. Weir, *The Origins of the Federal Theology in Sixteenth-Century Reformation Thought* (New York: Oxford, 1990); Michael McGiffert, "Covenant, Crown and Commons;" Perry Miller, *The New England Mind: Part One the Seventeenth Century* (Cambridge, MA: Harvard, 1954) and *Errand into the Wilderness*. Vallance observes that whereas Weir separated theological and political covenants altogether, Miller and McGiffert both connected the theology of the covenants to political concerns generally, but that they erred in denying the relevancy of the covenant of grace in particular. Therefore Miller and McGiffert wrongly limited the idea of a national covenant to the "realms of personal and public morality" rather than to matters of soteriological and eternal concerns. See Vallance, *Revolutionary England and the National Covenant*, 30.



perspective.<sup>26</sup> The increasingly accepted consensus of studies in historical theology is that the development of the idea of the “covenant of works” and its juxtaposition to the covenant of grace was relatively uncontroversial and organic, and much more a question of semantics and emphasis than a substantive difference.<sup>27</sup> By emphasizing that the true points of development and conflict regarded the relationship not between the covenant of works with Adam and the covenant of grace, but rather the relationship between the old covenant with Moses and the covenants of works and grace more generally, chapters three and four point to the solid ground capable of providing a better support for Vallance’s otherwise correct intuitions about the close relationship between covenant theology and political covenants.

In addition to their implications for the historiography of early modern England in general, chapters three and four also make an important contribution to questions related to the history of political thought in particular. For example, the

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<sup>26</sup> For recent refutations of Weir along these lines, see Beach, *Christ and the Covenant*, 344; Denlinger, *Omnes in Adam ex pacto Dei*, 19-20, 37, 44f., 249; Lee, *Johannes Cocceius and the Exegetical Roots of Federal Theology*, 25-6; Richard Muller, “The Covenant of Works and the Stability of Divine Law in Seventeenth-Century Reformed Orthodoxy,” in *Calvin Theological Journal* 29 (1994), 78; and Randall J. Pederson, *Unity in Diversity: English Puritans and the Puritan Reformation, 1603-1689* (Leiden: Brill, 2014), 71.

<sup>27</sup> In addition to the lack of engagement with developments in the field after Weir, Vallance also significantly misunderstands the relationship between the covenants of works and grace communicated in the Westminster Confession of Faith. Vallance reads the statement that “There are not therefore two Covenants of Grace differing in Substance, but one and the same under various Dispensations” as a reference to the ultimate unity of the pre- and post-lapsarian covenants made with Adam. There is no possibility that his reading is correct, as the context makes clear that the Confession refers to the continuity of the post-lapsarian covenants. See Vallance, *Revolutionary England and the National Covenant*, 28.

influential collection of essays that Daniel Elazar and John Kincaid gathered through the work of the Center for the Study of Federalism were groundbreaking in 1985, but by the time they were published in 2000 they were already dated in many ways, not least because of their consistent advocacy for and dependence upon the “two traditions” thesis.<sup>28</sup> Nevertheless, this collection continues to be one of the primary sources cited on the relationship between covenant theology and early modern political thought, for example, in the recent work of Glen Moots.<sup>29</sup> By tracing the contours of Presbyterian debates about covenant theology in the 1640s and 1650s, chapters three and four offer historians of political thought a better foundation for building arguments about the relationship between theological and political ideas in the early modern period. The ideological positions articulated and intellectual contexts inhabited by Hobbes, Harrington, Locke and others are much better understood by paying careful attention to the arguments of their close contemporaries and predecessors. Chapters three and four illustrate that the issues at stake cannot be understood by dividing the issues into simplistic binaries like “unilateral vs. bilateral covenants” or “covenants of works vs. covenant of grace.” Rather, the political implications of theological systems depended upon the sum total of decisions on a host of complex questions. Was the covenant with Moses a

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<sup>28</sup> Daniel J. Elazar and John Kincaid, eds., *The Covenant Connection: From Federal Theology to Modern Federalism* (Lanham, MD: Lexington, 2000). In fact, several of the contributors were the key architects of the “two traditions thesis,” and related arguments are central to many of the chapters, including the contributions by J. Wayne Baker, Charles S. McCoy, and James B. Torrance. For a similar critique, see Peter J. Herz, “Covenant to Constitutionalism: Rule of Law as a Theological Ideal in Reformed Scotland” (Ph.D. dissertation, Southern Illinois University, 2001), 64f.

<sup>29</sup> Glenn A. Moots, *Politics Reformed: The Anglo-American Legacy of Covenant Theology* (Columbia, MO: University of Missouri Press, 2010).

covenant of works, a covenant of grace, both, or neither? What was the nature of the conditions under the covenant of grace? Was a mediator necessary to the essence of a covenant, and if so who was that mediator in each administration? Was the covenant of grace primarily identified with election to eternal salvation or temporal, historical covenantal relationships? What was the temporal and eternal significance of membership in the covenant of grace? In turn, the answers to these questions could be combined in a host of complex ways, and the resulting theological systems possessed significant political implications. In return, the political deployment and redeployment of these ideas loaded the theological conversation and reshaped the contours of theological development. Chapters three and four also hint at the consequences of this reciprocal relationship between theological and political discourse during the 1640s and 1650s.

If the previous chapters hint, chapters five and six address these matters head on by closely examining the development of Thomas Hobbes' covenantal ideas in his three most important political works in these decades. As mentioned briefly above, Quentin Skinner's influential and otherwise insightful studies have repeatedly minimized the significance of theological ideas in Hobbes' work or brushed them off as merely rhetorical devices necessary to advance his agenda but not central to his concerns.<sup>30</sup> Chapters five and six challenge this claim by demonstrating the centrality of these theological ideas, not only to Hobbes' rhetoric, but also to the core of his system of thought. Hobbes took the political theologies of

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<sup>30</sup> Of the many possible examples, one of the most notable is his *Reason and Rhetoric in the Philosophy of Hobbes*, 376-425.

his contemporaries seriously and engaged them on their own terms, responding directly to the covenantal arguments of famous monarchomach texts like the *Vindiciae Contra Tyrannos* in *The Elements of Law* (1640), to the increasingly complex redemptive historical arguments of puritan authors in *De Cive* (1642), and by playing off differing sides of the debates between presbyterians and congregational independents as well as intramural debates among the different presbyterian factions at the Westminster Assembly in his magnum opus, *Leviathan* (1651). As such, this chapter joins a growing body of works suggesting that the “modern” roots of arguments for religious disestablishment, conceptions of rights, and religious toleration, as well as critiques of those same ideas, were just as much the fruit of deeply theological debates derived from biblical sources as they were political debates derived from secular sources.<sup>31</sup> Careful attention to the theological ideas in Hobbes’ works as well as those of his opponents demonstrates that the simplistic narratives of a “secular modernity” on the one hand, or of religion’s singular contribution to “modern liberalism” on the other do not stand up under scrutiny.

At any rate, theological debates were certainly a critical component of the cultural world of early modern England and the politics of the tumultuous years leading up to and following the English Civil Wars, Interregnum, and Restoration,

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<sup>31</sup> For representative examples related to the history of early modern England and the history of ideas respectively, see William Bulman, *Anglican Enlightenment: Orientalism, Religion, and Politics in England and its Empire, 1648-1715* (New York: Cambridge, 2015); and Eric Nelson, *The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought* (Boston: Harvard, 2010); cf. Jonathan Israel, *Enlightenment Contested: Philosophy, Modernity, and the Emancipation of Man 1670-1752* (New York: Oxford, 2006).

and covenant theology was close to the heart of those debates. What makes the “covenant idea” so interesting, is not that it was a uniform construction that directly contributed to the birth of modern political ideas or that it restricted them, but rather that it was in fact historically comprised of a pluriformity of constructions. The early modern period saw an explosive development of this idea, with manifold iterations developing in response to both the civil and religious spheres. Perhaps one of the more interesting versions of this covenant idea, and certainly one of the most controversial, is precisely the one whose historical origins and import are most obscured by simplistic narratives of its development: namely the system of the Westminster Assembly which was so strenuously and subversively critiqued by Thomas Hobbes in the second half of his *Leviathan*. If one of the chief progenitors of the view that only a strong civil authority could create the stability necessary for the peaceful adjudication of “wars of religion” *also* believed that the seventeenth century presbyterians and their covenants were one of the greatest threats to civic order, perhaps these same presbyterians also hold a clue to the debates that so exercise the revisionist and post-revisionist conceptions that drive the divergent aspects of the narratives of the period. If so their works cry out for a more thorough and contextually sensitive account of the development of their covenant theology and its relationship to notions of political sovereignty in the early modern period. This study is an attempt to offer such an account.

## CHAPTER 2

### *Covenantal Conformity: Robert Sanderson's Anti-Puritan Covenant Theology*

#### **Introduction**

On April 17, 1619, the conformist minister Robert Sanderson preached a provocative sermon in the pulpit of St. Boltoph's Church in Boston.<sup>1</sup> The sermon, which has come to be remembered as one of his most important, was provocative for a variety of reasons. The substance of the sermon itself treated the text of Romans 14:3, "Let not him that eateth despise him that eateth not; and let not him that eateth not judge him that eateth," which Sanderson expounded to defend the worship of the Church of England against nonconformist critics who refused those rites and acts that they deemed to lack scriptural foundation. Sanderson tied the images of eating and not eating to conforming and not conforming in order to marshal the apostle's words against would be nonconformists.<sup>2</sup> While this substance was itself clearly a matter of controversy, it was the setting that was most striking. The minister at St. Botolph's was none other than the ardent nonconformist John Cotton, and Cotton was in attendance to hear Sanderson preach.<sup>3</sup>

What drove Sanderson to take such a confrontational approach? Clearly he possessed a strong distaste for the ecclesiological sensibilities of nonconformists,

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<sup>1</sup> Robert Sanderson, *Twelve Sermons, Preached, Ad Clerum, III. Ad Magistratum, III. Ad Populum, VI* (1632), 1.

<sup>2</sup> Sanderson, *Twelve Sermons*, 20.

<sup>3</sup> Leif Dixon, *Practical Predestinarians in England, c. 1590-1640* (Burlington, VT: Ashgate, 2014), 216.

and in particular their unwillingness to follow the dictates of what he took to be the lawfully established authorities. However, attention to the full scope of the series of sermons he preached in Boston in the years that followed indicates that the fault lines separating him from Cotton ran deeper than merely their ecclesiological differences. In fact, while it may be true that they agreed upon important aspects of what has been referred to as the predestinarian consensus of the Jacobean church, they also disagreed profoundly on key soteriological questions.<sup>4</sup> As a result, attention to the broader contours of Sanderson's preaching against Cotton illustrates the connection between their theological and ecclesiological divergences, and therefore it also highlights a set of theological issues with previously under appreciated political relevance. In fact, the record of Sanderson's preaching throughout the 1620s and early 1630s illustrates how the categories of thought typically associated with puritan ministers could be utilized by other parties in the

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<sup>4</sup> The classic argument for the Calvinist consensus of the Jacobean church was made by Nicholas Tyacke, "Puritanism, Arminianism and Counter Revolution," in Conrad Russell, ed., *The Origins of the English Civil War* (New York: Harper and Row, 1973), 119-43 and in Tyacke's expansion of the argument in *Anti-Calvinists: The Rise of English Arminianism, c. 1590-1640* (New York: Oxford University Press, 1987), and also by Peter Lake, "Calvinism and the English Church 1570-1635," *Past and Present* 114 (1987), 32-76; cf. Peter White, "The Rise of Arminianism Reconsidered," *Past and Present* 101 (1983), 34-54 and White's expansion of his counter argument in *Predestination, Policy and Polemic: Conflict and Consensus in the English Church from the Reformation to the Civil War* (New York, Cambridge, 1992). For Sanderson's place in this picture, see Peter Lake, "Serving God and the Times: The Calvinist Conformity of Robert Sanderson," *Journal of British Studies*, 27, no. 1 (April, 1988): 81-116. For a nuanced treatment of Cotton in the same regard, see David Como, "Puritans Predestination and the Construction of Orthodoxy in Early Seventeenth Century England," in *Conformity and Orthodoxy in the English church, c. 1590-1660*, ed. Peter Lake and Michael Questier (Woodbridge, UK: Boydell, 2000), 64-87. Como suggests that there was a fragile "negative consensus" regarding what was not orthodox but less clarity on what was acceptable.

Church of England for various other theological and political ends. These considerations also demonstrate that while previous studies have done much to outline the controversial doctrines at stake in the famous free grace controversy that took place across the Atlantic in Boston between the years of 1636 and 1638, more work remains to be done to connect the development of these ideas to Cotton's early career in England and to the transatlantic controversy surrounding his ideas in the 1640s and 1650s as well.<sup>5</sup>

The narrative of this chapter follows the chronology of Sanderson's sermons in order to set his preaching against the unfolding events of the 1620s and 1630s. The controversy over Arminianism that rose to a new pitch in the mid-1620s, the response to fears concerning the Spanish match, and the legitimation of the king's prerogative regarding ship money, in combination with Sanderson's overarching concerns regarding conformity to both civil and ecclesiastical dictates, all contributed to the theological positions he developed and presented. In this context,

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<sup>5</sup> Michael Winship's excellent study of the free grace controversy stands out for its introductory chapter examining the English roots of disputes related to the assurance of salvation, and its brief consideration of Cotton's early career in England suggests the potential benefits of further study. See Michael P. Winship, *Making Heretics: Militant Protestantism and Free Grace in Massachusetts, 1636-41* (Princeton: Princeton University Press, 2002), 29f.

For Cotton's role in the transatlantic ecclesiological debates of the 1640s and 50s, see Francis J. Bremer, *Congregational Communion: Clerical Friendship in the Anglo-American Puritan Community, 1610-1692* (Boston: Northeastern University Press, 1994). William Stoeber's classic study of the debates regarding covenant theology at the heart of the free grace controversy identifies many important issues worthy of further study, especially in light of sharper historiographical and contextual picture available due to the advance of scholarship since its publication. See William K. B. Stoeber, *'A Faire and Easie Way to Heaven: ' Covenant Theology and Antinomianism in Early Massachusetts* (Middletown, CT: Wesleyan University Press, 1978).



Sanderson employed a series of arguments that each tended to minimize the distinctions between historical administrations of God's covenants with his people on the one hand, and he also relied upon a series of complex theological positions to minimize the distance between civil and ecclesiastical authority on the other. The "civil body" of the state and the "mystical body" of the church came to sound like very much the same thing, and whatever spiritual jurisdiction was over them must be subject to its civil counterpart. In each of the theological arguments that Sanderson made to advance these claims, he appropriated the categories and arguments of his presbyterian contemporaries and recombined and redeployed them in order to minimize the differences between the administrations of the covenants of grace and to maximize the authority of the civil magistrate. Perhaps most interestingly, Sanderson employed the image of the Leviathan as a symbol of authority and the hierarchical relationship between civil and ecclesiastical government nearly 30 years before Thomas Hobbes did. The most significant components of Hobbes' political theology may be found in Sanderson's political preaching of God's covenant.

***To Be "faithful in God's house, as was Moses"***

Sanderson's sermon of 1619 was a *tour de force*, for rather than merely taking up a defensive position against the standard nonconformist arguments of Cotton and his ilk, Sanderson turned the tables by arguing that it was in fact nonconformists who violated the law of God in their disobedience. Not only were the rites and ceremonies of the church lawful, but pastors who refused them were

guilty of violating the vows of subscription that they willingly took on multiple occasions en route to their ordination.<sup>6</sup> As Sanderson drew to the climax of his sermon, it is hard not to imagine that Cotton did not see himself as the chief object of its critique, for Sanderson argued “Lastly, it is to be considered, whether it may be enough for a Pastor, not to meddle with these things: and whether he be not in conscience bound, especially in case hee live among a people distracted in opinions, to declare himselfe expressly either for them, or against them.” Sanderson left no doubt for those gathered to hear his sermon as to the possibility of moderate non-conformity. On the one hand, he asked of the pastor convinced that the rites and ceremonies of the church were unlawful, “how is he not bound in conscience to reprove those that use them, or require them? otherwise hee betrayeth the truth of God by his silence, and suffereth men to goe on in their superstition without rebuke.” On the other hand, he asked of the pastor who believed that the rites and the ceremonies of the church were lawful whether this belief required him to “openly rebuke such as willingly and purposely breake the Traditions and Ceremonies of the Church, as offenders against the common Orders of the Church, and wounders of the Consciences of the weake brethren” in accordance with Article 34 of the 39 Articles. Thus for Sanderson, either one believed the rites and ceremonies were lawful or unlawful. If unlawful, those who used them deserved rebuke, and if lawful those who refused them deserved rebuke. The only options were active and outspoken conformity or open and outspoken non-conformity, and

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<sup>6</sup> Sanderson cited Articles 20 and 34 of the 39 Articles. Sanderson, *Twelve Sermons*, 24-6.

Sanderson described those who attempted to occupy the middle ground in colorful terms. “Hee then, that for any respect whatsoever is meale-mouthed in these things, wherein he is bound both in Conscience, and by vertue of his own voluntary Act to speake freely: neither is constant to his own hand and tongue; nor is faithfull in Gods House, as was Moses, in discharging a good Conscience, and revealing unto his people the whole Counsell of God.” Not only radical nonconformists, but so-called moderate nonconformists as well were guilty of narrowing the confines of the visible church to those that shared their own views, “as if none had brotherhood in Christ, none had interest in goodness, none made profession of the Gospel, but themselves.”<sup>7</sup> The only difference was that would be moderates were hypocritical about it, and surely Cotton would have felt the burn from having his views and practical handling of them attacked so explicitly in his own church.

### **Moderate Calvinism? The *Foedus Operum seu Legale* and the *Foedus Novum et Evangelium***

Given Sanderson’s sharp opposition to Cotton and the fact that past scholarship often erroneously conflated “Puritanism” with “Calvinism,” this raises questions regarding Sanderson’s views on predestination.<sup>8</sup> Certainly, Sanderson made no bones about his opposition to the rank “Arminianism” which eventually found its most controversial expression in Richard Montagu’s infamous *A Gagg for*

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<sup>7</sup> Sanderson, *Twelve sermons*, 39-2.

<sup>8</sup> For the problems inherent in the conflation of “Puritanism” with “Calvinism,” see Lake, “Serving God and the Times,” 115, and David C. Steinmetz, *Calvin in Context* (New York: Oxford, 2010), 4.

*the New Gospell? No: A New Gagg for an old Goose.*<sup>9</sup> In a marginal note on his sermon of 1619, while Sanderson made no doubt of his distaste for puritan non-conformity, he also felt the need to distance his criticism from that of the burgeoning Arminian movement, “Of late our English Arminians have got the tricke to fetch in within the compasse of this Title of Puritanes, all orthodox Divines that oppose against their semi-pelagian subulties; of purpose to make sound truth odious, & their owne corrupt novelties more passable and plausible.”<sup>10</sup> One important benefit of this clarification was that it kept the focus on non-conformity, where his case against puritans was firmer, rather than allowing complicated theological controversies to distract from this central issue. At any rate, Sanderson excoriated what he saw as the Arminian attempt to marginalize his own views on predestination in order to make room for their alternative orthodox vision. Interestingly, this comment was removed from the 1657 edition of the work, evidence of the increasing pressure he received from figures like Henry Hammond and Thomas Pierce during the 1650s to repudiate his earlier advocacy of predestinarian ideas in order to maintain a united front against puritanism.<sup>11</sup> Whether Sanderson’s views actually underwent significant change is rather doubtful, given his reticent response to repeated

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<sup>9</sup> The full title of Montagu’s work was *A Gagg for the New Gospell? No: a New Gagg for an Old Goose Who Would Needes Undertake to Stop All Protestants Mouths For euer, with 276. Places out of Their Owne English Bibles* (London, 1624). See Tyacke, *Anti-Calvinists*, 47-50.

<sup>10</sup> Sanderson, *Twelve sermons*, 34.

<sup>11</sup> For evidence of this pressure see Hammond’s published comments on Sanderson’s letter to Pierce in *The Works of Robert Sanderson, D.D. sometime Bishop of Lincoln*, ed. William Jacobson (Oxford: Oxford University Press, 1854), 5:292-335 and 336-46. For Pierce’s representation of Sanderson’s views, see Sanderson, *Works*, 5:348f. See Peter Lake’s discussion of these documents in “Serving God and the Times,” 113ff.

requests for a public recantation of his early views, and especially given the interpretive gymnastics Henry Hammond undertook to publicly present the statement Sanderson finally gave as such a recantation.<sup>12</sup> Therefore it is extremely doubtful that Sanderson found it politically expedient to associate with English Arminian views at any stage of his career.

At the same time, it is worth asking whether his understanding of predestination may be helpfully characterized as “Calvinist” either, a question of some relevance to this study given that one of his most explicit presentations of his own views on predestination also includes the clearest background for the views he preached on covenant theology that will be considered below.<sup>13</sup> Sanderson included this presentation in his *Pax Ecclesiae*, a work that remained unpublished during his lifetime but was almost certainly composed in pursuit of peace and middle ground soon after the publication of Richard Montagu’s controversial works in the mid-

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<sup>12</sup> Lake, “Serving God and the Times,” 113-14.

<sup>13</sup> It is interesting that Richard Baxter characterized Sanderson, along with James Ussher, Joseph Hall, Thomas Morton, John Jewell and John Davenant, as an “old Protestant,” distinguishing him from both followers of “Grotian” crypto-Catholics and their sympathizers. He characterized Sanderson and this group as “Reformed” in “doctrinal matters” and differing from the Reformed only in the matter of “Church-Government.” See Richard Baxter, “An Explication” in *Christian Concord* (1653), 44-45. On the other hand, Sanderson, upon the urging of Hammond and Gilbert Sheldon, ceased his participation in the lecturers with Puritans in Grantham, Lincolnshire. See F. J. Trott, “Prelude to Restoration: Laudians, Conformists and the Struggle for ‘Anglicanism’ in the 1650s,” (Ph.D. dissertation, London University, 1993), chaps. 2 and 3. While Sanderson certainly conducted his affairs in a way that distanced himself from Anti-Calvinists, he also distanced himself from puritan defenders of Calvinism. See the discussion, from which these citations are drawn, in Paul Lim, *In Pursuit of Purity, Unity, and Liberty: Richard Baxter’s Puritan Ecclesiology in Its Seventeenth Century Context* (Brill, 2004), 198, 204. See also Kenneth Fincham and Nicholas Tyacke, *Altars Restored: The Changing Face of English Religious Worship* (New York: Oxford, 2007), 285.

1620s.<sup>14</sup> The question that arises from the consideration of Sanderson's "moderate" pursuit regards the nature of this middle ground. To put it bluntly, Sanderson's ideal was a middle ground between what, exactly?

On his own account, and following the ground well traveled by figures like John Overall, Sanderson sought not to find a middle ground between various "Calvinist" views but rather middle ground between Calvinism and Arminianism. In the paragraph immediately preceding his outline of his own understanding of the divine decrees, Sanderson declared, "I have ever thought that a middle way between both might be fairer and safer to pitch upon, than either extreme."<sup>15</sup> A few pages earlier he expressed his concern at the "harshness" not only of the opinion regarding the decrees attributed to Beza, but also to Calvin, "the inconveniences which either do ensue, or seem to ensue" upon that opinion "may be fairly waived another way, and yet without Arminianism."<sup>16</sup> In contrast to Calvin and Beza, Sanderson also distanced himself from "sundry other Reformed Churches who have proceeded further this way than our Church hath done."<sup>17</sup> Sanderson felt that it was wrong for both English "Arminians" and English "Calvinists" to accuse one another of heresy or schism. It was acceptable to side with either Arminius or Calvin "so long as both the one and the other do entirely and freely and *ex animo* subscribe to the Articles, the Common Prayer Book, and that of Consecration, and do not rent the

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<sup>14</sup> Lake, "Serving God and the Times," 85.

<sup>15</sup> Sanderson, *Pax Ecclesiae*, in *Works*, 5:266.

<sup>16</sup> Sanderson, *Pax Ecclesiae*, in *Works*, 5:263.

<sup>17</sup> Sanderson, *Pax Ecclesiae*, in *Works*, 5:258.

unity, or disturb the peace of the Church by those differences.”<sup>18</sup> Sanderson held that both the doctrine of the possibility of “falling from grace” and the doctrine of “perseverance” could be drawn out of those documents.<sup>19</sup>

How did the actual substance of Sanderson’s “moderation” compare with that of his contemporaries? Fortunately, Sanderson not only expressed his own view of the decrees, but to the end of his treatise he also appended five different tables illustrating four alternative understandings in addition to his own.<sup>20</sup> As a result it is relatively easy to position his view among those of his closest contemporaries. At least two specifics are worth noting in this regard. First, Sanderson not only distanced himself from what he deemed the “rigid” Calvinism of supralapsarian predestinarian views that placed the decrees of both election and reprobation prior to the fall, but also infralapsarian views which placed the decree of reprobation after the decree of the first covenant but prior to that of the second covenant. In addition to the fact that he therefore placed the decrees of both election and reprobation after the new covenant (*Foedus Novum et Evangelium*), Sanderson also placed both these decrees after the decree of Christ’s death for all humanity (*pro genere humano*). He also made faith in Christ the condition of this new and evangelical covenant of righteousness and salvation (*Foedus Novem et Evangelium de Justitia et Salute per Fidem in Christum*), and thus made the decree of election contingent upon

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<sup>18</sup> Sanderson, *Pax Ecclesiae*, in *Works*, 5:261.

<sup>19</sup> Sanderson, *Pax Ecclesiae*, in *Works*, 5:264.

<sup>20</sup> See Sanderson, *Pax Ecclesiae*, in *Works*, 5:266f. for his own understanding, and 279f. for the tables. The first table sets forth a supralapsarian order of the decrees, the second table the Arminian order, the third table an infralapsarian order, the fourth a version of the hypothetical universalist order, and the fifth table sets forth Sanderson’s own views.

the condition of faith.<sup>21</sup> The combination of these features clearly marks Sanderson's *Pax Ecclesia* as an attempt to present his view as a species of the hypothetical universalism common in moderate predestinarian circles during this period.<sup>22</sup>

The second and perhaps even more interesting feature of Sanderson's order of the decrees regards the precise nature of his description of the "fit and effectual means and graces needful" unto salvation, and, to be more specific, that his discussion of these means led him to emphasize the role of the visible church by inserting it into his table.<sup>23</sup> While Sanderson's contemporaries would have assumed that the church would be the primary source of the ordinary means of grace, his inclusion of the visible church in a table setting forth the divine decrees was unusual. For Sanderson, election was followed (ordinarily) by the common grace of external calling by word and sacrament. This calling was in turn followed by membership in the visible church, which though comprised of the elect in Christ, was nevertheless a mixed body. Members of the church then either received special grace (*Gratia Specialis*) and so were internally and effectually called (*Vocationis Internae et Efficacis*) by the renewal of the hearts of the elect by the Holy Spirit (*per Spiritum Sanctum renovantem corda Electorum*), to membership in the invisible church of the elect (*Ecclesia Invisibilis Electorum*), and thus to eternal life, or they

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<sup>21</sup> Sanderson, *Pax Ecclesia*, in *Works* 266f. and 287-8.

<sup>22</sup> For the development of English Hypothetical Universalism during this period, see Jonathan Moore, *English Hypothetical Universalism: John Preston and the Softening of Reformed Theology* (Grand Rapids, MI: Eerdmans, 2007), as well as Richard Snoddy, *The Soteriology of James Ussher: The Act and Object of Saving Faith* (New York: Oxford University Press, 2014), 40-92.

<sup>23</sup> Sanderson, *Pax Ecclesiae*, in *Works* 5:268f. Sanderson's preferred table appears on p. 287. The following discussion is drawn from this table.



received defective special grace and effectual calling (*Defectus Gratiae Specialis et Vocationis Efficacis*) that ultimately led either to final apostasy or infidelity and thus to eternal death. Sanderson therefore identified election with participation in the covenant, justification by faith, and salvation in Christ. The consequence of this election was membership in the visible church. Members of the visible church either received efficacious special grace or defective special grace, and only the former attained membership in the invisible church of the elect and therefore eternal life.

The most important feature of this structure is that it illustrates both Sanderson's peculiarity and the way his inclusion of the visible church in his table contributed to that peculiarity. While upon first reading Sanderson appeared to follow a typical hypothetical universalist order of the decrees by locating election immediately after the second covenant, his table did not include a notion of particular election until much further down, where it followed his extended depiction of the role of the visible church in mediating grace. The most glaring consequence of this set of decisions was that it left members of the "elect" who merely received defective special grace that ultimately led to eternal death. To say the least, this was a peculiar presentation of a hypothetical universalist understanding of the decrees, and it is not surprising that one of the extant manuscripts removed the step of defective special grace and effectual calling altogether.<sup>24</sup>

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<sup>24</sup> See the note in Sanderson, *Pax Ecclesia* in *Works* 5:287, citing Bodleian Rawlinson MS A.419, which omits this step.

Sanderson's tables also offer evidence for the sources of his unique views that confirms this reading and suggests their potential purpose. A marginal note on the fourth table refers to John Overall's *Sententia Ecclesiae Anglicanae de Praedestinatione*, an extremely influential work in moderate predestinarian circles during the period.<sup>25</sup> Of the English delegates to the Synod of Dort, John Davenant in particular drew from Overall's works in preparation for debate, and Joseph Hall even expressed his appreciation for Overall's *Sententia* in print.<sup>26</sup> Sanderson's rhetoric of a *via media* between Calvinism and Arminianism is also reminiscent of Overall's work. However, while Overall publically expressed a desire to navigate a mean between extremes, he privately expressed his sympathies for Arminian views to Hugo Grotius, and therefore it seems appropriate to take his rhetoric regarding his pursuit of a *via media* with a grain of salt.<sup>27</sup> The reactions of other moderate predestinarians to Overall's work tell a similar story. For example, according to George Kendall, James Ussher's vituperous evaluation of Overall's *Sententia* was

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<sup>25</sup> The work was written in preparation for the Synod of Dort in the 1610s, and the full title is *Sententia Ecclesiae Anglicanae de Praedestinatione et Capitibus annexis. Ultima Reusio*. It is included in Antony Milton, ed., *The British Delegation and the Synod of Dort, 1618-1619* (Woodbridge, UK: Boydell Press, 2005), 71-84.

<sup>26</sup> For Davenant's use of Overall's work, see Moore, *English Hypothetical Universalism*, 203 and Snoddy, *The Soteriology of James Ussher*, 72. In fact, the first printing of Overall's tract wrongly attributed it to Davenant himself, as noted in Jean-Louis Quantin, *The Church of England and Christian Antiquity: The Construction of a Confessional Identity in the 17<sup>th</sup> Century* (New York: Oxford University Press, 2009), 139, n. 186. For Hall's appreciation, see Joseph Hall, *Via Media: The Way of Peace. In the Five Busy Articles, Commonly Known by the Name Arminius*, in *The Works of the Right Reverend Joseph Hall, D.D.*, ed. by P. Wynter, 10 vols (Oxford: Oxford University Press, 1863), 9.506, 510f. Cited in Snoddy, *The Soteriology of James Ussher*, 75, n. 156.

<sup>27</sup> See Anthony Milton, "'Anglicanism' By Stealth: the Career and Influence of John Overall," in *Religious Politics in Post-Reformation England*, eds. Peter Lake and Kenneth Fincham (Woodbridge, UK: Boydell Press, 2006), 173.

both unmistakably negative and colorful, writing “that ragge was fetcht but out of a half-lighted shop, where Thompson [close associate of Overall and leading Remonstrant, Richard Thompson] (belike in one of his wet nights) took up all his good stuff.”<sup>28</sup> Yet Overall’s well-known Arminian leanings made his views quite useful to Sanderson. Having presented the extremes of “rigid Calvinism” and “Arminianism” in the first two tables, followed respectively by more moderate infralapsarian “Calvinism” and Overall’s more moderate hypothetical universalism in the third and fourth tables, Sanderson attempted to set forth his own view as the most moderate of all.

In addition to his use of Overall, Sanderson’s covenantal terminology reflects a striking resemblance in terminology to that developed by Davenant at the Synod of Dort.<sup>29</sup> Like Davenant, Sanderson did not utilize straightforwardly the increasingly standard Reformed terminology of “covenant of works” and “covenant of grace.” Instead he chose a flexible title for the first covenant, referring to it as a covenant of works or a legal covenant (*Foedus Operum seu Legale*). While this

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<sup>28</sup> George Kendall, *Sancti Sanciti, or, The Common Doctrine of the Perseverance of the Saints* (1654), sig. \*2v. Cited in Snoddy, 75, n. 158. Snoddy argues on the basis of this and other evidence that Ussher’s friendship with Davenant and his approval of his views did not extend to Davenant’s positive take on Overall’s *Sententia*. On the contrary, Jonathan Moore has argued that both Ussher and Davenant shared more common ground with Overall than Snoddy acknowledges. See Moore, *English Hypothetical Universalism*, 202f., and “James Ussher’s Influence on the Synod of Dort,” in Aza Goudriaan and Fred van Lieburg, ed., *Revisiting the Synod of Dort, 1618-1619* (Leiden: Brill, 2011), 171ff. At any rate, while Moore emphasizes the continuity between Ussher and Davenant, in the latter article particularly he does acknowledge significant differences between them as well. See pp. 173, 178.

<sup>29</sup> See the helpful discussion of this terminology in Moore, *English Hypothetical Universalism*, 202f. Peter White has argued that Davenant himself was developing categories introduced in nascent form by Overall. White, *Predestination, Policy and Polemic*, 151.

decision was somewhat unremarkable, his decision to refer to the second covenant as the new and evangelical covenant (*Foedus Novum et Evangelium*) was more significant, for here Sanderson utilized the same terminology and substance as Davenant, but with one important modification.<sup>30</sup> After the covenant of works, Davenant described two subsequent covenants. First, he utilized the terminology of an evangelical covenant in order to develop an understanding of the forgiveness of sins that was universal and conditional. God covenanted with all humanity to forgive their sins upon the condition of faith. In addition to this universal and conditional evangelical covenant, Davenant identified a second covenant that was absolute and particular, and he referred to this as the new covenant.<sup>31</sup> Thus for Davenant, while the first, evangelical, covenant universally and conditionally offered a hypothetical forgiveness of sins, it was the second, new covenant, that absolutely and particularly offered the actual forgiveness of sins. Sanderson, by contrast, collapsed these two different covenants into one by referring to them both as the new *and* evangelical covenant. Although it differed in important ways, Davenant's threefold covenantal structure nonetheless bore a family resemblance to that of the French school of Saumur associated with John Cameron and Moses Amyraut that will be considered in subsequent chapters.<sup>32</sup> However, Sanderson's twofold covenantal conception not only differed in terminology and content from his fellow English "Calvinists" who also set forth two covenants of works and grace, but it differed in structure from

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<sup>30</sup> Sanderson, *Pax Ecclesiae*, in *Works* 5:287.

<sup>31</sup> For Davenant's covenant theology, see the discussion and sources in Moore, *English Hypothetical Universalism*, 202-08.

<sup>32</sup> See chapters three and four below.

both the hypothetical universalism of the Amyraldians as well as that of the more moderate English version. Therefore, Sanderson presented his view as if it were similar to Davenant's attempt to mediate between the "Calvinist" and "Arminian" positions by moving closer to Calvin than Overall, but in reality it did the opposite. By collapsing the evangelical and new covenants, Sanderson eviscerated any remainder of the absolute and particular election that remained in the various hypothetical universalist systems.

### **Absolute or conditional? Covenants and the "speedy subversion both of Religion and State"**

The theological views that Sanderson expressed in his *Pax Ecclesiae* also informed the series of sermons he preached against Cotton in Boston as well as those he preached on a number of other important occasions in the years that followed. In April of 1621 he returned to Boston to preach a second sermon to the clergy.<sup>33</sup> His text was Romans 3:8, "And not rather, (as we be slanderously reported, and as some affirme that we say,) Let us do evill, that good may come: whose damnation is just," and his application of the text again revolved around the themes of conformity and obedience to lawful authority. This time around, however, his covenant theology played a major and explicit role in informing his treatment of these politically laden themes. In his introduction, Sanderson reminded his audience that the context of Paul's teaching was the theology of the covenant, namely that

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<sup>33</sup> Sanderson, *Twelve Sermons*, 43-81.

“Nothing in man can annul the covenant of God.”<sup>34</sup> Having made this apparently impeccable statement of predestinarian orthodoxy, Sanderson proceeded to identify three abuses of the doctrine, the last of which, doing evil that good may come, was refuted in his sermon text itself, and therefore received the emphasis of his exposition. Once again, he identified his puritan nemeses as chief culprits of the prohibition against doing evil that good may abound, and he explicitly reminded his listeners of the bout of iconoclasm that occasioned his last sermon in Boston preached two years prior.<sup>35</sup> One of the primary problems with such acts of puritan nonconformity was that they led them to usurp the role of the civil magistrate. The assumption of the magistrate’s role by private citizens, regardless of their intentions or goals, could only lead to “vast Anarchie and confusion both in church and commonweale: whereupon most unavoidably follow the speedy subversion both of Religion and State.”<sup>36</sup> This particular point led Sanderson to offer an extended exposition of Numbers 25 in order to circumvent the claim that the example of Phineas could be invoked to justify such acts of zealous disobedience. Sanderson first cast doubt on the rightfulness of Phineas’s action, then argued that if Phineas had acted lawfully it was because he carried out the execution with the consent of the civil magistrate, and finally, even if he did not act under the aegis of Moses, that his act was still not exemplary because he carried it out under a special dispensation from God just as David, Samson, Elihud, Moses, Elijah and others did when they followed the “secret motion and direction of Gods holy and powerful spirit.” Such

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<sup>34</sup> Sanderson, *Twelve Sermons*, 43.

<sup>35</sup> Sanderson, *Twelve Sermons*, 69, 77.

<sup>36</sup> Sanderson, *Twelve Sermons*, 71.

“Heroical Acts” were “not safe, or lawfull for us to imitate” apart from the “particular certaine assurance of the like instinct.”<sup>37</sup> Thus Sanderson cut off any possible argument defending the lawfulness of the zeal of Phineas, and he argued that to imitate him was to do evil that good may come. Given that he opened his sermon by offering the pursuit of evil for ostensibly righteous ends as an example of an abuse of the doctrine that “nothing can annul the covenant of God,” Sanderson’s rejection of the example of Phineas and his application of his rejection to puritan non-conformity considerably raised the stakes of typical conformist rhetoric.

It was three years before Sanderson returned to preach in Boston a third time. In the meantime, he gave a series of theologically and politically provocative sermons in the months preceding and following his second visitation. In February of 1620/1, just two months prior to his second Boston sermon, he preached on the other side of the diocese in Grantham, taking up the passage in 1 Kings 21:29 where Ahab humbled himself in order to explain the conditional nature of God’s judgments and the possibility that he might relent. Again, his covenant theology proved central to his argument. Sanderson taught that God’s covenantal promises were offered upon the condition of obedience, and that this reality should function as “a curbe for those mens presumption; who living in sin and continuing in disobedience, dare yet lay clayme to the good Promises of God.” He went on to clarify that

If such men ever had any seeming interest in Gods Promises; the interest they had, they had but by contract and covenant: and that covenant, whether either of the two it was, Law or Gospell, it was conditionall. The covenant of the Law wholly and *a Priori* conditionall; *Hoc face & vives*, Doe this and Live: and the Covenant of the Gospel too, after a sort, and *a Posteriori* Conditionall;

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<sup>37</sup> Sanderson, *Twelve Sermons*, 72-3.

*Crede and Vives, Believe and Live.* If then they have broken the conditions of both covenants, and doe neither Beleeve, nor Doe what is required: they have by their Unbeliefe and Disobedience forfeited all that seeming interest they had in those Promises. God's Promises then, though they bee the very maine supporters of our Christian Faith and Hope, to as many of us, as whose consciences can witnesse unto us a sincere desire and endeavor of performing that Obedience wee have covenanted; yet are they to bee embraced even by such of us, with a reverend feare and trembling, at our own unworthiness.<sup>38</sup>

For Sanderson, in other words, "the promises of God are holy things, and belong to none but those that are holy, and desire to be holy still." Therefore, he summarized the application of this doctrine by concluding that his audience could place their hope in God's promise, "if with faith and obedience and patience we waite for it," but that they should also respond with fear, "Lest a promise being left us, through disobedience or unbeliefe, any of us should seem to come short of it."<sup>39</sup> For Sanderson, both the covenant of works and the covenant of grace were conditional covenants, the former based *a priori* upon obedience to the Law and the latter based *a posteriori* upon belief in the Gospel.

John Cotton, by contrast, taught that the covenant of works was a conditional covenant and that the covenant of grace was an absolute covenant. He apparently included this teaching in a treatise he wrote in 1625, a copy of which he sent along with a letter to James Ussher on May 31, 1626.<sup>40</sup> William Twisse published a version of Cotton's treatise along with his own critical response in 1646 at the height of the debates between congregational independents and presbyterians in the

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<sup>38</sup> Sanderson, *Twelve Sermons*, 310.

<sup>39</sup> Sanderson, *Twelve Sermons*, 310-11.

<sup>40</sup> *Works of Ussher*, XV, 330-1. See Como, "Puritans, Predestination and the Construction of Orthodoxy," in Lake and Questier, eds., *Conformity and Orthodoxy*, 74-5.



Westminster Assembly.<sup>41</sup> According to Twisse's published account, Cotton wrote that "God doth covenant and promise in the Covenant of Grace to give life to the Elect, out of his grace in Christ: So here doth God covenant and promise in the Covenant of Workes, to give life to Adam and all his posterity, if they continue in obedience of his Law; or if, breaking this Law, they return again to him by repentance."<sup>42</sup> The collection of Cotton's sermons on the new covenant published in 1655 also contained the same distinction. According to Cotton, "in a Covenant of works God giveth himself Conditionally; in that of grace, Absolutely; in both he maketh a Covenant, in the one of Grace, the other of works."<sup>43</sup> In response to the suggestion that the covenant of grace included a "promise to a condition," Cotton replied that if there were any such condition it was a "gracious condition, a Condition subsequent, not prae-existent" and therefore "our first coming on to Christ cannot be upon a Conditionall but upon an Absolute Promise."<sup>44</sup> Cotton did acknowledge a difference between the nature of the covenant with Israel and that of the covenant of grace. According to Cotton, "the Lord would have the Jewes to know, that though he were married to them, yet he would not continue that Covenant, but upon condition of obedience," and so on the basis of their disobedience he issued them a "bill of Divorce." By contrast, in the covenant of grace, "the Lord giveth himselfe, and you take him in an absolute Promise," and therefore the covenant of

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<sup>41</sup> William Twisse, *A Treatise of Mr. John Cottons Clearing Certain Doubts Concerning Predestination. Together with an Examination Thereof* (1646).

<sup>42</sup> Twisse, *A Treatise of Mr. John Cottons*, 62.

<sup>43</sup> John Cotton, *The Covenant of Grace Discovering the Great Work of a Sinners Reconciliation to God* (1655), 42.

<sup>44</sup> Cotton, *The Covenant of Grace*, 56-7.

grace does not “so bind us to the performance of any condition, as that if it be not found, the Covenant will be voyd.”<sup>45</sup> Thus Cotton held that it may be appropriate to refer to the covenant with Israel as a conditional covenant, but the same could not be said for the covenant of grace. Twisse criticized Cotton for making the promises of God conditional in the covenant of works and absolute in the covenant of grace, arguing instead, “they are of the same nature in both.”<sup>46</sup> However, where Twisse emphasized the conditional nature of God’s covenants, they were all grounded in the absolute election to either eternal life or to eternal death, a feature noticeably absent from Sanderson’s account.<sup>47</sup>

Therefore, Cotton’s distinction between absolute and conditional covenants represented an attempt to shift the cause of reprobation from the decree of God to failure to meet the conditions of the covenant of works. Sanderson, however, not only denied the legitimacy of Cotton’s distinction between absolute and conditional covenants, but just a few months later in June of 1621 he went a few steps further, again preaching in Grantham. According to Sanderson, consideration of the punishment for sin must take into account not only causes but also occasions. While personal sin and the sins of others could both be understood as the impulsive causes of punishment, personal sin ought to be construed as “the impulsive cause that deserved the punishment,” and the sins of others ought to be construed as “the impulsive cause that occasioned it.” By consequence, Sanderson concluded that with “respect to the justice of God,” one’s own sin was “the cause of it” but the sin of one’s

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<sup>45</sup> Cotton, *The Covenant of Grace*, 94.

<sup>46</sup> Twisse, *A Treatise of Mr. John Cottons*, 63.

<sup>47</sup> Twisse, *A Treatise of Mr. John Cottons*, 63f.

father was not. If the sins of one's father could not be the cause that deserved punishment and could not be a cause with respect to the justice of God, this raises serious questions regarding Sanderson's understanding of the causes and consequences of original sin. Interestingly, his sermon came on the heels of the publication of Robert Burton's *The Anatomy of Melancholy* in the same year, a work that in its opening pages utilized the language of impulsive cause with relation to original sin in order to paint a very different picture. According to Burton,

The impulsive cause of all these miseries in man, this privation or destruction of Gods Image, the cause of death and diseases, of all temporall and eternall punishments, was the sinne of our first parent Adam, in eating of the forbidden fruit, by the Divells instigation and allurement. His disobedience, pride, ambition, intemperance, incredulity, curiosity, from whence proceeded original sinne, & that generall corruption of mankinde, as from a fountaine flowed all bad inclinations, and actuall transgressions, which cause our several calamities, inflicted upon us for our sinnes.<sup>48</sup>

It is difficult to know for certain if Sanderson had Burton in mind when he preached at Grantham, but given the similarity in subject matter, the close chronology of the publication of the two works, Sanderson's interest in cases of conscience, his Oxford connections, and the prominent location of Burton's statement in the first few pages of his treatise, it seems very likely. At any rate, if Cotton desired to soften the harshness of the decree of reprobation by grounding it in the failure of humanity to meet the terms of God's conditional covenant of works, Sanderson softened it even further by qualifying the causal relationship between "our fathers sinnes" and our own punishments, and he did so in direct contradiction to the printed words of his contemporaries.

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<sup>48</sup> Robert Burton, *The Anatomy of Melancholy, What It Is. With All the Kindes, Causes, Symptomes, Prognostickes, and Severall Cures of It* (Oxford, 1621), 2.

Perhaps even more strikingly, Sanderson connected his critique of the legitimacy for one man to be “punished spiritually for the fault of another” to a distinction he drew between “private persons” and “publike societies.” According to Sanderson,

betwixt private persons, and publicke societies there is this difference: that in private persons, every succession maketh a change, so that when the father dyeth, and the sonne commeth after him, there is not now the same person that was before, but another; but in Cities, and Countries, and Kingdomes, and all publike societies, succession maketh no change; so that when one generation passeth, and another commeth after it, there is not another City, or Nation, or People then there was before, but the same.<sup>49</sup>

Sanderson used this distinction between private persons and public societies in order to argue against the legitimacy of punishing individuals for the sins of other individuals. By contrast, groups of people could be punished for the sins of others by virtue of their membership in the same society. Sanderson went on to declare that if there was any possibility for a son to be punished for his father’s sins then those penalties must be limited to “temporal punishments, not eternal” ones.<sup>50</sup> Thus Sanderson simultaneously challenged the theological grounds upon which the punishment for Adam’s original sin rightfully belonged to his descendants while at the same time he more firmly established the grounds by which the members of nations and other societies could legitimately bear the temporal punishments for the wrongdoing of their fellow members.

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<sup>49</sup> Sanderson, *Twelve Sermons*, 334.

<sup>50</sup> Sanderson, *Twelve Sermons*, 350.

## ***Vocatio ad Foedus*, the “Civill body of the State,” and “the Mysticall body of the Church”**

Later the same year, Sanderson took another opportunity to rearticulate theological concerns in a way that emphasized the goal of public order and at the same time pushed against whatever predestinarian consensus may have existed in the established church. Preaching this time in London at Paul’s Cross, Sanderson chose 1 Corinthians 7:24 as his text in order to treat the potential conflict between Christian liberty and other obligations.<sup>51</sup> While he acknowledged the “usual known termes” of his subject matter, namely “Generall Calling,” and “Particular Calling,” Sanderson offered very precise and unusual definitions for these terms. He identified both the internal and external types of general calling with the covenant and referred to it as “*Vocatio ad Foedus*.” Contrary to the typical habit of his contemporaries to distinguish between the outward general calling that belonged to all and came through hearing the gospel and the inward general calling that belonged to the elect, came through the work of the Holy Spirit and led to the response of true faith, Sanderson followed the pattern of his *Pax Ecclesia* by collapsing the inward and outward aspects of calling.<sup>52</sup> Typically, Sanderson’s

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<sup>51</sup> The context of Paul’s Cross is significant, for as Mary Morrissey and Patrick Collinson have demonstrated, these sermons were often seen as a public performance asserting England’s covenantal relationship with God. See Mary Morrissey, *Politics and the Paul’s Cross Sermons, 1558-1642* (New York: Oxford, 2011), 151; Patrick Collinson, “Biblical Rhetoric: The English Nation and National Settlement in the Prophetic Mode,” in *Religion and Culture in Renaissance England*, eds. C. McEachem and D. Shuger (New York: Cambridge, 2006), 15-45.

<sup>52</sup> This tendency to collapse the internal and external aspects of general calling distinguished him not only from predestinarian puritans and “rigid” Calvinists, but also moderate predestinarians like Joseph Hall. In his irenically titled work, *The Reconciler: or An Epistle Pacifatorie of the Seeming Differences of Opinion*

contemporaries were content to speak imprecisely of general calling in relation to “heavenly things” and particular calling in relation to “earthly things,” or of general calling as the duties of all Christians and particular calling as each individual Christian’s specific tasks, roles, or positions.<sup>53</sup> The inward aspects of general calling

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*Concerning the True Being and Visibilitie of the Roman Church* (1629), 104, Hall wrote that the church may be considered in three ways: First according to Gods right which he keepeth ouer her, and maintaineth in her by the common and externall calling of his Word and Sacraments. Secondly, according to the pure preaching of the Word, and externall obedience in hearing, receiuing, and keeping the Word syncerely preached. Thirdly, according to the election of grace, and the personall calling, which hath perpetually the inward working of the Holy Ghost ioyned with the outward preaching of the Word.” Hall’s distinction between external calling and the internal calling associated with election is indistinguishable from that articulated by “rigid” predestinarians like Andrew Willet in his commentary on Romans, “so then here the Apostle insinuateth a distinction of callings: some are onely externall, and not effectuall, some are internall by the efficacie of grace according to the purpose of God: so our Sauioir in the Gospell, many are called, but few chosen: he speaketh of the externall calling onely, but the Apostle here mentioneth the other effectuall calling, which alwayes and onely followeth election.” See Andrew Willet, *Hexapla, That Is, A Six-fold Commentarie Upon the most Divine Epistle of the Holy Apostle S. Paul to the Romanes* (Cambridge, 1611).

<sup>53</sup> For an example of the parallel between general and particular calling with things heavenly and earthly, see Richard Preston, *The Doctrine of the Sacrament of the Lord’s Supper Handled. And Plainely layd open out of the 1 Cor. 11. 23.24 & Etc.* (1621), 264. For the tendency to speak of callings with reference to duty, see John Downname, *The Conflict betweene the Flesh and the Spirit. Or the Last Part of the Christian Warfare wherein Is Described the Nature of These Combatants, the Malice and Power of the Flesh and Fleshly Lusts, with the Meanes whereby We May Subdue and Overcome Them* (1618), 133. Similarly, William Attersol equated general calling with the duty to “know the Scriptures” and particular calling with the duty to “follow our businesse,” in *A Commentarie upon the Fourth Booke of Moses, Called Numbers Containing, the Foundation of the Church and Common-wealth of the Israelites, While They Walked and Wandered in the Wildernesse* (1618), 648. For the intersection of both emphases see Nicholas Byfield, *An Exposition upon the Epistle to the Colossians* (1615). In all these works, the distinction between the inward and outward aspects of general calling is assumed and treated as if it is uncontroversial.

usually were discussed in relation to the effectual calling of the Holy Spirit.<sup>54</sup> By contrast, according to Sanderson, “Vocatio ad Foedus, or the General Calling; is that wherewith God calleth us, either outwardly in the ministry of his Word, or inwardly by the efficacy of his Spirit, or jointly by both, to the faith and obedience of the Gospell, and to the embracing of the Covenant of grace and of mercy and salvation by Jesus Christ.”<sup>55</sup> In so doing he subtly collapsed the aspects of calling typically discussed under the heading of soteriology with the aspects of calling typically discussed under the heading of temporal vocation, and along the way he universalized aspects of general calling typically thought to belong only to the elect.

It is possible that Sanderson perceived the rising temperature of discussions related to predestination and that his language merely reflected an attempt to communicate a typical understanding of calling in a way that would avoid controversy to an audience that spanned the spectrum of predestinarian opinion. However, such a reading is complicated by the fact that Sanderson not only

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<sup>54</sup> Samuel Clarke captured the outlines of these distinctions carefully in his *Medulla Theologiae, or, The Marrow of Divinity Contained in Sundry Questions and Cases of Conscience, Both Speculative and Practical* (1659), 217. First, Clarke asked, “Of how many sorts is the Calling of God?” To which he answered, “First the particular calling, which is to serve God in some particular Vocation... Secondly, the general calling which is to serve God in all parts of holinesse, with promise of eternal reward through the merits of Christ.” Second, Clarke asked, “Of how many sorts is this general Calling?” To which he answered, “1. External. 2. Internal. 3. Both external and internal.” With regard to external calling, he went on to clarify, “Its the work of God’s grace in his Word offering Christ, and calling upon all sorts of men to reform their ways, and to receive Christ, and to yield obedience to the Will of God, with promise of salvation if they obey.” With regard to internal calling, he went on to clarify, “It’s the action of God both by his Word and Spirit, calling out his Elect by name particularly, and persuading them to separate from the world, and receive the Covenant of Gods grace in Christ, and to devote themselves to holinesse of life.”

<sup>55</sup> Sanderson, *Twelve Sermons*, 366.

collapsed the internal and external aspects of general calling, but he shifted the significance of the distinction between general calling and particular calling as well.<sup>56</sup> Instead of utilizing the categories of general and particular calling to identify vocations that were universal and particular, Sanderson utilized them to identify vocations that were privately discerned and those that required public authorization. In his sermon he went on to argue that both types of calling were in play in 1 Corinthians 7:20, “Let every man abide in the same calling, wherein he was called,” a verse that set the context for his own sermon text. According to Sanderson, the noun (calling) referred to the particular calling or employments to which individuals were called, and the verb (was called) referred to the general calling of all.<sup>57</sup> For Sanderson this meant that the text implied that “every man” was called to “some settled course of life with reference to businesse, office, and employment,” and

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<sup>56</sup> In other words, he appealed to the verse as justification for the argument that all people should remain in their particular callings for the good of all. It is interesting that Sanderson’s appeal to the verse was virtually the opposite of Calvin’s. Calvin applied 1 Corinthians 7:20 much more generally, arguing that calling simply means a “lawfull order of lyfe,” and that “Therefore, he which hath once taken uppon hym any kynde of lyfe, is not hereby constraigned with any necessitie to abyde in the same: but unquietnes is rather hereby condemned, which suffereth not any man to abyde with a quyete mynde in his condition.” See John Calvin, *Commentary upon the First Epistle of St. Paule to the Corinthians*, trans. Thomas Timme (1577), 83r-84v. At the same time, Calvin did go on to acknowledge that it was often the wisest course to remain in one’s current calling unless there was “iuste case” for pursuing another. Calvin’s commentary on 1 Corinthians was available in English translation after 1577, and his interpretation was widely known among Sanderson’s contemporaries.

<sup>57</sup> Sanderson’s language is clear and emphatic: “Where, besides the matter, the Apostles elegancy is observeable in using the same word in both significations: the Nowne signifying the Particular, and the Verbe the Generall Calling. Let every one abide in the same calling wherein he was called; bearing sense, as if the Apostle had sayd, Let every man abide in the same Particular Calling. And the same, and no other, is the meaning of the words of my Text.” Sanderson, *Twelve Sermons*, 367.



therefore by calling he meant a “special settled course of life for his owne and the common good,” thus emphasizing the public nature of general calling in addition to its universal nature. Because general calling was public it was important for it to be relatively settled and unchanging. By contrast, John Downname’s popular *A Guide to Godlynesse* emphasized the universality of general calling rather than its public nature.<sup>58</sup> Like Sanderson, Downname also cited 1 Corinthians 7:20 in order to support his claim that Christians must serve God not only in their general callings but also in their particular ones. However, unlike Sanderson, with regard to general calling Downname employed the illustration of a soldier in order to argue that, “as in a well-governed Army, every one keepeth his place and station unto which his Generall hath designed him, & not only serveth him generally as a Soldier, but in that place and office unto which he is appointed or chosen.”<sup>59</sup> The contrast is even more stark in Sanderson’s posthumously published *Five Cases of Conscience*, in which he argued that to be a soldier was a general calling precisely because it was a public office to which a person must be appointed. Whereas the distinction between general calling and particular calling was typically employed to identify vocations that were universal to all or particular to some, Sanderson transposed the distinction to mark a difference between callings that were discerned on the basis of

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<sup>58</sup> John Downname, *A Guide to Godlynesse or a Treatise of a Christian Life* (1622). Given the popularity of Downname’s work and Sanderson’s interest in cases of conscience, in addition to the fact that Sanderson utilized the same passage of scripture and the same illustration of a soldier to articulate his opposing view, the likelihood that he was familiar with Downname’s work is high.

<sup>59</sup> Downname, 244.

public authority verses those that could be privately discerned.<sup>60</sup> For Sanderson, the particular became private and the general became public. The calling to be a soldier remained a general calling, but whereas for Downname it was a general calling because it was a universal one, for Sanderson it was also and perhaps more importantly a general calling because it was a publicly authorized one.

The payoff of Sanderson's emphasis on the public nature of general calling was that it allowed him to close the gap between the civil body of the state and the mystical body of the church. Sanderson argued, citing Aristotle, Seneca and Romans 12:4-5,

...a Calling is necessary in regard of the Publike. God hath made us sociable creatures; contrived into policies, and societies and common-wealths; made us fellow-members of one body and, and everyone one anothers members... every man of us hath a kind of right and interest in every other man of us; and our Countrey and the Common-wealth in us all. And as in the artificial body of a Clocke, one wheele moveth another, and each part giveth and receiveth helpe to and from other; as in the natural body of a Man, consisting of many members, all the members Have not the same office... so should it be in the Civill body of the State, and in the Mysticall body of the Church.<sup>61</sup>

Sanderson meant more than that the civil body of the state was to be patterned after the mystical body of the church, for he proceeded to ground his argument on the fact that he was speaking of "Christian Common-wealths."<sup>62</sup> Given that a Christian commonwealth was both a civil body and the mystical body of Christ, there was all the more reason for it to take care in ordaining general callings, for "All Christian

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<sup>60</sup> Robert Sanderson, *Five Cases of Conscience Occasionally Determined by a Late Learned Hand* (1666), 60-7. The point is not that Sanderson denied the universality of general calling, for he clearly affirmed it in *Twelve Sermons*, 240. The point is that he emphasized its public nature.

<sup>61</sup> Sanderson, *Twelve Sermons*, 376.

<sup>62</sup> Sanderson, *Twelve Sermons*, 376.

Common-wealths should be the Israels of God.”<sup>63</sup> Therefore, discernment of particular callings must be subordinated to discernment and authorization of general callings, for public goods ought to take priority over private goods. In his rules for determining one’s calling, Sanderson was careful to articulate this principle, arguing that in the biblical language, “That very word impliedly preferreth the publike good before the private; and scarce alloweth the private otherwise then as it is enterwoven with the publike.”<sup>64</sup> Sanderson’s sermon on calling communicated a vision of the public good that privileged the public over the private and identified the good of the state with the good of the church, grounding this identification in the authority derived from the shared bodies of their members.

It was not until March of 1624 that Sanderson returned to Boston to preach once again to the clergy.<sup>65</sup> In the course of the previous year Gabriel Bridges expressed Arminian sympathies openly at Oxford in a sermon, and of course the publication of Richard Montagu’s *A New Gagge for an Old Goose* later that year only added fuel to the steadily encroaching fire. By May the controversy over Arminianism became a point of debate in the Parliament when John Pym introduced a petition against Montagu in the Commons.<sup>66</sup> Given the rising controversy surrounding Arminianism in the months preceding and following his sermon, it is interesting that he chose 1 Cor. 12:7 for his text, ‘But the manifestation of the Spirit, is given to every man, to profit withall,’ and especially interesting that he offered a

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<sup>63</sup> Sanderson, *Twelve Sermons*, 384.

<sup>64</sup> Sanderson, *Twelve Sermons*, 395.

<sup>65</sup> Sanderson, *Twelve Sermons*, 83.

<sup>66</sup> Tyacke, *Anti-Calvinists*, 74-5.

prominent defense of the scholastic distinction between *gratia gratum facientes* and *gratia gratis data*.<sup>67</sup> His defense and utilization of the distinction was in all likelihood a very self aware one, as it had generated a great deal of attention and criticism among his contemporaries, including a very skeptical treatment by the conformist anti-puritan Henry Sydenham from the same pulpit almost exactly a year prior.<sup>68</sup> In Sanderson's usage, *gratum facientes* referred to the graces of sanctification, "whereby the person that hath them, is enabled to doe acceptable service to God, in the duties of his generall calling" and *gratis datas* referred to the "graces of edification; whereby the person that hath them is enabled, to doe profitable service to the Church of God in the duties of his particular Calling." *Gratum facientus* were graces given "to us, and for us" and *gratis datas* were graces given "to us indeed, but for others." Sanderson clearly held that both graces were not only external and imputed, but also inherent and imparted, with the key distinction between them that *gratum facientus* "proceed from the speciall love of God to the Person; and may therefore be called Personall, or Speciall" and that *gratis datas* "proceed from the generall love of God to his Church, (or yet more general to humane societies;) and may therefore be rather called Ecclesiasticall or Generall Gifts or Graces."<sup>69</sup> Thus his use of the distinction advanced a number of consistent themes in his preaching. His understanding of grace was related to his

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<sup>67</sup> Sanderson, *Twelve Sermons*, 88f.

<sup>68</sup> Henry Sydenham, *Jacob and Esau. Election. Reprobation Opened and Discussed by Way of Sermon at Pauls Cross, March 4. 1622 (1626)*, 18f.

<sup>69</sup> Sanderson, *Twelve Sermons*, 88-9.

understanding of calling, his emphasis on the role of the Church, and his tendency to treat the Church in relation to society more generally.

Sanderson's employment of this distinction stands out among his contemporaries. It set him apart not only from Sydenham and other popular treatments by English Calvinists, including Andrew Willet, William Perkins, and John Downname, but it also moved him sharply away from Lancelot Andrewes as well.<sup>70</sup> Preaching before King James in August of 1610, Andrewes expressed the potential danger of applying *gratia datas* to a particular, public calling; namely, that connecting Christian grace with the king's anointing opened the door to challenges to the king's authority by those who disagreed with his religion. As Andrewes colorfully put it,

They that have beene scribling about Kings matters of late, and touching them with their pennes, have beene foully mistaken in this point. Because, anointing in Scripture doeth otherwhile betoken, some Spirituall grace; they picke upon that, upon that taking of the word, and then, anointing it must needs be some grace, some *gratia gratum faciens*, making them religious and good Catholiques, or some *gratia gratis data*, making them able or apt for to governe. So that, if he will not heare a Masse, no Catholicke, no Anointed. If after hee is anointed, hee grow defective, (to speake their owne language) proove a Tyrant, fall to favour Hereticke, his anointing may be wiped off, or scraped off; and then, you may write a booke De iustâ abdicatione, make a holy league, touch him, or blow him up as ye list. This hath cost Christendome deare: It is a dangerous sore, a *Noli me tangere*; take heed of it, touch it not.<sup>71</sup>

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<sup>70</sup> See John Downname, *A Treatise of Justification* (1633), 98-9; William Perkins, *A commentarie or exposition, vpon the fiue first chapters of the Epistle to the Galatians* (Cambridge, 1604), 651; Andrew Willet, *Hexapla*, 283.

<sup>71</sup> Lancelot Andrewes, *A Sermon Preached before His Majestie on Sunday the fifth of August Last at Holdenbie* (1610), 31-2.

Andrewes did not oppose the distinction itself, for in fact he utilized it regularly in his own preaching.<sup>72</sup> Rather, he opposed its application to ordination in such a way that failed to distinguish between calling to office in the church and calling to public office. Andrewes distinguished “the grace of holy Calling” to office in the church from both “the saving grace of the spirit” (*gratium faciens*) and a grace “serving to save others by (*gratis data*).<sup>73</sup> Sanderson’s tendency to apply grace to public calling is noticeably absent in Andrewes’s schema. For Andrewes, as he declared in his sermon before James, “It is not Religion, nor vertue, nor any Spiritual grace, this Royall anointing.”<sup>74</sup> As he went on to declare even more bluntly, “*Unxit in Regem*, Royall unction gives no grace, but a just title onely, *in Regem*, to be King: that is all, and no more. It is the administration to governe, not the gift to governe well: the right of ruling, not the ruling right. It includes nothing but a due title, it excludes nothing but usurpation.”<sup>75</sup> Against those who would claim that the king possessed a calling by grace, Andrewes left no doubt of his views. For his part, Sanderson not only declared that the king had a particular calling, but that he had a public and therefore a general Christian calling that was his by the *gratia gratis data*.

Sanderson’s view was sharply denied by many of his conformist contemporaries, especially those who leaned more towards the understanding expressed by Andrewes. Immanuel Bourne, preaching at Paul’s Cross in June of 1617, expressed the view that the grace of salvation must be only *gratia gratis data*

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<sup>72</sup> Lancelot Andrewes, *XCVI Sermons* (1629), 603, 669, 695, 719.

<sup>73</sup> Lancelot Andrewes, *XCVI Sermons*, 695.

<sup>74</sup> Andrewes, *A Sermon Preached before His Majestie*, 32.

<sup>75</sup> Andrewes, *A Sermon Preached before His Majestie*, 34.

and not received on the basis of any human merit whether preceding or following any cooperating graces of sanctification, and thus he pushed against the distinction altogether. His understanding was grounded on the continuity of the covenant of grace made with Noah, the subject of his sermon, and that made with Moses.<sup>76</sup> In spite of the fact that Bourne declared that the covenant with Noah was in part a “corporall covenant,” he described it in spiritual terms as well as a “confirmation of [Noah’s] faith,” and allegorically a sign of “the evangelical law,” the “remission of sins,” the incarnation of Christ in the flesh, and the “hypostaticall union of [Christ’s] two-fold nature.”<sup>77</sup> He went on to conclude his sermon by articulating the twofold, spiritual and corporal nature of the covenant with Noah in very precise terms that connected it with the covenant with Moses. It was a spiritual covenant with two parts, a covenant of works and a covenant of grace. For Bourne, the covenant of works, “is that which God made with our first parents, before their fall, promising unto them eternall happinesse, if they continued obedient unto his commandements, which were dictated unto them, as by word of mouth, and written in their hearts, by the power of his spirit,” and is summarized in the phrase, “doe this, and thou shalt live.” The covenant of grace, by contrast, “was that made with our first parents, after their fall, promising them eternall life, and freedome from wrath in Christ Jesus,” and is summarized in the phrase, “believe this and thou shalt live.” In addition to these two branches of the covenant of grace, the covenant with

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<sup>76</sup> Immanuel Bourne, *The Rainebow, or, A Sermon Preached at Pauls Crosse the tenth day of June, 1617* (1617). Bourne’s statement regarding *gratia gratis data* is on p. 4, and his covenantal rationale begins on p. 2.

<sup>77</sup> Bourne, *The Rainebow*, 60.

Noah was also a corporal covenant that “concerneth temporall benefits” and is that made with Noah, his posterity, “and with every living creature.” Although Bourne identified the covenant with Noah as partly a temporal one, he distinguished its temporal aspects very carefully from its spiritual ones. Both its temporal and spiritual benefits were received by God’s grace, but the graces of salvation and calling were distinguished from its temporal graces. In the very same paragraph that he declared that all the graces of salvation must be *gratia gratis data*, he appealed to Bellarmine’s *De Iustificazione* to support his claim and then proceeded to remind his audience of the pope’s audacity “when he set his foote upon the Emperours necke,” and his refusal to follow the model of “that religious Kinge David” in giving the glory to God rather than to himself. Bourne connected the pope’s pride to the change in the canon law that required Bishops at their consecration to defend the “royalties of Saint Peter” (*regalia sancti Petri*) instead of the “rules of the holy Fathers” (*Regulas sanctorum patrum*).<sup>78</sup> Like Sanderson, Bourne connected his understanding of *gratia gratis data* to his understanding of covenant theology, but he applied it to distinguish between sacred and secular callings rather than to collapse them.

In addition to denying the relevance of *gratia gratis data* to temporal callings, another common strategy was to affirm that while this grace had relevance to temporal callings in the time of the Apostles its relevance ceased after their lifetimes and was no longer applicable. This is the interpretation Thomas Bastard employed in his sermons published in 1615, when he argued that *gratia gratis data* related to the gifts of prophecy and speaking in tongues that were no longer given to the

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<sup>78</sup> Bourne, *The Rainebow*, 4-6.



church in the present day.<sup>79</sup> It was also the strategy that the conformist Edward Boughen followed in his defense of the idea that confirmation communicated inward grace. He expressed disdain for those expositors that “tell us, that this Imposition of hands was extraordinary, and given only to the Apostles, as a gift proper, and peculiar to those times; not for the increase of grace, or strength of faith, no; but for the gift of tongues, prophesying, and such like strange miracles.”<sup>80</sup> His disdain for such expositors was not the result of their teaching that the external gifts (*gratia gratis data*) had ceased, a conclusion that Boughen shared, but rather that they denied that those external gifts were accompanied by inward gifts leading to salvation (*gratia gratum faciens*), gifts that continued to be communicated through confirmation by bishops in the present. For Boughen the external gifts of grace were not given to public officials for the general edification of society, but rather to the apostles in order that the inward gifts of grace could be communicated to the church, and by extension given to the bishops who continued to communicate those inward graces through confirmation.

However, Sanderson’s distinction between the two graces and his application of *gratia gratis data* to public, general calling was not unique. The conformist Edward Chaloner preached more or less the same doctrine in a sermon printed in 1629. He affirmed the basic distinction between grace given for sanctification and grace given for edification and used the distinction to defend the ability of unfaithful

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<sup>79</sup> Thomas Bastard, *Twelve Sermons* (1615), 129.

<sup>80</sup> Edward Boughen, *A Sermon of Confirmation preached in Oxford, at the First Visitation of the Right Reverend Father in God, John Lord Bishop of Oxford. September 27, 1619* (1620), 22-30; the quote is on 22.

priests to speak the truth against those “which thinke no instructions availeable or of force, but such as proceede from men, of whose inward calling they are persuaded, as if the efficacy of the Word depended on the sanctity of the deliverer” and therefore “follow those teachers, not whom God by an ordinary calling appointed them, but whom they choose themselves.”<sup>81</sup> Chaloner’s use of the doctrine was therefore very similar to Sanderson’s, albeit with reference to the public calling of ecclesiastical leaders rather than civil magistrates. At the same time, while Chaloner’s presentation of the doctrine was in fundamental respects quite similar to Sanderson’s, the relationship between the authority of civil and ecclesiastical rulers over the soul was a controversial and interconnected subject, so the potential for different applications of their positions was significant. Just two years after Sanderson’s sermon, the work of the Franciscan, Bartolomeo Cambi was translated into English by George Perrot as *The Seaven Trumpets of Brother Bartholomew Saluthius of the Holie Order of S. Francis; Exciting a Sinner to Repentance*. Cambi’s work was published by John Heigham, the printer also most likely responsible for printing *The Gagge of the Reformed Gospele*, the text which occasioned Richard Montagu’s controversial work and the ensuing controversy.<sup>82</sup> Following Scotus, Cambi employed the distinction to identify *gratia gratis data* as the spiritual gifts given for the outward edification of the church and *gratia gratum faciens* as the inward grace infused into the soul making its recipients acceptable to God.

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<sup>81</sup> Edward Chaloner, *Six Sermons Now First Published* (Oxford, 1629), 5.

<sup>82</sup> W. B. Patterson, *King James VI and I and the Reunion of Christendom* (New York, Cambridge University Press, 2000), 282.

Cambi went on to argue that this latter grace could be lost by those guilty of mortal sin, and that those who lost the favor of their spiritual king had much more to fear than those who lost the favor of their worldly prince. He chided those who feared temporal rulers more than God and exhorted his readers to “feare not those that killy the body, but cannot hurte the soule, but rather feare him, that can cast both bodie and soule into hell fire.”<sup>83</sup> Cambi’s Catholic employment of the distinction led him to emphasize the fear due to spiritual rulers over temporal ones, whereas Sanderson’s Erastian employment of the distinction led him to emphasize the gracious source of the edifying gifts received by secular rulers from God that confirmed the public nature of their calling to office.

Whereas Cambi separated the two graces and exclusively made *gratia gratum facientes* the grounds for membership in the spiritual kingdom, Sanderson made *gratia gratis data* the grace, “whereby men are enabled in their several Callings, according to the quality and measure of the graces they have received, to be profitable members of the public body, either in Church or Commonwealth.”<sup>84</sup> Sanderson’s understanding of these gifts and graces was remarkably expansive, excluding only “the very first natural powers and faculties of the soule” and including “all other secondary endowments, and abilities whatsoever of the reasonable soule,” whether they be the “supernaturall graces” of tongues, miracles and prophecy described by his contemporaries; “natural dispositions” such as wit, memory, understanding and judgment; “intellectual habits” such as ability in

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<sup>83</sup> Bartolomeo Cambi, *The Seaven Trumpets of Brother Bartholomew Saluthius of the Holie Order of S. Francis; Exciting a Sinner to Repentance* (1626), 133-4.

<sup>84</sup> Sanderson, *Twelve Sermons*, 90.

linguistics, disputation, and rhetoric; or “all outward subservient helps whatsoever” to all the above including health, strength and beauty.<sup>85</sup> Sanderson anticipated the objection that some might claim their “naturall parts” were the result of something other than God’s *gratia gratis data*, and he responded not only by reaffirming the gracious source of the gifts but by denying the premise of such a distinction between nature and grace. “Say there were, (as there is not) such a difference in and from Nature as thou conceives; yet still in the last resolution there must bee a receipt acknowledged: for even Nature it selfe in the last resolution is of Grace; for God gave thee that.” Appealing to the biblical image of the potter and the clay, with reference to both natural and supernatural gifts, “...by fitting severall men with severall gifts, more or lesse, greater or meaner, better or worse, according to the difference of those offices and employments, for which hee intendeth them. It is not the Clay but the Potter, that maketh the difference there: neither is it any thing in man, but the Spirit of God that maketh the difference here.” In a sense, for Sanderson, all abilities are “spiritual abilities.”<sup>86</sup>

Sanderson’s tendency to connect his theology of the covenant to his exposition of grace and calling was a tendency with implications that almost certainly were not lost on his contemporaries. In the collection of Arthur Lake’s sermons printed in 1629, there is a very interesting passage where Lake identified

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<sup>85</sup> Sanderson, *Twelve Sermons*, 90-1.

<sup>86</sup> Sanderson, *Twelve Sermons*, 100-1. It is true, as Leif Dixon notes, that the image of the potter and the clay was drawn from a passage famous for its predestinarian implications. See Dixon, *Practical Predestinarians in England*, 222. However, Sanderson’s use of the passage to collapse the distinction between natural and spiritual abilities was far from conventional.

the distinction between *gratia gratis data* and *gratia gratum faciens*, connected the distinction to his theology of the “evangelical Covenant,” and warned his audience of the danger of conflating nature and grace:

But it is moreover to be noted, that grace in the Scripture is contradistinct to nature, and the workes thereof are different from those of the creation and preservation of the world. It is true, that all the workes of God wherein hee doth communicate of his goodnesse vnto the world, spring freely from his favour; for hee might haue chosen whether hee would at all have made the world, or bestowed such excellent endowments upon any man: but yet the Holy Ghost is pleased to understand this word of those blessings which belong to the second Covenant, the Covenant of the Gospel; it is an Evangelicall word, and signifieth only those gifts wherein the Evangelicall Covenant doth consist, and whereby it is furthered. They are of two sorts; in the Schooles the one is called *gratia gratum faciens*, the other *gratia gratis data*: not but that both are *gratis datae*, freely given; for in that respect the members of the Distinction are coincident, but because they are not reciprocally; all grace that is freely given is not that grace which doth recommend us unto God. This is the peculiar of the grace of adoption, the grace of aedification reacheth not so farre.

But that which we must principally note, is the heeding of the Pelagians Heresie, who confounded nature with grace, and grace with nature; who as they did too shallowly thinke of the Fall, so they did derogate much from the favour which God vouchsafed in restoring of man. But we must learne as to neglect no gift of God, so to set a right estimate upon the gifts of the Gospel; these gifts are by an excellencie called Grace.<sup>87</sup>

For Lake, both graces belonged solely to members of the evangelical covenant.

Therefore the graces that referred to adoption or edification of members in the evangelical covenant were to be distinguished from those works related to the “creation and preservation of the world.” To confound the two was to open the door to Pelagianism. It is hard to imagine he had something other than views like those expressed by Sanderson in mind.

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<sup>87</sup> Arthur Lake, *Sermons with Some Religious and Divine Meditations* (1629), 179.

## **The Leviathan: Spiritual and Temporal Jurisdiction**

Sanderson again displayed his tendency to collapse grace and nature as well as matters civil and ecclesiastical when he returned to Paul's Cross to preach later that year in November of 1624. The sermon utilized 1 Timothy 4:4 in order to once again reflect on the nature of Christian liberty. Sanderson taught that Christian liberty was grounded in the goodness of creation and that Christians therefore possessed the liberty to use all of God's creatures.<sup>88</sup> For Sanderson, the two challenges to Christian liberty were what he referred to as "Judaism" and associated with an erroneous understanding of the continuity of the ceremonial laws of the Old Testament, and the "Church of Rome" that he associated with "spiritual Tyranny over mens Consciences."<sup>89</sup> While Sanderson argued for the fulfillment and abrogation of the Old Testament ceremonial laws and warned against the dangers of Catholic tyranny, he was also quick to point out that these principles did not preclude the use of ceremonies "abused by popery" in the Church of England.<sup>90</sup> In order to identify the proper limits of Christian liberty, Sanderson then expounded the ideals of sobriety, charity, and duty that respectively taught individual Christians to limit the "outward exercise" of their Christian liberty by attending to their own spiritual needs, the needs of others, and by obeying their lawful superiors.<sup>91</sup> Unsurprisingly, Sanderson directed the bulk of his attention to this last restraint, that of Christian duty to obey superiors. In this regard, Sanderson argued that just as

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<sup>88</sup> Sanderson, *Twelve Sermons*, 425, 433.

<sup>89</sup> Sanderson, *Twelve Sermons*, 339-40.

<sup>90</sup> Sanderson, *Twelve Sermons*, 440-41.

<sup>91</sup> Sanderson, *Twelve Sermons*, 446.

a Christian father has authority on Christian matters in the family, so the magistrate has the same authority in a commonwealth.<sup>92</sup> In all of this, the most notable aspect of Sanderson's treatment of Christian liberty was his collapsing of the distinction between the nature of civil and ecclesiastical authority:

Neither let any man cherish his ignorance herein: by conceiting, as if there were some difference to be made between Civil and Ecclesiastical Things, and Laws, and Persons in this behalf. The truth is, our liberty is equal in both: the power of Superiours for restraint equal in both, and the necessity of obedience in Inferiours equal to both. No man hath yet been able to shew, nor I think ever shall be, a real and substantial difference indeed, between them to make an inequality.<sup>93</sup>

Just as the civil magistrate had the power to outwardly restrain, so also did church governors. Furthermore, this restraint of duty on Christian liberty took precedence over other restraints, for the obligation to obey superiors superseded the obligation to show charity to the consciences of private brethren.

The themes of authority and liberty coalesced with covenant theology and an extended exposition of the role of Phineas when Sanderson preached before the assizes in Lincoln the following year in August of 1625. The case of Phineas clearly was important to Sanderson, as he had already addressed it at length in his April 1521 sermon to the clergy in Boston. Sanderson took the opportunity of preaching to the Lincoln assizes to develop his previous treatment of the case. He repeated his denial of the exemplary nature of Phineas's act of zealotry in executing judgment on the offending parties, again emphasizing that Phineas possessed a special dispensation similar to other biblical figures who received the direct instruction of

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<sup>92</sup> Sanderson, *Twelve Sermons*, 449.

<sup>93</sup> Sanderson, *Twelve Sermons*, 450.

God's Holy Spirit. However, whereas in his previous sermon Sanderson allowed the possibility that Phineas acted on the command of Moses, this time around he distanced himself from that position, while at the same time acknowledging the eminence of contemporaries like Joseph Hall who defended it.<sup>94</sup> Whether or not Phineas had a special dispensation was now irrelevant to contemporary application, for following the "sealing up of the Scripture canon" the Holy Spirit no longer gave such extraordinary commands. Contemporary Christians were not to expect special dispensations from the Holy Spirit, for God had "now settled a perpetuall forme of government in his Church; and given us a perfect and constant rule whereby to walke, even his holy word."<sup>95</sup>

Yet while it clearly was important to Sanderson to circumvent the use of the Phineas story to justify individual execution of judgment, he also devoted significant attention to the refutation of various potential misinterpretations of the relationship between spiritual and temporal power. First he argued that as a priest Phineas should not "intermeddle with matters of judicature" nor "give sentence, nor to doe execution in matters and causes merely Civill, as by any right or vertu of his Leviticall or Priestly office." On this basis, Sanderson went on to argue that the Pope possessed no right to "temporall or Civill jurisdiction" whether "virtually annexed to his spirituall power" or "necessarily derived thence." The keys of the kingdom gave no right to "temporal jurisdiction."<sup>96</sup> Therefore, Sanderson argued, "If Phinehes here

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<sup>94</sup> Sanderson, *Twelve Sermons*, 227.

<sup>95</sup> Sanderson, *Twelve Sermons*, 229.

<sup>96</sup> Sanderson, *Twelve Sermons*, 222-3.



execute judgement upon a Prince of Israel; it is indeede a good fruite of his zeale, but no proper act of his Priesthood.”<sup>97</sup>

Second, Sanderson on the other hand also refuted the conclusion that there was any inherent opposition between spiritual and temporal power, and therefore he affirmed the potential for priests to exercise temporal power as long as it was under the authority of the civil magistrate and not derived from an independent source. According to Sanderson, “there is no such repugnancy and inconsistency betweene the Temporall and Spirituall Power, but that they may without incongruity concurre and reside both together in the same Person.”<sup>98</sup> In fact, the stridency of Sanderson’s rhetoric indicates that he saw this denial of the legitimacy of priestly temporal power as an even greater threat than the assumption of illegitimate priestly power. He railed against the “inconsiderate rashness” of those who let “their tongues to runn riot against the Prelacy of our Church.” His conclusion was that “there is no incapacity in a Clergy-man, by reason of his spirituall Calling, but he may exercise temporall Power, if he be called to it by his Prince.” Returning again to Phineas, Sanderson summed up his position nicely, “Phinehes, though he could not challenge to execute judgement by vertue of his Priesthood; yet his Priesthood disabled him not from executing judgement.”<sup>99</sup>

Crucially, Sanderson grounded both his understanding of the relationship between temporal and spiritual power and his understanding of the application of biblical history to contemporary politics and ecclesiology on his understanding of

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<sup>97</sup> Sanderson, *Twelve Sermons*, 224.

<sup>98</sup> Sanderson, *Twelve Sermons*, 224.

<sup>99</sup> Sanderson, *Twelve Sermons*, 225-6.

God's covenant with Israel. Contemporary Christian nations deserved God's anger when they, just as Israel, violated his covenant. As Sanderson put it,

When that God, who is a jealous God, and jealous of nothing more then his honour, shall see that people, whom he made choise of from among all the nations of the earth to be his owne peculiar people, and betrothed himself by an everlasting Covenant, to breake the Covenant of wedlock with him, and to strumpet it with the daughters and Idols of Moab: what can be expected other, then that his jealousie should be turned into fury...

If God's people were unfaithful, then God would execute judgment in righteous anger. While God possessed the right to execute judgment directly, Sanderson's use of the Phineas story emphasized that God frequently chose to exercise judgment through his designated vice regents instead. "But at [God's] command Moses striketh the [unfaithful] Rulers; and at Moses his command, the under-Rulers must strike each in their severall regiments, those that had offended."<sup>100</sup> For Sanderson, the covenantal situation of England was continuous with that of biblical Israel, England's magistrates possessed authority continuous with that belonging to Moses and his under rulers, and England's priests possessed the same rights to both temporal and spiritual power under the authority of the civil magistrate as those belonging to the priests in Israel. There could be no contemporary Phineas, for God no longer gave special dispensations to his people, but this did not rupture the covenantal continuity between the circumstances of Israel and England. With careful precision, Sanderson outlined the nature of the continuity and discontinuity between temporal and spiritual authority between Israel and England, and he did so

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<sup>100</sup> Sanderson, *Twelve Sermons*, 220.

on the basis of his understanding of the relevance of God's covenant with Israel under Moses.

Sanderson carried the covenantal themes over into his Paul's Cross sermon of April 15, 1627. Preaching on Genesis 20:6, Sanderson took up God's words to Abraham in a dream as well as the story of Abraham, Sarah and Abimelech in order to reflect upon the relationship between those in covenant with God and those without, the nature and function of renewing and restraining grace, and the relevance of these concepts to power and authority. According to Sanderson, even though Abimelech was a "stranger to the covenant of God" and therefore "in the state of a carnall and meere natural man," he was still capable of "truth" and "integrity of heart" in particular actions. For Sanderson, the unregenerate and the reprobate were "equally capable and incapable of good things."<sup>101</sup> The integrity of the unbeliever and reprobate was neither a "legall integrity" under the law nor an "Evangelical integrity" in which "all or any of his actions" were "approved with God" or "accepted as perfect through the supply of the abundant perfections of Christ," but rather a "Naturall or Morall integrity" in which "the heart of a meere natural man is careful to follow the direction and guidance of right reason, according to that light (of Nature, or Revelation) which is in him."<sup>102</sup> Because this natural or moral integrity was outwardly indistinguishable from the legal or evangelical integrity of those in covenant with God, it was therefore impossible to discern covenant membership from particular actions. Given some of his particular actions, King

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<sup>101</sup> Sanderson, *Twelve Sermons*, 523-24.

<sup>102</sup> Sanderson, *Twelve Sermons*, 524-25.

David appeared to be an infidel, while by the same token Abimelech appeared to be a saint. “Yet was David all this while, within that Covenant: and, for any thing we know, or is likely, Abimelech not.” Sandersons conclusion was that “Particular actions, then, are not good evidences either way.” Lest his audience therefore draw the conclusion that outward actions could not indicate covenantal membership, however, Sanderson went on to clarify that while particular actions are not good evidence, “Men are indeed that, not which they show themselves in som passages, but the more constant course of both their lives.” By looking at the constant course of an individual’s life, “then you may find the Hypocrite and the unbeliever wholly distinguished from the Godly, by the want of those right marks of sincerity that are in the Godly.” True members of the covenant could be identified “by the powerfull manifestations of habituall grace, in the more constant tenor of life and practice.”<sup>103</sup>

Having established his understanding of natural integrity and its significance, Sanderson went on to declare his vision of the relationship between renewing and restraining grace and the relevance of this vision for his understanding of covenantal obligations and authority. For Sanderson, renewing grace was the “special” grace by which sins were forgiven and humanity was saved, and restraining grace was a “common” grace experienced by all and referred to “every

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<sup>103</sup> Sanderson, *Twelve Sermons*, 528-30. While it should be clear by now that Sanderson’s application and use of the doctrines related to predestination was far from conventional, his statements in this sermon do offer some support to Leif Dixon’s claim that his doctrine of assurance shared with the doctrine of many puritans a willingness to see sanctified life as evidence of the state of the soul. See Dixon, *Practical Predestinarians in England*, 222. Of course, the usefulness of the distinction between creedal predestinarians and experimental predestinarians (or, for that matter, practical predestinarians) in the first place is another question.

act of God's providence whereby at any time he restraineth men from doing those evils which otherwise they would doe."<sup>104</sup> Sanderson taught that restraining grace was analogous to the general grace (*gratia gratis data*) given for the edification of others, although it did offer some benefit to all who received it, namely by offering them more time to repent and by limiting the number and scope of their sins and therefore their liability for judgment. The purpose of giving restraining grace was "principally [for God's] owne glory," but also for "the good of mankind, especially of his Church, in the preservation of humane society: which could not subsist an houre, if every man should be left to the wildernesse of his owne nature."<sup>105</sup> Sanderson was very clear with his audience that only this restraining grace could effectively keep "wicked men" from plotting against them. No "naturall or civill obligation" but only God's supernatural restraining grace could effectively restrain the evils of humanity. Therefore, communal ties, kindred ties, covenants and oaths were all unreliable.<sup>106</sup> After the fall no earthly restraint could be trusted to prevent the upsetting of society. The "hatred of the wicked against goodnesse" has its "roote in (corrupt) nature," and therefore "maketh voyd all obligations, whether civill, domesticall, or other, that have grown by vertue of any succeeding contract."<sup>107</sup>

The upshot of Sanderson's teaching on restraining grace was that he wanted his audience to trust God to work through the established order, an order that God promised to maintain. Sanderson declared that "even if bad men grow to be great,"

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<sup>104</sup> Sanderson, *Twelve Sermons*, 542.

<sup>105</sup> Sanderson, *Twelve Sermons*, 543.

<sup>106</sup> Sanderson, *Twelve Sermons*, 547.

<sup>107</sup> Sanderson, *Twelve Sermons*, 549.

and use their power to oppress others for their own selfish benefit, nevertheless “wee may yet frame our selves to a godly patience,” and take comfort from the fact that “God keepeth the raines in his own hands” and can “will, check, controule, and restraine” such bad rulers at “his pleasure.” The people ought not to resist evil rulers, for God would set them straight “when he seeth his time, and, so farre as hee seeth it good.”<sup>108</sup> In one particularly remarkable passage, Sanderson equated God’s sovereignty over temporal authorities with his authority over the Leviathan expressed in Job 41.

The great Leviathans, that take their pastime in the Sea, and with a little stirring of themselves can make the deepe to boyle like a pot, and cause a path to shine after them as they goe; hee can play with them as children doe with a bird: he suffereth them to swallow his hooke, and to play upon the line, and to roll and tumble them in the waters; but anon he striketh the hooke through their noses, and fetcheth them up, and layeth them upon the shore, and there to beat themselves without helpe or remedy, exposed to nothing but shame and contempt... In that holy word we are taught, that the hearts even of Kings, how much more then of inferior persons, are in his rule and governance, and that hee doth dispose and turne them as seemeth to his godly wisdom; that hee can refraine the spirit of Princes, bind Kings in chaines, and Nobles in linkes of iron... he laugheth them to scorne in heaven, and maugre all opposition will establish the Kingdome of his Christ, and protect his people. Say then the great ones of the world exercise their power over us, and lay what restraints they can upon us: our comfort is, they have not greater power over us, then God hath over them; nor can they so much restraine the meanest of us, but God can restraine the greatest of them much more.<sup>109</sup>

Because all authority belonged to God, “inferior persons” ought to obey their lawful superiors and trust God to remove or restrain tyrannical rulers in accordance with the divine plan. In fact, the ordinary pattern of salvation was for God first to give restraining grace and then to give renewing grace, for “God, being a God of order,

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<sup>108</sup> Sanderson, *Twelve Sermons*, 549-50.

<sup>109</sup> Sanderson, *Twelve Sermons*, 550-51.

doth not ordinarily worke but in order and by degrees, bringing men from the one extreame to the other by middle courses." God's usual way of bringing salvation by renewing grace was "first by his restraining grace" to "correct nature, and moralize it," and therefore magistrates, ministers, fathers, masters, and all others in authority ought with "wholsome severity" to "deterre" the audacious, to "breake" sinful wills, and to "restraine" lewd and licentious behavior in order to "snatch them out of the fire, and bring them as farre as we can out of he snare of the Divell." Sanderson went so far as to declare that "Possibly when we have faithfully done our part, to the utmost of our power; [God] will set in graciously, and begin to doe his part, in their perfect conversion."<sup>110</sup> Earlier Sanderson carefully denied that restraining and renewing grace were of the same nature and asserted that the former could not prepare for the latter, but the implication of his rhetoric gave with one hand what he formally denied with the other.<sup>111</sup> At any rate, Sanderson's treatment of covenantal identity, the nature and function of restraining grace, and his connection of these ideas with concepts of power and authority tended to minimize the distance between the poles of each set of concepts in order to maximize the role of secular authority in relation to each.

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<sup>110</sup> Sanderson, *Twelve Sermons*, 554-55.

<sup>111</sup> Sanderson's earlier statement was "My meaning is not that these Morall restraints of our wilde corruption, can either actually, or but virtually prepare, dispose, or qualifie any man for the grace of Conversion and Renovation." Sanderson, *Twelve Sermons*, 554.

## **The Covenant with Moses: the “Law as a Rule” and the “Law as a covenant”**

Sanderson’s tendency to emphasize the role of secular authorities in relation to spiritual things only increased after he was appointed Chaplain in Ordinary to Charles I in November of 1631.<sup>112</sup> In May of the following year he returned to Paul’s Cross once again to preach *Ad Populum* on 1 Peter 2:16 and the relationship between Christian liberty and lawful authority. Towards the beginning of the sermon, Sanderson warned of the danger of falling into one of two extremes, the failure to “preserve our liberty” on the one hand, and the tendency to “stretch it too far” on the other.<sup>113</sup> Perhaps tellingly, Sanderson set up these two poles by lamenting the tendency in the schoolmen to “adhere pertinaciously to the opinions” of individual figures, whether those of Aquinas, Scotus, Luther, or Calvin.<sup>114</sup> While Luther and Calvin were “Worthy instruments” for the service of the church “in their times,” and their memories were “precious,” Sanderson went to great lengths to emphasize that in some things they could “mistake and erre.” Sanderson asked rhetorically,

...were they not men? had they received the spirit in the fulnesse of it, and not by measure? knew they otherwise then in part, or prophecyed otherwise then in part? might they not in many things, did they not in some things, mistake and erre? ... was either Luther or Calvin crucified for you? or were yee baptised into the name either of Luther or Calvin, or any other man? that any one of you should say I am of Luther, or any other I am of Calvin, and I of

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<sup>112</sup> Dixon, *Practical Predestinarians in England*, 237.

<sup>113</sup> Robert Sanderson, *Two Sermons: The Former Concerning the Right Use of Christian Liberty, Preached at S. Paul’s Crosse London. May 6. 1632. The Later, Concerning the Perswasion of Conscience, Preached at a Metropolitall Visitation at Grantham, Lincoln: August 22. 1634 (1635)*, 18.

<sup>114</sup> Sanderson, *Two Sermons*, 17.



him, and I of him? What is Calvin, or Luther, nay what is Paul or Apolla, but ministers by whom ye believed? that is to say, instruments, but not Lords of your believe.<sup>115</sup>

Once again, Sanderson gave lip service to the memory of the Reformers, but the weight of his rhetoric mitigated in the other direction.

Having set the tone, Sanderson went on to identify four abuses of Christian liberty: the denial of the ongoing role of the moral law, the unlawful use of lawful things, the overemphasis of the freedom of private conscience in a way that led others to stumble, and the undutiful use of liberty (especially the denial of the magistrate's authority regarding things indifferent and the rejection of the validity of ecclesiastical constitutions). For Sanderson, those who acted as if they "that were in Christ were no longer to yeeld obedience to the Moral Law" were "Libertines and Antinomists" who did so "under the pretence of Christian Liberty."<sup>116</sup> His defense of the ongoing relevance of the moral law crucially turned on a distinction between the law "as a Rule" and the law "as a covenant." According to Sanderson, "Christ hath freed all beleevers from the rigour and curse of the law, considered as a Covenant; but he hath not freed them from obedience to the Law, considered as a Rule."<sup>117</sup> It is extremely important to note that Sanderson exclusively identified the abrogated covenant of law with the covenant of works and not with Moses and Israel. This is especially notable given that his two proof texts were Galatians 3:10 and Hebrews 8:6, both texts that contrasted the old and new covenants in close proximity to discussion of the law and Moses. It was important to Sanderson to emphasize that

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<sup>115</sup> Sanderson, *Two Sermons*, 18

<sup>116</sup> Sanderson, *Two Sermons*, 24.

<sup>117</sup> Sanderson, *Two Sermons*, 25.

while the covenant of works or law was abrogated, this was not a reference to the covenant with Moses. Furthermore, while Sanderson identified the law “as a covenant” with the covenant of works, he did not mention Adam but rather emphasized that each individual person was guilty as a result of personal transgressions. The law as a covenant “exacteth punctuall and personal performance of everything that is contained therein, with a condition annexed of God’s acceptance and of blessing if we performe it to the full, but of his wrath and curse upon us, if wee faile in any thing.” If personal transgression and not the sin of Adam was the source of guilt under the covenant of works, the righteousness of Jesus was the source of blessing and therefore also the establishment of the new covenant of grace. As Sanderson put it, Jesus subjected himself “for our sakes” to the same covenant of law in order to

first fulfilleth it in his owne person but in our behalf as our surety, and then disannulleth it, and instead thereof establisheth a better Covenant for us even the Covenant of Grace: so that now as many as believe, are free from the Covenant of the Law, and from the Curse of the Law, and set under a Covenant of Grace, and under promises of Grace.<sup>118</sup>

This “translation” from the “covenant of the law” to the “covenant of grace” meant that Christians were freed from the guilt of the law by the work of Christ, but not that Christians were freed from the law as a “rule.” In fact, the work of Christ freed Christians “to frame our lives and conversations according to the Rule of the Law.” Those who failed to do so were once again liable to judgment. According to Sanderson, those who neglected to follow the law “must answer for both: both for

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<sup>118</sup> Sanderson, *Two Sermons*, 25.

neglecting our duty, and for abusing our liberty.”<sup>119</sup> In sum, the covenant of law was made with each individual person (not with Adam), the covenant of grace was made with those who put their faith in Christ, the covenant of law was annulled (but not the covenant with Moses), and Christians were still subject to the moral law and must answer for falling short of it, even under the covenant of grace. Sanderson’s understanding the nature, function, and application of the law was crucially grounded upon each of these theological decisions.

Sanderson’s utilization of covenantal themes to support his understanding of law and obedience led him to oppose what he referred to explicitly as the views of the “Papists” and “Anabaptists” as well as the substance of the views of the presbyterians. Anabaptists erred by denying “subjection to Magistrates in indifferent things,” and by consequence they denied the legitimacy of ecclesiastical constitutions, an error that Sanderson also associated with those who rejected the ceremonies of the church on the same grounds. For Sanderson, to deny the ability of the magistrate to legislate and enforce both secular and ecclesiastical *adiaphora* was not only to deny “Lawes politicall and Ecclesiastical,” but also “all vowes, promises, covenants, contracts, and what not that pitcheth upon any certaine resolution *de future*” on the erroneous conclusion that they were also a violation of the liberty of conscience.<sup>120</sup> Sanderson sarcastically noted that if it was lawful to make dinner plans and commit to them it must also be lawful to give consent to the magistrate to make binding legal and ecclesiastical determinations on matters indifferent. To

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<sup>119</sup> Sanderson, *Two Sermons*, 26.

<sup>120</sup> Sanderson, *Two Sermons*, 30-2.

make any kind of future commitment was to bind the conscience, and therefore the necessity of future commitments indicated the legitimacy of civil authority over matters indifferent.

As for the “papists” and presbyterians, Sanderson singled out their mirroring errors regarding the relationship between secular and ecclesiastical law. Sanderson drew important conclusions from his determination that secular and ecclesiastical laws were human and not divine. Because both secular and ecclesiastical laws were types of human law the question of their prioritization was irrelevant to their ability to bind the conscience. Both secular and ecclesiastical law both equally and legitimately bound the individual. Furthermore, because both secular and ecclesiastical laws were human and not divine their authority was not grounded in the laws themselves but rather in the authorities that made them. For Sanderson to prioritize ecclesiastical law over secular law or to ground the authority of either secular or ecclesiastical law in the laws themselves was to erroneously make human law divine.<sup>121</sup> According to Sanderson, the “Papists” were guilty of both errors, but especially of emphasizing ecclesiastical law to the point where they denied the ability of secular rulers to bind the conscience. While presbyterians did not “shew themselves so much agrieved at the secular,” they were guilty of undermining the authority of ecclesiastical power.

Ours at home on the contrary, out of an appetite they have to bring in a new platforme of discipline into the Church, and for that purpose to represent the established government unto the eyes and hearts of the people in as

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<sup>121</sup> Sanderson, *Two Sermons*, 39.

deformed a shape as they can; quarrel the Ecclesiastical laws especially for tyrannizing over the conscience.<sup>122</sup>

The errors of the Anabaptists and Catholics were bad enough, but for Sanderson the real culprits were the defenders of the discipline whose covenant theology led them to combine the errors of both in order to reject the authority of the magistrate and undermine ecclesiastical law.

## **Conclusion**

Robert Sanderson developed a complex covenant theology that utilized the same categories popular in puritan and “Calvinist” circles in order to communicate the need for civil and spiritual conformity in the midst of social and ecclesial unrest. Controversies regarding the rise of Arminianism, the Spanish match, Ship money, and the policies of William Laud formed the context for Sanderson’s innovative development of covenant theology. In the midst of all this turmoil Sanderson appropriated and utilized a number of key covenantal arguments, shaping the ideas for his own absolutist and Erastian ends. His position on the continuity between the covenant with Moses and the other administrations of the covenant of grace, and especially the new covenant, was foundational to his thought. Furthermore, he utilized the terminology of the so-called “Calvinist consensus” in order to collapse the covenant of works into the covenant with Moses on the one hand, and the terminology of so-called “hypothetical universalists” like John Davenant to collapse the new covenant and evangelical covenant that had served as a buffer between the

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<sup>122</sup> Sanderson, *Two Sermons*, 38.

initiating election of God and human response for more “moderate Calvinists” on the other hand. As this chapter has demonstrated, Sanderson employed these decisions in order to set forth a “perpetual form” of government for God’s people and a “constant rule” for living. His notion that all covenants were conditional, and the importance he placed on obedience not only for the retention of membership in the visible church, but also as a condition of salvation, dramatically elevated an already highly pitched puritan and presbyterian rhetoric. Sanderson’s gracious understanding of temporal calling collapsed the “civil body” of the state and the “mystical body” of the church not only to connect the conditions of temporal and eternal membership in the kingdom of God but also to legitimate temporal jurisdiction over spiritual matters, and he made this connection by utilizing the image of the Leviathan. Like many of his puritan and presbyterian opponents, Sanderson argued for the abrogation of the law of Moses as a covenant, but he went beyond them in his expansive notion of the continuing implications of that same law as a “rule.” Sanderson’s covenant theology served the ends of spiritual and civil obedience in all these ways.

In short, Sanderson redefined the nature of these theological categories in order to utilize presbyterian terminology in order to undermine presbyterian ecclesiology. In sum, Sanderson’s argument was that the covenant of law was not made with Adam, but with each individual person, the covenant of grace was made with those who put their *obedient* faith in Christ and submitted to the rightful authority of their temporal rulers. Sanderson did concede the annulment of Mosaic covenant of law, but the rule it contained was still in force, both by nature and by

grace, and therefore the civil magistrate possessed the authority to legislate spiritual *adiaphora* and to oversee ecclesiastical authorities. A number of years ago Dewey Wallace suggested that “The use of the covenant by Anglican anti-Calvinists is a story yet to be told, and one that might well be long.”<sup>123</sup> This chapter is an attempt to narrate Robert Sanderson’s part in that story, a part he played alongside colleagues like Henry Hammond and Herbert Thorndike, who did not appreciate his anti-Arminian leanings nor his elevation of the authority of the civil magistrate. Not only were there differences between puritan and conformist covenant theologies, but this chapter demonstrates that there were crucial differences among the conformists themselves.

At any rate, these categories were not only significant in the 1620s and 1630s, but as chapters three and four will demonstrate, they continued to be central to the debates regarding covenant theology in the 1640s and 1650s. The issues of covenantal continuity, conditions, mediators, consent, election, and membership continued to generate a wide range of debates throughout the middle of the seventeenth century. Whereas Sanderson employed the categories of his contemporaries in order to oppose their system, in the 1640s and 1650s internal disagreement among puritans and presbyterians contributed to the fracture of their coalition and the failure of their rule. Chapters three and four take up the debates regarding these categories and demonstrate that the differences between

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<sup>123</sup> Dewey Wallace, *Puritans and Predestination: Grace in English Protestant Theology, 1525-1695* (Chapel Hill: University of North Carolina, 1982), 197.

conformists like Sanderson, Hammond, and Thorndike were mirrored among the ranks of their puritan and presbyterian opponents.



## CHAPTER 3

### *Covenant Continuity, Part I: The Covenant with Moses in Presbyterian Covenant Theology in the 1640s*

#### **Introduction**

Previous treatments of early modern English covenant theology have tended to minimize the significance of differences between the puritans. One possible explanation for this tendency would be that it is one aspect of an overreaction to an older generation of scholars that typically interpreted puritan covenant theology as a departure from classic Calvinism. More recent treatments have acknowledged some discontinuity between “Calvin and the Calvinists,” but more typically have treated puritan covenant theology as a faithful development of the tradition.<sup>1</sup> The

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<sup>1</sup> Studies that emphasize discontinuity between Calvin and the puritans include those by Richard L. Greaves, “The Origins and Early Development of English Covenant Thought,” *Historian* 31, no. 1 (1968): 21–35; Michael McGiffert, “The Perkinsian Moment of Federal Theology,” *Calvin Theological Journal* 29, no. 1 (Apr 1994): 117–48, “From Moses to Adam: the Making of the Covenant of Works,” *Sixteenth Century Journal* 19, no. 2 (1988): 131–55, and “Grace and Works: The Rise and Division of Covenant Divinity in Elizabethan Puritanism,” *Harvard Theological Review* 75, no. 4 (October 1982): 481f; Perry Miller, *Errand into the Wilderness* (Cambridge: Harvard University Press, 1956); Jens G. Møller, “The Beginnings of Puritan Covenant Theology,” *The Journal of Ecclesiastical History* 14, no. 1 (1963): 46–67; Holmes Rolston III, *John Calvin Versus the Westminster Confession* (Richmond, VA: John Knox, 1972); James B. Torrance, “Covenant or Contract? A Study of the Theological Background of Worship in Seventeenth-Century Scotland,” *Scottish Journal of Theology* 23, no. 1 (1970), 51–76; Leonard J. Trinterud, “The Origins of Puritanism,” *Church History* 20, no. 1 (1951): 37–57; James Frank Veninga, “Covenant Theology and Ethics in the Thought of John Calvin and John Preston,” (Ph.D. dissertation, Rice University, 1974).

More recent studies that emphasize continuity between the puritans and Calvin (or, more properly, between the puritans and the Reformed tradition as a whole) include Mark Karlberg, “Reformed Interpretation of the Mosaic Covenant,” *Westminster Theological Journal* 43, no. 2 (fall 1980): 1–57, “Moses and Christ: The

increasing consensus of scholarship is to read puritan covenant theology in broad continuity with the Reformed theological tradition. As a result, puritan covenant theology typically continues to be treated as a singular entity representing a broad agreement on the main points, but there is good reason to doubt this tendency.<sup>2</sup> Given that several recent studies have demonstrated that covenant theology was by no means a preserve of puritans or even those sympathetic with Calvin or the Reformed tradition, there is increasing evidence that covenant theology was not the

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Place of the Law in Seventeenth-Century Puritanism" *Trinity Journal* 10, no. 1 (spring 1989): 11-32, and "Covenant Theology and the Westminster Tradition," *Westminster Theological Journal* 54, no. 1 (spring 1992): 135-52; Donald Macleod, "Covenant Theology," in *Dictionary of Scottish Church History and Theology*, Nigel M. de S. Cameron, ed. (Edinburgh: T&T Clark, 1993), 214-18; Richard Muller, "Covenant and Conscience in English Reformed Theology: Three Variations on a 17<sup>th</sup> Century Theme," *Westminster Theological Journal* 42, no. 2 (spring 1980), 308-34; John Von Rohr, *The Covenant of Grace in Puritan Thought* (Eugene, OR: Wipf and Stock, 1986); David Wai-Sing Wong, "The Covenant Theology of John Owen" (Ph.D. dissertation, Westminster Theological Seminary, 1998); Andrew Woosely, *Unity and Continuity in Covenantal Thought: A Study in the Reformed Tradition to the Westminster Assembly* (Grand Rapids, MI: Reformation Heritage Books, 2012). In addition to these more recent studies, see also the nuanced view of William K. B. Stoeber, *'A Faire and Easie Way to Heaven: Covenant Theology and Antinomianism in Early Massachusetts* (Middletown, CT: Wesleyan University Press).

Other studies, many building on the work of Richard Muller, attempt to find a middle ground between advocates of continuity and discontinuity between Calvin and the Puritans, including Nathan D. Holsteen, *The Popularization of Federal Theology: Conscience and Covenant in the Theology of David Dickson (1583-1663) and James Durham (1622-1658)* (Ph.D. dissertation, University of Aberdeen, 1996); Won Taek Lim, *The Covenant Theology of Francis Roberts* (Ph.D. dissertation, Calvin Theological Seminary, 2000).

<sup>2</sup> Notable exceptions to this general tendency that do helpfully outline points of disagreement between puritan figures include previous treatments by Brenton Clark Ferry, "Works in the Mosaic Covenant: A Reformed Taxonomy" (MA Thesis, Westminster Theological Seminary, 2009); and Mark Jones, "The 'Old' Covenant," in *Drawn into Controversie: Reformed Theological Diversity and Debates within Seventeenth-Century British Puritanism*, ed. Michael A.G. Haykin and Mark Jones (Oakville, CT: Vandenhoeck and Ruprecht, 2011), 183-203.

preserve of any particular faction or tradition.<sup>3</sup> In addition to building on those studies that have demonstrated the spectrum of opinions separating puritans from their opponents, this chapter investigates the points that separated puritans from one another. Interestingly, many of the most important printed works of presbyterian covenant theology in the 1640s included taxonomies of different views, and many of the taxonomies made explicit references to the positions of specific figures. Perhaps unsurprisingly, their authors were frequently inaccurate in their descriptions of the views of their opponents, but nevertheless the differences they highlighted help to illustrate what contemporaries considered to be the key issues up for debate. Attention to these taxonomies reveals significant fault lines with important ecclesiological and political implications, and this chapter attempts to map some of the most significant of these fault lines.

This chapter considers the views of four key presbyterians who were members of the Westminster Assembly and published books of covenant theology in the 1640s: Samuel Bolton, John Ball, Anthony Burgess, and Edmund Calamy. Interestingly, their differences revolve around many of the very issues considered in the previous chapter in relation to the preaching of Robert Sanderson. They too were very interested in questions related to covenantal continuity, the nature of the covenants in relation to grace and works, the nature of the conditions in the

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<sup>3</sup> Neil Lettinga, "Covenant Theology Turned Upside Down: Henry Hammond and Caroline Anglican Moralism: 1643-1660," *Sixteenth-Century Journal*, 24 (1993), 653-69, and "Covenant Theology and the Transformation of Anglicanism" (Ph.D. dissertation, Johns Hopkins University, 1987); Michael McGiffert, "Henry Hammond and Covenant Theology," *Church History* 74, no. 2 (June 2005): 255-85, and "Herbert Thorndike and the Covenant of Grace," *Journal of Ecclesiastical History* 58, no. 3 (July 2007): 440-60.

covenant of grace, the identity of covenant mediators, the relationship between the covenant and election, and the temporal and eternal significance of membership in the covenant of grace. Far from comprising a coherent alternative to Sanderson's advocacy of an Erastian and absolutist conformity, Bolton, Ball, Burgess, and Calamy defended a diversity of views on each of these issues. This chapter seeks to explain that diversity and to pay careful attention to the potential ecclesiological and political implications of their differences.

### **The Taxonomy of Samuel Bolton**

Samuel Bolton's *The True Bounds of Christian Freedom* (1645) contains one of the more interesting examples of these covenantal taxonomies. Bolton was a minister in London at St. Savior's Southwark from 1641, vice-chancellor at Cambridge from 1650-52, and sat briefly as a member of the Westminster Assembly, chosen in 1647 to fill the spot vacated upon the death of Jeremiah Burroughes.<sup>4</sup> Bolton's treatise is notable for a variety of reasons. First, it culminated in an extended discussion of the implications of both covenant theology and the law of God for the authority of the civil magistrate and the conditions of the obedience owed by subjects. Second, it was originally published in April 1645, only a few months before the debates on covenant theology at the Westminster Assembly.<sup>5</sup>

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<sup>4</sup> Oxford DNB, s.v. Samuel Bolton; For Bolton's appointment to the Assembly see Chad B. Van Dixhoorn, ed., *The Minutes and Papers of the Westminster Assembly, 1643-52*, 5 vols. (Oxford: Oxford University Press, 2012), IV.482.

<sup>5</sup> The most focused debates on covenant theology at the Westminster Assembly took place on December 23, 1645, although the Assembly frequently referenced the covenants when debating a host of other issues. See Van Dixhoorn, ed., *The*

Third, at the end of his work, Bolton appended an English translation of selections from John Cameron's *De triplici Dei cum homine foedere*.<sup>6</sup> Bolton founded both his political and theological positions upon his appropriation of Cameron's threefold covenantal architecture.

In fact, Cameron's tripartite system dealt only with what he understood to be the Bible's conditional covenants: the prelapsarian covenant of nature, the postlapsarian covenant of grace, and the old covenant with Israel, the latter of which he took to be a covenant subservient to the covenant of grace.<sup>7</sup> In addition to these three types of conditional covenants, Cameron also identified two absolute covenants: the covenant with Noah and the covenant to give faith and perseverance to the elect.<sup>8</sup> In Cameron's schema, absolute covenants referred to the promises of God made without any restipulation or condition, and therefore promises grounded in the antecedent love of God. Conditional covenants, by contrast, referred to the

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*Minutes and Papers of the Westminster Assembly*, Vol. III, 726. Cameron's works were frequently cited in the floor debates by various members of the assembly. For example, in the weeks leading up to the debates on covenant theology, George Gillespie cited his views on the extent of the atonement, differentiating them from those of Amyraut. See Van Dixhoorn, ed., *The Minutes and Papers of the Westminster Assembly*, Vol. III, 693.

<sup>6</sup> Cameron's work was originally published in Heidelberg in 1608. Bolton titled his translation as *Certain Theses, or, Positions of the learned John Cameron, Concerning the Three-fold Covenant of God with Man*. For an excellent discussion of the theological milieu and purpose of Cameron's writing, see Richard A. Muller, "Divine Covenants, Absolute and Conditional: John Cameron and the Early Orthodox Development of Reformed Covenant Theology," *Mid-America Journal of Theology* 17 (2006): 11-56; cf. the older arguments of Brian G. Armstrong, *Calvinism and the Amyraut Heresy: Protestant Scholasticism and Humanism in Seventeenth-Century France* (Madison, WI: University of Wisconsin, 1969).

<sup>7</sup> Cameron, *De triplici Dei cum homine foedere*, Thesis 7 (Bolton, *The True Bounds of Christian Freedom*, 356).

<sup>8</sup> Cameron, *De triplici Dei cum homine foedere*, Thesis 1 (Bolton, *The True Bounds of Christian Freedom*, 353).

free promise of God made with the restipulation of duty, and therefore were a promise grounded in the consequent love of God. According to Cameron's use of these categories, with absolute covenants both the "paction" and the "fulfilling" of the covenant depends upon the antecedent love of God, and with conditional covenants the "paction" again depends up on the antecedent love of God "to the creature" but the "fulfilling" depends upon Gods consequent love "in the creature."<sup>9</sup> Cameron's summary of these distinctions was precise, and is worth quoting at length:

For in the absolute Covenant, there is nothing in the creature that doth impel God either to promise, or to performe what he hath promised; But in that Covenant to which a restipulation is annexed, God doth fulfill what hee hath promised, because the creature hath rendered what is required; And although God hath made such a Covenant, wherein he hath promised so great things, upon condition of mans performance, yet all this proceeds from the antecedent love of God.<sup>10</sup>

Thus Cameron clarified that while only absolute covenants were made without reference to anything in the creature, even humanity's performance of the restipulations of conditional covenants also ultimately proceeded from the antecedent love of God.<sup>11</sup>

Bolton did not discuss the difference between absolute and conditional covenants explicitly. However, he did follow Cameron in affirming that the covenant with Noah and the covenant with the elect could not be broken because they did not

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<sup>9</sup> Cameron, *De triplici Dei cum homine foedere*, Thesis 3 (Bolton, *The True Bounds of Christian Freedom*, 354).

<sup>10</sup> Cameron, *De triplici Dei cum homine foedere*, Thesis 4 (Bolton, *The True Bounds of Christian Freedom*, 355).

<sup>11</sup> Cameron, *De triplici Dei cum homine foedere*, Thesis 4 (Bolton, *The True Bounds of Christian Freedom*, 355).

depend upon conditions. The covenant with Noah was “an everlasting Covenant” that could “not be broken” because “it depends not upon our walking and obedience, it is not made upon our good behavior.”<sup>12</sup> He likewise followed Cameron in affirming that there were conditions in the covenant of nature, the covenant of grace, and the subservient (old) covenant. The original covenant of nature was a straightforward “covenant of works” that “was a conditionall Covenant” in which “we had something to doe, if we expected that which was promised.”<sup>13</sup> The subservient covenant was a covenant “whereby God did require obedience of the Israelites to the Moral, Ceremonial, and Iudiciall Lawes, upon promise of all blessings in the possession of Canaan.”<sup>14</sup> For Bolton it was simple to say of both the covenant of nature and the subservient covenant, “That they both have condition annexed to them.”<sup>15</sup> The conditions of the covenant of grace were entirely of a different kind, but they remained conditions nevertheless. Whereas “the condition of the old Covenant was this, Do this and live,” under the covenant of grace the condition was “Beleeve and thou shalt be saved.”<sup>16</sup> Thus while Bolton did acknowledge the absolute nature of the covenant with Noah and the covenant with the elect, his exposition of the covenants dealt almost exclusively with this tripartite division of the conditional

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<sup>12</sup> Bolton, *The True Bounds of Christian Freedome*, 169-70. Technically, this was a description of the subservient covenant with Israel and Moses, but according to Bolton the subservient covenant and the covenant with Noah shared these qualities. These descriptions come from the immediate context of a comparison of the two covenants where Bolton, speaking of the subservient covenant, began, “It is an everlasting Covenant, like that of the Waters of Noah...”

<sup>13</sup> Bolton, *The True Bounds of Christian Freedome*, 134.

<sup>14</sup> Bolton, *The True Bounds of Christian Freedome*, 137-8.

<sup>15</sup> Bolton, *The True Bounds of Christian Freedome*, 139.

<sup>16</sup> Bolton, *The True Bounds of Christian Freedome*, 142.

covenants. His taxonomy of different contemporary understandings of the old covenant occurred in this context.

While Bolton's taxonomy formally considered the relationship between the old covenant under Moses and the covenant of grace inaugurated under Christ, at an earlier point in his work he identified this issue with the question of the covenantal properties of the moral law.<sup>17</sup> For Bolton, "The moral law is what kind of covenant?" and "The old covenant is what kind of covenant?" were essentially the same question, and his survey of contemporary answers to these questions identified five typical views.<sup>18</sup> First, some considered the moral law to be a covenant of works, but not opposite to the covenant of grace. Bolton closely associated but nonetheless differentiated this view with a fourth position, which he also identified as his own, namely that the moral law was a covenant subservient to the covenant of grace, opposite in terms but not in purpose. The second view in Bolton's schema held that the moral law was in substance a covenant of grace but was more legally dispensed in its form or accidents. Bolton treated this view with some sympathy and acknowledged that it was the most common view among his contemporaries, but

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<sup>17</sup> For the moral law, see Bolton, *The True Bounds of Christian Freedome*, 21-25; for the old covenant, see 127-162.

<sup>18</sup> Regarding the equivalency of these two questions, Bolton wrote, "We are freed from the Morall law. First, as a Covenant say our Divines. It would save a great deale of trouble to say we are freed from the law, as a condition upon the obedience whereof we expected life. But take it in those words, we are freed from the law as a covenant; the enquiry will be then, what covenant it is?" He went on to identify the five views of the covenantal nature of the moral law, which were the same views he later discussed in relation to the nature of the covenant with Moses (cf. 127-162). Having identified the five views of the moral law as a covenant, Bolton then wrote, "I shall not in this place debate these things, I have referred it to another place," clearly identifying his later discussion of the nature of the covenant with Moses. Bolton, *The True Bounds of Christian Freedome*, 21-3.



ultimately he dismissed it as well. In addition to these preferred notions, Bolton listed third and fifth views that he criticized more freely. The third view was that the moral law was a mixed covenant, and thus a combination of the covenants of nature and of grace. Finally, the fifth view was that the moral law was no covenant at all but rather a repetition of the covenant of works made with humanity in the prelapsarian state of innocency. In sum, Bolton rejected the views that the covenant with Moses was merely a replication of the covenant of works or a mixed covenant of works and grace. He sympathized with the view that the covenant with Moses was a more legal dispensation of the covenant of grace, but he ultimately rejected it as well. His preferred view was that the covenant with Moses was a covenant subservient to the covenant of grace, and he charitably considered the view that the covenant with Moses was an additional covenant of works to be quite similar to his own preferred view. The most important implication of Bolton's appropriation of John Cameron's identification of the covenant with Moses as a covenant subservient to the covenant of grace was that the moral law remained in force as a rule or guide but not as a covenant.<sup>19</sup> This distinction proved fundamental to Bolton's culminating discussion of the implications of contemporary covenant theology for the authority of the civil magistrate and the subjection owed by subjects.<sup>20</sup>

For Bolton, the true bounds of Christian freedom in relation to civil authority were crucially determined by the view one took on the relationship between the old and new covenants. Whereas the old covenant tied the civil and spiritual together,

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<sup>19</sup> Bolton, *The True Bounds of Christian Freedom*, 25.

<sup>20</sup> Bolton, *The True Bounds of Christian Freedom*, 319ff.

the new covenant distinguished them by recognizing Christ and not Moses as the mediator of the covenant and by making the forgiveness of sins rather than obedience to the moral, ceremonial, and judicial laws the condition of the covenant.<sup>21</sup> In view of these differences in covenantal mediation and terms, it is not surprising that Bolton distinguished between the religious authority of Moses and that of contemporary civil magistrates. Believers under the new covenant had greater freedom in relation to their civil magistrates than did those under the old covenant. Bolton did make the commonplace arguments that it was unlawful for the

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<sup>21</sup> Cameron argued as much in Theses 72, 81-82 of his *De triplici Dei cum homine foedere* (Bolton, *True Bounds of Christian Freedome*, 397, 401). Bolton's affirmation that Moses was the mediator of the old covenant indicates his concurrence (141), as does his affirmation that the terms of the old covenant were subservient, although not contradictory, to those of the new: "I grant that in the externall view of them (what ever it is in truth) the Law and Gospell doe seeme to stand upon opposite tearms, but yet these opposite tearms on which the Law seemes to stand, had its subservient ends to Christ and Grace. For all this was but to awaken them, and convince them of their own impotency, to humble them for it, and to drive them unto Christ. If indeed we looke upon the Law separately, so it seemes to stand upon opposite termes, and we may answer the question, which yet the Apostle concludes, Is the Law against the Promises? God forbid, and say, yea it is against the Promises, as it saith, Doe this and live; for if of works, then not of grace. And therefore we must so interpret this; Doe this and live, that we may not make it against the Promises. Now I say, if you looke upon the Law separately, so it stands upon opposite termes and is against the Promise. But if you looke upon it relatively, as it hath respect to the Promise, so these opposite termes have their subservient ends to the Promise and Grace. And that by convincing us of our own impotencie and weaknesse, that we might goe over to Christ and the Promise for life. I shewed you this was the difference between the Covenant made with man in Innocency, and between Gods requires in the Law: In the former, God did not require obedi|ence, that man being burthened with the weight of his worke should goe to Christ, but this was it God aymed at there to have that which was his due from man. But now in the Law God doth require his right for no other end, then that man being convinced of his weaknesse, and impotency, might flie to Christ. And therefore though doe this and live be against the promise, yet if you look upon the end wherefore God said so, to discover our weaknesse, to humble us for it, to drive us out of our selves; so you will see sweet agreement and subservience to the Promise." Bolton, *The True Bounds of Christian Freedome*, 156-8.

civil magistrate to impose anything unlawful, and that it was lawful for the magistrate to impose anything that was clearly required in the moral law of God.<sup>22</sup> However, when it came to matters indifferent, Bolton's approach, like his covenant theology, was unusual. In response to the question as to whether the magistrate could lawfully impose things "doubtful" to the mind of Christ, he made a distinction between things which are "doubtfull in themselves" and those that are "only doubtfull to me." While Bolton granted that things "doubtfull to me" may be lawfully imposed, he also made the provocative claim that matters "doubtfull in themselves" may not. Having made this distinction, and perhaps sensing the danger of his subject, Bolton brought his discussion to a rather abrupt close by acknowledging that "We might run into a large dispute upon this subject; but it is not my intent at this time; another occasion may be afforded in some other Discourse to treat more largely upon it."<sup>23</sup>

The reception of Bolton's work suggests an interesting story. Bolton's reputation grew throughout the 1640s and he was highly respected by godly ministers, both his presbyterian colleagues and congregational independents as well. He preached frequently before Parliament, and upon his death his presbyterian colleague Edmund Calamy showered him with praise when he preached his funeral sermon.<sup>24</sup> Originally published in 1645 amidst the turmoil of the rising tide of debates on covenant theology, his *True Bounds* was again published in 1656 in the

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<sup>22</sup> Bolton, *The True Bounds of Christian Freedome*, 323-25.

<sup>23</sup> Bolton, *The True Bounds of Christian Freedome*, 327.

<sup>24</sup> Edmund Calamy, *The Saint's Transfiguration* (1655). For the similarities between the approaches of Calamy and Bolton, see the discussion of Calamy's own taxonomy below.

same year as the political machinations that led to the Second Protectorate Parliament and attendant rumblings regarding whether Cromwell should continue to rule as Lord Protector or rather as king. The republication of Bolton's work not only attests to a continued interest in the application of covenant theology to matters of political significance, but also indicates Bolton's role in disseminating John Cameron's covenant theology to an English speaking audience. His second edition likewise included the appended translation of Cameron's *De triplici Dei cum homine foedere*, and whereas references to Cameron's covenant theology were virtually non-existent in British works prior to Bolton's translation, in the years that followed his views assumed a prominent place in debates on these issues.<sup>25</sup>

### **The Taxonomy of John Ball**

In addition to Bolton's *True Bounds*, 1645 also saw the posthumous publication of John Ball's *A Treatise of the Covenant of Grace*.<sup>26</sup> Published by Simeon Ash, "without any addition, diminution, or alteration," the book carried endorsements from prominent presbyterians, including Edward Reynolds, Thomas Hill, Daniel Cawdrey, Anthony Burgess, and Edmund Calamy, who lamented Ball's passing as the loss of one of the few figures capable of calming the increasingly fractious relations between their own party and the congregational independents.<sup>27</sup>

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<sup>25</sup> Note that references to Cameron's arguments appear in each of the subsequent taxonomies discussed below. I have yet to identify a reference to Cameron's covenant theology in any theological work published in English prior to Bolton's translation.

<sup>26</sup> John Ball, *A Treatise of the Covenant of Grace* (1645).

<sup>27</sup> Ball, *A Treatise of the Covenant of Grace*, sigs A2r-v.

This moderate reputation helps to explain how Ball could be identified by his contemporaries as both “the Presbyterians’ Champion” and one of the independents’ own “tribe.”<sup>28</sup> Originally entered into the Stationer’s Register on October 25, 1641, Ball’s *Treatise* was finally published five years after his death in 1645 during the months just after “the breach” between presbyterians and congregationalist independents and just prior to the most pointed debates on the topic of covenant theology at the Westminster Assembly.<sup>29</sup> While, as Michael Winship has convincingly argued, Ball’s sympathies are indeed best described as presbyterian, the timing of the publication of his treatise on the heels of Bolton’s and its broad public endorsement by such a diverse group of presbyterian colleagues suggests that the usefulness of Ball’s moderate reputation may have led to a posthumous exaggeration of his commitment to their cause.<sup>30</sup>

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<sup>28</sup> Samuel Clarke, *A General Martyrologie* (1651), 449; Alexander Forbes, *An Anatomy of Independency* (1644), 39; cited in Carol G. Schneider, “Roots and Branches: From Principled Nonconformity to the Emergence of Religious Parties,” in Francis J. Bremer, ed., *Puritanism: Transatlantic Perspectives on a Seventeenth-Century Anglo-American Faith* (Boston: Massachusetts Historical Society, 1993), 171. This disagreement is mirrored in the current secondary literature as well. For the view that Ball sympathized with the Congregationalist views of William Ames, see Tom Webster, *Godly Clergy in Early Stuart England: The Caroline Puritan Movement, c. 1620-1643* (New York: Cambridge, 1997), 299-309. For the case that Ball was a Presbyterian and a sharp critique of both Schneider and Webster, see Michael P. Winship, *Godly Republicanism: Puritans, Pilgrims, and a City on a Hill* (Cambridge, MA: Harvard University Press, 2012), 137 n. 11.

<sup>29</sup> For an extended description of the circumstances of the division between presbyterians and congregational independents at this time, see Robert S. Paul, *The Assembly of the Lord: Politics and Religion in the Westminster Assembly and the ‘Grand Debate,’* (Edinburgh: T&T Clark, 1985), 410-436.

<sup>30</sup> Edward Reynolds, along with Edmund Calamy was a leader of the moderate presbyterians and even pushed for a form of moderate episcopacy as the best means of unity in the Church of England. For his part, Calamy pushed to maintain peace with congregational independents, and Thomas Hill also preached in favor

On the one hand, Ball followed Bolton in appropriating Cameron's distinction between absolute and conditional covenants, but on the other hand his taxonomy differed from Bolton's by drawing a much sharper distinction between the view that the Mosaic covenant was a covenant subservient to the covenant of grace and the view that the Mosaic covenant and new covenant were both manifestations of the covenant of grace merely differing according to their accidents or administration. Like Bolton and Cameron, Ball identified both the covenant to redeem the elect and the covenant with Noah after the flood as absolute covenants.<sup>31</sup> Ball also followed Cameron in grounding absolute covenants in the antecedent love of God and conditional covenants in the consequent love of God.<sup>32</sup> Again, like Cameron and Bolton, Ball identified the other historical covenants as conditional covenants, whether the covenant of works or the various administrations of the covenant of grace. While he held that there were conditions under both types of covenants, at the same time it is important to note that for Ball, in a manner similar to Bolton, conditions functioned differently under the covenant of works than under the covenant of grace. Whereas God promised eternal life under both covenants according to the condition of obedience, under the covenant of works this condition could be met according to nature, but under the covenant of grace it could only be

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of toleration for independency on multiple occasions. On the other hand, Daniel Cawdry was a vocal critic of independency. Burgess is typically identified as a moderate presbyterian, although less sympathetic to episcopacy than either Reynolds or Calamy and less sympathetic to independency than Hill. See Schneider, "Roots and Branches," 171 n. 5 for a helpful discussion of several of these figures.

<sup>31</sup> Ball, *A Treatise of the Covenant of Grace*, 3.

<sup>32</sup> Ball, *A Treatise of the Covenant of Grace*, 4.

met according to grace.<sup>33</sup> Similarly, Ball held that faith was necessary for salvation under both the covenants of works and grace, but under the covenant of works it was necessary *per modum natura* and under the covenant of grace it was necessary *per modum gratia supernaturalis*.<sup>34</sup> Therefore participation in the covenants of works and grace was mutually exclusive, and no person could “be under” both covenants at the same time, because the covenant of works was “of justice” and the covenant of grace was “of mercy.”<sup>35</sup> Thus while Ball located grace under both the covenants of works and grace, and he therefore excluded “merit” from the fulfillment of the conditions of either, he nonetheless was willing to characterize the fulfillment of conditions under the covenant of works with “strict justice” whereas the fulfillment of conditions under the covenant of grace was only according to “mercy.”<sup>36</sup> To summarize, like Cameron and Bolton before him, Ball affirmed the distinction between absolute and conditional covenants. While he saw both the covenants of works and grace as conditional covenants he distinguished sharply between the nature of their respective conditions, and in this he also closely followed both Cameron and Bolton.

The primary difference between Ball’s covenantal system and Bolton’s lay in their contrasting understandings of the relationship between the Mosaic covenant and the covenant of grace, and Ball, like Bolton, utilized his taxonomy of covenantal understandings to address precisely this question. Ball established the framework

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<sup>33</sup> Ball, *A Treatise of the Covenant of Grace*, 6.

<sup>34</sup> Ball, *A Treatise of the Covenant of Grace*, 11.

<sup>35</sup> Ball, *A Treatise of the Covenant of Grace*, 13.

<sup>36</sup> Ball, *A Treatise of the Covenant of Grace*, 9, 10, 15.

for his own view by claiming that Moses “knit” the seed of Abraham together in a state covenant and that the old covenant was abolished by the new.<sup>37</sup> He then went on to identify four typical views of the specifics of this relationship. The first view claimed that the Old and New Testaments were different covenants in substance, thus identifying the old covenant with the covenant of works and the new with the covenant of grace. Ball faulted this view for creating an unfounded distinction between promise and covenant.<sup>38</sup> The second view Ball identified would have included Bolton’s perspective, namely that the old covenant was a covenant subservient to the new, and that its purpose was to prepare people for faith, to give them a desire for the evangelical covenant, and to restrain evil. Ball went on to demonstrate that this view differentiated the old covenant from both the covenant of nature and the covenant of grace, thus identifying the threefold structure that Bolton appropriated from Cameron’s *De triplici*.<sup>39</sup> Ultimately Ball found little difference between this view and the first one, because both views required a substantial distinction between the old and new covenants.

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<sup>37</sup> Ball, *A Treatise of the Covenant of Grace*, 92.

<sup>38</sup> Ball, *A Treatise of the Covenant of Grace*, 93.

<sup>39</sup> Ball, *A Treatise of the Covenant of Grace*, 93-4. Ball explained that according to this subservient view the old covenant was similar to the covenant of nature in that it involved two parties, both parties had stipulations annexed, the promises were the same, and both led to Christ; it differed from the covenant of nature in that one was universal and one particular to Israel and that one leaned upon creation and general conservation while the other upon election and conservation of Israel in the land of Canaan. Ball argued that these similarities and differences could be better stated as follows: the old covenant was similar to the covenant of grace because God was the author of both, both were contracted with sinful humanity, both show and restrain sin, both lead to Christ, both are a symbol of the church, both are made by a mediator and both promise life; the old covenant was different from the covenant of grace in that in one sin is reprov'd and righteousness approved while in the other sin is pardoned and humanity renewed.



Ball went on to outline two other views that emphasized greater continuity, the latter of which he identified as his own perspective. The former view held that the old and new covenants were the same in substance and differed only in degree. Ball took this to be the predominant view among his contemporaries but complained that “in setting down the differences [of degree] they speake so obscurely, that it is hard to find how they consent with themselves.”<sup>40</sup> How did his contemporaries articulate the nature of these differences? Generally speaking, they identified variances in pedagogical function or between type and antitype.<sup>41</sup> Ball felt that these explanations created too great a rift between the purposes of the old and new covenants and that such starkly articulated oppositional purposes between them tended to imply that they were in fact “opposite in kind” even if they were affirmed to be of the same substance and merely different in degree. He also observed two primary attempts to reconcile this difference and found them both wanting. First, some argued that the old covenant included both a rigid preaching of the law demanding perfect moral obedience and at the same time a merciful proclamation of the gospel through the types and ceremonies of old covenant worship. Second, others argued that the rigid preaching of the moral law was merely a “perfect and exact draught of the Law of prime nature” given to all humanity but only soteriologically efficacious for the church.<sup>42</sup> In other words it was a proclamation of the law in two senses: the one to all humanity but referring only to

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<sup>40</sup> Ball, *A Treatise of the Covenant of Grace*, 95.

<sup>41</sup> Ball, *A Treatise of the Covenant of Grace*, 95-6 includes a long list of these differences.

<sup>42</sup> Ball, *A Treatise of the Covenant of Grace*, 96.

the moral law, demanding perfect obedience, and including no grace or mercy; the other sense was more expansive and included the preaching of the gospel to the people of Israel through the whole economy of the Mosaic administration described in the law. The first sense could only condemn, but the second sense offered salvation. Interestingly Ball argued that this latter attempt at reconciling the two covenants implied a subservient function to the Mosaic covenant which was rather similar to Bolton's view: "The first [sense, i.e., the moral law] stands in full opposition to the Covenant of Grace, containing a perfect Covenant of works: but the second [sense, i.e., the whole Mosaic economy] is and may be subordinate to the Covenant of grace."<sup>43</sup> Hence the subordinate function of the Mosaic economy in this most common view served a similar purpose as Bolton's subservient covenant.

Therefore it is not hard to see why Ball wanted to differentiate his own view from this third view. Even though the third view explicitly affirmed that the old and new covenants were the same in substance, by implication the identification of differing degrees often left it functionally similar to the second view he had already criticized for denying the gracious character of the Mosaic covenant. Ball's unwillingness to grant even this difference in degree illustrates the high value he placed upon continuity between the covenants. For Ball the entirety of old covenant, including the law as it was given to Moses on Mt. Sinai, was a covenant of grace.<sup>44</sup> While he added the qualification that the old covenant was "propounded in a manner fitting to the state of that people, time and condition of the Church," he

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<sup>43</sup> Ball, *A Treatise of the Covenant of Grace*, 97.

<sup>44</sup> Ball, *A Treatise of the Covenant of Grace*, 102.

nevertheless conceived its contemporary relevance both as a rule of life and a pedagogue leading to Christ.<sup>45</sup>

Ball's moderate reputation and the shape of his taxonomy served the presbyterian cause well. On the one hand he shared many of the structures of thought that Bolton appropriated from Cameron's *de triplici*. On the other hand, while Ball did acknowledge that the old covenant abolished the new, he was unwilling to allow any difference between the covenant with Moses and the covenant of grace. This continuity between the covenants could be used to justify the close relationship between church and commonwealth advocated by the supporters of a presbyterian national church. The New Testament did not abrogate Israel's symbiotic relationship between spiritual and civil government, and faithfulness to God's covenant entailed both spiritual and temporal blessings.<sup>46</sup>

At the same time, while Ball's *Treatise* did lend itself to the presbyterian cause in its strong articulation of the continuity between the old and new covenants, the work as a whole communicates a moderate position. While Ball did deny Bolton's view that the covenant with Moses was a subservient one, when he described its pedagogical purpose in pointing to Christ he was not afraid to describe the law as "subordinate" to the gospel. It was necessary that the law and gospel not be "confounded" and at the same time that the "inviolable knot" be maintained between them. Ball made his distinction between law and gospel most succinctly when he wrote that "as the Law was given to the Jewes it is not opposite but

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<sup>45</sup> Ball, *A Treatise of the Covenant of Grace*, 111, 113.

<sup>46</sup> For Ball's affirmation of both temporal and spiritual blessings, albeit received by grace and not by works, see *A Treatise of the Covenant of Grace*, 142.

subordinate, to the Gospell.”<sup>47</sup> Although Ball did argue for covenantal continuity and also tied temporal and spiritual blessings to both the old and new covenants, it is nevertheless clear that his chief emphasis and interest lay with the English church and not the English nation.<sup>48</sup> When he spoke of Christ as a “king” he identified his “kingdom” temporally with the visible church and eternally with the invisible church.<sup>49</sup> When he described Christ obtaining possession of his kingdom by “conquest” he identified the kingdom with the souls of the elect.<sup>50</sup> Ball referred to God as both a “King” and a “Law-giver,” but he did so with reference to the church. God was a king and lawgiver to the visible church “externally” and to the invisible church “internally.”<sup>51</sup> Ball sharply distinguished the church as “a different society from all other companies of men whatsoever.” The eternal identity of the “Kingdom of Christ or Church of God” was coextensive with those who were effectually called to salvation.<sup>52</sup> While Ball found great continuity between the Israel of the old covenant and the church of the new covenant, thus making his work eminently more useful than Bolton’s to his contemporary presbyterian brethren given their desire to articulate the biblical foundations for a national church, it is clear that the emphasis of his work is on the spiritual and ecclesial rather than the temporal and civil.

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<sup>47</sup> Ball, *A Treatise of the Covenant of Grace*, 113.

<sup>48</sup> Ball, *A Treatise of the Covenant of Grace*, 202.

<sup>49</sup> Ball, *A Treatise of the Covenant of Grace*, 256f.

<sup>50</sup> Ball, *A Treatise of the Covenant of Grace*, 323.

<sup>51</sup> Ball, *A Treatise of the Covenant of Grace*, 343.

<sup>52</sup> Ball, *A Treatise of the Covenant of Grace*, 345.

## The Taxonomy of Anthony Burgess

In 1646, a year after Bolton's *True Bounds* and Ball's *Treatise*, moderate Presbyterian Anthony Burgess published a work entitled *Vindiciae Legis*. Originally delivered earlier that year as a series of twenty-nine lectures before the London Ministers of Sion College, Burgess wrote his "vindication of the moral law and the covenants" against what he saw as the dangerous errors of contemporary Papists, Arminians, Socinians, and especially Antinomians.<sup>53</sup> Like Bolton, Burgess was appointed to the Westminster Assembly, and he served as rector at Sutton Coldfield in Warwickshire both before and after his time in London.<sup>54</sup> Probably best known for his running disputation with Richard Baxter in the years after the Assembly and the publication of *Vindiciae Legis*, Burgess was also a frequent preacher before Parliament where in the months leading up to its publication he colorfully spoke of the benefits to the commonwealth when it "becometh holy and Christian" and assigned to the civil magistrate the "power to compel to the externall meanes of faith." Like many of his contemporaries, he saw antinomian modes of thought as "plainly prejudiciall to piety, or to civill societies."<sup>55</sup> For Burgess, antinomianism posed a threat not only to orthodox theology but also to political order, and *Vindiciae Legis* represented an attempt to address both aspects of this threat

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<sup>53</sup> Anthony Burgess, *Vindiciae Legis* (1646), 2-3.

<sup>54</sup> *Oxford DNB*, s.v. Anthony Burgess.

<sup>55</sup> Anthony Burgess, *The Reformation of the Church to Be Endeavoured More Then That of the Common-wealth* (1645), 8; *The Magistrates Comission from Heaven* (1644), 4. As indicated on the title page, the latter was preached at the election of the Lord Major in London.

through its precise account of the law as it was revealed through God's particular covenantal relationships with humanity.

Following the pattern of his contemporaries, Burgess set his taxonomy of contemporary understandings of the old covenant in the context of a broader discussion of the relationship between the law and the gospel. Burgess distinguished between the gospel considered strictly, which he identified with "the Gospel of peace" and "the grace of God," and the gospel considered largely, which signified "the whole doctrine, that the Apostles were to preach... i.e., the doctrine and preaching of Christ."<sup>56</sup> He likewise distinguished between the law strictly and largely, and emphasized that his subsequent discussion of the law and the gospel referred to this larger sense in both cases. Speaking of the difference between the law and gospel largely construed, he held that "the question in this larger sense is the same with the difference between the Old and New Testament, or Covenant; wherein the Learned speake very differently, and, as to my apprehension, much confusedly."<sup>57</sup> Speaking specifically of the different views regarding the relationship between the old and new covenants, Burgess acknowledged that there "is much difference of judgments, even with the Learned and Orthodoxe," and he went on to offer a taxonomy including four views. Some made the old covenant a covenant of works, some made it a mixed covenant, some made it a subservient covenant, and some (including Burgess himself) made it a covenant of grace.<sup>58</sup> After defending his view that the old covenant was an administration of the covenant of grace and

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<sup>56</sup> Burgess, *Vindiciae Legis*, 231.

<sup>57</sup> Burgess, *Vindiciae Legis*, 231.

<sup>58</sup> Burgess, *Vindiciae Legis*, 222.

responding to potential objections against it, Burgess went on to offer a second and much more extended taxonomy of erroneous views of the law arising from these erroneous understandings of the relationship between the old and new covenants. His taxonomy identified the Anabaptist/Socinian view, the Papist view, and the Antinomian view as the three typical misunderstandings of the law arising from these covenantal errors, and he then went on to put forth his own view of the proper understanding. Burgess did not explicitly affirm a direct correspondence between these erroneous views of the relationship between the old and new covenants and erroneous views of the law, but there is nevertheless a strong implicit correlation between them.

Turning first to the false differences of the Anabaptists and Socinians, Burgess emphasized their view of covenantal blessings. He faulted them for their claim that those who lived under the law or old covenant could only experience temporal earthly blessings in their knowledge and affections.<sup>59</sup> Burgess accused both the Anabaptists and Socinians of teaching that Christ and eternal things could not be enjoyed until the dawn of the New Testament, and therefore that grace and salvation were not available until the advent of Christ, and he went on to criticize both aspects of this position. With regard to the availability of grace and salvation prior to the incarnation of Christ, Burgess responded that the New Testament applied justification and remission of sins to Old Testament personalities like Abraham and David. On the matter of the existence of spiritual blessings under the old covenant, Burgess was adamant that the Jews had the same spiritual blessings

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<sup>59</sup> Burgess, *Vindiciae Legis*, 232.

and even spiritual benefit in their sacraments analogous to those of the new covenant. In response Burgess highlighted the close connection between temporal and spiritual blessings. For example, when Job experienced outward peace and health and even was blessed once again with children, “there was under these temporall good things, spiritual [blessing] held forth.” By contrast, Bolton’s preferred view made the old covenant subservient to the covenant of grace, thus enabling a distinction between temporal and spiritual blessings by which the temporal were received by virtue of the terms of the old covenant and grace and salvation by virtue of the covenant of grace. Thus the temporal blessings of the old covenant were merely typological of the spiritual blessings available by virtue of membership in the covenant of grace. Because Burgess more closely identified the old and new covenants, he therefore more clearly emphasized the availability of spiritual blessings received under the old covenant, and the rhetorical weight of his argument also left the door through which the temporal blessings of the old covenant might migrate to the new further ajar.

Having dispensed with the Anabaptists and Socinians, Burgess next turned his sights on the Papists, focusing on three fundamental errors at the core of what he took to be their own problematic understanding of the discontinuity between the old and new covenants. First, they claimed that in the New Testament Christ supplemented the laws of the Old Testament with greater specificity in their commands. Second, by refusing to oppose the law and the gospel, and therefore by ignoring the strict senses of the terms, they made justification under both the Old and the New Testament attainable through obedience to the law of God. According



to Burgess this wrongly made both the old and new covenants into covenants of works. Third, Burgess criticized their view that Old Testament saints were not able to enter heaven until the death of Christ. Interestingly, the first two of these allegedly papal errors also appeared in the works of establishment figures within the contemporary English church published around the same time. For example, Henry Hammond's popular and frequently republished *Practicall Catechisme* opened with an expansive discussion of the doctrine of the covenants and contained extended consideration of a number of related controversial theological and political subjects.<sup>60</sup> Hammond explicitly claimed that Christ added to the law of Moses in the Sermon on the Mount, and his treatment of justification and its ancillary doctrines received extensive criticism from figures within Burgess's circle.<sup>61</sup> Thus by assigning the papist label to Hammond's views, Burgess followed the typical rhetorical strategy of marginalizing his establishment opponents by painting them with the "papist" brush.<sup>62</sup> His strategy proved effective, at least among the Divines appointed to the Westminster Assembly, who in the month preceding their most focused debates upon covenant theology received a complaint

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<sup>60</sup> Hammond's *Practicall Catechisme* was first published anonymously in Oxford in 1644 before being published under his own name in London in 1646.

<sup>61</sup> For Hammond's claim that Jesus added to the law of Moses see 157f., esp. 163. For Hammond's claim that aspects of sanctification precede justification, see 114. Hammond's catechism received criticism in print in *A Testimony to the Truth of Jesus Christ* (1647), subscribed by some 52 ministers of London (including Burgess). Hammond replied to this criticism in *A Brief Vindication of Three Passages in the Practicall Catechism* (1647/8). Hammond concurrently entered into a prolonged exchange on these and other related matters with Francis Cheynell, which was published as *A Copy of Some Papers Past at Oxford* (1647).

<sup>62</sup> The strategy described so well by Anthony Milton in *Catholic and Reformed: The Roman and Protestant Churches in English Protestant Thought, 1600-1640* (New York: Cambridge, 1995).

regarding Hammond's catechism and instructed two of their membership to investigate and respond to it.<sup>63</sup>

While Burgess made rapid work of the Anabaptists, Socinians, and Papists, he conserved most of his polemical energy for the views of the Antinomians. He focused his critique on the published works of John Eaton and Tobias Crisp, but he only mentioned the former or his works explicitly. Much of his more explicit critique of Eaton's understanding of the relationship between the old and new covenants dealt with his claim that God saw sin in believers of the Old Testament but not in those in the New.<sup>64</sup> Interestingly Burgess chose not to respond directly to this issue but instead to emphasize that the progressive revelation of justification in no way implied the progressive reality of justification. The point was that God's ability to see sin was the same under both the Old and New Testaments, but in this context Burgess merely chose to argue for continuity rather than to address the nature of that continuity.<sup>65</sup> He apparently felt that it was not important to address the nature of the ability itself, but merely to assert that whatever the case God's ability to see sin was the same under both covenants. In this and many other ways, Burgess faulted Crisp for finding discontinuity between God's administration of the old

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<sup>63</sup> The complaint against Hammond was raised on November 11, 1645 and the Assembly debated covenant theology the following month on December 23. This complaint likely initiated the exchange between Cheynell and Hammond, as Cheynell, along with Anthony Tuckney, was one of the two ministers appointed to investigate. See Van Dixhoorn, ed., *The Minutes and Papers of the Westminster Assembly*, Vol. III, 705, 726.

<sup>64</sup> Burgess, *Vindiciae Legis*, 234.

<sup>65</sup> Burgess, *Vindiciae Legis*, 236.

covenant and the new.<sup>66</sup> His critique culminated in the observation that Eaton wrongly reserved the presence of the kingdom of heaven for those under the new covenant, excluding those under the old from its experience. For Burgess, justification was the same under both covenants, and therefore the experience of the kingdom of heaven was similar as well.

Although Burgess did not exposit the nature of the heavenly kingdom at this point, his treatment of Crisp suggests a political valence to his soteriological critique. Having cited both Eaton and his works by name, it is curious that Burgess made the rhetorical decision to refrain from identifying Crisp or the titles of his works explicitly, instead quoting them and attributing them to “another Antinomian.”<sup>67</sup> One possible explanation for this choice is that Burgess sought to utilize the soteriological errors of an Antinomian target in order to better position his own particular views in relation to those of his fellow orthodox puritan contemporaries. He framed his critique of Crisp as a problem of relating “the Law and the Gospel” which wrongly made the old and new covenants “two distinct covenants” rather than the “same covenant diversly administred.” Here Burgess identified one of the key points of friction marking not only his own taxonomy of views but those of his contemporaries as well, and he did so in order to identify

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<sup>66</sup> Curiously, Burgess cited page numbers from the second volume of Crisp’s *Christ Alone Exalted* (pp. 45, 54) without mentioning his name or the title of the work.

<sup>67</sup> Burgess, *Vindiciae Legis*, 237. It is important to note that Burgess did critique Crisp explicitly earlier in the book (e.g., 14) and he likewise proceeded to cite page numbers from a contemporary edition of Crisp’s *Christ Alone Exalted*. His knowing readers certainly possessed the ability to identify the source of his quotations. The point is not that he made the subject of his critique anonymous but rather that he chose not to name him for some other rhetorical purpose.

views that found discontinuity between the old and new covenants as characteristically Antinomian. It is important to observe that debates regarding covenantal continuity became increasingly important to Presbyterians during the 1640s and especially the 1650s. During this period John Ball, Edmund Calamy and Thomas Blake each identified the relationship between the law and the gospel and the unity of the old and new covenants as related core concerns distinguishing the covenant theologies of presbyterians and independents.<sup>68</sup> This illustrates that the question of the nature of the continuity between the old and new covenants was one at which soteriological and ecclesiological concerns overlapped. Therefore by refusing to name his Antinomian opponent explicitly and by choosing instead to critique an aspect of his theology shared by more orthodox divines, Burgess widened the rhetorical doors of guilt by association. His argument suggested that by denying that that old and new covenants were merely two administrations of the one covenant of grace, the congregational independents at the Westminster Assembly were not only making an ecclesiological mistake, but one associated with Antinomianism.

It may be impossible to know whether Burgess considered the correlation between these errors to be direct or merely implicit, but there is no doubt that the ecclesiological debates and related events of the 1640s challenged the fraternal bonds uniting puritan ministers. If David Como is correct that the Antinomian

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<sup>68</sup> See Ball, *A Treatise of the Covenant of Grace*, 92-102 (considered above). Edmund Calamy, *Two Solemne Covenants Made Between God and Man* (1646/7) and Thomas Blake, *Vindiciae Foederis* (1652/3), 220-70 are considered below. Calamy even found Burgess wanting on this point.

controversies indicate a close relationship between the political and ecclesiastical battles over church government and the soteriological debates regarding the relationship between law and gospel, Burgess's response to his Antinomian targets may very well have served a broader and quite intentional purpose.<sup>69</sup> On the one hand, Burgess and his presbyterian colleagues closely associated the covenant theologies of congregational independents such as Jeremiah Burroughes and Sidrach Simpson with the decoupling of ecclesiastical authority from that of the civil magistrate.<sup>70</sup> On the other hand, these same recipients of presbyterian criticism were also the most vocal orthodox puritan defenders of the infamous *The Marrow of Modern Divinity*, a work typically thought to represent a mediating position between antinomian and mainstream understandings of the old and new covenants, because not only Burroughes and Joseph Caryl but also various Antinomian empathizers endorsed it publicly.<sup>71</sup> This indicates that the debates over the law and the gospel and the continuity between the old and new covenants were at least related to the political wrangling over the best form of church governance and the relationship between ecclesiastical authority and that of the civil magistrate. Antinomians were a threat not only because they devalued the ongoing role of the moral law in the life of

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<sup>69</sup> David R. Como, *Blown by the Spirit: Puritanism and the Emergence of an Antinomian Underground in Pre-Civil-War England* (Stanford, CA: Stanford University Press, 2004), 451.

<sup>70</sup> See below for discussion of Edmund Calamy's taxonomy in *Two Solemne Covenants*, which explicitly included a critique of both of these figures and which also emphasized these political concerns.

<sup>71</sup> Joseph Caryl gave his approval to the second edition dated May 10, 1645, to which Burroughes added a commendatory epistle of his own, as did several other divines representing both congregational independent and Antinomian sensibilities. See Como, *Blown by the Spirit*, 433.

the believer, but also because their theology likewise uncoupled the spiritual kingdom of the new covenant from the more temporally oriented kingdom of the old covenant. This decoupling had implications for both ecclesiastical and civil authority and therefore drew the ire of most English presbyterians.

Thus Burgess's critique of the Antinomians highlights the point at which his taxonomy differed most dramatically from Bolton's. Whereas Bolton distinguished between the old and new covenants, making Moses and his law subservient to Christ and his gospel, Burgess explicitly declared that the differences between the old and new covenants were merely "accidental" and neither "essential" nor "substantial."<sup>72</sup> For Burgess the two covenants were in fact one covenant and the differences were merely of administration. For Bolton the two covenants were genuinely distinct covenants, the one serving the purposes of the other. In contrast to the typical Antinomian position, Bolton did not deny the reality of the presence of the covenant of grace during the time of the old covenant, but he refused to identify the two. Although he ultimately disagreed with it, Bolton treated the position that Burgess adopted with some sympathy. At the same time, although he ultimately distinguished his own view that the Mosaic covenant was a subservient covenant from the view that the Mosaic covenant was a covenant of works, he nonetheless expressed sympathy for that view as well by closely associating the two in concept. While Bolton wanted to see these three possibilities (Moses as a covenant of works, as a subservient covenant, and as a more legal administration of the covenant of grace) as distinguishable but closely related, Burgess wanted to draw sharper lines

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<sup>72</sup> Burgess, *Vindiciae Legis*, 241.

between them. While Burgess's arguments were aimed at the Antinomians, Bolton's position also fell between his crosshairs whether he intended to target him or not. This indicates that in 1646 there were multiple understandings of covenant theology available to English presbyterians, interestingly presented in the context of a "vindication of the law" on the one hand, and explicating the "true bounds of Christian freedom" on the other.<sup>73</sup>

### **The Taxonomy of Edmund Calamy**

Of all the taxonomies published during this period, Edmund Calamy's is one of the most interesting for the way it explicitly connected the soteriological implications of covenant theology with the political questions of the day. These political aspects of the work are not surprising given that Calamy, along with Stephen Marshall, was one of the chief organizers and political brokers for the Presbyterians in London during the 1640s and 50s. Most importantly, Calamy was part of the group of English divines who negotiated the terms of the Solemn League and Covenant with the Scots and he also hosted in his own home the meeting which led to the truce between the congregational independent and presbyterian parties in

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<sup>73</sup> Nicholas McDowell makes a strong case that in the 1640s presbyterian polemicists appropriated the rhetorical techniques of earlier critics of puritanism. Whereas Richard Hooker and others sought to discredit puritanism by associating it with the worst forms of popular heresy, presbyterians sought to do the same with their own enemies, Antinomian, independent, or otherwise. Even the approach of a moderate presbyterian like Burgess to these topics indicates that these tactics possessed the potential for deployment in intra-presbyterian debates as well. Nicholas McDowell, *The English Radical Imagination: Culture, Religion, and Revolution, 1630-1660* (New York: Oxford University Press, 2003), 37.

November 1641.<sup>74</sup> Calamy represented the presbyterian party by signing the resulting agreement on their behalf. He was also a strong opponent of toleration and a staunch critic of separatism.<sup>75</sup> Calamy's position in the treatise sheds light on the relationship between the theological and political aspects of covenant theology, because his political sensibilities seem to inform the way he positions himself against alternative views of the relationship between the old and new covenants. The work is all the more interesting because he was also not afraid to name names, explicitly identifying representatives among his contemporaries for each view. Consequently, by comparing Calamy's typological assignments with the actual writings of his opponents, it is possible to demonstrate how these figures, whether intentionally or not, portrayed and often misconstrued the ideas of their polemical others as they crafted their arguments and categories. The end result is that Calamy's *Two Solemne Covenants* not only offers a unique lens through which to better understand the theological landscape and how it was painted, but it also suggests a discrete perspective on the political ramifications of contemporary theology.

Calamy's taxonomy included five ideal types differentiated primarily by the number and nature of the covenants. First, Sidrach Simpson identified four covenants, two of works with Adam and Israel, and two of grace with Abraham and Christ. Second, Jeremiah Burroughs identified three covenants, two of works with Adam and Israel, and one of grace with Christ. Third James Pope identified two

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<sup>74</sup> Webster, *Godly Clergy in Early Stuart England*, 330f.

<sup>75</sup> *Oxford DNB*, s.v. Edmund Calamy



covenants, one of works with Israel and one of grace at the death of Christ. Fourth, Anthony Burgess identified one covenant of grace with two administrations represented by Israel and Christ. Finally, Calamy identified his own view as a fifth type with two covenants, one with Adam at creation and the other made in eternity with Christ.

This typology naturally raises the question of why Calamy chose these specific figures as his representative types. On the one hand, Simpson and Burroughes were two of the five authors of the *Apologetical Narration* presented to Parliament in 1643 in defense of congregational independent views of church polity.<sup>76</sup> On the other hand, Burgess and Calamy himself were both “moderate” presbyterians who desired to retain an established national church but to replace episcopacy with a form of government based upon presbyterian principles. Calamy, of course was also one of the co-authors of the “Smectymnuus” tracts written in defense of this arrangement.<sup>77</sup> James Pope fell in between these two symmetrically depicted ecclesiological parties, and, it is interesting that he was the primary recipient of Calamy’s most stringent and substantive critique. For Calamy, Pope’s “spiritualizing” of the church was directly responsible for his denial of the national covenant between God on the one hand and England and Scotland on the other. For

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<sup>76</sup> Thomas Goodwin, Philip Nye, Sidrach Simpson, Jeremiah Burroughes, and William Bridge, *An Apologetical Narration, Humbly Submitted to the Honourable Houses of Parliament* (1643). Smectymnuus, *An Answer to a Booke Entitvled An Hvmble Remonstrance* (1641).

<sup>77</sup> The name Smectymnuus was formed from the initials of its authors, Stephen Marshall, Edmund Calamy, Thomas Young, Matthew Newcomen, and William Spurstow. Their 1641 response to Joseph Hall’s *A Humble Remonstrance to the High Court of Parliament* (1641) initiated a pamphlet war that also involved John Milton and Henry Peacham.

Pope such an association was an indication of the Antichrist, and for Calamy such a denial was “unchristian.”

The general thrust of Calamy’s treatise focused upon a few key issues: covenant mediators, origins, nature, terms, and scope. According to Calamy’s own perspective of a twofold covenant of works and grace, the two mediators of God’s covenants were Adam and Christ. The covenant of works originated in the Garden of Eden with Adam, and the covenant of grace was an eternal covenant between God the Father and Christ for the benefit of Adam’s postlapsarian posterity. The covenant of works was therefore entered into by nature and included all humanity, whereas the covenant of grace was entered into by grace and included only the elect, those who possessed faith as a necessary (but not antecedent) condition. Thus the terms of the covenant of works were identified in the law, failed by Adam but fulfilled by Christ, and imputed to the believer’s account on the basis of Christ’s active and passive obedience. Consequently, the terms of the covenant of grace were set forth in the gospel, wherein God imputed the righteousness required by the covenant of works to the elect believer in view of Christ’s successful fulfillment of those terms.

On the basis of his own view, Calamy identified several problems with other contemporary covenant theologies. Simpson’s primary problem was that by identifying multiple covenants of grace he by implication elevated Abraham to the status of mediator along with Christ. For Burroughs, Pope, and Burgess, the fundamental problem lay in the way they identified the covenant with Israel as a distinct covenant, whether of works or grace. According to Calamy, the covenant

with Israel could only have been a covenant of works in the limited sense according to which it was implied in the command given to Adam in the Garden, and it could only be a covenant of grace in the limited sense according to which the law given to Israel pointed to the necessity of the gospel for salvation. Rather than either a covenant of works or a covenant of grace, then, the law given to Israel was a “rule to walk by” which encouraged “evangelical obedience” for those who understood the proper relationship between the law and the gospel. Because he refused to identify the covenant of with Moses with either the covenants of works or grace, and because he argued that the law of Moses was subservient to the covenant of grace Calamy’s view was similar Samuel Bolton’s.<sup>78</sup> The primary difference between Bolton’s view and Calamy’s was that Bolton made the covenant with Moses a separate and subservient covenant, whereas Calamy understood the elect of Israel, like all true believers after Adam, to be under the covenant of grace.

The telltale clue to the primary reason for Calamy’s writing, however, is found in the fact that he devoted the entire last half of the treatise to refuting the relatively obscure James Pope. While Calamy listed some ten errors Pope made in distinguishing the old and new covenants, returning in each case to identify the problematic consequences of those errors, he reserved his strongest language for Pope’s rejection of the national covenant.<sup>79</sup> While Pope held that the promises of the

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<sup>78</sup> Calamy wrote, “I answer, those that were in the covenant of grace before, and did by faith see Christ in those sacrifices, I grant that Law at Sinai did command them to walk accordingly as being made subservient to the covenant of grace, and so the positive Lawes of the Land are useful and subservient to the covenant of grace...” *Two Solemne Covenants*, 10.

<sup>79</sup> Calamy, *Two Solemne Covenants*, 18ff.

new covenant were purely spiritual, for Calamy such a claim amounted to a denial that Christ came in the flesh. Just as the incarnation implied that Christ possessed a human and a divine nature, so also God's covenants had "fleshly" and spiritual, or temporal and spiritual, implications.<sup>80</sup> In making this argument, one of Calamy's central desires was to safeguard the identification of the nation of England with the visible church of God.

Although Pope received the brunt of Calamy's critique, it is important to observe that each of the figures he named was guilty of the same fundamental error, namely of making the old covenant with Israel and the new covenant with Christ two distinct covenants. As a result, the implication of his treatise was that the covenantal views of the independents as represented by Simpson and Burroughes undermined the spiritual oversight of the civil magistrate in the same way that the "Anabaptist" Pope did. Furthermore, even his fellow presbyterian Burgess, by referring to the old and new covenants as different administrations, even though he still viewed them as the same covenant in substance, was guilty of a similar error. For Calamy, the best way to preserve continuity in the covenant of grace was not to identify the old covenant with Moses as either a covenant of works or a covenant of grace, but rather to internalize the covenant of grace by identifying it with the decree of election. The moral laws given to Moses were "a rule of righteousness" for all who professed faith in Christ. Just as under Moses, therefore, magistrates are not

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<sup>80</sup> Calamy, *Two Solemne Covenants*, 22.

“confined to rule the state, as to have no relation to the Church, but to be as a guard to it, and to punish the disturbers of it.”<sup>81</sup>

Calamy directly identified covenantal errors with problematic ecclesiological and political views, and he placed them on a spectrum of significance on the basis of covenantal continuity. Therefore his treatise is extremely important because it directly and clearly identified aspects of his own peculiar understanding of presbyterian ecclesiology and explicitly grounded these ecclesiological conclusions upon his particular version of covenant theology. In reverse, he also directly and clearly linked alternative ecclesiologies to specific alternative covenant theologies. Unlike the more rigid presbyterians who viewed the covenant with Moses as a covenant of grace, Calamy argued that it was no more a covenant of grace than a covenant of works, but rather a “rule of righteousness” for those already in covenant. This rule of righteousness was for believers both before and after Christ, for both were members of the covenant of grace. Presbyterians were united in affirming the ongoing relevance of the moral law for believers under the new covenant, but they differed in their preferred manner of arriving at this conclusion. Thus Calamy also illustrates the point that there was not one unitary “Puritan” covenant theology, nor was there even a unitary “Presbyterian” covenant theology, for his own view was clearly different from Bolton’s, Ball’s, and Burgess’s.

His work also demonstrates that there was more than one argument for the kind of covenantal continuity that would ensure the preservation of the authority of the civil magistrate as a “nursing father” for the church. Similarly, Calamy’s

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<sup>81</sup> Calamy, *Two Solemne Covenants*, 28.

application of covenant theology to matters of civil governance also indicates that there was no one-to-one relationship between a particular understanding of the covenant with Moses and a corresponding understanding of the relationship between church and state. Because of this, his work also suggests how differing understandings of covenantal continuity, covenant conditions, and covenant mediators could be combined in politically and ecclesiologically relevant ways. As a result his work offers a window through which to view the significance of the debates about covenant theology and its many related doctrines at the Westminster Assembly, the relationship of these doctrines to contemporary political controversies, and the mutual influence of these two sets of debates. Calamy's *Two Solemne Covenants* represents a clear attempt to police the boundaries of acceptable interpretations of the Mosaic covenant and its political implications, not only among the godly in general, but also among his Presbyterian cobelligerents.

## **Conclusion**

The taxonomies examined in this chapter demonstrate that there was significant diversity in puritan circles on the question of the relationship between the old covenant with Moses and the new covenant, even among presbyterian members of the Westminster Assembly. This diversity only increases if the views of congregational independents are considered, and especially if one moves outside the halls of the Westminster Assembly. Even accounting for the clear exaggerations in Calamy's taxonomy, his observation that many of his contemporaries considered the covenant with Moses to be a covenant of works or at least a "mixed" covenant

of works and grace is telling. The views of Bolton, Ball, Burgess, and Calamy demonstrate that in the 1640s presbyterians differed on a host of important questions, not the least of which was the degree of continuity between the old and new covenants. Calamy did not believe the covenant with Moses was a covenant at all, Bolton made it a covenant subservient to the covenant of grace, Ball thought it was the covenant of grace pure and simple, and Burgess identified it as a different administration of the covenant of grace. Interestingly, a variety of social and cultural factors combined to put pressure on this diversity, and as will be seen in the following chapter, presbyterians increasingly adopted more uniform views in the 1650s, emphasizing the continuity between the old and new covenants and marginalizing views that allowed for discontinuity.

In addition to the question of covenantal continuity, these authors also exhibited a wide range of diversity on the nature of covenant conditions. Bolton and Ball tended to minimize the role of conditions in the covenant of grace. For Bolton, following John Cameron, the conditions of the covenant of nature and the covenant with Moses were of a completely different kind from those under the covenant of grace. The conditions of the old covenant were “Do this and live,” but the conditions of the covenant of grace were “Beleeve and thou shalt be saved.” Ball similarly followed Cameron by differentiating between the conditions of the covenant of nature and the covenant of grace. While Ball held that faith was necessary under both covenants, he differentiated between a “natural faith” and a faith of “supernatural grace.” For Ball the fulfillment of the conditions of the covenant of nature was according to “strict justice” but the fulfillment of the conditions of the

covenant of grace was according to “mercy.” However, Burgess, as a result of his fear of antinomianism, was uncomfortable with any distinction between the conditions of the old and new covenants, and his criticisms of Tobias Crisp would have applied equally well to Bolton’s view. Ball’s sympathy for aspects of Cameron’s system is likewise nowhere to be found in Burgess’ exposition, whether the different forms of faith under the covenants of nature and grace or his affirmation of the distinction between absolute and conditional covenants. As will be seen in the following chapter, Burgess’ wariness of distinction between the conditions of different covenants only became stronger in the 1560s, particularly in the work of Thomas Blake.

However, the argument for covenantal continuity was not the only means for combatting Antinomianism, for Edmund Calamy took a different approach. Rather than arguing for continuity of the conditions between the covenants of nature and grace or between the covenant with Moses and the covenant of grace, Calamy instead denied that the covenant with Moses was a covenant in the first place. In effect, this took the relevance of covenantal continuity off the table. The moral law of Moses should be obeyed regardless of its covenantal status, because it was a rule of righteousness not to any particular covenantal administration but rather all who professed faith in the messiah. Therefore the authority of the civil magistrate to enforce the law of Moses did not differ under the old or new covenants, but was the same for any Christian commonwealth. Calamy understood the difficulty of debates regarding the relationship of the covenant with Moses to the other administrations of God’s covenant, and so he grounded his arguments for obedience not on God’s



historical covenants but on the overarching nature of the covenant of grace. He closely connected the covenant of grace with obedience to the civil magistrate through the mechanism of national covenants, and he was extremely critical of any view that sought to undermine the national covenant or differentiate between the covenantal circumstances of any era of God's people, whether Israel or otherwise. Membership in the covenant of grace not only entailed a spiritual relationship to God through the church, but temporal membership in the kingdom of God through membership in the commonwealth.

If the 1640s represented a great deal of diversity on the questions of covenantal continuity, the nature of the covenants, covenantal conditions, the relationship between historical and theological covenants, and the significance of covenant membership, the 1650s witnessed a narrowing of the options. Whereas the views of Bolton and, to a slightly lesser extent, Ball lent themselves to the possibility of distinctions between nature and grace, between the spiritual and the temporal, between the ecclesiastical and the civil, the views of Burgess and especially Calamy were not as conducive to these ends. Presbyterians increasingly emphasized the continuity of the covenant of grace, the importance of obedience to covenantal conditions, and various temporal and civil aspects of covenant membership. Little did the presbyterians realize how opponents like Thomas Hobbes ultimately would turn their own arguments against them. Perhaps the allure of godly government made them blind to the danger of a spiritual commonwealth ruled by those who did not share their theological priorities.

## CHAPTER 4

### *Covenantal Continuity, Part II: The Covenant with Moses in Presbyterian Covenant Theology in the 1650s*

#### **Introduction**

Whereas the 1640s witnessed a great deal of diversity, in the 1650s various political and ecclesiastical pressures led many presbyterians to close ranks on the important question of the continuity between the covenant with Moses and the new covenant. Even so, differences and tensions remained. This chapter explores these continuities and discontinuities by again focusing on the taxonomies of several key works of covenant theology, including Thomas Blake's *Vindiciae Foederis*, first published in 1652/3 with an expanded and reworked edition published in 1658, Samuel Rutherford's *The Covenant of life Opened* (1654/5), and Francis Roberts' *Mysterium and Medulla Bibliorum* (1657). Whereas the few previous studies focusing on the covenant theology in these works have presented them largely as expressions of a relatively singular puritan covenant theology, this chapter demonstrates that in fact they represented a narrowing of the acceptable limits of presbyterian understandings of the covenant with Moses.<sup>1</sup> At the same time, while

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<sup>1</sup> Previous studies that maximize the continuity between these works and those of the 1640s include J. Mark Beach, *Christ and the Covenant: Francis Turretin's Federal Theology as a Defense of the Doctrine of Grace* (Oakville, CT: Vandenhoeck and Ruprecht, 2007), *passim*; Mark Jones, "The 'Old' Covenant," in *Drawn into Controversie: Reformed Theological Diversity and Debates within Seventeenth-Century British Puritanism*, ed. Michael A.G. Haykin and Mark Jones (Oakville, CT: Vandenhoeck and Ruprecht, 2011), 183-203; Won Taek Lim, *The Covenant Theology of Francis Roberts* (Ph.D. dissertation, Calvin Theological Seminary, 2000).

each of these works closely identified the covenant with Moses with the covenant of grace, they nevertheless retained significant points of difference on the relationship between the visible and invisible church, on the relationship between the spiritual and temporal benefits of the covenant, and on the precise rationale for the ongoing role of the Mosaic law under the new covenant.

### **The Taxonomy of Thomas Blake**

If the later 1640s witnessed the narrowing of the Presbyterian position due to various interrelated theological and political pressures, by the time that Thomas Blake wrote his *Vindiciae Foederis* in the early 1650s the more moderate views of Bolton and others willing to find discontinuity between the old and new covenants lay even further out on the presbyterian margins. Blake served as a minister in Tamworth on the border between Staffordshire and Warwickshire from approximately 1630, served for a brief time in Shrewsbury during latter half of the 1640s, and closed his career by returning to Tamworth in 1650.<sup>2</sup> He is frequently remembered for his polemical engagement with the anti-paedobaptist John Tombes and with Richard Baxter, respectively regarding the rightfulness and the

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While there are no other extensive studies of Roberts, there are excellent studies of Blake's covenant theology, particularly with reference to his doctrine of baptism and understanding of the relationship between the visible and invisible church. See E. Brooks Holifield, *The Covenant Sealed: The Development of Puritan Sacramental Theology in Old and New England, 1570-1720* (New Haven, CT: Yale, 1974), 98ff.; Paul C. H. Lim, *In Pursuit of Purity, Unity, and Liberty: Richard Baxter's Puritan Ecclesiology in Its Seventeenth Century Context* (Brill, 2004), 68-73, 136.

<sup>2</sup> *Oxford DNB*, s.v. Thomas Blake. For useful discussions of Blake's thought and career, see E. Brooks Holifield, *The Covenant Sealed: The Development of Puritan Sacramental Theology in Old and New England, 1570-1720* (New Haven, CT: Yale, 1974), 75-108; Lim, *In Pursuit of Purity, Unity, and Liberty*, 68-73.

inclusiveness of infant baptism. The first edition of *Vindiciae Foederis* (1652/3) was largely a response to Tombes, but also to Richard Baxter's *Aphorismes of Justification* (1649), and the second edition (1658) engaged Baxter more directly and explicitly. Given his close proximity to Anthony Burgess in Sutton Coldfield it is not surprising that the two maintained a close relationship, and in fact Burgess delivered Blake's funeral sermon upon his death in 1657.<sup>3</sup> Blake evoked Burgess's work through the title of his own book, yet there are many differences of emphasis between the two, differences that grew starker in Blake's second edition of *Vindiciae Foederis*.

Whereas the taxonomies previously considered set out the full spectrum of differing understandings of the relationship between the old and new covenants, Blake's purposes were narrower. Instead of covering the spectrum of views, Blake merely cited and endorsed John Ball's taxonomy and then proceeded to outline his own agenda.<sup>4</sup> Instead of locating his own views within the spectrum of alternatives, Blake instead highlighted four errors, the first two were "injurious" to the old covenant for "laying it too low," and the second two "put too great a limit to the New Covenant in respect of its latitude and extent."<sup>5</sup> In sum, Blake focused his taxonomy on issues related to infant baptism, church membership, the significance of a "church-state," and the carnal or temporal promises proper to the nature of the old and new covenants.

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<sup>3</sup> Burgess's sermon was printed as an appendix to the second edition of Blake's *Vindiciae Foederis* (1658).

<sup>4</sup> For Blake's citation of Ball, see his *Vindiciae Foederis*, 219-20. All page references are from the second edition of 1658, unless specifically noted otherwise.

<sup>5</sup> Blake, *Vindiciae Foederis*, 220.

In regard to those who took too low a view of the old covenant, Blake highlighted two chief errors. The first made the old covenant a merely carnal covenant without spiritual promises and exclusively located the promise of salvation in the new covenant.<sup>6</sup> Blake identified this error primarily with the “Papists,” citing Bellarmine, Stapleton, Becan, and Jesuits like Chamier (interestingly excepting Suarez and Blackwood), although he also applied it to the Socinians and Anabaptists as well. For Blake this tendency lent itself to three deleterious consequences in that it dishonored the Old Testament scriptures, removed infants out of covenant with God, and consequently gave anti-paedobaptists excuse to deny baptism to covenant children. The second error made the old covenant a mixed covenant, neither purely evangelical nor purely legal.<sup>7</sup> Blake identified this error with those, including John Tombes, who went “half way” with the Jesuits, and far enough to deny baptism to infants.<sup>8</sup> For Blake, the primary problem with this view was that it made the civil promises of the old covenant a mere appendix to the covenant of grace. On the contrary, Blake asserted that the combination of evangelical and civil promises was essential to God’s post-lapsarian covenants with humanity, and that this included not only the old covenant but the new covenant as well. Once again, Blake’s defense of both evangelical and civil promises highlights the interrelated nature of covenant theology’s soteriological and political concerns. Although the mixed view did not go to the same lengths as the carnal view, for Blake

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<sup>6</sup> Blake, *Vindiciae Foederis*, 220-4.

<sup>7</sup> Blake, *Vindiciae Foederis*, 224-30.

<sup>8</sup> Blake references Tombes explicitly in *Vindiciae Foederis*, 226.

it remained a significant error in the way it limited civil concerns to the old covenant and the new covenant to merely spiritual matters.

After responding to those who limited the old covenant, Blake went on to respond to those who put too much restraint upon the new covenant. The issues involved here lay closer to the heart of Blake's critique, and they were also much more complex, with Blake's treatment running some seventy pages.<sup>9</sup> Again, he identified two central and closely related errors, the first limiting the new covenant to the regenerate and excluding unregenerate professors of the faith, and the second excluding the children from the new covenant by limiting membership to those who personally engaged its conditions. These soteriological concerns once again directly entailed important political consequences. Blake refused to limit the new covenant to the regenerate because the new covenant added blessings rather than taking them away. If the old covenant entailed national mercies for the whole nation in covenant with God, then the new covenant could hardly offer less.<sup>10</sup> Here Blake acknowledged that some divines such as John Preston appeared to limit the benefits of the new covenant to the regenerate, but he argued that this appearance was merely superficial because it failed to recognize that they distinguished between the inward and outward covenants.<sup>11</sup> It was important for Blake to affirm on the one hand that visible covenant membership did not necessarily require inward real

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<sup>9</sup> Blake, *Vindiciae Foederis*, 231-300.

<sup>10</sup> Blake, *Vindiciae Foederis*, 232.

<sup>11</sup> For Blake's response to Preston, see *Vindiciae Foederis*, 233-4. While Blake argued that Preston successfully protected the inward/outward distinction with recourse to his notion of a single and double covenant, he nonetheless expressed a preference for David Pareus's construction, which distinguished between the title and benefits of the covenant, as a better safeguard.

change, and on the other hand that it was possible for whole nations to have the capacity to enter into such a “professed covenant.” Citing the great commission given in Matthew 28:19, Blake went on to reiterate this view in striking language:

But whole Nations are in a capacity, in God’s ordinary way of working, to enter into this covenant, as is plaine in the Text; The whole of the Nation, is, in their commission where they come, and in many Nations it hath had happy sucesse, Whole Nations without exceptions (unless strangers sojourning) have been brought within covenant.<sup>12</sup>

For Blake, members of both the old and new covenants experienced spiritual privileges received through saving ordinances as well as civil and domestic privileges received through visible membership in the “Common-wealth” of this people.<sup>13</sup>

The second error that Blake believed wrongly restrained the new covenant limited its membership to those who personally professed and believed its promises, thus excluding their children. For Blake this error was closely related to the errors regarding the old covenant. He responded that just as the old covenant consisted of more than carnal promises, and just as circumcision represented more than a carnal badge, so also did the new covenant and its sacrament of baptism.<sup>14</sup> These points brought Blake’s taxonomy to an end and justified his ultimate conclusion where he offered several practical exhortations relevant to England’s people and governing authorities. Blake exhorted the people to strive for holiness, parents to raise their children up in the faith, to identify and oppose anyone – even professing Christians – who denied the reality of infant membership and the

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<sup>12</sup> Blake, *Vindiciae Foederis*, 237.

<sup>13</sup> Blake, *Vindiciae Foederis*, 234.

<sup>14</sup> Blake, *Vindiciae Foederis*, 296.

propriety of infant baptism, and to take great comfort in their membership in a Christian nation. Again, his language is worth quoting at length:

England would highly honour God, if care might be taken, that all might know God from the highest to the lowest; we shall never be a Gospel-like people, till we be a knowing people, till we take care that as we are Jewes by nature, so we may be Jewes in qualification, so borne, so bred, that as our youth is descended, so also they may be trained; That as God honours our children with his name, calling them his children, so they may honour his name, and advance his glory in all holiness of conversation.<sup>15</sup>

Writing in the early 1650s, Blake stressed continuity between the old and new covenants more than any of his presbyterian predecessors had, and his work placed more emphasis on the temporal and political benefits of new covenant membership as well.

So how did Blake respond to Bolton's appropriation of Cameron's view that the old covenant was not part of the new covenant but rather a subservient one? The first sign of Blake's negative assessment lies early in his introduction, where he identified this controverted issue of the relationship between the covenants and wrote that if Cameron had written in greater detail and provided a fuller account of his view it may have given his readers "cause to justly close with him."<sup>16</sup> Blake went on to point out that it was precisely these issues (whether and what conditions were present in the covenant of grace and the differences between the old and new covenants) that were most controversial.<sup>17</sup> In regards to the former issue regarding covenant conditions, Blake expressed his dissent from Cameron but nevertheless

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<sup>15</sup> Blake, *Vindiciae Foederis*, 480.

<sup>16</sup> Blake, *Vindiciae Foederis*, 4.

<sup>17</sup> Blake, *Vindiciae Foederis*, 7.



went on to appropriate Cameron's support for his own position by pointing out that both he and even the London Baptist and "professed enemy" Robert Purnell granted that faith was a condition of the covenant of grace.<sup>18</sup> In regards to the latter issue of differences between the covenants, Blake again expressed his dissent from Cameron. He asserted that Christ was the mediator of both covenants and that it was an error to identify Moses as the mediator of the old covenant and Christ as the mediator of the new covenant as Cameron did.<sup>19</sup> Blake also rejected Cameron's preference for referring to the covenant with Moses as a subservient covenant.<sup>20</sup> Whereas Burgess merely critiqued Cameron's ideas and associated them with Antinomian implicitly, Blake cited him by name repeatedly and explicitly.

The controversies related to covenantal conditions and continuity increased during the period between the publication of the first edition of Blake's work in 1652/3 and the second edition in 1658. In his advertisement for the second edition, Samuel Beresford described the nature of Blake's modifications, indicating that he adjusted the space allotted to various topics relative to changes in polemical interest.<sup>21</sup> What issues had become more controversial, and what issues had become less so? Blake's four most significant modifications to his introductory schema are quite revealing.<sup>22</sup> First, he expanded the introductory discussions of covenants in

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<sup>18</sup> Blake, *Vindiciae Foederis*, 118.

<sup>19</sup> Blake, *Vindiciae Foederis*, 203.

<sup>20</sup> Blake, *Vindiciae Foederis*, 202.

<sup>21</sup> Beresford's advertisement appears in Blake, *Vindiciae Foederis*, 15.

<sup>22</sup> Blake's schema is unpaginated in both editions of *Vindiciae Foederis* and appears directly following the preface of the first edition and advertisement to the reader in the second edition.

general and the covenant of grace in particular. Second he moved his discussion of premises regarding covenantal conditions to the beginning of the work and expanded it significantly in order to include the differences between the inward and outward covenant and to answer objections raised against his assertion of conditions in the covenant of grace. In addition, the brief single chapter treating the relationship between covenants and God's sovereignty was enlarged to include three chapters on the power and authority of God's law and an additional chapter on discipline and correction from sin. Third, the treatment of the agreement between the covenants of works and grace was doubled from four to eight points. Fourth, the discussion of the covenant and the church state, visible church, baptism, and covenant violations received a new introductory chapter clarifying that professed believers were under a covenant of grace and not of works. Clearly questions regarding covenantal conditions, continuity, and the relationship between these matters and the civil government were even more vexed in the late 1650s than they were at the beginning of the decade.

### **The Taxonomy of Samuel Rutherford**

In between the publication of the two editions of Blake's work, Samuel Rutherford published his *The Covenant of Life Opened* in 1654/5. Having served as one of the Scottish representatives to the Westminster Assembly, the preface to Rutherford's work also bears the marks of weariness of the Protester-Resolutioner

Controversy in Scotland during the 1650s.<sup>23</sup> This once again indicates the close relationship between the soteriological and ecclesiological aspects of debates about covenant theology during this period, and indeed Rutherford emphasized that his explicit treatment of the “practical” ramifications of covenant theology set his work apart from the many other contemporary works on the same subject. His work is also notable because in the pages shortly following his taxonomy of the relationship between the old and new covenants Rutherford went on to identify the implications of covenant theology for a proper understanding not only of the relationship between God and individuals but also between God and nations. For Rutherford, problematic understandings of the relationship between the old and new covenants were linked with erroneous understandings of the relationship between the civil and spiritual implications of the covenant.

Rutherford structured his taxonomy differently than the ones considered above by limiting his examination to what he took to be two different erroneous trichotomous schemas, which he critiqued in order to demonstrate the veracity of his own dichotomous system. The three covenants of the first view he critiqued corresponded with Samuel Bolton’s appropriation of John Cameron’s system. It included a covenant of nature with Adam promising life and threatening death, a covenant of grace with Jesus promising life and forgiveness to believers, and a subservient, temporary covenant with Israel. For Rutherford, the fundamental

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<sup>23</sup> Samuel Rutherford, *The Covenant of Life Opened, or A Treatise of the Covenant of Grace* (Edinburgh, 1654/5), sig. A2r-v. For a useful summary of Rutherford’s involvement in the Protestor-Resolutioner controversy, see John Coffey, *Politics, Religion and the British Revolutions: the Mind of Samuel Rutherford* (New York: Cambridge, 1997), 56-60.

problem with this threefold system was that the subservient covenant was neither a pure covenant of works nor a pure covenant of grace. From his perspective, all biblical covenants must conform to one of these two theological categories, and a covenantal system that combined works and grace was therefore unworkable. In Rutherford's view the old covenant with Israel was clearly a covenant of grace, and he enumerated a long list of arguments to justify his position.<sup>24</sup> Thus he grounded his critique of the "subservient" trichotomist view held by Cameron, Bolton, and others upon both systematic theological and biblical exegetical arguments.

The Arminian system was the second trichotomist system that Rutherford identified for critique, and he cited Episcopius as a typical proponent of that system.<sup>25</sup> According to his critique, the Arminians identified three covenants. The first covenant was with Abraham, requiring sincere worship, faith, and universal obedience in return for life in the promised land and typological spiritual blessings. The second covenant was a covenant with Israel at Mount Sinai offering temporal blessings but not eternal life on the basis of obedience to the moral, ceremonial, and judicial laws given to Moses. The third covenant was a covenant of grace with all humanity offering pardon and life to all who believe and repent. According to Rutherford, the Arminians erred because they made the "Covenant of Grace a Covenant of works" by putting forward faith and repentance as antecedent

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<sup>24</sup> Rutherford, *The Covenant of Life Opened*, 60-4.

<sup>25</sup> Rutherford, *The Covenant of Life Opened*, 64. Like their opponents, there was a great deal of diversity amongst Remonstrant authors on the nature of the covenants during the seventeenth century. See Richard Muller, "The Federal Motif in Seventeenth Century Arminian Theology," *Nederlands Archief Voor Kerkgeschiedenis* 62, no. 1 (1982): 102-22.

conditions for the reception of its blessings. This, of course, was a commonplace critique of the Arminian system.

In fact, it was not his specific criticisms but rather the precise nature of his description of the two systems that made his treatment interesting. Most importantly, Rutherford described the covenant of grace in both the Cameronian and Arminian systems in identical terms by observing that they both promised life and forgiveness of sins.<sup>26</sup> Therefore, at the most basic level Rutherford characterized both systems as sharing a similar account of the covenant of grace. Given that Rutherford went on to argue that the Arminian understanding of the covenant of grace in reality was by implication a covenant of works, he left his readers wondering if a similar harsh critique might not apply to the Cameronian system as well. His ambiguity was compounded by the fact that in his critique of the Cameronian subservient covenant he was especially critical of its conditional nature, and fully six of his seven points of critique focused on what he took to be its legalistic orientation. Rutherford clearly held that any conditions offered to Israel were fulfilled on the basis of grace already received.<sup>27</sup> Because the covenant with Israel was fully gracious he argued that it ought not to be described in the legalistic terms that he attributed to the Cameronian subservient covenant. However, this was precisely the same critique that he made of the Arminian understanding of the covenant of grace, which he faulted for denying that the people of Israel lacked the

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<sup>26</sup> Rutherford, *The Covenant of Life Opened*, 58, 64.

<sup>27</sup> Rutherford, *The Covenant of Life Opened*, 58-60.

infused habits of grace.<sup>28</sup> In short, for Rutherford the Arminians erred in making the covenant of grace into a covenant of works, and the Cameronian understanding of the old covenant similarly erred by inserting works into the dispensation of the covenant of grace before the coming of Christ. According to Rutherford, both systems introduced works into the covenant of grace, and therefore like Blake he was much less tolerant of the Cameronian understanding of the covenants than Ball or even Burgess, painting both systems with the same semi-Pelagian brush.

It is important to observe one other aspect of Rutherford's treatment of these two systems. Rutherford criticized the Cameronian system for separating the temporal and spiritual blessings that he understood to be properly brought together under the covenant of grace. For Rutherford it was an error to identify the promise of Canaan exclusively with the subservient covenant and the promise of heaven exclusively with the covenant of grace.<sup>29</sup> In his view the promises ought not to be tied to separate covenants but rather the one conceived typologically and the other as the fulfillment of the same covenant. Interestingly, he also made a very similar critique of the Arminian system, which he faulted it for excluding the promise of earthly blessings from the covenant of grace.<sup>30</sup> Here again, Rutherford associated the errors of Cameron and his followers with the errors of the Arminians. Not only were both systems semi-Pelagian, but both systems erroneously excluded temporal blessings from the covenant of grace.

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<sup>28</sup> Rutherford, *The Covenant of Life Opened*, 64-5.

<sup>29</sup> Rutherford, *The Covenant of Life Opened*, 58.

<sup>30</sup> Rutherford, *The Covenant of Life Opened*, 64.

In fact, for Rutherford the dissociation of earthly blessings from the covenant of grace was especially problematic for the way it subverted the proper practical application of covenant theology to a variety of civil concerns. Having identified the errors of the Cameronians and the Arminians, Rutherford proceeded to identify a series of such applications. First, just as Abraham received a promise of blessing in the earthly land of Canaan, so all believers under the new covenant receive the same promise of blessing in their land. They were not two different covenants or two different promises, “For though Canaan was promised to *Abrahams* seed, there is no reason to call it an earthly Covenant, or another different covenant, for to all beleivers the blessings of their land are promised.”<sup>31</sup> According to Rutherford, these earthly promises belonged not only to individual believers, but to the whole “Society, Family or Nation.” After choosing Abraham and his family, God subsequently “choosed the Nation to be a *peculiar people, holy to himself...* but not with another new distinct Covenant, but in the same Covenant.” Therefore, the twin gifts of the “external Church Covenant” and the “Church right to the means of grace” are “given to a society and made with Nations under the New Testament.”<sup>32</sup> The application of the covenant not only to individuals and families, but also to societies and nations was the same under Abraham, under Moses, and under the new covenant as well. Given his emphasis on the coherence of temporal and spiritual blessings, it is important to point out that Rutherford was careful to distinguish between “national favour” and the “internal and effectual confederacie with *God*”

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<sup>31</sup> Rutherford, *The Covenant of Life Opened*, 81.

<sup>32</sup> Rutherford, *The Covenant of Life Opened*, 83.

that was synonymous with predestination unto life. He explicitly argued that “Election unto life is not of nations or houses or societies, but of single persons.”<sup>33</sup> Nevertheless, the temporal blessings of the covenant of grace did belong to nations and societies.

Thus, whereas Ball critiqued but nevertheless treated with some sympathy the understanding of the covenant of grace that understood the covenant with Moses to be separate and subservient, Rutherford, like Burgess and Blake, criticized this view much more stringently. Whereas Burgess and Blake associated the subservient covenant view with the Antinomians, Rutherford associated it with the same criticisms that he leveled against the Arminians, and he did so even more explicitly. In his opinion, the views of Cameron and Bolton simultaneously bordered on semi-Pelagianism and inappropriately separated the temporal and spiritual promises of God that he believed properly belonged together under the covenant of grace.

### **The Taxonomy of Francis Roberts**

In 1657, Francis Roberts published yet another work of covenant theology, his mammoth *Mysterium and Medulla Bibliorum*, a text of some seventeen hundred pages in addition to several indices.<sup>34</sup> Roberts was a staunch presbyterian and from

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<sup>33</sup> Rutherford, *The Covenant of Life Opened*, 84-5.

<sup>34</sup> For a study of Francis Roberts’ exposition of the covenants, see Won Taek Lim, “The Covenant Theology of Francis Roberts” (Ph.D. dissertation, Calvin Theological Seminary, 2000). Lim treats Roberts’ thought in juxtaposition to the “two traditions” thesis in order to argue for a largely coherent Reformed tradition of covenant theology with little discontinuity.



1643-1649 was the minister in the parish of St. Augustine Watling Street, a strongly presbyterian parish. Interestingly, although Roberts advocated for an even more rigorous presbyterian form of government during the interregnum, he nevertheless was willing to conform after the Restoration.<sup>35</sup> He corresponded regularly with Robert Baillie and also served as a liaison between the London presbyterian ministers and the Scottish commissioners to the Westminster Assembly.<sup>36</sup> Roberts's *Mysterium and Medulla* took nearly six years to write, and was based on weekly lectures that he gave between September of 1651 and May of 1657.<sup>37</sup> His treatment of the covenants included extensive interaction with Cameron, Burgess, Blake, and Ball, and his taxonomy of the relationship between the old and new covenants formally was very similar to Burgess's.<sup>38</sup> In addition to his exposition of the covenants, like many of his contemporaries his book included extensive commentary on the application of the doctrine to a wide range of practical concerns.

While Roberts' system was very similar to Burgess's in its most significant respects, it also departed from it in important ways. Interestingly, rather than identifying the covenants of works and grace as the two primary covenantal administrations, Roberts preferred the terminology of the covenant of works and the covenant of *faith*.<sup>39</sup> While his terminology differed from that of his presbyterian

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<sup>35</sup> Oxford DNB, s.v. Francis Roberts.

<sup>36</sup> Tai Lui, *Puritan London: A Study of Religion and Society in the City Parishes* (Newark: University of Delaware Press, 1984), 57.

<sup>37</sup> Francis Roberts, *Mysterium and Medulla Bibliorum* (1657), sig. A2v.

<sup>38</sup> Roberts, *Mysterium and Medulla Bibliorum*, 738; cf. Burgess, *Vindiciae Legis*, 222.

<sup>39</sup> Roberts apparently drew this terminology from Lancelot Andrewes's *The Moral Law Expounded* (1642), 72, which Roberts cited in his introductory comments. See Roberts, *Mysterium and Medulla Bibliorum*, sig. A4r.

contemporaries, the substance of his system located him squarely among those presbyterians who identified the covenant of grace/faith with God's historic covenants with humanity in both the Old and New Testaments.<sup>40</sup> Like Burgess, Roberts identified the covenant of works with the covenant with Adam before the fall and the covenant of grace/faith with all subsequent covenants with humanity after the fall.<sup>41</sup> However, Roberts was also sensitive to the differences between the old and new covenants, and he acknowledged this by referring to the administrations of the covenant of faith that preceded Christ as the covenants of promise and the administration of the covenant of faith that began with Christ as the covenant of performance. While Roberts thus distinguished between the Old Testament covenants of promise and the New Testament covenant of performance, by referring to both administrations as the one covenant of faith he nevertheless emphasized that the differences between the two were accidental and not essential.<sup>42</sup>

In addition to following Burgess in emphasizing the historic covenants between God and humanity rather than the decree of election as the heart of the covenant of grace, Roberts also emphasized even more explicitly the continuity

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<sup>40</sup> The alternative to the tendency to identify the covenant of grace with God's historic covenants was the tendency to identify the covenant of grace primarily with the decree of election. For example, see Edmund Calamy, *Two Solemne Covenants*, 1-2. These approaches were not necessarily mutually exclusive, although Calamy framed them that way.

<sup>41</sup> However, Roberts was also more willing than many of his predecessors to speak of the covenant of works as a gracious covenant, and he criticized Amandus Polanus for treating the covenant of works apart from the grace of God. See Roberts, *Mysterium and Medulla Bibliorum* and the extensive discussion in Lim, "The Covenant Theology of Francis Roberts," 40.

<sup>42</sup> Roberts, *Mysterium and Medulla Bibliorum*, sig. A4r and ff.

between the covenant with Noah and the other administrations of the covenant of grace. This difference in emphasis may have been the result of the different purposes of their writings. Because Burgess focused on the nature of the law and the continuity between the old and new covenants, it is not surprising that he did not take a strong position on the nature of the covenant with Noah, focusing instead on the covenant with Moses. That said, whereas Burgess did not think it necessary to treat the covenant with Noah extensively in his work on the law of God, he did argue that Noah had the Decalogue, and not only was the law “written in the hearts of men” but it was also “publikely preached in the ministry that the Church did then enjoy.”<sup>43</sup> These comments offer implicit indication that Burgess identified the covenant with Noah with the covenant of grace just as he did the covenant with Moses. While this identification was only implicit in Burgess, Roberts made the connection explicitly and at great length.<sup>44</sup> By contrast, both Bolton and Ball had argued that the covenant with Noah was an absolute covenant made without condition and so could not be an administration of the covenant of grace, which they both held was a covenant conditioned by faith.<sup>45</sup> Whereas these authors not only associated the covenant of grace more closely with the decree of election, and whereas they were also willing to identify at least the historic covenant with Noah

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<sup>43</sup> Burgess, *Vindiciae Legis*, 142.

<sup>44</sup> Roberts was aware that his identification of the Noahic covenant with the covenant of grace was, if not an innovation, at least not made explicitly in any writers with which he was familiar. See *Mysterium and Medulla Bibliorum*, 18.

<sup>45</sup> Ball, *A Treatise of the Covenant of Grace*, 3; Bolton, *The True Bounds of Christian Freedome*, 169.

as an absolute covenant, Roberts not only emphasized historical covenants rather than the decree but insisted that all such covenants were conditional in nature.

These tendencies help to explain why Roberts used his taxonomy to strenuously oppose any position that separated the covenant with Moses from the covenant of grace. Similarly to Burgess, Roberts identified four understandings of the covenant with Moses. Some understood it to be a covenant of works, some to be a mixed covenant of works and grace, some to be a covenant subservient to the covenant of grace, and finally some (including himself) understood it to be an administration of the covenant of faith.<sup>46</sup> Roberts associated the first view that the covenant with Moses was a covenant of works with the Lutheran theologian Johann Gerhard (1582-1637) and fellow Reformed theologian Franciscus Junius (1545-1602).<sup>47</sup> While he expressed respect for Junius in particular, nevertheless Roberts was unwilling to grant the distinction between the law considered largely (the promises given to Adam, Abraham and Moses) and the law considered strictly (the law of Moses) that this view presupposed. Roberts also made quick work of the second view that the covenant with Moses was a mixed covenant of works and grace.<sup>48</sup> In support of his critique of this mixed covenant view he utilized John Ball's taxonomy in a very interesting way. Like Roberts, Ball had written critically of the views that the covenant with Moses was a covenant of works or a subservient covenant, but he was less critical of those who held that the covenant with Moses

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<sup>46</sup> Roberts, *Mysterium and Medulla Bibliorum*, 738-39.

<sup>47</sup> Roberts, *Mysterium and Medulla Bibliorum*, 739-41.

<sup>48</sup> Roberts, *Mysterium and Medulla Bibliorum*, 745-48.

was an administration of the covenant of grace differing only in degree.<sup>49</sup> Ball acknowledged that this was the view of “Most Divines,” and his critique of this majority view was that to speak of a difference in degrees was to speak “obscurely.”<sup>50</sup> His own preference was not only to affirm that the Mosaic covenant was an administration of the covenant of grace, but that the law of Moses was itself of the covenant of grace “for substance.” However, Roberts took what was for Ball a subtle distinction between the correct view and an infelicitous way of speaking of that view, and identified that manner of obscure speaking with what Burgess referred to as a wholly separate taxonomic category.<sup>51</sup> Ball recognized that most divines spoke of the Mosaic covenant as substantially one with the covenant of grace, albeit differing from it in degree, but for Roberts such a distinction was not merely a difference of degree but made the covenant with Moses what Burgess had described as a mixed covenant of works and grace. What for Ball was a difference of degree for Roberts entailed a “great mistake” of importing the covenant of works into the covenant of grace.<sup>52</sup>

In addition to critiquing views of the Mosaic covenant that Roberts felt read works into the covenant of grace, he added a strong criticism of the view of Cameron (and Bolton) that made the covenant with Moses a covenant subservient to the covenant of grace. While Roberts was respectful of Cameron, referring to him as “a learned author,” he nevertheless offered a thorough critique with ten points,

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<sup>49</sup> Ball, *A Treatise of the Covenant of Grace*, 95-102.

<sup>50</sup> Ball, *A Treatise of the Covenant of Grace*, 95.

<sup>51</sup> In the margin Roberts explicitly cites Ball, *A Treatise of the Covenant of Grace*, 95-102. See Roberts, *Mysterium and Medulla Bibliorum*, 745.

<sup>52</sup> Roberts, *Mysterium and Medulla Bibliorum*, 747.

organized around three general observations.<sup>53</sup> His first general observation was that Cameron's view identified three covenants (nature, grace, and subservient), but described both the covenant of nature and the subservient covenant as covenants of works. According to Roberts this was to make a distinction without a difference, and furthermore the distinction was improper for the old covenant with Moses was clearly a gracious covenant. This improper distinction was no small error, for secondly Roberts argued that it not only obscured but inverted the order of God's covenant administrations. Thirdly, and most problematically, Roberts held that the existence of a covenant of works after the fall lacked a mediator capable of fulfilling its terms and therefore could only "denounceth death without mercy."<sup>54</sup> In the end, those who read the old covenant as a subservient covenant were guilty of the same error made by proponents of the views that took it to be a covenant of works or a mixed covenant. They all erred in failing to see that the old covenant was in reality an administration of the covenant of grace or of faith.

After critiquing each of the three other understandings of the old covenant, Roberts proceeded to set forth an extended defense of his own view. The covenant made with Moses at Sinai was "for substance indeed and in truth A Covenant of Grace, or A Covenant of Faith," although he also acknowledged that "it seems at the first aspect to be otherwise published and dispensed in an altogether unusual way of Majesty, Glory, Terrour, Rigour, Servitude, and Bondage to the People of Israel." Even so, this first impression did not negate the deeper reality that upon further

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<sup>53</sup> Roberts, *Mysterium and Medulla Bibliorum*, 750.

<sup>54</sup> Roberts, *Mysterium and Medulla Bibliorum*, 751.

consideration the covenant with Moses was indeed a covenant of grace, and that it was published in this unusual way because such a covenant was “yet most necessary, suitable, and accommodate to that time, People, and condition of the Infant Church.”<sup>55</sup> The old covenant was admittedly a covenant of promise, not of performance, but it was nevertheless an administration of the one and only postlapsarian covenant of grace.

Roberts offered an elaborate defense of this position, and then continued to draw seven inferences from it, and at least three of these inferences are especially worthy of further attention. First, he emphasized that when God gave the law to Israel it was an act of grace.<sup>56</sup> For Roberts, possession of the law of God was a “shining Torch of Caelestial light” which distinguished Israel from all other peoples who remained without a guide in the “Darkness of this world.” Through the law God descended to Israel, Israel ascended to God, and therefore through the law God and Israel shared a “Familiar Union and Comunion.” Roberts went on to emphasize that faith was a necessary condition “required for actual appropriating” the benefits of the covenant. Nevertheless God’s giving of the law was an act gracious in itself. The distinction between law and gospel was thus a narrow one indeed.

Second, Roberts argued that the covenant with Moses at Sinai revealed Christ more fully than had any previous covenant. He went on to explain that the covenant revealed Christ according to his threefold mediatorial office of a prophet, priest, and

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<sup>55</sup> Roberts, *Mysterium and Medulla Bibliorum*, 753-54.

<sup>56</sup> Roberts, *Mysterium and Medulla Bibliorum*, 780.

king.<sup>57</sup> With regard to Christ's kingly office, Roberts mingled spiritual and temporal descriptions, for Christ "Gathers Governors and Protects his Elect" and "subdues his and their enemies" according to several types. Moses was one type of Christ, who as a "mighty Prince" rescued them from the Egyptians, governed them in the wilderness, and even as a "King" ruled them when the whole people were gathered together in Jeshurun. Joshua was another type of Christ, "who subdued the Kings and Nations that were enemies to Israel" and helped them to settle in the promised land of Canaan. David was yet another type of Christ who completed the conquest of Israel's enemies in the land. Roberts summarized how the old covenant revealed Christ according to his office of a king with language filled with potential for application to civil society when we wrote that Jesus himself "governed the Commonwealth of Israel by the Law judicial." Yet he immediately went on to emphasize that this "outward Politie" was "swallowed up in the Spiritual Kingdom of Jesus Christ under the New Testament."<sup>58</sup> The old covenant revealed Christ typologically through temporal kingship, but God's kingdom under the New Testament was a spiritual kingdom. While Roberts generally emphasized the continuity of the old covenant with the new covenant more than the proponents of the other views he criticized, he nevertheless retained an aspect of discontinuity between the covenants when it came to temporal rule after the incarnation of Christ.

The third noteworthy inference regarded the seriousness of the error of confusing the covenants of works and grace, an error Roberts accused proponents of

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<sup>57</sup> Roberts, *Mysterium and Medulla Bibliorum*, 781.

<sup>58</sup> Roberts, *Mysterium and Medulla Bibliorum*, 783.



each of the other views of making. Here he followed Burgess in associating these errors with those of the “Legal Iustitaries” (i.e. Roman Catholics), Antinomians and Socinians.<sup>59</sup> Catholics erred by teaching that under the old covenant justification came by observing works of the law. Antinomians erred by denying the continuing application of the moral law to Christians and by denying that the old covenant was an evangelical covenant of faith. Socinians erred by denying that eternal life and the Holy Spirit were promised under the Old Testament. As with Burgess, it is interesting to note that the critique Roberts leveled against Antinomians applied equally well to proponents of the other views of the old covenant, and particularly to the idea that the old covenant was a covenant of works or a subservient covenant. Roberts did not explicitly accuse proponents of these views of Antinomianism, but their views certainly fell under the umbrella of his critique.

Roberts’s taxonomy is particularly useful for locating perceptions of the various positions in the latter 1650s because of the extensive interaction he made with his contemporaries. Unsurprisingly, he expressed unqualified admiration for his fellow staunch Presbyterian and “learned, judicious, and godly friend,” Thomas Blake, “whose dexterity of judgement in matters of Religion hath been of high account with me ever since my first acquaintance with him.”<sup>60</sup> Roberts offered this vote of confidence immediately after affirming that the old covenant offered spiritual benefits and immediately prior to criticizing what he took to be the three

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<sup>59</sup> Roberts, *Mysterium and Medulla Bibliorum*, 789.

<sup>60</sup> Roberts, *Mysterium and Medulla Bibliorum*, 1707.

primary erroneous understandings of the old covenant. In fact, Roberts went on to refer to Blake's treatment as justification for the brevity of his own critique.<sup>61</sup>

However, when it came to Burgess, Roberts was happy to refer to the "useful lectures" on offer in his *Vindiciae Legis*. Yet, having expressed his appreciation, he went on to differ with Burgess's understanding of the continuity of the law of Moses under the new covenant.<sup>62</sup> Whereas Roberts asserted that Burgess followed Bellarmine in declaring that the moral law of Moses was still in effect for Christians by virtue "of the Preceptive Authority and Command which God then put upon it," his own view was that the moral law of Moses "in some sense may be said to be *Abrogated*, and in some sense to be still *Obligatory*." In describing his view, Roberts positioned himself between Burgess and Robert Bellarmine on the one hand and eminent Reformed divines Jerome Zanchi (1516-1590) and Wolfgang Musculus (1497-1563) as well as the Antinomians on the other. Roberts was especially critical of the Antinomians for following the "Manichees of old" who rejected the Old Testament and the whole law. For Roberts the views of Zanchi and Musculus were not as bad as the Antinomians, but he still rejected their view that "the Moral Law as given by Moses belongs not to us Christians, but only so far as it is Consentaneous to the Law of Nature, and is Confirmed by Christ our King." According to Roberts, his own view, namely that certain aspects of the moral law were abrogated and others were not, was held by a number of other Reformed luminaries, including John Calvin and William Perkins. Thus while his taxonomy was identical to the one Burgess

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<sup>61</sup> Roberts, *Mysterium and Medulla Bibliorum*, 1708.

<sup>62</sup> Roberts, *Mysterium and Medulla Bibliorum*, 690-91.

included in *Vindiciae Foederis*, Roberts did not follow Burgess fully in his understanding of the contemporary application of the moral law. According to Burgess the whole of the law of Moses was still in effect by virtue of Moses' authority not only for the Jews but Christians under the new covenant, but according to Roberts the whole of the moral law was not in effect. Thus with great subtlety, if not charity, Roberts affirmed Burgess' taxonomy but positioned his views on the law next to those of Bellarmine, while on the other side of the spectrum he positioned the views of Zanchi and Musculus next to those of the Antinomians.

Roberts' references to John Ball's *A Treatise of the Covenant of Grace* were even more nuanced than those he made to Burgess's work. On the one hand Roberts referred to Ball as a "most pious, judicious, and shining light in the Church of God" and "That learned and judicious writer."<sup>63</sup> On the other hand, Roberts also criticized Ball's understanding of the conditionality of the covenant of grace in his otherwise "judicious Treatise," and he also criticized the limitations he placed on the nature of the new covenant as "very prejudicial and derogatory" to it.<sup>64</sup> Roberts's discussion of covenant conditions is particularly instructive.<sup>65</sup> According to Roberts, some authors like Ball interpreted the "do this and live" of the covenant with Moses as a necessary rather than an antecedent condition of salvation, and therefore a reference to the necessity of an evangelical obedience that while imperfect and partial was nevertheless acceptable to God by faith. Other authors like Burgess distinguished between the law "largely," which referred to the whole covenant with

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<sup>63</sup> Roberts, *Mysterium and Medulla Bibliorum*, 792, 1051.

<sup>64</sup> Roberts, *Mysterium and Medulla Bibliorum*, 129, 1269.

<sup>65</sup> Roberts, *Mysterium and Medulla Bibliorum*, 772ff.

Moses, and the law “strictly,” which referred to the legal demands of the moral law. According to the former, salvation was possible by virtue of God’s mercy, and according to the latter, salvation was impossible for fallen humanity due to human inability to keep the law perfectly. Roberts rejected both explanations of “do this and live” as unsatisfactory, and preferred to view the Mosaic covenant as setting forth two simultaneous paths to salvation. The Mosaic covenant required either perfect and personal obedience or perfect believing. For Roberts, neither evangelical obedience nor obedience to the commands of the Mosaic covenant considered “largely” were possible for fallen sinners any more than was perfect and personal obedience to the law considered “strictly.” The demands of the covenant with Moses could not be satisfied by any obedience, whether perfect, evangelical, or considered “largely,” but only by believing. Thus Roberts argued that the revelation of salvation was more fully realized under the covenant with Moses than either Ball or Burgess allowed.<sup>66</sup> Similarly, to return to his comments about the new covenant, he argued that it was more fully realized in the present age than Ball allowed either.<sup>67</sup> Roberts’ understanding of the eschatological presence of the kingdom of God was more fully realized under both the old and new covenants than either that of Ball or Burgess.

This focus on the eschatological presence of the kingdom of God related closely to a number of practical applications of Roberts’s covenant theology to

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<sup>66</sup> It is important to emphasize that while Roberts disagreed with Ball’s view, he did not consider him unorthodox. The difference was more semantic than substantial, as Roberts made clear when he explicitly stated that Ball’s view must be read carefully in order to avoid misunderstanding, but not that the view in itself is fatal to an orthodox understanding of justification by faith. See Roberts, *Mysterium and Medulla Bibliorum*, 875-6.

<sup>67</sup> Roberts, *Mysterium and Medulla Bibliorum*, 1269.

matters of vocation, office, blessing, law, and polity. Generally speaking, Roberts emphasized the continuity between the various administrations of the covenant of grace, while at the same time he allowed for the aspects of discontinuity and development noted above. He utilized a distinction between the temporal and eternal as his preferred mechanism for resolving the tension between his understanding of the presence of the kingdom of God and these aspects of discontinuity and development. The most obvious example of his use of this mechanism relates to his understanding of vocation, where he distinguished sharply between temporal calling (whether general, particular, or extraordinary) and spiritual calling or election to salvation.<sup>68</sup> For Roberts, the particular call to serve as a minister or a magistrate is a legitimate calling from God, but it should not be confused with God's call to salvation.

Roberts not only distinguished between temporal and spiritual calling, but he made a similar distinction between temporal and spiritual offices. For example, when it came to the vexed issue of the proper understanding of Numbers 25, where early modern biblical commentators struggled to explain the apparent legitimacy of Phinehas the priest's assumption of the right of temporal judgment when he executed Zimri and Cozbi, Roberts took a different tact than his immediate predecessors like Hugo Grotius or his contemporaries like Thomas Hobbes. Whereas both Grotius and Hobbes treated Phinehas's actions under a rubric that contrasted public and private judicial acts, Roberts chose instead to utilize a rubric

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<sup>68</sup> Roberts, *Mysterium and Medulla Bibliorum*, 291.

that contrasted temporal and spiritual offices.<sup>69</sup> Yet, his distinction between temporal and spiritual offices did not override the complementarity between civil and spiritual concerns arising from the continuity he understood between the old and new covenants. Just as priests and civil rulers were to work in tandem under the old covenant, they should do likewise under the new covenant as well.

Magistrates should make every endeavor “that all the subjects and people that are under us in the Common-wealth should be the Lords people, worshipping and serving him as the Lords people.”<sup>70</sup>The magistrate’s failure to do so could result in God withdrawing his “presence and residence from a people,” especially when characterized by “contempt of Reformation, and Persecution of Gods faithful messengers that would reform them.”<sup>71</sup>Thus Roberts’s discussion of offices indicates that his distinction between the temporal and spiritual did not absolutely sever the consequences for faithfulness to the obligations of the two realms.

In fact, for Roberts, the purpose of the blessings related to temporal matters under the old covenant was to lead God’s people to spiritual blessings. In addition to those temporal blessings, although the spiritual blessings under the old covenant

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<sup>69</sup> Roberts, *Mysterium and Medulla Bibliorum*, 489, 587; cf. Hugo Grotius, *The illustrious Hugo Grotius of the law of warre and peace with annotations, III parts, and memorials of the author’s life and death* (1654), 327. In his discussion of the kingdom of God under the old covenant in *De Cive* (16.15), Hobbes actually connected the matters of private/public judgment and priestly/civil power, but interestingly removed his discussion of Phinehas from the corresponding chapter of *Leviathan* (chapter 40). For an excellent discussion of these texts and their contexts see Martin Dzelzainis, “Anti-monarchism in English Republicanism” in Martin van Gelderen and Quentin Skinner, eds. *Republicanism: A Shared European Heritage, Volume 1* (New York: Cambridge, 2002), 27-42.

<sup>70</sup> Roberts, *Mysterium and Medulla Bibliorum*, 853. See also the similar comments on p. 880.

<sup>71</sup> Roberts, *Mysterium and Medulla Bibliorum*, 1048.

were admittedly few in comparison to the new covenant, it was important to Roberts to emphasize that they were present as well. Again, these temporal blessings of the old covenant were intended to prepare God's people for the greater spiritual blessings they would receive in the future.<sup>72</sup> Even God's choice of Israel "to be made high above all nations" was also properly speaking a spiritual blessing, for its purpose was Israel's "spiritual dignity and Church-advancement."<sup>73</sup> Roberts's exposition of these blessings again illustrates his willingness to emphasize covenantal continuity, the presence of the kingdom under the old and new covenants, and to utilize a distinction between the temporal and the spiritual in the attempt to resolve tensions between these emphases and his understanding of the proper relationship between civil and spiritual concerns.

When it came to law and polity, Roberts was happy to utilize his covenant theology to justify the commonplace Reformed understanding that the civil magistrate possessed a duty to make and enforce just laws. Roberts held that "Common-wealths are the Churches and Gospels receptacles," and that "without the Good composure and government whereof, the Church cannot long be, or not be well." Therefore "Christian magistrates" were to "Govern their subjects by wise and righteous laws" that were both publicly known and not arbitrarily made. At the same time, Roberts also held that "Common-wealthes now under the New Testament" are not formally under the judicial law given to Israel any "further then

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<sup>72</sup> Roberts, *Mysterium and Medulla Bibliorum*, 814.

<sup>73</sup> Roberts, *Mysterium and Medulla Bibliorum*, 838.

the Moral ground and equity thereof bindeth analogically.”<sup>74</sup> Thus for Roberts Christian magistrates should make laws in accordance with the moral laws of Moses and according to the general equity displayed in the judicial laws of Moses, but they were not required to instill or enforce the judicial law as such. The judicial law that God gave to Moses at Mt. Sinai was “peculiarly” given to Israel as a “Body Politique or Commonwealth” and therefore had “expired at the dissolution of that Jewish politie, obliging no other state or Commonwealth besides the Jews.”<sup>75</sup> Elsewhere Roberts wrote that the outward polity of Israel was “swallowed up in the spiritual Kingdom of Jesus Christ under the New Testament.”<sup>76</sup> So while Roberts held that the covenant with Moses was substantially one and the same with the new covenant, for both were administrations of the one covenant of faith, his distinction between the temporal and spiritual aspects of the covenant enabled him to allow for discontinuity in the application of the judicial aspects of the old covenant to contemporary civil governments under the new covenant.

Generally speaking, Roberts displayed a thorough familiarity with the covenantal views of each figure examined above as well as a considerable willingness to apply his own understanding of the old covenant to a variety of contemporary debates related not only to soteriology but matters of church and state. Both his taxonomy and the tendencies of these applications were characterized by an interesting tension. On the one hand his work reflected the trajectory of presbyterian covenantal thought that increasingly emphasized the

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<sup>74</sup> Roberts, *Mysterium and Medulla Bibliorum*, 676.

<sup>75</sup> Roberts, *Mysterium and Medulla Bibliorum*, 689.

<sup>76</sup> Roberts, *Mysterium and Medulla Bibliorum*, 783.



unity of the covenant of grace and therefore increasingly opposed and even excluded other covenantal systems that distinguished the old covenant with Moses from the new covenant in any significant way. In this regard he was even more critical than Burgess, whose taxonomy his own most resembled, of the subservient scheme of Cameron that Bolton adopted. At times he was even willing to criticize certain aspects of Burgess's understanding of the continuing relevance of the Mosaic covenant, such as his tendency to distinguish between the law "largely" and "strictly." For Roberts even this distinction was too much, and instead he argued that the more appropriate interpretation of the stringency of the legal demands of the Mosaic covenant was to recognize that the old covenant, like all the other administrations of the covenant of faith, set forward two distinct paths to salvation. One could be saved either by perfect obedience or perfect faith. The former belonged only to Jesus as the messiah and the latter was a gift given to believers by virtue of Christ's mediatorial work. Thus Roberts wanted to find even more continuity between the old and new covenants than Burgess had. This helps to explain his unequivocal praise for the work of Blake at precisely these points.

On the other hand, for all his emphasis on covenantal continuity, Roberts was much more explicit than Blake and many of his Presbyterian predecessors in distinguishing between the temporal and spiritual aspects of the covenant of grace. Of course this distinction was not unique to Roberts, for Samuel Rutherford, himself the arch-proponent of a strong partnership between the magistrate and a Presbyterian national church, also famously distinguished between the nature and

means of the powers belonging to each institution.<sup>77</sup> Yet Roberts consistently displayed awareness that his strong emphasis on the continuity between the covenant with Israel under Moses and the contemporary era under the new covenant raised a number of difficult questions related to ecclesiology, the relationship between the church and the state, and the nature and source of temporal blessings. His frequent and extensive resort to the distinction between the temporal and the spiritual indicates that he was well aware of the way in which his arguments for covenantal continuity could be utilized in ways that would subvert his own understanding of the teachings of scripture regarding the spiritual nature of the church and the kingdom of God in the present age.

## **Conclusion**

As this chapter has demonstrated, English (and in the case of Rutherford, Scottish) presbyterians insisted even more strongly on the continuity between the old and new covenants in the 1650s than Burgess and Calamy had in the 1640s. Blake, Rutherford, and Roberts all articulated visions of strong continuity between the covenants with Moses and Christ. As a result of this trajectory, Bolton's appropriation of John Cameron's view was increasingly marginalized, and while the idea that the covenant with Moses was a covenant subservient to the covenant of grace was increasingly accepted in congregational independent circles, it was no longer welcome in presbyterian ones. Whereas in the 1640s even some presbyterians who did not hold the subservient view were like John Ball

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<sup>77</sup> See Coffey, *Politics, Religion, and the British Revolutions*, 208.

sympathetic towards it or like Anthony Burgess willing to concede certain aspects of truth in it, by the 1650s Blake, Rutherford, and Roberts were much more critical.

This increasing emphasis on covenantal continuity highlighted tensions in the various presbyterian theological and ecclesiological systems. For example, Rutherford's readiness to make the covenant with Moses part of the covenant of grace meant that the temporal promises of the covenant with Moses still applied to his contemporaries. This led him to directly connect temporal blessings for the three kingdoms in covenant with God with spiritual faithfulness and obedience to the moral law. However, the combination of the failure of the presbyterian experiment in England and Rutherford's opposition to the Resolutioners' coronation of Charles II ultimately led him to prioritize the invisible church over the visible, and he did not attend a General Assembly of the Church of Scotland after 1651.<sup>78</sup> On the one hand Rutherford emphasized the temporal and the visible in his preaching and political goals, and on the other hand he resorted to the spiritual and the invisible when his efforts proved ineffective. The emphasis on covenantal continuity also highlighted a tension in the relationship between the visible and invisible church. Whereas presbyterians had typically distinguished sharply between the two and emphasized the spiritual benefits of membership, and the theological standards produced by the Westminster Assembly reflected these tendencies, Blake's *Vindiciae Foederis* emphasized the civil and spiritual benefits that all members of the nation experienced by virtue of their membership in the visible church.<sup>79</sup>

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<sup>78</sup> See Coffey, *Politics, Religion and the British Revolutions*, 58.

<sup>79</sup> cf. chapter XXV of the Westminster Confession of Faith.

The uncertainty that resulted from these tensions opened the door for figures like Hobbes to step in and resolve them. As chapter five and six demonstrate, Hobbes found arguments for continuity between the covenants eminently useful. He also interacted closely with the other key covenantal questions of the period, including the nature of covenantal conditions, covenantal mediators, the relationship between historical covenants, election, eschatology, and the significance of covenantal membership. Hobbes may have despised the presbyterians' polity and their assertion of *jure divino* ecclesiastical authority, but their arguments for covenantal continuity proved very useful to his agenda, and that is the subject of chapter five and six.

## CHAPTER 5

### *Covenantal Consent, Part I:*

### *Covenant Theology and Political Legitimation in Thomas Hobbes' The Elements of Law*

#### **Introduction**

Approximately forty years ago, John Pocock claimed that the scholarly attitude to Thomas Hobbes's religious writings was "first, that they aren't really there, second, that Hobbes didn't really mean them," but thankfully this attitude is considerably less pervasive today.<sup>1</sup> Recent works by Jeffrey Collins, Noel Malcolm, and John Parkin indicate that the tide has effectively turned, and their richly contextualized accounts of Hobbes's literary corpus demonstrate not only the significance of theological concerns for his broader thought, but also how both the reception and appropriation of his ideas were dramatically shaped by contemporary polemics.<sup>2</sup> This chapter and the following one both seek to build on such work by tracing the development of Hobbes' use of covenantal ideas in his major political works of the 1640s, namely *The Elements of Law* (1640), *De Cive* (1642), and *Leviathan* (1651). While recent historical studies as well as works in the history of political thought have helped to contextualize Hobbes' thought against the backdrop of the tumultuous events of the 1640s and 1650s, significant aspects of the

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<sup>1</sup> J. G. A. Pocock, *Politics, Language, and Time: Essays on Political Thought and History* (Chicago, IL: University of Chicago Press, 1989), 160.

<sup>2</sup> Jeffrey R. Collins, *The Allegiance of Thomas Hobbes* (Oxford: Oxford University Press, 2005); Noel Malcolm, *Aspects of Hobbes* (New York: Oxford University Press, 2003); Jon Parkin, *Taming the Leviathan: The Reception of the Political and Religious Ideas of Thomas Hobbes in England, 1640-1700* (Cambridge: Cambridge University Press, 2007).

theological background to his work remain poorly understood, including the background of his covenantal ideas. Careful attention to Hobbes' use of the covenant idea reveals that he was closely attuned to the intersection between covenant theology and the ecclesiological debates related to church and state during the period, that he grounded his own Erastian conception of this relationship upon a rather idiosyncratic combination of otherwise typical and accepted components of orthodox covenant theology, and consequently that his works contributed significantly to the development of covenant theology during the period. This chapter demonstrates that Hobbes' engagement with covenantal ideas was not merely a rhetorical flourish or polemical appendage to his more developed political works, but that it already was a crucial component close to the heart of his earliest writing on the subject.

It is important to note that the publication of Hobbes' works closely paralleled debates in continental circles, but even more so controversies at home in England.<sup>3</sup> Hobbes penned the dedicatory epistle to *The Elements of Law* four days after the dissolution of the Short Parliament in May of 1640. The work circulated in manuscript and was published in 1650 without Hobbes' permission in two parts (*Human Nature: or the Fundamental Elements of Policie* and *De Corpore Politico: or the Elements of Law*). Already in 1640 it was read widely, for Hobbes was forced to flee England to France after the calling of the Long Parliament, where debate quickly demonstrated a strong and dangerous distaste for expressions of the kind of

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<sup>3</sup> For an excellent, concise biography of Hobbes, including the most important background and dates of his publications, see Malcom, *Aspects of Hobbes*, 1-26, from which the following is drawn.

absolutism Hobbes endorsed in its pages. *De Cive* was first published in Latin in 1642, and much of Hobbes' continental reputation was based upon its wide distribution after the Dutch printer Elzevir republished it twice in 1647. An unauthorized English translation of the work appeared in March of 1650/1. Hobbes most likely began work on *Leviathan* in the fall of 1649, and according to Robert Payne he had completed 36 of its 50 chapters by May of 1650.<sup>4</sup> The book made it to the press very quickly, as it was entered in the Stationers' Register on January 20, 1651 and published in May of the same year. By this point his ideas were extremely well known, and all three works were circulating in English, whether authorized or not.

Previous treatments of the polemical and ideological background of Hobbes's covenantal conception and its related doctrines have tended in one of two directions. First, some authors have explicitly downplayed the theological valence of these ideas. For example, in one essay Quentin Skinner emphasizes the juridical and theatrical roots of Hobbes's language, citing the *Digest* of Roman law and Shakespeare as more likely sources for Hobbes' use of covenantal concepts.<sup>5</sup> On the other hand, treatments more sympathetic to the significance of religious ideology in shaping Hobbes' thought raise interesting questions, but not always those grounded

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<sup>4</sup> See Payne to Sheldon, May 13, 1650 (BL MS Harl. 6942, no. 128), cited in Malcolm, *Aspects of Hobbes*, 19.

<sup>5</sup> Quentin Skinner, *Visions of Politics, Vol. III: Hobbes and Civil Science* (Cambridge: Cambridge University Press, 2002), 179–81; curiously, in a later essay Skinner is markedly more sympathetic to the theological background, but ultimately argues that “democractical writers” such as Dudley Digges were the more likely sources. See “Hobbes on Persons, Authors, and Representatives,” in *The Cambridge Companion to Hobbes's Leviathan*, ed. Patricia Springborg (Cambridge: Cambridge University Press, 2007), 168–70.

in Hobbes' immediate purview. In one collection of essays, A.P. Martinich and Edwin Curley briefly consider the theological origins of Hobbes' covenants, but in both cases they are more interested in the contemporary viability of Hobbes' ideas than in the actual historical context in which they were developed.<sup>6</sup> In another collection Franck Lessay astutely argues that Hobbes did not criticize and reject covenant theology but rather subversively integrated it.<sup>7</sup> However, the sources that Lessay cites as contextual evidence were published well after *Leviathan*, and some not until the very end of Hobbes' life, nearly 30 years after the publication of his key political writings. As a result, Lessay's characterization of the "singularity" and "peculiar character" of Hobbes' covenant theology is arguably the result of a selective and questionable reading of later and more systematized formulations.<sup>8</sup> As a result, Lessay's interesting essay suggests the benefit of further consideration of the theological and polemical sources of Hobbes' covenantal thought.

Perhaps the greatest indicator of this need, however, lies in a rather bizarre translation decision made by the editors of Hobbes' *De Cive* in the Cambridge Texts in the History of Political Thought series. In the final section of *De Cive*, Hobbes included two chapters clearly dealing with the old and new covenants of the Christian scriptures and their implications for contemporary politics (*pactum vetus* and *pactum novum*, respectively). Whereas the original, albeit unauthorized,

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<sup>6</sup> A. P. Martinich, "The Interpretation of Covenants in *Leviathan*," and Edwin Curley, "The Covenant with God in Hobbes's *Leviathan*" in *Leviathan after 350 Years*, eds. Tom Sorell and Luc Foisneau (New York: Oxford University Press, 2004), 216, 237.

<sup>7</sup> Franck Lessay, "Hobbes's Covenant Theology and Its Political Implications," in *The Cambridge Companion to Hobbes's Leviathan*, 258.

<sup>8</sup> Lessay, "Hobbes's Covenant Theology and Its Political Implications," 243, 246.



translation of 1650 rendered these terms according to contemporary understanding as the “old covenant” and the “new covenant,” the editors of the Cambridge Texts in the History of Political Thought translation offer readers a much less theologically evocative old and new “agreement” with no explanation.<sup>9</sup> This translation unfortunately leads the reader away from the subject matter of Hobbes’ discourse, and suggests that much work remains to be done in order to properly understand the significance of his work according to its own political and theological context.

Hobbes’ engagement with covenant theology sheds light on the complex relationship between these covenantal ideas and contemporary debates regarding ecclesiology as well as the nature and structure of political authority. Most of the literature regarding religious covenants in the seventeenth-century tends to focus either on political covenants, particularly the import of the Scotland’s National Covenant of 1638 or the Solemn League and Covenant of 1643, or on the role of church covenants and the ecclesiastical disputes that ultimately crystalized the differences between congregational independents and presbyterians in Parliament and at the Westminster Assembly during the 1640s. This literature only rarely and tangentially engages that dealing with the more soteriologically oriented aspects of covenant theology. Therefore, the consideration of Hobbes’s appropriation and deployment of the contemporary categories of covenant theology offers an

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<sup>9</sup> See Thomas Hobbes, *On the Citizen*, ed. Richard Tuck and Michael Silverthorne, Cambridge Texts in the History of Political Thought (New York: Cambridge University Press, 1998), 187ff. and 203ff. On p. 206, the indecisive rendering of *foedus* as “covenant,” combined with a footnote “clarifying” that the word could also mean “treaty” is equally noteworthy.

additional window through which to view the political significance of theological polemics during the 1640s.

This chapter builds on the previous ones by demonstrating that Hobbes was well aware of the theological diversity on the ground regarding understandings of the relationship between the old covenant with Moses and the new covenant, as well as the political implications of the conclusions related to these subjects, and furthermore that Hobbes found this theological plurality a useful tool. In fact, Hobbes took clear positions on many if not most of the key interpretive issues debated by the presbyterians identified in the previous chapters. Hobbes' genius is indicated by the fact that most of the individual components of his covenantal views shared strong ties with his more orthodox puritan contemporaries. In other words, in order to understand the trajectory of the development of Hobbes' covenantal ideas it is necessary to trace how he appropriated and marshaled the spectrum of covenantal theological traditions, and furthermore to recognize that the rhetorical power of his work is partly attributable to the fact that very few of his exegetical decisions, taken individually, were all that peculiar. While the sum of the parts may have been extremely controversial, it is difficult to isolate any one of the components as particularly objectionable. Furthermore, consideration of Hobbes's decisions in each case as well as the sum total of those decisions not only makes it possible to better locate his covenant theology as a whole on the spectrum of contemporary opinion, but also to draw a more complete picture of the polemical relationship between covenant theology, notions of the Kingdom of God, and understandings of the relationship between civil and ecclesiastical authority during

this period. In turn, this more complete picture of the polemical context offers clarity, not only with regard to the reasons for Hobbes' vehement opposition to Presbyterian polity, but also because it illustrates how his use of Presbyterian categories contributed to the development and use of theological ideas in the years that followed.

### **Covenants in *The Elements of Law* (1640)**

While the theological aspects of Hobbes' politics became more explicit when *De Cive* began to circulate in 1642, they already were present implicitly in *The Elements of Law*. The previous chapters have demonstrated that in England in the 1640s, questions of the definition and nature of covenants, the identity of covenant mediators and their establishment by consent, the continuity between covenants, the relationship between covenants and the state of nature, and the nature of covenantal conditions were all well known loci of theological polemics. It is interesting that the concern Hobbes expressed for these theological issues grew demonstrably in his published works throughout the decade, and that his interest closely matched the rising temperature of theological polemic and ecclesiological discord over the same issues. Yet it is also interesting that even in his earliest major political work the core aspects of his covenantal thought closely followed the key debates of the covenant theologians.

With regard to the definition and nature of a covenant, Hobbes initiated his treatment in an admittedly general and arguably non-theological voice. For Hobbes, at the most basic level, "In all Contracts where there is trust, the promise of him that

is trusted, is called a Covenant.”<sup>10</sup> However, after this rather generic definition he quickly indicated the theological valence of his covenantal conception, for in order for a covenant to be effectual, there must be a power to accept and enforce it, and Hobbes treated this power with reference to divine sovereignty. As Hobbes put it, for covenants to be effective, there had to be “power coercive over both parties” in order to “deprive them of their private judgments” which might lead them to choose not to fulfill their covenantal obligations out of subsequent self-interest, and therefore to compel compliance. Consequently, according to Hobbes, “it is impossible for any man to make a covenant with God Almighty, farther than it hath pleased him to declare who shall receive and accept of the said covenant in his name.”<sup>11</sup> As will be shown below, Hobbes’ treatment of the possibility of human covenants with God developed considerably during the 1640s, but even in *The Elements* his definition of covenants led him directly to a discussion of divine sovereignty. It is also important to note that Hobbes at this point did not deny entirely the possibility of covenants between God and humanity. Those whom God “declared” could “receive” and “accept” covenants in his name. Thus Hobbes laid the foundation for the theory of representation that he continued to develop throughout the decade in his later works.

Two other features of Hobbes’ initial discussion of the nature and definition of a covenant are worth noting. First, Hobbes introduced the idea that covenants cannot be transferred, an idea that became even more important in his later works.

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<sup>10</sup> Thomas Hobbes, *The Elements of Law Natural and Politic*, ed. J.C.A. Gaskin (New York: Oxford, [1650] 1994), 84.

<sup>11</sup> Hobbes, *The Elements of Law*, 85.

For Hobbes, an earlier covenant made later, conflicting covenants null and void, “For it is impossible for a man to transfer that Right which he himself hath not; and that Right he hath not which he himself hath before transferred.”<sup>12</sup> Second, Hobbes suggested all covenants must be performable, another idea that took on greater significance in his later works. According to Hobbes, the “covenantee” cannot “understand the covenanter to promise impossibles,” for “no covenant is understood to bind further, then to our best endeavor.”<sup>13</sup> These two points respectively provided the foundation for his arguments related to covenant continuity and covenant conditions that will be discussed below. As will be seen, Hobbes utilized his denial of the transferability of a covenant to undermine those who sought to defend the regicide of Charles I on the basis of the Solemn League and Covenant. His argument that covenant conditions must be performable was important because it enabled him to argue that conditions must be obeyed, and it also enabled him to reject the idea of an ongoing covenant of works grounded in the natural order. As will be seen, the denial of a distinction between the covenants of works and grace became an increasingly important feature of Hobbes’ works.

In addition to offering an early version of his definition of a covenant, *The Elements of Law* also represented Hobbes’ first attempt to articulate the relationship between consent and the authority of the sovereign. His understanding of authority and consent was not only closely connected to his definition of a covenant, but also to his understanding of covenantal transfer discussed above. For Hobbes the laws of

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<sup>12</sup> Hobbes, *The Elements of Law*, 86.

<sup>13</sup> Hobbes, *The Elements of Law*, 87.

nature could not be abrogated by custom or consent, but the liberty that a person had by virtue of the laws of nature could be given up by consent. He summarized his view by arguing that “a man’s own consent may abridge him of the liberty which the law of nature leaveth him, but custom not; nor can either of them abrogate either these, or any other law of nature.”<sup>14</sup> Here again it is important to observe that Hobbes conceived of the state of nature as one preceding any covenants made. In this system there could be no covenant of works identified with the state of nature, because the natural law existed prior to any covenants. Thus Hobbes rejected the idea that nature itself was covenantal, and affirmed instead that all covenants followed the state of nature when individual members transferred their power to the sovereign. As he put it, “In all cities or bodies politic not subordinate, but independent, that one man, or one council, to whom the particular members have given that common power, is called their sovereign, and his power the sovereign power,” and, as he went on to argue, this sovereign power consisted “in the power and the strength that every of the members have transferred to him from themselves, by covenant.”<sup>15</sup> For Hobbes, the sovereign’s power was received by the consent of each individual person through covenant. In his later works, and especially in *Leviathan*, he emphasized the role of mediators able to oversee the renewal of this transfer of rights by covenant, but at this early stage in his thought the terminology of mediation is absent.

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<sup>14</sup> Hobbes, *The Elements of Law*, 97.

<sup>15</sup> Hobbes, *The Elements of Law*, 107.

Furthermore, the covenant remained the mechanism for the transfer of sovereignty from the people to the sovereign regardless of whether the system of government was a democracy, an aristocracy, or a monarchy. Crucially, in *The Elements* Hobbes denied the possibility of a covenant between the sovereign and any individual person, but rather affirmed that a covenant between every individual conferred sovereignty on the person of their choice, whether upon an individual in the case of monarchy or a corporate person in the cases of democracy or aristocracy. Hobbes began by outlining the process for the making of a democracy, and grounded the formation of other forms of government upon this same process:

In the making of a democracy, there passeth no covenant, between the sovereign and any subject. For while the democracy is a making, there is no sovereign with whom to contract. For it cannot be imagined, that the multitude should contract with itself, or with any one man, or number of men, parcel of itself, to make itself sovereign; nor that a multitude, considered as one aggregate, can give itself anything which before it had not. Seeing then that sovereignty democratical is not conferred by the covenant of any multitude (which supposeth union and sovereignty already made), it resteth, that the same be conferred by the particular covenants of every several man; that is to say, every man with every man, for and in consideration of the benefit of his own peace and defence, covenanteth to stand to and obey, whatsoever the major part of their whole number, or the major part of such a number of them, as shall be pleased to assemble at a certain time and place, shall determine and command... there the sovereign is called the people.<sup>16</sup>

The process for the formation of an aristocracy and a monarchy followed the same pattern, whereby covenants continued to be made between every single person rather than between any person or persons with the sovereign. Having described the formation of an aristocracy, Hobbes clarified that “it is manifest that the few or optimates, have entered into no covenant, with any of the particular members of the

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<sup>16</sup> Hobbes, *The Elements of Law*, 119.

commonwealth whereof they are sovereign.” He similarly denied the possibility of covenants between “the people, as one body politic” and the “aristocracy or optimates, on whom they intend to transfer their sovereignty,” for “no sooner is the aristocracy erected, but the democracy is annihilated, and the covenants made unto them void.”<sup>17</sup> Hobbes’ rejection of the possibility of covenants between individuals and sovereigns illustrates the importance of his rejection of the continuity between serial covenants with different forms of government or different sovereigns. Continuity from one covenant to another covenant with a different form of government or sovereign was impossible because each subsequent covenant violated the terms of the former.

Hobbes’ discussion of formation of a monarchy followed the same pattern, for “the institution of a political monarch proceedeth in the same manner, as did the institution of the aristocracy (viz.) by a decree of the sovereign people.”<sup>18</sup> However, his ensuing discussion of the differences between the transfer of authority in an absolute monarchy and the transfer of authority in an elective monarchy revealed much about his present concerns. For Hobbes, if the people in an elective monarchy reserved the right to assemble themselves the monarch remained a subject and not a sovereign. In his exposition of this idea his preference for absolute monarchy and clear lines of authority remained very clear. While it would certainly have been possible for his audience to apply his ideas to the calling of parliaments, the fact that he went on to outline the problems of conditional monarchy indicates an even

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<sup>17</sup> Hobbes, *The Elements of Law*, 121.

<sup>18</sup> Hobbes, *The Elements of Law*, 121.



broader target. After first pointing out that the existence of a conditional monarchy would have been extremely unusual (“...whether it hath been practiced anywhere or not, I know not, but it may be imagined, and hath been objected against the rigour of sovereign power”), he proceeded to deny the validity of such an arrangement. For Hobbes, “the sovereign power can by no covenant with a subject, be bound to continue him in the charge he undergoeth by their command, as a burden imposed not particularly for his good, but for the good of the sovereign people.” Hobbes’ logic regarding conditional monarchy expressed a clear reference to contemporary politics:

And here as before in elected kings, the question is to be made, whether in the electing of such a sovereign, they reserved to themselves a right of assembling at times and places limited and known, or not; if not, then is the sovereignty of the people dissolved, and they have neither power to judge of the breach of the conditions given him, nor to command any forces for the deposing of him, whom on that condition they had set up; but are in the estate of war amongst themselves, as they were before they made themselves a democracy; and consequently: if he that is elected, by the advantage of the possession he hath of the public means, be able to compel them to unity and obedience, he hath not only the right of nature to warrant him, but also the law of nature to oblige him thereunto. But if in electing him, they reserved to themselves a right of assembling, and appointed certain time and places to that purpose, then are they sovereign still, and may call their conditional king to account, at their pleasure, and deprive him of government, if they judge he deserve it, either by breach of the condition set him, or otherwise.<sup>19</sup>

This logic clearly indicates Hobbes’ discomfort with notions of conditional monarchy, and while these concerns, as Quentin Skinner has argued, certainly were founded in part upon the intellectual inheritance of Roman law and were in certain respects “secular” rather than “sacred” in orientation, the contexts which shaped the

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<sup>19</sup> Hobbes, *The Elements of Law*, 123.

development and presentation of his argument were clearly theological as well as political.<sup>20</sup>

In England resistance theories founded upon covenantal claims had been received with great skepticism at least since the reign of Elizabeth I. John Ponet's *A Short Treatise of Politic Power* (1556), Christopher Goodman's *How Superior Powers Ought to Be Obeyed of Their Subjects* (1558), and John Knox's infamous *First Blast of the Trumpet against the Monstrous Regiment of Women* (1558) were all notorious for grounding legitimate rule upon the condition of a covenant between the sovereign and the people.<sup>21</sup> Echoes of these ideas continued to resonate in theological circles connected with Geneva particularly, perhaps most prominently in Dudley Fenner's *Sacra Theologia*, first published in Geneva in 1585. The work articulated notions of representation, transfer of rights, and conditionally covenanted authority of precisely the sort that Hobbes sought to refute. For Fenner, "all the common and public parts of the commonwealth, that is, all the states of the kingdom (or those which are joined as chief rulers in the government of the kingdom), which do represent the commonwealth or the whole people are bound by

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<sup>20</sup> For Skinner's emphasis on Roman Law rather than theological sources, see the citations above. For his general argument that the covenantal political theories of the sixteenth century written by "Beza, Mornay, and others" resulted in "a fully *political* theory of revolution, founded on a recognizably modern, secularized thesis about the natural rights and original sovereignty of the people," see his *The Foundations of Modern Political Thought, Volume II: The Age of Reformation* (New York: Cambridge, 1978), 338. For the implications of these arguments as applied to his interpretation of Hobbes, see his *Liberty before Liberalism* (New York: Cambridge: 1998) and *Hobbes and Republican Liberty* (New York, Cambridge: 2008).

<sup>21</sup> For a helpful discussion of these and related works, see Michael McGiffert, "Crown, Covenant, and Commons in Elizabethan Puritanism," *Journal of British Studies*, vol. 20, no. 1 (Autumn, 1980): 36ff.

a double covenant.” This double covenant was made between the magistrates and God on the one hand, and the magistrates with one another on the other hand. By virtue of this covenant, the magistrates “shall be the people of God and shall faithfully yield God his worship and due” and shall “see that the same be performed by all the rest.”<sup>22</sup> The penalty for violation of this covenant was death.

Needless to say, such ideas were not exactly welcome under the Elizabethan or early Stuart regimes, nor were they the preserve of theologians. Laura Stewart recently has demonstrated that England’s 1584 Bond of Association and the Scottish Confession of 1581, while indeed different in important ways, were both covenantal statements made ostensibly in defense of Protestant monarchs, and yet the rulers whose interests they professed to protect looked upon them both with significant skepticism.<sup>23</sup> The ongoing reliance upon and increasing resort to Oaths of Allegiance and statements of the Royal Supremacy in the seventeenth century illustrates the royal desire that communal statements of monarchical authority be instituted from the top down rather than the bottom up.<sup>24</sup> However initiated, Robert Sanderson’s political sermons considered in chapter two above indicate that interwoven theological and political covenantal concerns not only remained a part of the cultural consciousness in the midst of ecclesiological controversies in Scotland, but

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<sup>22</sup> Quotations are from fols. 130-31 of an anonymous, untitled MS translation made no later than 1588 (Harleian MSS 6879, British Library), and cited in McGiffert, “Crown, Covenant and Commons in Elizabethan Puritanism,” 40-1.

<sup>23</sup> Laura M. Stewart, *Rethinking the Scottish Revolution: Covenanted Scotland, 1637-1651* (New York: Oxford, 2016), 93.

<sup>24</sup> Michael Questier, “Loyalty, religion and state power in early modern England: English Romanism and the Jacobean oath of allegiance,” *Historical Journal*, 40, no. 2 (May, 1997), 311-29.

that they remained relevant in England as well.<sup>25</sup> At any rate, and to return to Hobbes' more immediate context, by 1638 covenants exploded from the background into the foreground with the signing of the Scottish National Covenant and the subsequent Bishops' Wars of 1639 and 1640.<sup>26</sup> The Scottish Parliament's rejection of the Crown's authority to establish the Prayer Book, the subsequent resort to arms, and the meddling of the presbyterian clergy in bringing this all about was too much for Hobbes to bear, and *The Elements of Law* can be read not only as a contribution to debates about legitimate Parliamentary authority with regard to contemporary controversies regarding Ship Money, but also as a rejection of the legitimacy of the National Covenant in Scotland.<sup>27</sup> The people had no right to reserve to themselves "a right of assembling," for the sovereign's power was absolute. Therefore the "sovereignty of the people" was "dissolved, and they had neither power to judge of the breach of the conditions" given their rightful sovereign, "nor to command any forces for the deposing of him," and it was no surprise that they were "in the estate of war amongst themselves, as they were before they made

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<sup>25</sup> Although David Mullan has argued that there is little evidence for the significance of covenantal ideas between the late sixteenth century and their reemergence in the Scottish National Covenant of 1638. See his *Scottish Puritanism, 1590-1638* (New York: Oxford, 2000), 203-7.

<sup>26</sup> In his discussion of the context of *The Elements of Law*, Quentin Skinner devotes significant attention to the controversies in Parliament over Ship Money and legitimate authority, but does not address the National Covenant or Bishops' Wars with Scotland. See his *Hobbes and Republican Liberty*, 82-9.

<sup>27</sup> For the influence of Erastians upon the English Parliament and its rejection of the National Covenant as well as its nuanced reception of the Solemn League and Covenant of 1643, particularly with regard to the rejection of *jure divino* church government and the separation of ecclesiastical and civil powers on the basis of a "two kingdom" theology, see Joong-Lak Kim, "The Debate on the Relations Between the Churches of Scotland and England During the British Revolution (1633-1647)" (Ph.D. dissertation, University of Cambridge, 1997).

themselves a democracy.” By contrast, the sovereign not only should “be able to compel them to unity and obedience,” and possessed “the right of nature to warrant him,” but he also had “the law of nature to oblige him thereunto.”<sup>28</sup>

However, of all the monarchomach texts that provide contextual evidence for Hobbes’ purposes in *The Elements*, *Vindiciae Contra Tyrannos* stands out. First published in Latin in 1579, octavo editions appeared in England in 1579, 1580, 1581, 1589, 1599, and 1622 in Latin, French, and English. It was also printed in 1631 under the title *Vindiciae religionis*, and twice translated and printed in English in 1648. After the interregnum it remained a sought after text, with additional editions appearing in 1660, 1679, and 1689. In 1643 William Prynne translated and included significant excerpts in the appendix to his *The Sovereigne Power of Parliaments and Kingdoms*.<sup>29</sup> Clearly it was an extremely important text in England over quite a long period of time, and a touchstone of debate for both sympathizers and critics of absolute authority.

Two features of *Vindiciae Contra Tyrannos* are particularly helpful for understanding Hobbes’ argument in *The Elements*. Most importantly, it is well known that in the *Vindiciae Contra Tyrannos* there was a double covenant, first between the people and their sovereign, and second between the sovereign and God: “Now we reade of two sorts of Covenants at the Inaugurating of Kings, the first betweene God, the King, and the People, that the people might be the people of God:

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<sup>28</sup> Hobbes, *The Elements of Law*, 123.

<sup>29</sup> Anne McLaren, “Rethinking Republicanism, *Vindiciae Contra Tyrannos* in Context,” *Historical Journal*, vol. 49, no. 1 (2006), 24. The work was printed anonymously and under the name of one Junius Brutus, but is conventionally attributed to Phillip Mornay, and this convention is followed here.

The second between the King and the people, that the people shall obey faithfully, and the King command justly.”<sup>30</sup> However, this twofold structure actually was more complicated than it appears at first glance on the basis of this description alone. The terms of the two covenants were in fact identical, and king actually was involved in the making of both covenants, for elsewhere when the author referred to a second covenant between the people and God, the king was included in the people:

Wee have formerly said at the Inaugurating of Kings, there was a double Covenant treated of, to wit, between God, and the King; and between God, and the People. The agreement was first passed between God, the King, and the People: Or between the High-Priest the People... and the King. The intention of this was, that the people should be the people of God, (which is as much as to say) that the people should be the church of God, we have shewed before to what end God contracted Covenants with the King: Let us now consider wherfore also he allies himselfe with the people.<sup>31</sup>

In other words, the double covenant between the king and the people alongside that between the people and God implied that the king was in fact involved in both covenants. Not only was the king in covenant with the people, and the people in covenant with God, but also in the latter case the king was in covenant with God alongside the people. Thus when speaking of the first covenant, it was possible to describe it as a covenant between God and the king and as a covenant between God, the king and the people. Furthermore, in addition to these two descriptions, it was also possible to speak of this first covenant directly as a covenant between God and the people. The author went on to clarify that “Burgesses and Citizens of Towns” and the “Magistrates and Governours of the People of God dwelling in Towns” should

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<sup>30</sup> All quotations are taken from the English translation of 1648, which was printed by Matthew Simmons and attributed to Junius Brutus. Phillip Mornay, *Vindiciae Contra Tyrannos* (London, 1648 [1579]), 7.

<sup>31</sup> Mornay, *Vindiciae Contra Tyrannos*, 21.

consider with themselves that they have contracted two Covenants, and taken two Oaths: The first and most ancient with God, to whom the People have sworn to be his people: the second and next following, with the King, to whom the people hath promised obedience, as unto him which is the Governour and Conductor of the people of God.<sup>32</sup>

In all these descriptions, the second covenant was consistently described in simple terms as a covenant between the king and the people. The first covenant, however, could be variously described as a covenant between God and the king, between God and the king together with the people, or between God and the people directly. This nuance is frequently lost in many treatments of the covenantal structure of the *Vindiciae Contra Tyrannos* that oversimplify the analysis and speak merely of a covenant between God and the king on the one hand, and God and people on the other.

The flexibility of the first covenant had serious implications for the relationship between the sovereign and the people. Because the covenant with God and the people included the king, both human parties were responsible for holding each other accountable. If the king commanded anything contrary to the law of God, summarized in the two tables of the Decalogue, the people possessed a covenantal obligation to disobey that command. The covenant with God therefore determined the obligations of the covenant with the king, for

if God call us on the one side to enrole us in his service, and the King on the other, is any man so void of reason as he will not say we must leave the King, and apply our selves to Gods service, so farre be it from us to beleeve, that we are bound to obey a King, commanding any thing contrary to the Law of God, that centra|lly in obeying him we become Rebels to God...?<sup>33</sup>

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<sup>32</sup> Mornay, *Vindiciae Contra Tyrannos*, 35.

<sup>33</sup> Mornay, *Vindiciae Contra Tyrannos*, 14.

The text proceeded to put it even more bluntly, "Subjects in like manner owe no obedience to Kings which wil make them to violate the Law of God."<sup>34</sup> Not only should subjects disobey the unlawful commands of their sovereign, but if they failed to do so they failed to uphold their own covenantal obligation. If either king or subjects rebelled against God, the other party was responsible to reform and enforce the obedience of the other,

so that if Israel forsake their God, and the King makes no account of it, he is justly guilty of Israels delinquency. In like manner, if the King follow after strange gods, and not content to be seduced himself, seeks also to attract his Subjects, endeavouring by all means to ruine the Church, if Israel seek not to withdraw him from his rebellion, and contain him within the limits of obedience, they make the fault of their King, their own transgression.<sup>35</sup>

The fact that this covenantal doctrine was influential among presbyterians and that it informed the development of a variety of theological resistance theories popular within and without puritan circles more broadly helps to explain Hobbes' treatment of similar ideas in *The Elements of Law*. Recall that Hobbes denied the possibility of a covenant with God "farther than it hath pleased him to declare who shall receive and accept of the said covenant in his name."<sup>36</sup> Recall also that Hobbes founded the formation of both monarchy and aristocracy upon the formation of a democracy, and that "In the making of a democracy, there passeth no covenant, between the sovereign and any subject," but rather "by the particular covenants of every several man; that is to say, every man with every man."<sup>37</sup> For Hobbes, there was no covenant between the people and the sovereign by which the people could

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<sup>34</sup> Mornay, *Vindiciae Contra Tyranos*, 18.

<sup>35</sup> Mornay, *Vindiciae Contra Tyranos*, 23.

<sup>36</sup> Hobbes, *The Elements of Law*, 85.

<sup>37</sup> Hobbes, *The Elements of Law*, 119.



claim the violation of a condition, whether with God and mediated by the king or with the king directly. As will be shown below, the more complex theory Hobbes developed in his later works only placed the sovereign even further from covenantal obligations that might be used to legitimate resistance. The only covenant in *The Elements of Law* was that between “every man with every man,” a covenant “which consisteth in the power and the strength that every of the Members have transferred to him from themselves by Covenant,” in which each subject must “relinquish his own right of resisting him to whom he so transferreth it.”<sup>38</sup> Hobbes’s single covenant cut off the possibility of legitimate resistance built into the double covenant of *Vindiciae Contra Tyrannos*.

The second feature of *Vindiciae Contra Tyrannos* that offers context for better understanding Hobbes’ argument in *The Elements of Law* regards the relationship between the covenant and natural liberty. For Hobbes in *The Elements*, in addition to his understanding of the nature of covenants in general, his exposition of covenantal consent and his discussion of covenantal continuity, his treatment of the origins of the relationship between liberty and the covenant was also closely related to contemporary theological debates and became even more so in his later works. In Hobbes’ conception, the state of nature preceded the covenantal arrangement that led to the transfer of authority to the sovereign. Therefore the “laws of nature” were “without any other covenant antecedent.”<sup>39</sup> As Hobbes went on to summarize his understanding, “a man’s own consent may abridge him of the liberty which the law

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<sup>38</sup> Hobbes, *The Elements of Law*, 107.

<sup>39</sup> Hobbes, *The Elements of Law*, 94.

of nature leaveth him.”<sup>40</sup> The state of nature was a time before any covenant, and by entering into covenant, the people gave up the liberty they possessed in the state of nature. In *Vindiciae Contra Tyrannos*, however, the laws of nature retained a present relevance for determining violations of liberty upon which a king breached the conditions of his rule. “The law of nature teacheth, and commandeth us to maintaine and defend our lives and liberties.”<sup>41</sup> In *The Elements of Law*, however, Hobbes argued that natural liberty was transferred to the sovereign in order to escape the estate of war inherent in the state of nature. Whereas in *Vindiciae Contra Tyrannos* the natural liberty possessed by nature could not be removed or violated, for Hobbes, subjects gave up their natural liberty by entering into covenant. Thus for Hobbes, the covenant restricted natural liberties and for the *Vindiciae* the covenant protected them.

In addition to considering the possible sources of Hobbes’ views, in order to understand the polemical function of his work it is also important to consider the sources he sought to critique. Quentin Skinner has demonstrated Hobbes’ similarity and possible dependence upon Jean Bodin, who made a very similar argument in his *Six livres de la république* (1576, published in English in 1606). At the same time, Skinner observes that Hobbes differed from the jurist tradition by viewing the state of nature and its liberties as a “barrier” to life’s goods, whereas the tradition tended to conceive of the pre-political condition as “peaceful and sociable.”<sup>42</sup> Similarly to

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<sup>40</sup> Hobbes, *The Elements of Law*, 97. This is also clear in his discussion of the “patrimonial” kingdom on p. 126.

<sup>41</sup> Mornay, *Vindiciae Contra Tyrannos*, 103.

<sup>42</sup> Skinner, *Hobbes and Republican Liberty*, 40, 50.

Skinner, Annabel Brett has demonstrated that Hobbes differed from the scholastic legal tradition by envisaging the state of nature as one of war rather than one of “innocence and therefore peace.”<sup>43</sup> In addition to these useful contexts for understanding Hobbes’ project, it is also necessary to compare his understanding with Protestant understandings of the relationship between the pre-lapsarian state of nature, covenants, the fall, and the consequences of original sin for human relationships, especially as these views were much more relevant in his immediate context. Given Hobbes’ pessimistic view of the state of nature and his optimistic view of the covenant, his distaste for the presbyterian tendency to ground the natural law upon the original covenant of works between God and all humanity as well as the tendency to deny the potential for any person to fulfill its terms after the fall is not surprising. As will be seen below, it is also interesting to observe how Hobbes’ covenantal framework developed throughout the 1640s, and particularly how he utilized various aspects of the theological components at stake in intra-presbyterian disputes about the covenant in order to construct his covenantal schema. At any rate, already in *The Elements* it is clear that his deployment of covenantal categories contradicted key features of the theological underpinnings of the covenantal politics of his contemporaries.

Before turning to *De Cive*, one final aspect of *The Elements of Law* is worthy of consideration. Hobbes’ treatment of the relationship between faith and works in salvation and his employment of his conclusions as the foundation for his definition

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<sup>43</sup> Annabel Brett, *Liberty, Right and Nature: Individual Rights in Later Scholastic Thought* (New York: Cambridge, 2003), 215.

of a covenant and for his understanding of the nature of covenantal conditions indicates once again that he utilized the terms of contemporary theological debates to shape the presentation of his political doctrines. As seen in the preceding chapters, one important debate in the 1640s dealt with the relationship between the moral law of God and the covenant with Moses, namely whether the moral law of God as contained in the Decalogue enjoined obedience on Christians under the new covenant as a “rule” or rather as a “covenant.” Hobbes avoided this dilemma in *The Elements* by arguing that a covenant by definition must be a promise rather than a command. For Hobbes, the idea that the sovereign was subject to his own laws was a fundamental error, “And this error seemeth to proceed from this, that men ordinarily understand not aright, what is meant by this word law, confounding law and covenant, as if they signified the same thing.” Hobbes went on to argue that “the law implieth a command; covenant is but a promise.” Furthermore, not even every law was a command, but only when the law was “the reason we have of doing the action commanded.” The law was a command not because of anything inherent in the action itself, but rather because of the will of the sovereign. Ultimately, this logic led Hobbes to the conclusion that because the law depends solely upon the will of the sovereign, that the power of the sovereign could not “be subject to any law but that of God Almighty.”<sup>44</sup>

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<sup>44</sup> Hobbes, *The Elements of Law*, 166.

## Conclusion

Hobbes' notion that the law was a promise rather than a covenant not only allowed him to argue that the legitimacy of the law depended solely upon the will of the sovereign, but this notion was also crucial to his argument that the law of the sovereign and the law of God could not be in conflict. In contrast to his contemporaries who structured their understanding of law in a manner similar to the *Vindiciae Contra Tyrannos* on the basis of covenant and the precise content of the moral law as expressed in the scriptures, Hobbes' distinction between law and covenant consistently removed all notions of law from dependence upon the covenant. Hobbes carefully distinguishing between "Humane Lawes," the "Law of Nature," and the "morall Law taught by our Saviour Himself," and went on to argue that obedience to the human laws imposed by the sovereign was itself obedience to the law of nature, which was the same as the moral law taught by Jesus. Because Jesus himself in the moral law and the law of nature taught obedience to the sovereign, therefore subjects should obey the sovereign in any matter that did not compel them "to renounce that Faith, which is enough for [their] salvation, that is to say, the Fundamental Points."<sup>45</sup> Essentially, the moral law and the natural laws taught that the will of the sovereign rather than the covenant was the proper basis for human law, so long as the sovereign did not command the rejection of the fundamental points of faith necessary for salvation, and these points were quite minimal. According to Hobbes, "there is not any more necessary point to believed

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<sup>45</sup> Hobbes, *The Elements of Law*, 152-3.

for man's salvation than this, that Jesus is the Messiah, this is, the Christ."<sup>46</sup> So long as the sovereign did not require subjects to renounce Jesus as the Christ, subjects were bound by the moral law and the law of nature to obey all the dictates of human law.

Hobbes combined his minimalist construal of the faith necessary for salvation with a doctrine of the necessity of works that would have made even the most stringent of his contemporary Protestant critics of antinomianism uncomfortable. Because his emphasis on the consonance between moral, natural, and human law led him to the conclusion that "the laws of the kingdom of heaven, are the laws of nature," he closely connected civil and religious obedience. The result was that "not only faith, but also the observation of the law of nature...is necessary to salvation." Put slightly differently, "not only faith, but this justice, which is also from the effect thereof, is called repentance, and sometimes works, is necessary to salvation." Although Hobbes claimed to reconcile the "that faith only justifieth" of Paul with the "a man is not justified by faith only" of James, his formulation that "faith is said to justify, not because it absolveth, but because it denominates him just, and setteth him in an estate or capacity of salvation, whensoever he shall have faith" certainly leaned in one direction. Furthermore the fact that all subjects by covenant have transferred their right of judgment to the sovereign meant that by obeying all the sovereign's commands "a man doth still according to his conscience, but not his private conscience."<sup>47</sup> The sum of all of this

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<sup>46</sup> Hobbes, *The Elements of Law*, 144.

<sup>47</sup> Hobbes, *The Elements of Law*, 151-3.

was that salvation required faith that Jesus is the Christ and obedience to the sovereign in all matters that did not require the rejection of this minimalist profession. The alleged potential for conflict between “the commands of God” expressed in scripture and the “absolute sovereignty” of the sovereign was therefore not really a problem at all. “The difficulty therefore of obeying both God and man, in a Christian commonwealth is none.”<sup>48</sup>

Thus in *The Elements of Law* Hobbes held that faith and works were both necessary conditions for salvation, that the covenant transferred the right of judgment for interpreting the commands of God in order to identify good works from the private conscience to the public conscience, that this public conscience was expressed concretely in the human laws declared by a sovereign with absolute authority, and therefore that obedience to the sovereign’s commands was necessary for salvation so long as the sovereign did not expressly command the rejection of Jesus as the Christ. By contrast, William Prynne expressed a common contemporary view that God consistently punished the people of Israel “for their kings’ idolatries” and therefore that the people possessed the “just right and power to resist, hinder, censure, punish” and even to “depose their kings by public consent of the state and people” for “their idolatries and breach of covenant,” a view which built upon texts like the *Vindiciae Contra Tyrannos* in order to ground the right of resistance upon the covenant between God, the king, and the people.<sup>49</sup> Hobbes not only denied any such right, but even went so far as to argue that obedience to the king’s commands

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<sup>48</sup> Hobbes, *The Elements of Law*, 154.

<sup>49</sup> William Prynne, *The Sovereigne Power of Parliaments* (1643), 118, quoted in McLaren, *Rethinking Republicanism*, 38.

was necessary for salvation. He made this claim on the basis of an alternative rendering of the covenant, asserting that the creation of the sovereign was built upon the transferring of natural right and liberty by virtue of the covenant made between every individual person with one another. For Hobbes in the *Elements of Law* the covenant that established the sovereign included every member of the commonwealth and it was purely horizontal. He rejected any vertical conception of the covenant that might place the sovereign's authority in jeopardy by legitimizing the rights of would be challengers claiming to speak for God against that authority. His entire system of thought revolved around controversial ideas at the heart of the development of covenant theology, from his definition of covenant, to his identification of covenant mediators and the significance of consent, to his understanding of covenantal continuity, to his identification of a state of nature that preceded the covenant by which subjects transferred their rights to the sovereign, and finally to his identification of covenantal conditions with regard to the relationship between faith, works, and salvation. In *The Elements of Law*, Hobbes utilized his positions on each of these points in order to articulate a purely horizontal covenant theology that denied any possibility of covenants between God and humanity in order to preserve the authority of the civil magistrate. However, in *De Cive* he quickly realized that the increasing emphasis of his contemporaries on God's historical covenants with humanity raised new objections for him to counter. At the same time, these new problems also presented him with new opportunities to utilize covenant theology to ground his understanding of absolute temporal power on even firmer footing.



## CHAPTER 6

### *Covenantal Consent, Part II:*

#### *Covenant Theology and Political Legitimation in Thomas Hobbes' De Cive & Leviathan*

### **Introduction**

While the covenants that grounded Hobbes' system of authority and consent were always closely related to theological debates at the heart of covenant theology, it was not until *De Cive* that his argument incorporated a detailed biblical history of God's covenants with humanity. In fact, the final chapters of *De Cive* were organized according to four chapters that respectively narrated the covenantal arrangement with all humanity by nature, with Israel under the old covenant, with the church under the new covenant, and entrance into the kingdom of heaven. This arrangement corresponded to Hobbes' programmatic statements in the preface to the work, which identified God's rule "by nature" through the "dictates of natural reason," God's "peculiar dominion" over the "Jewes by vertue of that antient Covenant of Circumcision," and God's present "rule over us Christians" by "vertue of our Covenant of Baptism." Right out of the gate, Hobbes expressed his conclusion that "therefore the authority of Rulers in chiefe, or of civill government, is not at all, we see, contrary to Religion."<sup>1</sup> The potential for conflict between civil and spiritual interests was already an important issue in *The Elements of Law*, and it received even more extensive treatment in *De Cive*. In fact, many of Hobbes' primary arguments remained the same or were only slightly modified in the latter work. As

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<sup>1</sup> Thomas Hobbes, *De Cive*, ed. Howard Warrender (New York: Oxford, 1983), 35.

is well known, the primary structural and substantial developments were related to the four chapters on religion at the end of the work.<sup>2</sup>

### **Covenants in *De Cive* (1642)**

While most of Hobbes' primary ideas remained essentially the same in *De Cive*, he also expanded his arguments. For example, he again argued that the state of nature precedes any covenantal arrangement and that there were natural laws in this state of nature. However, he also clarified more explicitly that there was no human law in the state of nature and that the reason for the impossibility of covenants was the lack of a civil authority to compel the fulfillment of covenantal promises. Covenants could only exist under a civil state with the authority to compel, and therefore did not exist in the state of nature.<sup>3</sup> As Quentin Skinner has demonstrated, Hobbes was also now much more clear that covenants made in fear may be legitimate.<sup>4</sup>

In addition to these areas of expansion with general continuity, there were also clarifications that created tensions with his earlier work. For example, Hobbes expanded his language on the possibility of covenants between God and humanity, writing that "Neither can any man *Covenant* with God, or be oblig'd to him by Vow, except so far forth as it appears to him by Holy Scriptures, that he hath substituted

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<sup>2</sup> For example, see Nicholas Jackson, *Hobbes, Bramhall and the Politics of Liberty and Necessity* (New York: Cambridge, 2007), 74. On the other hand, Quentin Skinner has argued that Hobbes' view of liberty developed significantly between the two works in *Visions of Politics, Vol. III: Hobbes and Civil Science*, 209-37.

<sup>3</sup> Hobbes, *De Cive*, 47-8 (I.X), 55-6 (II.IX-XI).

<sup>4</sup> Hobbes, *De Cive*, 58 (II.XVI). See Quentin Skinner, *Visions of Politics, Vol. III: Hobbes and Civil Science*, 209-37 and *Hobbes and Republican Liberty*.

certain men who have authority to accept of such like *Vowes* and *Covenants*, as being in God's stead."<sup>5</sup> This exception not only opened the door further to the possibility of covenants between God and humanity, but Hobbes also expressed greater willingness to allow for covenants between subjects and sovereigns. In *The Elements*, Hobbes utilized a distinction between "injury" and "damage" in order to argue that "In all violation of covenant, (to whomsoever accrueth the damage) the injury is done only to him to who the covenant was made."<sup>6</sup> For example, if a master covenanted with a servant in order to command the servant to give money to a third party and the servant violated the covenant, Hobbes argued that the third party was damaged but only the master was injured. In *De Cive*, however, Hobbes utilized this identical distinction and illustration in order to argue that, "So also in a civill government, if any man offend another, with whom he made no Contract, he damages him to whom the evill is done, but he injures none but him to whom the power of government belongs."<sup>7</sup> At the same time, he also retained the argument that injury only pertained to persons in covenant. Therefore, whereas in *The Elements* Hobbes clearly argued that there could be no covenant between the sovereign and any individual person or the people, in *De Cive* he gave the impression that there could be, because individual persons could injure the sovereign and injury could only occur between those in covenant. Interestingly, Hobbes likely perceived this ambiguity, for in *Leviathan* he subtly changed his argument once more by stating that such violations of covenant were injuries "to the person of the

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<sup>5</sup> Hobbes, *De Cive*, 56 (II.XII).

<sup>6</sup> Hobbes, *The Elements of Law*, 88.

<sup>7</sup> Hobbes, *De Cive*, 63 (III.IV).

commonwealth.”<sup>8</sup> Whereas *De Cive* unintentionally and temporarily may have opened the door to the possibility of a covenant between the people and their sovereign, Hobbes nevertheless remained absolutely consistent in denying that the people legitimately may charge the sovereign with failure to adhere to the law, for the sovereign is not “bound to the *Civill Lawes* (for this is to be bound to himself) nor to any of his Citizens.”<sup>9</sup>

It would be difficult to identify with absolute certainty the precise reasons why Hobbes expressed greater openness to the idea of covenants between God and humanity, at least those mediated by God’s declared representatives. It also would be difficult to ascertain why he exhibited fewer concerns about expressing the relationship between subjects and sovereigns in covenantal language, albeit increasingly modified by terminology that made clear that the will of the sovereign must be taken for the will of the people. One possible explanation for his increased utilization of these ideas relates to the growing interest among his theological contemporaries in the covenantal history between God and humanity demonstrated in the previous chapters. It is very possible that for Hobbes the rhetorical benefit of incorporating a covenantal argument capable of integrating key aspects of these ideas outweighed the potential theoretical pitfalls of covenantal resistance theories like the *Vindiciae Contra Tyrannos*. Hobbes continued to display careful sensitivity to

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<sup>8</sup> Thomas Hobbes, *Leviathan*, ed. Noel Malcolm (New York: Oxford, 2012), 228.20-1 (1.15).

<sup>9</sup> Hobbes, *De Cive*, 100 (VI.XIV). This line of argumentation also anticipated the clarification of *Leviathan* by identifying the will of the sovereign with the corporate will of the people: “the will of a *Councell*, or *one* who hath the *Supreme Authority* given him, is the will of the City; he therefore containes the wills of all particular Citizens...”

those pitfalls, and his increasing precision in referring to the sovereign as a corporate person was in all likelihood an attempt to mitigate them. In other words, rather than merely opposing the covenantal theologians like the resistance theorists he criticized in *The Elements of Law*, in *De Cive* Hobbes began to build upon their own arguments by utilizing or at times recombining or redefining their terms.

In addition to appropriating and developing covenantal ideas directly, in *De Cive* Hobbes also began to apply the same strategy to other topics closely related to covenant theology. His use of contemporary categories of law is a good example of this. In *De Cive* he expanded the discussion in *The Elements* where he distinguished between law, covenants, counsel, and right. The goal in both texts was to demonstrate that the law did not constitute rights or natural liberty but rather allowed it. In *De Cive*, Hobbes wrote that “*natural liberty is a Right not constituted, but allowed by the Lawes. For the Lawes being removed, our liberty is absolute.*”<sup>10</sup> This was essentially a more precise locution for the earlier statement in *The Elements* that “For right is that liberty which law leaveth us; and laws those restraints by which we agree mutually to abridge one another’s liberty,” and “Law and right therefore are no less different than restraint and liberty, which are contrary; and whatsoever a man doth that liveth in a commonwealth, *jure*, he doth it *jure civili*, *jure naturæ*, and *jure divino*.”<sup>11</sup> Essentially, Hobbes borrowed from theological debates regarding the distinctions in the law in order to establish that

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<sup>10</sup> Hobbes, *De Cive*, 170 (XIV.III).

<sup>11</sup> Hobbes, *The Elements of Law*, 179.

liberty or right was natural but given up and therefore restricted by entering into covenant.

In both *The Elements* and *De Cive* Hobbes distinguished between superior and subordinate forms of law, but his manner of dividing them developed significantly. In the *Elements* he identified a threefold division of law, but identified divine law with moral/natural law and distinguished them both from civil law, writing that “As for the first division of law into divine, natural, and civil, the first two branches are one and the same law.” By collapsing natural and divine law the threefold division functioned as a twofold one. Interestingly, he also identified a “doctrine of our Saviour” with a similar threefold division into the “moral, theological and ecclesiastical,” but it too functioned in a twofold way. Only the moral law was a universal law, which Hobbes equated with the divine or natural law. The theological, “which containeth those articles concerning the divinity and kingdom of our Saviour, without which there is no salvation, is not delivered in the nature of laws,” but rather merely of “counsel and direction,” and the “ecclesiastical” was “a branch of the law civil.”<sup>12</sup> As a result of this logic, the threefold division of law in *The Elements* was functionally a twofold one in which the divine and civil laws paralleled the moral and ecclesiastical.

In *De Cive*, although Hobbes retained the threefold division of natural, divine, and civil law, the structure became much more complex. Hobbes referred to this threefold structure from an additional twofold perspective of divine and human law, each of which could be further subdivided into two additional categories. For

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<sup>12</sup> Hobbes, *The Elements of Law*, 180.

Hobbes in *De Cive*, divine law included both natural/moral law and positive law. Natural law “is that which God hath declared to all men by his *eternall word* borne with them, to wit, their *natural reason*” and positive law is that “which God hath revealed to us by *the word of Prophetie*.” Human law, on the other hand, included secular law and sacred law, all of which could be considered civil law (for “All *humane law is civill*”). Hobbes assumed that secular human/civil law did not need extensive definition, but defined sacred human/civil law as “the *humane Lawes* (which are also called *Ecclesiasticall*) concerning *things sacred*.”<sup>13</sup> The result of this logic was a slightly different structure from *The Elements*, where each type of superior law enclosed its subordinates. In other words, natural/divine law enclosed the civil law. In *De Cive* however, by emphasizing that human/civil law could deal with both secular and sacred matters, this enabled Hobbes to demonstrate that human law could add further legislation to both the divine law revealed in nature and the divine law revealed in the scriptures regarding worship and church governance. Thus Hobbes made it clearer that human/civil law could narrow both the natural law and the divine law, therefore highlighting that the sovereign possessed the right to make ecclesiastical law. He did all of this in the immediate context of pointing out the danger of confusing “law” and “covenant” by conceiving “the Lawes to be nothing else but...forms of living determined by the common consent of men.”<sup>14</sup> For Hobbes, preserving the right of the sovereign over ecclesiastical matters was connected closely to his argument that consent

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<sup>13</sup> Hobbes, *De Cive*, 170-1 (XIV.IV-V).

<sup>14</sup> Hobbes, *De Cive*, 169 (XIV.II).

transferred the right of judgment from individuals to the sovereign. Consent by covenant gave the power to the sovereign to make law, it did not bind the sovereign's freedom as to what laws could be enacted, whether the laws were natural, divine, or civil.

Hobbes' exposition of laws in *De Cive* not only developed the covenantal arguments of *The Elements* but they led directly into his narration of biblical and covenantal history that took up the last four chapters of the work. He prefaced this narrative of the subsequent temporal administrations of God's rule, the "Kingdome of God" by "circumcision" and that by "baptism," by first expositing the "Kingdome of God, by Nature," an exposition that largely rehearsed various arguments developed in *The Elements*. In the kingdom of God by nature, God possessed the right of sovereignty over all people "from his power" and not by covenant or contract. The sovereignty arising from God's power could have been founded on either of two forms of natural obligation, "corporall impediments" or by "hope, or fear, according to which the weaker despairing of his own power to resist, cannot but yield to the stronger," and Hobbes argued that God's rule took the latter of these two forms.<sup>15</sup> The laws in this state were "onely the naturall Lawes" that were "deduced from the dictates of right reason." These natural laws included "*Humility, Equity, Justice, Mercy, and other Morall vertues befriending Peace*, which pertain to the discharge of the duties of men one toward the other, and those which right reason shall dictate besides, concerning the honour and worship of the Divine

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<sup>15</sup> Hobbes, *De Cive*, 187 (XV.VII).



Majesty.”<sup>16</sup> The last section of this chapter in *De Cive* (sections XVII-XIX) sets Hobbes’ understanding apart from other contemporary theological works that tended to depict God’s relationship with humanity’s first parents and God’s relationship with Israel in sequential terms. For Hobbes, God’s covenant with Adam and Eve was itself a peculiar covenantal administration that coexisted alongside God’s sovereign rule over all people in the natural state. This arrangement raised a variety of tensions, not least of which that it implied that Adam and Eve might not be the first parents of all humanity. Perhaps this helps to explain why the material in these chapters has no direct counterpart in *Leviathan*. At any rate, Hobbes argued that the formation of the sovereign by covenant involved each individual transferring the right of interpreting right reason to the sovereign. The result was that “all *Judicature* belongs to the City, and that *Judicature* is nothing else but an *Interpretation of the Laws*.” This included both “*Secular Lawes*” or those “which concern justice, and the carriage of men towards men” and “*Sacred Lawes*” primarily dealing with the worship of God.<sup>17</sup> Any right that individuals did not possess by nature they had no right to transfer to the sovereign. These included the right “not to worship at all,” the right to disgrace God indirectly by worshipping “God in an image,” and the right of self-worship.<sup>18</sup> In this sense, the sovereign’s power was not absolute, for even the sovereign could not violate these natural laws, although sovereignty did include the right to interpret them. Consequently, any limits to the

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<sup>16</sup> Hobbes, *De Cive*, 188 (XV.VIII).

<sup>17</sup> Hobbes, *De Cive*, 195-6 (XV.XVII).

<sup>18</sup> Hobbes, *De Cive*, 197 (XV.XVIII).

sovereign's potential authority grounded in the kingdom of God by nature were quite limited.

This foundational authority provided the basis for God's kingdoms by covenant, the first of which was the "Kingdome of God under the Old Covenant" with Israel. Hobbes opened his discussion by distinguishing God's covenant with Adam and Eve from this old covenant. "In the beginning of the world God reigned indeed, not only naturally, but also *by way of Covenant, over Adam and Eve.*" This twofold rule by nature and by covenant indicated that God "would have no obedience yeelded to him, beside that which naturall Reason should dictate, but *by the way of Covenant, that is to say, by the consent of men themselves.*" However, because the covenant with Adam and Eve "was presently made void, nor ever after renewed," it could not be the "originall of Gods Kingdom." Thus Hobbes denied the view that God's covenant with Moses was in any sense a renewal or republication of the covenant with Adam and Eve, and likewise that its conditions or laws remained in effect. Therefore Hobbes distinguished between the natural law known by right reason and the arbitrary commands given to Adam and Eve, including the command not to eat from the fruit of the tree, which "hath nothing in its own nature, whereby the eating of it could be morally *evill, that is to say, a sinne.*"<sup>19</sup> Whereas many of his theological contemporaries founded the kingdom of God upon the state of nature and identified the law of God with the covenant made with Adam and Eve and republished to the people of Israel, Hobbes distinguished between the natural law of

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<sup>19</sup> Hobbes, *De Cive*, 201 (XVI.II).

right reason and that given to Adam and Eve, and he reserved the founding of the “real” kingdom of God for the consent of the people of Israel under Moses.

In between the covenants made with Adam and Eve and that with Moses, Hobbes also identified a covenant with Abraham. God’s rule over Abraham by nature did not make his rule over him by covenant “superfluous,” because Abraham not only recognized God “indefinitely” for the “power, and Dominion which God had naturally over men,” but also because he worshipped God “definitely” as he was “*supernaturally* revealed” by his “*voyce*,” recognizing it as a “true Revelation.”<sup>20</sup> In addition to the laws of nature, Abraham only received one additional law, “the Commandement of *Circumcision*.” Therefore “there were no other Lawes, or worship, which *Abraham* was obliged to, but the Lawes of nature, rationally worship, and circumcision.”<sup>21</sup> As a result, “*Abraham* was the *Interpreter* of all *Lawes*, as well sacred as secular,” and Hobbes interpreted Genesis 18:18-19 to teach that “his children and his household were supposed to be obliged to yeeld obedience unto his Commands.” Abraham’s authority to interpret the natural laws and the form of the covenant was absolute, and therefore his “subjects could not sin in obeying him” as long as he did not command them to “deny Gods *Existence*, or *Providence*, or to do doe somewhat expressly contrary to the honour of God.”<sup>22</sup> Under the old covenant with Abraham civil and ecclesiastical authority were joined in person.

The nature of the continuity between the covenants with Abraham and Moses was one of the crucial theological questions of the 1640s, and in *De Cive*

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<sup>20</sup> Hobbes, *De Cive*, 202 (XVI.IV).

<sup>21</sup> Hobbes, *De Cive*, 202 (XVI.V).

<sup>22</sup> Hobbes, *De Cive*, 203 (XVI.VI-VII).

Hobbes took a nuanced and interesting position on this question. On the one hand Hobbes argued that the covenant with Moses was a renewal of the “same” covenant made with Abraham and after him with Isaac and Jacob. When the people of Israel came to Mount Sinai, “that *antient Covenant*” [with Abraham] was propounded to them all to be renewed.” Yet, while it was the same covenant, it also contained additional revelation. For one thing, the promise to Moses that Israel would be “*a Kingdome of Priests, and an holy Nation*” represented the first use of “the appellation of *Kingdom*.”<sup>23</sup> Even more importantly, whereas under Abraham they

had received no *word of God* beside the natural word of right reason, neither had any *Covenant* past between God and them, otherwise then as their wils were included in the will of *Abraham*, as their *Prince*. But now by the *Covenant* made at mount *Sinai*, the consent of each man being had, there becomes an *institutive Kingdome of God* over them.<sup>24</sup>

Thus the true constitution of the kingdom of God took place under Moses through the explicit consent of each person, and Hobbes emphasized the depiction of the people’s agreement with God’s conditions in Exodus 19:8 as well as the role of Moses in revealing the will of God to the people. The covenant with Moses also contained substantially more legislation than that with Abraham. The laws of the covenant with Moses included not only the Decalogue, but also the judicial and ceremonial laws. Of these laws, some bound the people naturally, some by virtue of the covenant with Abraham, and some by virtue of the covenant with Moses. The second table of the Decalogue, as well as the prohibitions of idolatry and blasphemy

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<sup>23</sup> In *Leviathan*, Hobbes objected to this phrase altogether, preferring “sacerdotal kingdom” to “kingdom of priests” as the better translation, thus criticizing both the King James and Geneva Bibles. See Hobbes, *Leviathan*, 638.15ff. (3.35).

<sup>24</sup> Hobbes, *De Cive*, 204 (XV.VIII-IX).

all obligated the people as natural laws, the command not to have other Gods and to honor the Sabbath obligated by virtue of the covenant with Abraham, and the judicial and ceremonial laws were particular to the covenant with Moses. While the natural law could not be changed, the laws particular to the covenant with Moses could be, because they depended solely upon the will of God.<sup>25</sup> Therefore Hobbes' depiction of covenantal continuity shaped his presentation of the stability and content of the law.

Ultimately, Hobbes' conception of Moses' authority under the Old Covenant allowed him to construct a framework in which civil and sacred authority were united closely. According to Hobbes, it was essential to identify a "*true Prophet*" before it was possible to identify "*God's Word*."<sup>26</sup> Moses' miracles and his faith attested to his identity as God's true prophet. Therefore he "alone was *the Interpreter of Gods Word*," and had the "supreme power in civil matters," rather than private persons, the synagogue or elders, the high priest, or any other prophet.<sup>27</sup> After the death of Moses, the right of "*the interpretation of the Lawes*" and of "*the Word of God*," continued to belong together in the person of Eleazar the high priest and his successors.<sup>28</sup> The unity of civil and sacred power was united in the high priests until the constitution of Kings. Hobbes cited 1 Samuel in order to argue that

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<sup>25</sup> Hobbes, *De Cive*, 205-6 (XVI.X-X).

<sup>26</sup> Hobbes, *De Cive*, 206 (XVI.XI).

<sup>27</sup> Hobbes, *De Cive*, 208-10 (XVI.XIII).

<sup>28</sup> Hobbes, *De Cive*, 210 (XVI.XIV). Hobbes went on to clarify: "If therefore regard be had to the *Right* of the Kingdome, *the supreme civill power*, and *the authority of interpreting God's word*, were joynd in the High Priest; If we consider the *fact*, they were united in the Prophets who judged *Israel*; For as *Judges*, they had the civill authority, as *Prophets*, they interpreted Gods word, and thus every way hitherto these two powers continued inseparable," 212 (XVI.XV).

“the Right whereby the *Kings* did rule, was founded in the very concession of the People.”<sup>29</sup> The two powers remained united in the kings until the Babylonian captivity, and were restored once again upon return to Israel.<sup>30</sup> Hobbes brought home the primary point of this entire narrative in his conclusion to the chapter, writing that

Out of all of this, we may easily know how the *Iewes* in all times from *Abraham* unto *Christ* were to behave themselves in the Commands of their *Princes*. For as in Kingdomes merely humane men must obey a subordinate Magistrate in all things, excepting when his Commands containe in them some Treason; so in the Kingdome of God, the *Iewes* were bound to obey their *Princes, Abraham, Isaac, Jacob, Moyses, the Priest, the King, every one* during their time in all things, except when their commands did containe some *treason against the Divine Majesty...* In all other things they were to obey; and if a King or Priest having the Sovereign authority, had commanded somewhat else to be done which was against the Lawes, that had been his sinne, and not his subjects, whose duty it is, not to dispute, but to obey the Commands of his superiours.<sup>31</sup>

The civil power and the authority to interpret the laws and word of God could not be separated.

Having established this dual authority over natural and divine law under the old covenant of circumcision, Hobbes turned next to the “Kingdome of God by the new covenant” of baptism. According to Hobbes, Christ, like Moses, was sent by the Father to “make a *Covenant* between him and the people.”<sup>32</sup> However, the kingdom under Christ was a renewal of that under the old covenant rather than the institution of the heavenly kingdom, which only would be introduced at his second coming. “Christ therefore is not in the throne of his Majesty,” and neither was “that

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<sup>29</sup> Hobbes, *De Cive*, 212 (XVI.XVI).

<sup>30</sup> Hobbes, *De Cive*, 215 (XVI.XVII).

<sup>31</sup> Hobbes, *De Cive*, 215-6 (XVI.XVIII).

<sup>32</sup> Hobbes, *De Cive*, 219 (XVII.IV).

time when *CHRIST* was conversant here in the world call'd a Kingdome, but a *regeneration*, that is to say a renovation, or restitution of the Kingdome of God."<sup>33</sup> In addition to ruling in majesty, at his second coming, Christ also would rule in power,

“But the government whereby *CHRIST* rules the faithful ones in this life, is not properly a *Kingdome*, or *Dominion*, but a *Pastorall charge*, or *the Right of teaching*, that is to say, God the father gave him not a power *to judge*... nor a *Coercive power*; nor *legislative*; but of shewing to the world, and *teaching them the way, and knowledge of Salvation*, that is to say, of Preaching, and declaring what they were to doe, who would enter into the *Kingdom of Heaven*.<sup>34</sup>

In other words, while at his second coming Christ would rule in power, in the meantime, “*CHRIST* therefore had not a Royall, or Sovereigne power committed to him from his Father in this world, but consiliary, and doctrinal lonely.”<sup>35</sup> Christ did not come to give laws, but rather to point his people to repentance and faith, the conditions of the kingdom of heaven. Baptism may have replaced circumcision, thus marking a difference in covenant sign, but “*Repentance* and *Faith*, which are the Essence of the *Covenant* are always required.”<sup>36</sup> While Hobbes affirmed that all covenants, including the new covenant, contained conditions, thus taking a position on one area of controversy among contemporary theologians, he also taught that the conditions of Christ’s new covenant did not touch upon the authority owed to civil rulers. “These, and all like matters therefore are to be learned, if need be, from the City, that is to say, from the Sovereign’s powers.”<sup>37</sup>

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<sup>33</sup> Hobbes, *De Cive*, 220 (XVII.V).

<sup>34</sup> Hobbes, *De Cive*, 222 (XVII.VI).

<sup>35</sup> Hobbes, *De Cive*, 223 (XVII.VI).

<sup>36</sup> Hobbes, *De Cive*, 225 (XVII.XVII).

<sup>37</sup> Hobbes, *De Cive*, 228 (XVII.XI).

Generally speaking, the theology of *De Cive* was much more conservative than the positions Hobbes would eventually come to endorse in *Leviathan*. Whereas his formulations and denials of the existence of a spiritual kingdom, eternal reward and punishment, the immortality of the soul, the sacraments, and ordination in *Leviathan* eventually generated a great deal of notoriety, his positions on all these matters in *De Cive* arguably remained within the bounds of the views typical of his contemporaries. Instead of challenging or denying these doctrines, as critics of *Leviathan* accused him of doing, in *De Cive* Hobbes merely asserted that these were “points of faith which cannot be understood by natural reason, but onely by revelation.”<sup>38</sup> Thus the strategy of *De Cive* was to assert a thoroughgoing distinction between spiritual and temporal matters, to locate many of these doctrines under the category “spiritual,” to allow private freedom of belief in regards to these spiritual matters, and to leave the determination of what was “just, and unjust, the cognizance of all controversies about the *meanes of Peace*, and *publique defence*, and the Examination of doctrines, and books in all manner” to “*rational science*,” which “*depends upon the temporall right*.” By contrast “those which are *mysterics of faith*, depending on CHRIST his word, and authority onely, their judgments belong to *spirituall Right*.”<sup>39</sup> Superficially, this distinction between spiritual and temporal matters sounded like the Lutheran conception of God’s two kingdoms.<sup>40</sup> However,

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<sup>38</sup> Hobbes, *De Cive*, 230 (XVII.XIII).

<sup>39</sup> Hobbes, *De Cive*, 230-1 (XVII.XIV).

<sup>40</sup> For example, the doctrine of God’s two kingdoms is expressed in Article 38 of the Augsburg Confession. For the modern critical edition, see *Die Bekenntnisschriften der evangelisch-Lutherischen Kirche. Herausgegeben im Gedenkjahr der Augsburgischen Konfession 1930* (Göttingen: Vandenhoeck & Ruprecht, 1963); for



instead of allowing the scriptures to distinguish between the two, Hobbes went on in the immediate context to assign the right to determine what was spiritual and what was temporal to natural reason, and therefore to the civil authority, writing that “it is reasons inquisition, and pertaines to *temporall Right* to define what is *spirituall*, and what *temporall*, because our Saviour hath not made that distinction.” Essentially he utilized the distinction but inverted its purpose, privileging the right of civil not spiritual authorities to interpret the scriptures.

Furthermore, Hobbes’ willingness to leave to the spiritual authorities matters the temporal authorities identified as spiritual was itself not straightforward. He went on to write that this delegation depended upon four key definitions: the word of God, interpretation, Church, and the will and command of the Church. Regarding the word of God, Hobbes acknowledged it was used variously in the scriptures themselves, but for the purposes of the question of determining spiritual authority it meant “the doctrine of the Christian faith” as it was preached rather than the scriptures themselves.<sup>41</sup> Furthermore, even this carefully circumscribed doctrine required interpretation, and so Hobbes went on to argue that “*the word of an Interpreter of Scriptures, is the word of God.*”<sup>42</sup> So Hobbes’ first two definitions established that he understood the word of God to mean the

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English translation, see *Triglot Concordia: The Symbolical Books of the Evangelical Lutheran Church: German-Latin-English* (St. Louis, MO: Concordia, 1921). The doctrine of the two kingdoms was not unique to the Lutherans, and its affirmation by the Scottish Presbyterians in particular was a source of concern to Hobbes as well as other Erastians in the English Parliament. See Joong-Lak Kim, “The Debate on the Relations Between the Churches of Scotland and England During the British Revolution (1633-1647) (Ph.D. dissertation, University of Cambridge, 1997).

<sup>41</sup> Hobbes, *De Cive*, 232 (XVII.XV).

<sup>42</sup> Hobbes, *De Cive*, 233 (XVII.XVII).

preaching of the doctrine of the Christian faith and authoritatively interpreted. It was with the third matter, the definition of the church, that Hobbes' understanding of the new covenant took on significant relevance. Having acknowledged that the scriptures used the word church to refer both to individual believers as well as the assembly of believers gathered to worship, he went on to utilize his understanding of the covenant to privilege the corporate understanding as determinative of the nature of spiritual authority.

A multitude of men who have made a new Covenant with God in Christ, (that is to say, a multitude of them who have taken upon them the Sacrament of Baptisme) which multitude, may both lawfully be call'd together by some one into one place, and he so calling them, are bound to be present either in Person, or by others. For a multitude of men, if they cannot meet in assembly, when need requires, is not to be call'd *a Person*; For a *Church* can neither speak, nor discern, nor heare, but as it is a congregation.<sup>43</sup>

Taken separately, each of Hobbes' definitions thus far would not necessarily have set him apart from his theological contemporaries. However, his composite view was far from standard, for his last definition regarding the will and command of the church combined these standard definitions in an unusual way by collapsing spiritual and temporal authority through his identification of the church with the city:

It followes what hath beene already said by necessary connexion, that *a City of Christian men*, and a *Church*, is altogether the same thing, of the same men, term'd by two names, for two causes: For the *matter of a City & a Church* is one, to wit the same Christian men. And the *forme* which consists in a Lawfull power of assembling them is the same too; for 'tis manifest that every Subject is oblig'd to come thither, whither he is summon'd by his *City*. Now that which is call'd a *City*, as it is made up of *men*, the same, as it consists of *Christians*, is styled a *Church*.<sup>44</sup>

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<sup>43</sup> Hobbes, *De Cive*, 235 (XVII.XX).

<sup>44</sup> Hobbes, *De Cive*, 236 (XVII.XXI).

Because members of a church were also members of a city, and because “Persons, places, and times” were temporal matters and therefore belonged to “civill Right,” the church required the authority of the civil authorities in order to gather.<sup>45</sup>

Furthermore, the church had to gather in order to interpret, and before doctrine could be preached it had to be interpreted. Therefore the civil sovereign possessed the authority over the circumstances of the teaching of the word.

In essence, Hobbes utilized this definition of church under the new covenant in order to give spiritual authority on the one hand and then quickly place it under the temporal authority with the other. “Church-men” possessed an office of “Maistry” under such titles as apostles, bishops, presbyters, elders and deacons.<sup>46</sup>

While these offices indeed were consecrated by the church under its spiritual authority, the church under its temporal authority first had to elect them.<sup>47</sup>

Similarly, the church under its spiritual authority possessed a power of “binding” and “loosing” or of “excommunication.” However, excommunication also had a temporal and spiritual component under the respective authority of its temporal and spiritual officers. Its spiritual officers indeed possessed the right “to cast out, or to receive into the Church those that are judg’d.” However, “it is the Churches part [conceived as a city under the authority of its temporal sovereign] to judge.”<sup>48</sup> From this foundation, Hobbes went on to draw three additional conclusions regarding excommunication. First, a city could not be excommunicated, for it was impossible

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<sup>45</sup> Hobbes, *De Cive*, 236 (XVII.XXII).

<sup>46</sup> Hobbes, *De Cive*, 237 (XVII.XXIII).

<sup>47</sup> Hobbes, *De Cive*, 237 (XVII.XXIV).

<sup>48</sup> Hobbes, *De Cive*, 243 (XVII.XXV).

for a body to excommunicate itself, and no other church possessed any such authority, for the universal or mystical church would not appear until the second coming of Christ. Second, no authority can excommunicate all the subjects of a church at one time, for then the commonwealth would cease to exist. Third, and most importantly, the sovereign power could not be excommunicated, because the Prince in whose will the entire commonwealth consisted by virtue of the covenant could not excommunicate himself.<sup>49</sup> Contrary to his Presbyterian and Catholic contemporaries, Hobbes distinguished spiritual and temporal power not to protect or elevate the spiritual power, but rather to subordinate it to the temporal power, and his understanding of the new covenant was crucial to establishing this subordination of power. As Hobbes concluded his discussion of excommunication, “It remains therefore that in all *Christian Churches*, that is to say, in all *Christian Cities*, the *interpretation of sacred Scripture* depend on, and derive from the authority of that man, or Councell, which hath the Sovereign power of the City.”<sup>50</sup>

In the final section of the chapter, Hobbes reiterated the problem of the twofold distinction between spiritual and temporal matters, and again asserted its solution. On the one hand there were “spiritual matters” that could not be resolved by natural reason, and on the other hand there were questions about “humane science, whose truth is sought out by naturall reason, and Syllogismes, drawne from the Covenants of men, and definitions (that is to say, significations received by use, and common consent of words) such as are all questions of Right, and Philosophy.”

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<sup>49</sup> Hobbes, *De Cive*, 244-5 (XXVII.XXVI).

<sup>50</sup> Hobbes, *De Cive*, 248 (XXVII).

Not only did Hobbes conclude that the “Covenants of men” were the source of natural reason or of solutions to the questions of human science, but he went on to demonstrate that debates regarding the nature of a covenant themselves must be determined by common consent. In so doing, the City need not determine such questions with reference to the scriptures nor through the consultation of theologians. By demonstrating that the scriptures themselves addressed matters that were both temporal and spiritual, Hobbes minimized the necessity of relying upon scripture for temporal matters, for those temporal matters resolved by the scriptures could also be addressed by natural reason. Therefore, while Hobbes observed that the sovereign ought to receive the counsel of the church and theologians regarding the “Mysteries of the Faith,” these mysteries were rather well circumscribed and unnecessary to determine temporal concerns. Whereas his contemporaries frequently relied upon the new covenant to demarcate a set of spiritual concerns under the jurisdiction of the church overseen in cooperation with the civil magistrate (Presbyterians) or a spiritual congregation free to gather apart from the interference of the civil magistrate (Congregationalists, especially by the late 1640s), by contrast Hobbes relied upon the new covenant to subordinate spiritual matters to the authority of the temporal sovereign. “And thus in Christian Cities the judgement both of *spirituall* and *temporall matters* belongs to the civill authority. And that man, or councell who hath the Supreme power, is head both of *the City*, and *of the Church*; for a *Church*, and a *Christian City* is but one thing.”<sup>51</sup> His contemporaries, especially the majority of those represented at the Westminster

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<sup>51</sup> Hobbes, *De Cive*, 249 (XVII.XXVIII).

Assembly, instead sought to distinguish spiritual and temporal in order to protect the spiritual. Hobbes sought to distinguish spiritual and temporal in order to subordinate the spiritual.

Nowhere was this use of the distinction between spiritual and temporal more obvious than Hobbes' treatment of "those things which are necessary for our entrance into the Kingdome of Heaven" in the final chapter of *De Cive*. His understanding of the relationship between faith and works pushed even more aggressively against the Protestant understanding of *sola fide* than his parallel presentation in *The Elements of Law*. "Now all things *necessary* to Salvation are comprehended in two vertues, *Faith*, and *Obedience*." Furthermore, Hobbes again tied obedience to the will of the sovereign. "Now, if we shall know in what points Obedience doth consist, and which are *the necessary articles of the Christian Faith*, it will at once be manifest what we must doe, and what abstaine from, at the commands of Cities, and of Princes."<sup>52</sup> While perfect obedience was not necessary for salvation, "the *Will* or *desire*" to obey was, and this included a will to obey not only God's moral law but also the "civill Lawes, that is to say, the commands of Sovereigns in *temporall matters*, and the Ecclesiasticall Lawes, in *spirituall*."<sup>53</sup> Therefore, it was not proper to say that faith alone saves, but rather that "*Faith and Obedience* have divers parts in accomplishing the salvation of a Christian." According to Hobbes, faith "contributes the *power*, or *capacity*" and works contributes "the act," and therefore it was proper that "either is said to justifie in its

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<sup>52</sup> Hobbes, *De Cive*, 251 (XVIII.II).

<sup>53</sup> Hobbes, *De Cive*, 250-1 (XVIII.III).

kinde.” Justification was therefore an “æquivocall terme” that could refer to the sense in which “a judge may be said to *justifie* who *absolves*” and also to “the *sentence* which *actually* saves a man.” In the former, “*Faith alone* justifies,” but in the latter “*Obedience onely*.” Therefore “neither Obedience alone nor Faith alone doe save us, but both together.”<sup>54</sup>

It is therefore crucial to see that Hobbes’ conception of authority and his account of legitimate obedience were founded directly upon his soteriological claims. In turn, his soteriological claims were founded directly upon his account of the relationship between the old covenant with Israel and the new covenant under Christ. In *De Cive* the state of nature was not itself an actual kingdom or time in history but rather a conceptual apparatus for grounding the historical rule of God as described in the Christian scriptures. Hobbes was able to utilize the language of a “civil covenant,” but the civil covenant was inseparable historically or conceptually from either the covenant made under Abraham and renewed with his descendants, most importantly Moses, or the covenant made under Christ. The entire purpose of the civil covenant was to properly establish the relationship between spiritual and temporal authority. Far from a rhetorical afterthought or device, this covenant theology derived from the Christian scriptures was foundational to Hobbes’ system of thought and its presentation in *De Cive*. As Hobbes put it towards the end of *De Cive*,

Must we resist princes when we cannot obey them? Truly no; for this is contray to our civill Covenant. What must we doe then? Goe to Christ by Martyrdome. Which if it seem to any man to be an hard saying, most certain

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<sup>54</sup> Hobbes, *De Cive*, 261-2 (XVIII.XII-XVIII.XIII).

it is thatt he believes not with his whole heart...but he would by a feigned Christian Faith elude that obedience which he hath contracted to yeeld up unto the City.<sup>55</sup>

### **Covenants in *Leviathan* (1651)**

If the early 1640s found Hobbes engaging the theological *zeitgeist* by incorporating an increasingly detailed narrative of the biblical covenants in order to articulate the absolute authority of the civil sovereign over both temporal and spiritual concerns, the later 1640s found him delving even further into the murky waters of the covenant theologians. The previous chapters have demonstrated that a number of matters in the development of covenant theology were closely related to contemporary political debates, and Hobbes' careful engagement with these debates and appropriation of their categories in *Leviathan* only confirms this point. Questions about the origin, number, nature, conditions, continuity, and mediators of these covenants all crucially shaped the various understandings of the kingdom of God that were grounded on the conclusions of these debates. In *De Cive* Hobbes flexed his muscles as a theologian by diving deeper into these controversies, but in *Leviathan* the nuance and subtlety of his arguments rose to a new level of sophistication. While his positions in *De Cive* appeared unorthodox to many of his contemporaries, and *Leviathan* was no less controversial, at the level of individual doctrines many of the arguments in his *magnum opus* once again could claim parallels in his more orthodox contemporaries. The sum of the parts may have

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<sup>55</sup> Hobbes, *De Cive*, 262-3 (XVIII.XVIII).



represented a radical innovation, but the individual pieces largely found strong precedents.

The first aspect of Hobbes' covenant theology that developed in complexity between *De Cive* and *Leviathan* related to the origins of God's covenants with humanity. In *De Cive*, Hobbes willingly referred to the relationship between Adam and Eve and God in covenantal terms when he described God's twofold rule over all human beings. In the beginning, God not only reigned "naturally, but also *by way of Covenant*, over Adam and Eve."<sup>56</sup> In *Leviathan*, however, Hobbes no longer referred to the relationship between God and the first parents of humanity in covenantal terms, but rather grounded the rule of God solely on the basis of his command rather than on the basis of his covenant. "From the very Creation, God not only reigned over all men *naturally* by his might; but also had *peculiar* Subjects, whom he commanded by a Voice, as one man speaketh to another."<sup>57</sup> At the same time, whereas Hobbes delayed the covenantal relationship between God and humanity to a later moment in biblical history, he identified the existence of the kingdom of God at an earlier moment. In *Leviathan* the covenant was not instituted until Abraham,

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<sup>56</sup> Hobbes, *De Cive*, 201 (XVI.II).

<sup>57</sup> Hobbes, *Leviathan*, 634.19-21 (3.35). For a similar reading, see Adrian Wilson, *Ritual and Conflict: The Social Relations of Childbirth in Early Modern England* (Burlington, VT: Ashgate, 2013), 83. For the interpretation that Hobbes grounded his theory in *Leviathan* on a covenant of works with Adam, see A.P. Martinich, *The Two Gods of Leviathan: Thomas Hobbes on Religion and Politics* (New York: Cambridge, 1992), 136-49. For the argument that God's permission to eat from the tree implied the existence of a covenant, see Ioannis D. Evrigenis, *Images of Anarchy: The Rhetoric and Science in Hobbes's State of Nature* (New York: Cambridge, 2014), 169. Such a conclusion needs to be based on more than implication, especially given Hobbes' precision with language in general and the intentionality of development he displayed in each subsequent publication of his political philosophy.

but the kingdom of God already was present on the ark with Noah and his family. Previously, Hobbes was not willing to recognize the kingdom of God until Abraham provisionally and Moses properly.<sup>58</sup>

A clue to one possible reason for Hobbes' newfound reluctance lies in his discussion of paternal dominion in the twentieth chapter of *Leviathan*. This chapter represented an ingenious response to the arguments of Robert Filmer and others who founded sovereign authority upon patriarchal right.<sup>59</sup> In 1643 Philip Hunton published *A Treatise of Monarch* in response to the debate between parliamentarians including Henry Parker, William Bridge, Jeremiah Burroughes, and Charles Herle on the one hand, and royalists like Henry Ferne on the other.<sup>60</sup> Hunton's system favored mixed rather than absolute monarchy and strongly emphasized the power of parliament, and he defended magisterial authority upon the basis of Adam's rule over Eve. In reply to such theories Hobbes first argued that in addition to generation (i.e., parental authority), authority also could be founded upon conquest. Second, he argued that paternal authority itself did not derive from the natural fact of giving birth alone or the natural authority of husbands but rather

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<sup>58</sup> Hobbes, *Leviathan*, 634.26-28 (3.35), *De Cive*, 200-1 (XVI.I).

<sup>59</sup> Robert Filmer's infamous *Patriarcha: The Natural Power of Kinges Defended against the Unnatural Liberty of the People* most likely was written by 1631 and was circulating widely in various manuscript editions by 1642. For a helpful discussion of the factors involved in dating *Patriarcha*, see the introductory essay by Johann Sommerville in Sir Robert Filmer, *Patriarcha and Other Writings* (New York: Cambridge, 1991), xxxii-iv. For Filmer's understanding of patriarchal authority in general see Cesare Cuttica, *Sir Robert Filmer 1588-1653*, and the *Patriotic Monarch: Patriarchalism in Seventeenth-century Political Thought* (Manchester, UK: Manchester University Press, 2012).

<sup>60</sup> Philip Hunton, *A Treatise of Monarchy* (London, 1643). See Oxford DNB, s.v. Philip Hunton, and Wilson, *Ritual and Conflict*, 84.

the ultimate consent of children, and therefore it could belong to either the father or the mother depending upon circumstances and particularly civil law.<sup>61</sup> The authority of the commonwealth therefore was founded not upon patriarchal authority but upon covenant.<sup>62</sup> Hobbes went on to argue that the greatest objection to patriarchal authority as the foundation of civil society was that it was a theory based upon the observation of practices. Given the frequency of civil war, sedition, and the destruction of even domestically successful commonwealths by foreign war, to model a system of sovereign authority upon the observation of the practices of historic commonwealths was to lay a “foundation” upon the “sand.” Rather, the proper foundation of sovereign authority was not the observation of practice but the inference of “certain Rules.” For Hobbes, regardless of whether or not the practices were contemporary ones or historically observed ones, “The skill of making, and maintaining Common-wealthes, consisteth in certain Rules, as doth Arithmetique and Geometry; not (as Tennis-play) on practice onely.”<sup>63</sup> Therefore, even the practices of God’s people in biblical history could not function as authoritative models. Instead, Hobbes argued that the Bible should function as a source book from which the rules of governance could be inferred according to the dictates of right reason. For Hobbes’ mature system in *Leviathan*, the history of God’s people revealed that Abraham explicitly consented to God’s rule, whereas Adam did not. Therefore the kingdom of God began with Abraham and not with Adam.

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<sup>61</sup> Hobbes, *Leviathan*, 308.1-26 (2.20).

<sup>62</sup> Hobbes, *Leviathan*, 320.19-20 (2.20).

<sup>63</sup> Hobbes, *Leviathan*, 320.23-322.5 (2.20).

Given Hobbes' newfound reluctance to identify a covenant in the Garden of Eden, the debates regarding the number and nature of the covenants at the Westminster Assembly and carried out through the mass of printed materials produced throughout the decade suggest a theological uncertainty that would have enabled him to make these arguments effectively. While congregationalist independents like Jeremiah Burroughes and Sidrach Simpson consistently tended to identify a covenant of works with Adam, and the politically damaging antinomian associations of figures like James Pope who instead identified the covenant of works with Israel made alternatives unattractive, the fact that many of Hobbes' Presbyterian arch enemies relentlessly debated the nature of the covenant of works and its relationship with the covenants with Moses and Christ opened the door for Hobbes' position. Although Presbyterians consistently referred to Adam's relationship with God as a covenant, their internal polemics muddied the waters on the issue. For example, Edmund Calamy, when describing the views of his opponents regarding the identity, number and relationship between the biblical covenants, referred critically to Anthony Burgess as only holding to one covenant of grace administered differently under Israel and under Christ and did not mention his views on the covenant of works.<sup>64</sup> Of course, in his *Vindiciae Legis* Burgess affirmed quite adamantly that God indeed did enter into a covenant with Adam, but Calamy's polemics obscured that reality and contributed to the muddy waters that

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<sup>64</sup> Edmund Calamy, *Two Solemne Covenants Made between God and Man* (London, 1646/7), 1.

enabled Hobbes' arguments to appear more orthodox than they might have otherwise.<sup>65</sup>

Whether or not his (mis-)characterization of Burgess was intentional or just unclear, Calamy ardently opposed those who denied "the covenant of works with Adam in the time of his creation... affirming, there was no covenant made with man before Israels return from Egypt."<sup>66</sup> Apparently such arguments were common enough in theological circles prior to the publication of *Leviathan* that Calamy felt the need to refute them. For his part, Hobbes explicitly rejected key elements of Calamy's position, most importantly Calamy's refusal to identify the covenant with Israel as a covenant at all, whether of works or grace, and he did so while at the same time setting forth a distinction between "law" and "covenant" that corresponded well with Calamy's depiction of the Law as merely a rule given to those already in covenant.<sup>67</sup> For Hobbes, obedience and faith were both a part of all God's covenants, including the covenant with Moses. Furthermore, the parallels between Burgess and Hobbes are striking. Like Hobbes, Burgess also argued for a difference between law, covenant, and testament in regards to their relationship to "publike obligation." Whereas law and testament were "absolute," a covenant "differs... in that it doth require consent and agreement between the two parties."<sup>68</sup>

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<sup>65</sup> Anthony Burgess, *Vindiciae Legis* (London, 1646), 119ff. Given that his description of Burgess' view comes in the context of a lengthy description of the entire systems of his opponents, and that Calamy fully delineated the views of each figure regarding both the covenants of works and grace, his partial description of Burgess' view is both curious and confusing.

<sup>66</sup> Calamy, *Two Somene Covenants Made between God and Man*, 7.

<sup>67</sup> Calamy, *Two Somene Covenants Made between God and Man*, 8.

<sup>68</sup> Burgess, *Vindiciae Legis*, 121.

Similarly, like Hobbes, Burgess argued that “a Covenant is not so properly said to be with God and man, as between man and man: for among them consent is requisite... but neither in the Covenant of Nature or Grace is this consent anteceding the validity of the Covenant required in man.”<sup>69</sup> While Burgess nevertheless held that the relationship between God and Adam was a covenant, it was not a covenant properly so called, for “with Adam, God’s Covenant did not depend properly upon his consent and acceptation, for he was bound to doe as God commanded, whether hee would agree or no.”<sup>70</sup> By the time Hobbes wrote *Leviathan* he had developed this line of thinking to the point where he no longer found it useful to describe the original relationship between God and humanity in covenantal terms at all. God’s kingdom by nature was not founded upon consent, but upon God’s absolute power. The principle of consent was indeed part of the laws of nature, but it referred to the mechanism for the formation of temporal, not divine authority. Hobbes found rich source material for these arguments among his theological contemporaries. By pushing and pulling their views and reworking them to fit together in service to his own ends, he created a theological rationale for the superiority of temporal authority that may have smelled fishy but also laid claim to theological orthodoxy in a way that was complicated to refute in the midst of the theological chaos of the period.

A second matter, closely related to Hobbes’ newfound reticence to speak of God’s rule over Adam in covenantal terms, was his mature account of the number

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<sup>69</sup> Burgess, *Vindiciae Legis*, 122.

<sup>70</sup> Burgess, *Vindiciae Legis*, 123.

and nature of covenants between God and man. Whether there was one covenant of grace or two was a key question of the day, and it was a question with political significance, for the answer shaped the extent to which the mode of Israel's civil government ought to function as a model for the administration of contemporary civil governments. As observed above, in *De Cive* Hobbes already had adopted the habit of speaking of the kingdom of Christ as a "regeneration" of the kingdom of God with Moses rather than an entirely new order.<sup>71</sup> Therefore he identified significant continuity between the form of sovereignty in Israel and in England. It is also clear that Hobbes understood this regenerated kingdom in covenantal terms, identifying its principles with those of the old covenant, which remained in force by virtue of its regeneration. While the old covenant had been regenerated and remained in force, according to Hobbes the new covenant would not be experienced in the present temporal age, but only eschatologically at the second coming of Christ. Citing Jeremiah's prophecy of "the Kingdome of God by the new Covenant," Hobbes argued that this kingdom "cannot be understood of a Kingdome in this World" but rather "shall begin from that time... wherein CHRIST shall come in Majesty, and glory... that is to say, at CHRIST his second comming, or the day of Judgement."<sup>72</sup> Here Hobbes utilized the arguments of figures like Burgess and John Ball who argued for strong continuity between the administration of the covenant under Moses with Israel and the covenant under Christ with the church against a wide range of opponents, including congregational independents like Burroughes and Simpson, but also those

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<sup>71</sup> Hobbes, *De Cive*, 220 (XVII.V).

<sup>72</sup> Hobbes, *De Cive*, 221 (XVII.V).

who followed Samuel Bolton in referring to the covenant with Moses as a subservient covenant. While Hobbes could appeal to certain aspects of the arguments of these proponents of strong continuity, he would have been hard pressed to find antecedents for his reticence to refer the new covenant as a present reality rather than a merely an eschatological one. Perhaps his strong arguments for covenantal continuity were intended to shield himself from criticism of his exclusively eschatological understanding of the new covenant. This would be hard to prove, but it is certainly suggestive.

At any rate, in *De Cive* Hobbes had given the impression that just as there was one peculiar covenant between God's people, so there was also one temporal kingdom. In *Leviathan* he doubled down on these arguments and also expressed awareness of their idiosyncrasy, and he did so boldly. Not only was the new covenant purely an eschatological reality, but he accused those who appealed to its present reality to justify their disobedience to temporal authority of dishonesty in doing so:

And whereas some men have pretended for their disobedience to their Sovereign, a new Covenant, made, not with men, but with God; this also is unjust: for there is no Covenant with God, but by mediation of some body that representeth Gods person; which none doth but Gods Lieutenant, who hath the Sovereignty under God. But this pretence of Covenant with God, is so evident a lye, evenin the pretenders own consciences, that it is not an act of an unjust, but also of a vile, and unmanly disposition.<sup>73</sup>

The precise referent of this "new covenant" was ambiguous. Most likely it referred to the Scottish National Covenant (1638) or the Solemn League and Covenant (1643). However, given Hobbes' preference for referring to the new covenant

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<sup>73</sup> Hobbes, *Leviathan*, 266.4-11 (2.18).



properly as an eschatological covenant, his dismissive reference to any “new covenant” in the present age suggested something more. These faulty temporal covenants were built on a problematic theological foundation that assumed new covenants could be made in the present. Therefore his arguments in *Leviathan* enabled him to oppose them even more strongly than his arguments in *De Cive*. On the other hand, in contrast to *De Cive*, Hobbes’ narrative of biblical history in *Leviathan* notably avoided the use of new covenant language in general. In *De Cive* he had emphasized the heavenly and eschatological nature of the new covenant, but nevertheless referred to the temporal implications of its promises:

Now although the Kingdome of God by CHRIST to be establishd with a *new Covenant*, were Heavenly, we must not therefore thinke, that they, who believing in CHRIST would make that Covenant, were not so to be govern’d here on the Earth too, as that they should persevere in their faith, and obedience promis’d by that Covenant.<sup>74</sup>

However, in *Leviathan*, Hobbes refrained from drawing these connections. In fact, Hobbes rarely used the phrase “new covenant” at all in *Leviathan* and on the handful of occasion when he did there is evidence that he did so with discomfort.

The phrase appeared on three occasions in addition to his discussion of the right of sovereigns by institution in chapter 18 cited above. First, in chapter 35 of the English edition of *Leviathan*, Hobbes at one point retained the language of *De Cive*, referring to a “*New Covenant* by baptism.” However, in the Latin edition of 1668, Hobbes changed the term to “New Testament,” thus enabling him to speak of

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<sup>74</sup> Hobbes, *De Cive*, 221 (XVII.VI).

sovereign authority in the present without appeal to a new covenant.<sup>75</sup> This is strong evidence of a trajectory moving away from any notion of the new covenant in the present. At the same time, Hobbes clearly was aware of the controversial nature of his preference for speaking of the new covenant in purely future terms and God's eschatological reign in purely earthly terms. In chapter 38, his second use of "new covenant" language demonstrated this awareness in the midst of his discussion of scriptural terms describing "eternal life, hell, salvation, the world to come, and redemption." After referring explicitly to his earlier statements in chapter 35, Hobbes then asserted that "the kingdom of God is a civil commonwealth, where God himself is sovereign, by virtue first of the *Old* and since of the *New Covenant*," that God ruled this kingdom through his "vicar or lieutenant," and "that after the coming again of our Saviour, in majesty and glory, to reign actually and eternally, the kingdom of God is to be on earth." He followed this claim immediately with a long caveat acknowledging the apparent "novelty" of his view and his desire to "propound it" only in relation to "that dispute of the sword concerning authority"

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<sup>75</sup> Hobbes, *Leviathan*, 637.14 (3.35). In a footnote to the parallel English text in the Oxford edition, Noel Malcolm mistranslates Hobbes' Latin, rendering "ut nunc sub Testamento novo est Baptismus" as "as baptism is now under the New Covenant" (636, n. 13). This translation is incorrect, for in the immediate context Hobbes displayed awareness of the difference between "pactum" and "testamentum" and therefore the two terms are not interchangeable. The reference to the old administration did not change from the English text of 1651 to the Latin text of 1668, for on both occasions Hobbes referred to it as both the "*Old Covenant*, or *Testament*" (1551) and the "Pactum & Testamentum Vetus" (1668). However, his reference to the new administration did change in the later text. The "*New Covenant by Baptisme*" (1551) became the "Testamento novo est Baptismus" (1668). Hobbes' precise use of these terms needs to be reflected in translation. For Hobbes in 1668, the "old" was both a covenant and a testament. The "new" was merely a testament.

and no further.<sup>76</sup> In the 1668 Latin addition, Hobbes removed this caveat and rephrased his point very carefully in order to make it unnecessary. Instead of establishing the earthly rule of the kingdom of God by virtue of the old and new covenant in the past tense, he now grounded it ambiguously on the “*pacti tum Veteris tum Novi Summam*,” without specifying whether the new covenant was past, present, or future. Hobbes rephrased the rest of the sentence as well in order to minimize offense while retaining his argument for the absolute and earthly rule of the temporal sovereign under the authority of God.<sup>77</sup>

Hobbes’ third and final use of “new covenant” language again tied these themes together in a way that demonstrated his desire to avoid referring to the new covenant in the present, and at the same time to avoid controversy in doing so. In his discussion of the offices of Christ in chapter 41 he included a treatment of Christ’s kingly office. In consideration of the kingly function of Christ’s first coming, Hobbes claimed that it “was to restore unto God, by a new Covenant, the Kingdom which, being his by the Old Covenant, had been cast off by the rebellion of the Israelites in the election of Saul.” Therefore, Hobbes went on to argue, much as he had in *De Cive*, that Jesus’ preaching was a “Regeneration” and “not properly” a new kingdom in the present age, and that it would only come as a new kingdom at the

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<sup>76</sup> Hobbes, *Leviathan*, 708.22-37.

<sup>77</sup> “Postremò, cum Capite 35. ostensum sit Regnum Dei Civitatem esse propriè dictam (quae Civitas erat in Terra) in qua Virtute pacti tum Veteris tum Novi Summam habet Potestatem Deus; & eam per Vice-gerentem regit, etiam quando Servator noster adveniet in Gloria & Majestate regnaturus, Regnum ejus erit in Terra.” Hobbes, *Leviathan*, 709.17-21 (3.38).

resurrection.<sup>78</sup> Then Jesus “shall be king, not only as God... but also peculiarly of his own elect, by virtue of the pact they make with him in their baptism.”<sup>79</sup> In a very nuanced way, Hobbes acknowledged the reality of a new covenant at Christ’s first coming, yet also made clear that this new covenant was based on promises that would only be experienced at his second coming. Its temporal relevance was only as a regeneration of the kingdom of God under the old covenant and not in any sense a new kingdom. Thus in *Leviathan*, Hobbes resorted to new covenant language only when absolutely necessary in order to minimize the controversial nature of his denial of its present status. When he did use it, he was extremely careful to indicate that the new covenant related only to the eschatological kingdom of Christ and had no bearing on the present temporal order. Christ’s new covenant kingdom was essentially a future kingdom. The old covenant kingdom was regenerated by Christ and lay under the absolute temporal authority of the civil sovereign.

## **Conclusion**

Whereas Hobbes’ contemporaries debated relentlessly about the number of God’s covenants with humanity in redemptive history, the nature of their relationship with one another, and whether they were covenants of works or of grace, Hobbes’ bypassed these debates by offering a de-historicized covenant theology. He denied that God’s relationship with Adam was covenantal, but rather one of sovereign rule by pure power and command. He also denied that God’s

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<sup>78</sup> Hobbes, *Leviathan*, 764.24-26 (3.41), 766.6-7 (3.41).

<sup>79</sup> Hobbes, *Leviathan*, 768.3-6 (3.41). In the 1668 Latin edition, Hobbes referred to this pact as a “new pact” [pacti novi]. See 769.3 (3.41).

people experienced the new covenant kingdom at the first coming of Christ, but rather awaited it at his second coming on the day of judgment. The only historical covenant that mattered in the present age was the covenant initiated with Abraham and witnessed most properly with Moses. This old covenant was the typical covenantal arrangement for the kingdom of God in the present age and the foundation of civil sovereignty and temporal authority. Furthermore, while Hobbes did engage the historical narrative of the old covenant, its chief feature of political relevance was its pattern of consent. The specific features of the covenant were less important than this pattern by which the sovereign was formed by the willing consent of the people to transfer their individual right of judgment to the will of the sovereign. Positive laws could change, but this transfer of rights from people to sovereign was perpetual.

The fact that Hobbes' contemporaries relentlessly debated the origin, number, and continuity of the covenants also enabled him to assert with good cause that his own covenant theology only addressed matters "not yet amongst my Countrey-men decided."<sup>80</sup> For Hobbes and his contemporaries, the proper relationship between civil and ecclesiastical authority depended upon the outcome of these debates. Contrary to the claims of some historians of political thought, it is impossible to read Hobbes' argument in any of his major works as a "secular" rendition of contemporary covenant theology, regardless of the degree to which one doubts the sincerity of his profession. The conclusions may have favored the authority of the temporal sovereign, but the arguments were theological in every

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<sup>80</sup> Hobbes, *Leviathan*, 708.31-2 (3.38).

sense, and they demonstrated intimate familiarity with the arguments of his contemporaries. Conversely, studies of the development of covenant theology in this period that focus exclusively on redemptive historical and soteriological concerns are similarly misleading. Contemporaries debated those subjects not only with reference to their eschatological well-being but also with reference to their present state. Questions related to the nature and proper source of civil authority, spiritual authority, Christian liberty, and the relationship between civil and ecclesiastical power were inseparable from the redemptive historical and soteriological questions at the heart of covenant theology.

## REVIEW AND CONCLUSION

### *Early Modern Covenant Theology and Political Thought in Conversation*

Attention to the internecine debates of these various puritan figures and their opponents helps to fill out the spectrum of competing understandings of covenant theology on hand during the 1640s and 1650s, and illustrates the relevance of these categories and their attendant vocabularies and logics to the political debates of the period regarding political sovereignty, the relationship between civil and ecclesiastical authority, and notions of legitimate law. As noted at the outset of the chapters on Hobbes, recent works by Jeffrey Collins, Jon Parkin, and Noel Malcolm have done much to rehabilitate interest in the political ramifications and uses of Hobbes' theological project, and the chief argument of this study is that attention to the specific theological debates of his contemporaries sheds light not only on the intellectual context in which he wrote but the polemical purposes of his treatment of covenant theology as well.<sup>1</sup> Hobbes took explicit positions on virtually

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<sup>1</sup> Jeffrey R. Collins, *The Allegiance of Thomas Hobbes* (New York: Oxford University Press, 2005); Noel Malcom, *Aspects of Hobbes* (New York: Oxford University Press, 2003); Jon Parkin, *Taming the Leviathan: The Reception of the Political and Religious Ideas of Thomas Hobbes in England, 1640-1700* (New York: Cambridge University Press, 2007). The best treatment of Hobbes's covenant theology is Franck Lessay, "Hobbes's Covenant Theology and Its Political Implications," in *The Cambridge Companion to Hobbes's Leviathan*, ed. Patricia Sprinborg (New York: Cambridge University Press, 2007), 243-70. Its chief limitation is that its points of contextual comparison lie in sources printed after Hobbes's death and nearly 30 years after the original publication of *Leviathan*. Other treatments include A. P. Martinich, "The Interpretation of the Covenants in *Leviathan*," and Edwin Curley, "The Covenant with God in Hobbes's *Leviathan*," in *Leviathan after 350 Years*, eds. Tom Sorell and Luc Foisneau (New York: Oxford University Press, 2004), 217-40, 199-216. Both essays are more interested in the contemporary relevance of Hobbes's covenantal ideas than their historical context.

all of the relevant debates outlined in Edmund Calamy's taxonomy of covenantal views, including the number of theological covenants, whether they were pre-lapsarian or post-lapsarian covenants, whether they required a mediator, whether they were properly considered as covenants of works or grace, the consequences or rewards due upon breach or fulfillment of the covenant conditions, and, most significantly, the relationship of the Mosaic covenant to the new covenant.<sup>2</sup> Why did he do this?

If Jon Parkin is correct that Hobbes's theory of representation in chapter 16 of *Leviathan* represents its single most important technical alteration to his argument in *De Cive*, and furthermore that this alteration represented a crucial underpinning of his mature contract theory, it is not surprising that Hobbes would find it necessary to set forth his own understanding of God's covenants with humanity via the mediation of the civil sovereign.<sup>3</sup> Although many of Hobbes' contemporary and modern readers have identified his contract theory as an attempt to justify a form of *de facto* authority, attention to the details of Hobbes's covenant theology rather supports Parkin's claim that the arguments set forth in *Leviathan* were instead a sophisticated attempt to rewrite the relationship between authority

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<sup>2</sup> On the number of covenants, see Hobbes, *Leviathan*, chapter 35; on the necessity of a mediator, chapter 16; on the nature of a covenant with reference to works and grace as well as the necessity of covenant conditions, see his distinction between covenants and grace in chapter 43 and chapter 14 (he even took a position on the kind of reward due to Adam for obedience in the Garden of Eden in chapter 38); on the relationship between the covenant with Moses and the covenants of the New testament see his argument for continuity in chapter 35.

<sup>3</sup> Parkin, *Taming the Leviathan*, 90-1.



and consent.<sup>4</sup> Furthermore, Parkin's claim needs to be supplemented by the observation that Hobbes' argument regarding the status of the new covenant also changed dramatically across the course of his major political writings. As this study has demonstrated, Hobbes's innovative notion of authority and consent depended not only upon categories at stake in contemporary political controversies, but intricate scholastic debates at the heart of contemporary soteriological questions. In his engagement of these questions, Hobbes borrowed tendencies from the playbooks of both the presbyterians and their antinomian opponents (and played off factional disagreements among the presbyterians themselves) in order to shore up his theory. To reiterate just one example, following the increasingly mainstream presbyterian view of Anthony Burgess rather than that of Samuel Bolton, Hobbes argued that all covenants must have conditions, and thus he excluded absolute pacts by defining them as promises rather than covenants. For Hobbes such "non mutual transferring of rights" was not a covenant or a contract, but better understood as a "gift," "free-gift," or "grace."<sup>5</sup> However, by separating lawful conditions from gracious promises, it is not surprising that Hobbes received scathing criticism from the more vocal presbyterian critics of antinomianism, including Richard Baxter. Baxter explicitly connected this distinction between law and gospel to Hobbes's ecclesiology, denial of clerical authority, redefinition of the kingdom of God, and elevation of princely authority:

I speake of the evill of Denying Christ's Doctrine to be a Law, in that most of the Horrid consequences in Hobbs Booke arises from that

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<sup>4</sup> Parkin, *Taming the Leviathan*, 145.

<sup>5</sup> Hobbes, *Leviathan*, XIV.11.

Principle: viz. ergo Xt Doth but teach and Princes command ... ergo Scripture is no further a Law (saith Hobbs) than sovereigns so make it: Nor Ministers have any power of Governing, or Commanding, Nor Christ any kingdome now on Earth; but only in preparing men by Doctrin for one hereafter, and 100 the like Hobbs abounds with.<sup>6</sup>

It is striking to note the careful precision with which Hobbes crafted his language in order to pit one presbyterian way of looking at things against another. It also helps to explain why presbyterians referred to *Leviathan* specifically in their 1652 appeal to Parliament to make censorship laws more rigorous.<sup>7</sup>

Thus, integrating the narratives regarding debates concerning the development of covenant theology and competing notions of consent and authority in the late 1640s and 50s enables a richer picture of the significance of the period's polemics, and this is not only true in the case of examples above drawn from Edmund Calamy's treatise. When the more rigid presbyterian Thomas Blake wrote his *Vindiciae Foederis* it included not only a vindication of the covenants, but of the presbyterian ecclesiology by which the national mercies they implied could be overseen.<sup>8</sup> The dissolution of the Nominated Assembly in December 1653 and the subsequent establishment of the Protectorate accompanied by Cromwell's installation as head of state marked presbyterian proposals like Blake's a failure and significantly shaped the reception of Hobbes's *Leviathan*. The creation of a tolerant national church along the lines of John Owen's *Humble proposals* sent advocates of

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<sup>6</sup> Baxter in a letter to Thomas Hill dated in early March 1652. Dr. William's Library MS 59, Baxter Correspondence, 6 vols., III, ff. 272v-273. Cited in Parkin, *Taming the Leviathan*, 113.

<sup>7</sup> See Collins, *The Allegiance of Thomas Hobbes*, 209-10; Parkin, *Taming the Leviathan*, 114.

<sup>8</sup> Blake, *Vindiciae Foederis*, 232.

alternative ecclesiologies, including Hobbes and his chief critics, scrambling. In the year 1654 the presses exploded with public critiques of *Leviathan* from the pens of prominent presbyterians, episcopalians and others, and Hobbes responded in kind to manage the public reception of his work.<sup>9</sup> These debates carried over into 1655 and help to explain the context for John Cook's publication of Bishop John Bramhall's version of his infamous running debate with Hobbes under the title *A Defense of True Liberty* in March of that year. On the presbyterian side of things, together with the controversy between Resolutioners and Remonstrants in Scotland, these debates likewise provide the contextual backdrop for Samuel Rutherford's attempt to reiterate Blake's position in his *The Covenant of Life Opened*.<sup>10</sup> The year 1656 not only saw the publication of Hobbes's response to Bramhall, *Questions concerning Liberty, Necessity and Chance*, but also the republication of Bolton's *True Bounds of Christian Freedom*. Given the overlap of subject matter in each of these treatises, it is hard to justify the separate narratives regarding contract theory and covenant theology that are built into the separation of the disciplines of the history of political thought and historical theology.

Once again, it is worth pointing out that the integration of these narratives offers a better picture of the trajectory of Hobbes's reception, as well as the relationship between his ideas and other contemporary theorists after the 1650s as well. In 1659 Matthew Wren connected Hobbes's understanding and use of the old

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<sup>9</sup> See the excellent discussion in Parkin, *Taming the Leviathan*, 136ff.

<sup>10</sup> A work in which Rutherford made reference to the *Leviathan*, albeit without explicit mention of Hobbes. See Samuel Rutherford, *The Covenant of Life Opened*, 15.

covenant between God and Israel with James Harrington, citing both authors' use of the idea in relation to their understanding of the nature of the church.<sup>11</sup> The continuance of these debates helps to explain the republication and reorientation of Thomas Blake's work in 1658, and it also explains the publication of other works by the presbyterian George Lawson and the episcopalian Herbert Thorndike published in the same year. Lawson objected to Hobbes's understandings of covenant and contract, tied his critique to various theological and soteriological concerns, and he connected them with contemporary ecclesiological debates.<sup>12</sup> Herbert Thorndike differed from Lawson's position in important ways, but his points of critique nevertheless touched similar issues.<sup>13</sup> Again, the fact that so many contemporaries saw these debates as part of one united discourse calls into question the contemporary tendency to try and understand the past by separating the strands. This study represents a first attempt at an integrated approach to understanding these discourses by offering a close reading of some of the key texts of covenant theology published during the early Stuart period and putting them in conversation with the works of key contemporary Erastians like Robert Sanderson on the one hand and Thomas Hobbes on the other. In so doing it points to several important conclusions and also raises questions worthy of further study.

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<sup>11</sup> Matthew Wren, *Considerations on Mr. Harrington's Commonwealth of Oceana* (London, 1659), 41. Cited in Parkin, *Taming the Leviathan*, 184.

<sup>12</sup> George Lawson, *An examination of the political part of Mr Hobbs his Leviathan* (London, 1657), 3-4, 22, 139.

<sup>13</sup> Herbert Thorndike, *An Epilogue to the Tragedy of the Church of England* (London, 1659); Book II of this work is entitled *The Covenant of Grace*. See Michael McGiffert, "Herbert Thorndike and the Covenant of Grace," *Journal of Ecclesiastical History* 58, no. 3 (July 2007), 440-60.

With regard to Robert Sanderson, it is now clear that covenant theology was by no means a puritan preserve, and it is also clear that its non-puritan experimenters were not limited to Laudians like Henry Hammond and Herbert Thorndike. Sanderson employed and redeployed an arsenal of covenantal ideas in order to shore up his Erastian understanding of the authority of the civil magistrate over both spiritual and temporal affairs. Not only do Sanderson's conclusions and methodology offer a tantalizing foretaste of the Hobbesian corpus, but they also demonstrate that the interrelationship between covenant theology and the project of political legitimation was not an invention of the 1640s. The ideological fault lines that exploded into view in the 1640s and 1650s can be traced at least as far back as the latter years of the second decade of the century. Censorship of the press may have obscured the unstable landscape, but careful attention to Sanderson's preaching in the 1620s and 30s nevertheless reveals that God's covenants with humanity and their corollary doctrinal implications were crucial to the discourse of political authority and its legitimation during this period. A close reading of Sanderson's sermons as well as of unpublished works like his *Pax Ecclesia* also demonstrate the limitations of predestinarian "Calvinism" as an explanatory matrix for theological, ecclesiological and indeed political conflict. Sanderson certainly was no friend of anti-Calvinists or Laudians, but the soteriological system schematized in *Pax Ecclesia* placed him even further from Calvin on the theological spectrum than an overt critic of Calvin like John Overall. Perhaps it was not Sanderson's "Calvinism" that led him to oppose his anti-Calvinist contemporaries, but rather the political theology entailed in his covenant theology. By collapsing the covenants of nature

and grace and of creation and redemption, Sanderson underwrote a political theology that led him to oppose both “Calvinists” who distinguished nature and grace in order to protect spiritual authority and Laudians who collapsed nature and grace in order to privilege spiritual authority.

At any rate, the works of Thomas Hobbes and his Presbyterian opponents both clearly demonstrate that by the 1640s covenant theology was one of the primary mechanisms by which contemporaries carried out their ecclesiological and political debates. One of the most important elements of debate related to the continuity between the covenant with Moses and the other administrations of God’s covenants with humanity, particularly the new covenant. While there were some figures like Samuel Bolton in the 1640s who wanted to distinguish between the covenant with Moses and the other historical administrations of God’s covenant with humanity in order to identify the “true bounds” of Christian liberty, the ever present antinomian threat led the majority of presbyterians to argue in one way or another for continuity between the covenant with Moses and the other administrations of the covenant of grace. This led them to develop a variety of distinctions, such as that between the “law as a covenant” and the “law as a rule,” in order to account for scriptural passages in Galatians, Romans, and Hebrews that appeared to distinguish between the old and new covenants. At the same time, it left them with an ambiguous account of the relationship between temporal and spiritual benefits of the covenant. Figures like Bolton and John Ball developed covenant theologies with significant potential to distinguish between those benefits and even to argue for discontinuity in the experience of those benefits under different

administrations of the covenant of grace, whereas others like Anthony Burgess and Edmund Calamy were less inclined to separate or distinguish the temporal from the spiritual. Most importantly, these works demonstrate that whereas virtually everyone took the existence of the covenant of works for granted, there was an incredible diversity of views and controversy regarding the identity of the old covenant with Moses and its relationship to the covenant of grace.

This diversity of theological perspective left the door wide open for Thomas Hobbes to assume the Erastian covenantal mantle of Robert Sanderson, albeit now with an even greater ability to argue that his ideas were merely orthodox business as usual in spite of his outlandish conclusions. In *The Elements of Law* Hobbes argued against the possibility of a covenant between God and humanity in order to take the wind out of the sails of monarchomachs who argued that the ruler who violated the terms of his covenant with the people and with God likewise forfeited any claim to legitimate rule. That argument ran counter to the standard “Calvinist” covenant theologies of the day, but it did so by redefining rather than rejecting their framework. Hobbes first redefined the covenant that created sovereign authority as a horizontal covenant between each individual person, and he second redefined the covenant as a supersession of the state of nature rather than an expression of it. Neither of these redefinitions would have set well with his contemporaries, but on the other hand Hobbes’ insistence that all covenants must have conditions certainly played with presbyterian capital, and his insistence on the distinction between a law and a covenant did likewise. In a similar way, Hobbes played on the presbyterian reaction to antinomianism by emphasizing the necessity of both faith and

obedience, as well as by emphasizing the continuity between natural, divine, and human law. While the conclusions he drew from these premises were problematic to theologians who also affirmed that salvation was *sola fide* and that there was a distinction between special and general revelation, his utilization of their premises gave a degree of plausibility to his claims to orthodoxy.

Hobbes' arguments in *De Cive and Leviathan* only evidenced an even greater sophistication along these lines. In *De Cive* Hobbes embraced the tendency of his contemporaries to emphasize the importance of God's historical covenants with humanity, but he did so in a way that increasingly evacuated the historical particularity that his contemporaries emphasized. For Hobbes, God ruled over Adam and Eve naturally by virtue of his power, and he also ruled them covenantally by virtue of their consent. These two forms of rule were theological constructs rather than historical descriptions, and the two forms of rule entailed two different foundations for law. The natural law was known by right reason, and therefore did not require sacred interpreters independent of secular authorities. The peculiar commands given covenantally were radically voluntaristic, grounded solely upon God's power, and therefore they required the authority of the sword not only to identify their content but also their interpreters as well. For Hobbes, God's consecutive historical covenants were essentially serial iterations of this same dynamic, a twofold rule according to God's power and God's covenant. The political situation of each subsequent administration was identical. Because God's law could be known only by right reason or by the temporally authorized interpretation of his peculiar commands, sacred authorities were subject to secular ones. If this was not



enough, Hobbes added an elaborate argument for the identity of the church and commonwealth, and therefore the identity of ecclesiastical and civil authority that was itself founded upon the same covenantal arguments.

Given the complexity of those arguments and their controversial nature, it is not surprising that Hobbes choose a simpler path in *Leviathan*. If his arguments in *De Cive* neglected the historical nature of God's covenants, in *Leviathan* he obscured the unorthodoxy of this neglect by playing off contemporary debates regarding the nature of the postlapsarian covenants. In *Leviathan* the only covenant that could serve as a pattern for contemporary civil government was precisely the one that most befuddled his contemporaries, the covenant with Moses. Their endless debates about the nature, function, and relationship of the covenant with Moses to the rest of God's covenants with humanity made it difficult for them to refute Hobbes' claim that the old covenant with Moses alone could serve as a theological foundation for civil sovereignty and temporal authority. The sum of this argument was that the consent of the people implied the transfer their right of judgment to the civil sovereign, and that this transfer of right meant that the civil sovereign possessed an absolute authority over both temporal and spiritual matters. Hobbes denied any political relevancy to the covenant with Adam in the Garden of Eden, for God's prelapsarian relationship with humanity was a natural one based on absolute power. He similarly denied any political relevancy to the new covenant with Christ and the church, for that covenant would only be experienced at Jesus' second coming. Only the covenant with Moses was relevant to establishing the nature and rule of the kingdom of God, and for Hobbes the covenant with Moses clearly taught

the union of temporal and ecclesiastical authority under the aegis of the civil magistrate.

Thus Hobbes utilized presbyterian arguments for covenantal continuity in order to reject the presbyterians' own tendency to distinguish between God's two kingdoms, between civil and ecclesiastical authority. In the 1650s, following the publication of *Leviathan*, the relationship between covenantal continuity and spiritual and temporal implications of the covenants became more complicated. Some authors, like Thomas Blake, argued for a close connection between the spiritual and temporal benefits of God's covenant with humanity, and Blake even doubled down on those arguments when he reworked the second edition of his work for publication in 1658. Others, like Francis Roberts, began to distinguish between the spiritual and temporal benefits of the covenant even as various contextual factors led him to argue for a stronger version of covenantal continuity than his presbyterian predecessors had endorsed in the 1640s. Their works reveal that the specter of independency placed a great deal of pressure on them to argue for contemporary continuity with the Mosaic polity on the one hand, but that these arguments for covenantal continuity raised a number of issues regarding the relationship between spiritual and temporal covenant benefits on the other. Their differing responses hint at a significant rift even among English presbyterians on the relationship between spiritual and temporal matters. Whereas Roberts could not have been more explicit in his distinction between spiritual and temporal concerns, Blake and others were not so keen to make those distinctions. In a rather bizarre turn, in their message to the reader that introduced Blake's work, the presbyterians

Richard Vines and Samuel Fisher even cited the arch-nemesis of presbyterian polity, Richard Hooker with appreciation.<sup>14</sup>

This divergence of presbyterian approaches to the key questions of covenant theology helps to explain the spectrum of presbyterian willingness to cooperate with congregational independents and indeed challenges the tendency of a previous generation of scholarship to neatly divide figures during this period into clearly distinguished camps.<sup>15</sup> Just as many interpretations of the ecclesiologies of the 1640s have believed the decade's most bellicose and vociferous polemicists like Robert Baillie and Thomas Edwards and falsely imposed a sharp divide between presbyterians and congregational independents on matters of ecclesiastical polity, the same tendency can be seen in treatments of the spectrum of opinion regarding the doctrinal underpinnings of those ecclesiological matters. If Robert Baillie is to be believed that "Anabaptism" was the "true fountaine of Independency, Antinomy, Brownisme, Familisme, etc." and that one of the chief errors of the Anabaptists was their separation of spiritual and temporal benefits of the covenant of grace, this not only makes it difficult to understand Francis Roberts' identity as a staunch presbyterian in the 1650s, but it also makes it hard to understand on the one hand why the English Parliament would have appointed Samuel Bolton to the Westminster Assembly in the same year that Baillie's work was published, and on the other hand why Bolton was received so easily by the presbyterians in the

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<sup>14</sup> Thomas Blake, *Vindiciae Foederis*, sig.B1r.

<sup>15</sup> For a recent and compelling challenge to this tendency, see Hunter Powell, *The Crisis of British Protestantism: Church Power in the Puritan Revolution, 1638-44* (Manchester, UK: Manchester University Press, 2015).

Assembly, not to mention how Edmund Calamy could have preached his funeral sermon in such glowing terms.<sup>16</sup> Just as recent treatments of the ecclesiology of the period have resisted the urge to anachronistically read later factional divides back into the period, future treatments of the historical development of covenant theology need to take the same approach.

Along these lines, this dissertation points to at least two theological questions related to covenant theology with significant ecclesiological and political implications that are worthy of further study. First, the development and status of various views that regarded the covenant with Moses as a “mixed covenant” of works and grace is a subject worthy of further treatment. While, as shown in chapter three, figures like John Ball, Anthony Burgess, and even Samuel Bolton indeed rejected versions of this view, it was not only endorsed by figures associated with congregational independency like Jeremiah Burroughes but also by committed presbyterians like George Walker.<sup>17</sup> Even Robert Baillie himself, while extremely

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<sup>16</sup> Robert Baillie, *Anabaptism, the True Fountaine of Independency, Antinomy, Brownisme, Familisme, And the most of the other Errours, which for the time doe trouble the Church of England, Unsealed* (1646/7).

<sup>17</sup> See Jeremiah Burroughes, *Gospel Conversation* (1650), where Burroughes wrote of the administration of the covenant with Moses that “indeed there was this in the administration of it somewhat different from us, some special covenant about their living in Canaan, and about mercies in that promised Land, beyond that that we have in the Law, as we find in the new Testament, they (I say) had this annexed to it. The Law that was first given unto *Adam* and written in his heart, afterwards even obliterated, then it was transcribed by the same hand in tables of stone and given unto them chiefly to shew them their misery, and their need of Christ, to be a preparation for Christs coming into the world, and with this one addition beyond what we have in the new Testament, that there was a temporal Covenant annexed unto it, that concern’d their living prosperously in the Land of Canaan, (& so far we are delivered even from the Law as it was given by Moses, that is, from the connexion of the Covenant that was added unto the delivering of the Law)

critical of the idea of the covenant with Moses as a mixed covenant in general, acknowledged that some of the temporal concerns annexed to the old covenant did not continue under the new covenant. Nevertheless, for Baillie the new covenant itself contained temporal promises, and he argued that this reality did not challenge its identity as a covenant of grace any more than it challenged the identity of the old covenant.<sup>18</sup> Differing understandings of the nature of the old covenant's temporal

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concerning their happy and comfortable condition in the Land of Canaan upon the keeping of their Law; but now (however it was) certainly that Conversation that becomes the Gospell should be beyond what could be even from godly men in the time of the Law.”

George Walker's staunch presbyterianism is evidenced by his authorship of the anonymously published *A Modell of the Government of the Church under the Gospell* (1646). Yet in his *The Manifold Wisedome of God* (1641), Walker too referred to the covenant with Moses as a mixed covenant, writing that it was “partly of the Covenant of Workes, which is the Old Covenant, partly of the Covenant of Grace, which was made after the fall... Now this was but a repeating, and renewing of the first Covenant of Workes, to be performed by every man in his owne person, for the obtaining of life.” Walker went so far as to write that “This Covenant, which God made with Israel, is called the Old Covenant, and the Covenant of the Law, and is opposed to the Covenant of the Gospell, that is, to the Covenant, as it is now revealed in the writings of the Evangelists and the Apostles, and plainly preached and published over all the world,” 67, 72. On p. 120, Walker wrote that “Again the old Covenant abounded in earthly promises of worldly blessings, but had few promises of spiritual and heavenly blessedness intermingled; But the new insists almost altogether on heavenly rewards, and promises of spiritual blessings, and hath but few promises of temporal and worldly good things. And thus both the order of the promises, and the unequal mixture of earthly and heavenly blessings, doe make another difference between the old and new Covenant.”

<sup>18</sup> Robert Baillie, 141-2. “That which they speak of a mixed covenant is not much to the purpose, we did never deny the adjunction of ceremonies and temporall promises, and the whole covenant of works unto the covenant of grace under its first administration: yea, under the very New Testament where the administration is much changed, the new covenant wants not both its sacramentall ceremonies and promises of this life; but none of those adjuncts doe change the state and nature of the principall; it remains ever a covenant of pure grace without any mixture; it is neither in the whole, nor in any substantiall part turned into a covenant of works, it may not lose its denomination if it keeps its nature; it may

promises and its status as a mixed covenant did not map cleanly onto neatly defined ecclesiological camps, and in fact divided presbyterians from one another just as much as they divided them from congregationalist independents. Nevertheless, as this study has shown and as Baillie's work indicates, these theological categories were crucial to the ecclesiological debates of the period. More work remains to be done in order to identify how these ideas developed and how they contributed to political polemics.

A second question worthy of further study arises from the relationship between the covenant with Moses and the covenants that congregational independents developed in order to establish the membership of their communions. Previous studies of the historical theology, ecclesiology, and politics of the period have not taken full account of the connections between these two forms of covenantal discourse. Yet contemporaries clearly connected them, as evidenced by Thomas Edwards in his printed response to the *Apologetical Narration*. Edwards, speaking of "the congregational way," criticized his opponents for their ill advised (and inconsistent) attempt to "fetch grounds out of the old Testament for many things you hold and practice." As for "ordination by the people without Officers," Edwards wrote that his opponents "can bring none out of the new Testament" in defense of "the Church-covenant" either, and therefore "you multiply places out of

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neither be counted wholly a covenant of works, nor a mixed covenant of grace and works."

the old.”<sup>19</sup> If the rationale for gathering individual congregations by church covenants was grounded on scriptural arguments taken purely from the Old Testament, then clearly theological debates about the relationship between the old and new covenants were crucially relevant to polemics regarding the legitimacy of the congregational way and its presbyterian alternative. More work remains to be done to trace the connections between theological and ecclesiastical covenants.

In addition to these theological questions, another question worthy of further examination relates to the history of political thought and regards the relationship between the development of the idea of a social contract on the one hand and the development of covenant theology on the other. This study has demonstrated that in seventeenth-century England these ideas were closely related. This calls for further study of the relationship between these ideas in preceding years, both in England and on the continent. Previous studies of the roots of the idea of a social contract have focused on the conciliar tradition and have not recognized that the development of Protestant covenant theology in both the sixteenth and seventeenth centuries also had important connections with that same tradition.<sup>20</sup> Future studies of the historical development of covenant theology and social contract theory must take greater account of the relationship between these ideas over the *longue durée*, and also must do a better job of placing the development of these ideas in their immediate intellectual, cultural, and historical contexts.

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<sup>19</sup> Thomas Edwards, *Antapologia: Or a Full Answer to the Apologetical Narration of Mr. Goodwin, Mr. Nye, Mr. Burroughes, Mr. Bridge, members of the Assembly of Divines* (1644), 69.

<sup>20</sup> As demonstrated so well by Aaron C. Denlinger, *Omnes in Adam Ex Pacto Dei: Ambrogio Catarino's Doctrine of Covenantal Solidarity and Its Influence on Post-Reformation Reformed Theologians* (Oakville, CT: Vandenhoeck & Ruprecht, 2010).

At any rate, the primary argument of this dissertation is that in early modern England, the development and use of theological and political covenants cannot be separated without impoverishing historical understanding of the significance of either mode of discourse. In their now nearly twenty-year-old introduction to the history and historiography of the English Civil War, Richard Cust and Ann Hughes argued that historians have concentrated on the causes of the war at the expense of attempts to understand how participants made sense of it. They have focused on the “why” rather than the “how.” The result of this imbalance is that political events have been separated jarringly from the broader social and political frameworks of which they were necessarily a part. For Cust and Hughes, one of the chief consequences of this historiographical tendency is that “culture and society have themselves become de-politicized.”<sup>21</sup> One wonders if narratives of the Interregnum and subsequent political settlements have been “de-theologized” in a similar way, and how the events might be better understood if the narratives were reconnected.

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<sup>21</sup> Richard Cust and Ann Hughes, eds., *The English Civil War* (New York: Arnold, 1997), 23.



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