

## III. The Republication of the Covenant of Works

By J. V. Fesko with Response by Cornelis P. Venema

As C. S. Lewis once opined, we need the fresh breeze of the centuries to blow through our minds to remind us of ideas that our own age has forgotten, and this is certainly true of the idea of republication. What is republication? Simply stated, the concept of republication teaches that the covenant of works was in some sense repeated in the Mosaic covenant. But in what sense was the covenant of works repeated? As will be evident in the historical survey of this essay, there are a number of different answers to this question, most of which fall within the bounds of confessional orthodoxy. But in my own view, the Mosaic covenant is a part of the covenant of grace but *republishes* the covenant of works. *Republication* is different from *re-administration*. In other words, it is one thing to argue that the demands and stipulations of the covenant of works, as well as its penalty of death for its violation, were revealed again and entirely another to argue that sinful humanity can somehow merit salvation apart from Christ. This is not to say that the Mosaic covenant only republishes the covenant of works. To be sure, as a part of the covenant of grace the Mosaic covenant also presents the gospel in numerous ways, through the types, sacrifices, prophecies, Levitical priesthood, and the like, all of which preach the gospel and point to the person and work of Christ. But this essay focuses upon the specific idea that the Mosaic covenant republishes the covenant of works.

To what end does the Mosaic covenant republish the covenant of works? There are two specific functions. First, Israel's tenure and subsequent exile from the land is evocative of Adam's dwelling and expulsion from Eden, which demonstrates fallen humanity's inability to fulfill the covenant of works and that all humanity still lies under its condemnation. Second, Israel's tenure in the land and the republication of the covenant of works, most prominently featured in the blessings and curses of the covenant (Deut 27:9–28:63), typify the active obedience of Christ. Therefore I define republication as follows: the Mosaic covenant republishes the covenant of works to demonstrate humanity's inability

to merit eternal life, to remind fallen humanity that they stand under the condemnation of the broken covenant of works, and to typify the active obedience of Christ. God still requires obedience from his people in order to obtain eternal life, and republication highlights that Christ provides this necessary obedience. The specific details of this definition will be explored in the rest of this essay, which includes a historical survey of the doctrine, exegetical argumentation in support of republication, and the theological implications of the doctrine.

### HISTORICAL SURVEY

#### *The broader Reformed tradition*

I want to focus the historical survey around two principal points, first the broader testimony of the Reformed tradition and then, second, the issue of republication

---

THE AUTHORS: Dr. J. V. Fesko is Academic Dean and Professor of Systematic Theology and Historical Theology at Westminster Seminary California. He is the author of books and articles including *Diversity Within the Reformed Tradition: Supra- and Infralapsarianism in Calvin, Dort, and Westminster* (2001), *Word, Water, and Spirit: A Reformed Perspective on Baptism* (2010), *Justification: Understanding the Classic Reformed Doctrine* (2008), and *Beyond Calvin: Union with Christ and Justification in Early Modern Reformed Theology (1517–1700)* (2012), and with Bryan Estelle and David VanDrunen, *The Law is not of Faith: Essays on Works and Grace in the Mosaic Covenant* (2009). Dr. Cornelis P. Venema is President and Professor of Doctrinal Studies of Mid-America Reformed Seminary. Dr. Venema is a co-editor and frequent contributor to *The Outlook* and the *Mid-America Journal of Theology* and is the author of books including, *Children at the Lord's Table? Assessing the Case for Paedocommunion* (2009), *Getting the Gospel Right: Assessing the Reformation and New Perspectives on Paul* (2006), *Accepted and Renewed in Christ: the "Twofold Grace of God" and the Interpretation of Calvin's Theology* (2007), and *Heinrich Bullinger and the Doctrine of Predestination: Author of "the Other Reformed Tradition"?* (2002). He is also the author of a critical review article, "The Mosaic Covenant: A 'Republication' of the Covenant of Works? A Review Article: *The Law Is Not of Faith: Essays on Works and Grace in the Mosaic Covenant*," *Mid-America Journal of Theology* 21 (2010): 35–101.

at the Westminster assembly and in the Westminster Confession of Faith. We begin with the testimony of a critic of republication, namely, John Murray (1898–1975). Murray writes: “The view that in the Mosaic covenant there was a repetition of the so-called covenant of

works current among covenant theologians, is a grave misconception and involves an erroneous construction of the Mosaic covenant, as well as fails to assess the uniqueness of the Adamic Administration.”<sup>1</sup> Murray notes that republication was “current among covenant theologians.” Murray elsewhere observes that republication “exercised a profound influence upon the history of interpretation and it has cast a shadow over the exegesis of particular passages.”<sup>2</sup> Unfortunately Murray never provided the names of any of the covenant theologians who held to this doctrine; but they are not difficult to find.

While I do not want to suggest that republication was the dominant view within the early modern period, its presence was nevertheless prominent and explicitly appears, in one form or another, in the works of Reformed theologians such as Amandus Polanus (1561–1610), William Perkins (1588–1602), Robert Rollock (ca. 1555–99), William Ames (1576–1633), Francis Turretin (1623–87), Leonard Rijssen (1636–1700), Herman Witsius (1636–1708), Thomas Goodwin (1600–80), John Owen (1616–83), Thomas Boston (1676–1732), John Colquhoun (1748–1827), Charles Hodge (1797–1878), James Buchanan (1804–70), Robert Shaw (1795–1863), and Louis Berkhof (1873–1957), among others.<sup>3</sup> Whatever differences in expression might appear in the views of the aforementioned theologians, what unites them is that they all appeal to the covenant of works to explain the nature of the Mosaic covenant.<sup>4</sup> In his essay on the history of covenant theology in the Reformed tradition, Geerhardus Vos (1862–1949) offers the best summary of the tradition’s understanding of the Mosaic covenant vis-à-vis republication: “At Sinai it was not the ‘bare’ law that was given, but a reflection of the covenant of works revived, as it were, in the interests of the covenant of grace continued at Sinai.”<sup>5</sup> One thing the evidence shows is that republication is not a recent doctrinal novelty; there is ample evidence to demonstrate that such a conclusion is patently false. Moreover, claims that proponents of republication have accommodated historical sources to contemporary views are also unfounded.<sup>6</sup> There is a wide cross-section of Reformed theologians who affirm republication. However, the above-cited list of theologians does not explore specific views in any detail but simply documents the presence of the doctrine. In the following sections on the Westminster Assembly and Confession, we can turn to examine the specific elements of various formulations as well as determine what view(s) the Confession allows and rejects.

1. John Murray, “The Adamic Administration,” in *Collected Writings of John Murray*, 4 vols. (Edinburgh: Banner of Truth, 1977), 2.50.

2. John Murray, *Principles of Conduct: Aspects of Biblical Ethics* (1957; Grand Rapids: Eerdmans, 2001), 196.

3. Amandus Polanus, *The Substance of Christian Religion, Soundly Set Forth in Two Books* (London: John Oxenbridge, 1595), 88; William Perkins, *A Golden Chaine*, XIX, in *The Works of That Famous and Worthie Minister of Christ, in the Universite of Cambridge, M. W. Perkins* (Cambridge: John Legat, 1603), 26; William Ames, *The Marrow of Theology*, trans. John Eusden Dykstra (Grand Rapids: Baker, 1997), XXXIX.ix (p. 206); Francis Turretin, *Institutes of Elenctic Theology*, trans. George Musgrave Giger, ed. James T. Dennison, Jr. (Phillipsburg: P & R, 1992–97), XII.vii.31–32; Leonard Rijssen, *Compendium Theologiae* X.x, quoted in Heinrich Heppe, *Reformed Dogmatics: Set Out and Illustrated from the Sources*, ed. Ernst Bizer, trans. G. T. Thomson (London: George Allen & Unwin Ltd., 1950), 399; idem, *Francisci Turretini ss. theologiae doctoris et professoris Compendium theologiae didactico-elencticae, ex theologorum nostrorum institutionibus theologicis auctum et illustratum* (Amsterdam: Georgium Gallet, 1695), X.x; Robert Rollock, *A Treatise on God’s Effectual Calling*, III, in *Select Works of Robert Rollock*, 2 vols., ed. William M. Gunn (1844–49; Grand Rapids: Reformation Heritage Books, 2008), 1.46; Herman Witsius, *Economy of the Covenants Between God and Man: Comprehending a Complete Body of Divinity*, 2 vols. (rep.; Escondido: The den Dulk Foundation, 1990), IV.iv.47–49; Thomas Goodwin, *The Work of the Holy Ghost in Our Salvation*, VII.iv, in *The Works of Thomas Goodwin*, 12 vols. (1861–66; Eureka: Tanski Publications, 1996), 6.354; John Owen, *Exposition of the Epistle to the Hebrews 8.1–10.39*, in *The Works of John Owen D. D.*, vol. 22 (London: Johnstone & Hunter, 1855), 85–86; Thomas Boston, ed., *The Marrow of Modern Divinity by Edward Fisher* (New York: Westminster Publishing House, n. d.), 63; John Colquhoun, *A Treatise on the Law and Gospel* (1835; Grand Rapids: Reformation Heritage Books, 2009), 59; James Buchanan, *The Doctrine of Justification: An Outline of its History in the Church and of its Exposition from Scripture* (1867; Edinburgh: Banner of Truth, 1991), 38–39; Robert Shaw, *An Exposition of the Westminster Confession of Faith* (1845; Fearn: Christian Focus Publications, 1998), 243; Louis Berkhof, *Systematic Theology: New Combined Edition* (1932, 38, 39, 41; Grand Rapids: Eerdmans, 1996), 298. Note, if you have persevered through this long footnote and noted the absence of Hodge, be of good cheer, as references to his work will appear below.

4. This is something John Murray believed was erroneous, as he argued that “any attempt to interpret the Mosaic covenant in terms of the Adamic institution” was to confuse the “Adamic Administration” and Mosaic covenant (Murray, “Adamic Administration,” 50).

5. Geerhardus Vos, “The Doctrine of the Covenant in Reformed Theology,” in *Redemptive History and Biblical Interpretation: The Shorter Writings of Geerhardus Vos*, ed. Richard B. Gaffin, Jr. (Phillipsburg: P & R, 1980), 255.

6. Cornelis Venema, “The Mosaic Covenant: A ‘Republication’ of the Covenant of Works? A Review Article: *The Law Is Not of Faith: Essays on Works and Grace in the Mosaic Covenant*,” *MAJT* 21 (2010): 99–100.

1. Views of the Covenants Represented at the Westminster Assembly of Divines

Covenant	Threefold: Mixed (works and grace)	Threefold: Covenant of Works Repeated	Threefold: Subservient	Twofold
Covenant of works Covenant of grace Mosaic covenant	1. Nature 2. Grace 3. Mixed: nature and grace	1. Nature 2. Promise (or grace) 3. Works	1. Nature 2. Grace 3. Subservient	1. Works 2. Grace. <sup>8</sup>

*The Westminster Assembly*<sup>7</sup>

Recent criticism of republication has appealed to the Westminster Confession as embodying the traditional view of the Mosaic covenant in the effort to highlight the supposed novelty of the idea. But what critics have not taken into account is that within the Assembly itself were a number of different views. One of the divines, Samuel Bolton (1606–54), acknowledges that there were several different positions:

Chart 1 above shows that the divines all held to the covenants of works and grace—these were standard covenantal categories. However, views were somewhat diverse regarding the Mosaic covenant. Some held that it was a mixed covenant, that is, that the Mosaic covenant contained both the covenants of works and grace. Others believed that the covenant of works was repeated *simpliciter* at Sinai. A third group of divines believed that the Mosaic covenant was neither part of the covenants of works or grace but that it was a third type of covenant; hence it was subservient to the covenant of grace. And the fourth group of divines held to the twofold covenant structure of works and grace and believed that the Mosaic covenant was part of the covenant of grace. For the sake of brevity, Bolton’s taxonomy sufficiently illustrates the point that there were a number of views represented at the Assembly. Other divines, such as Edmund Calamy (1600–66), offers his own taxonomy that describes five different views.<sup>9</sup>

We can examine the statements of one of the divines, Jeremiah Burroughs (ca. 1600–46), whose own view echoed John Cameron (1580–1625), a Scottish theologian who taught a threefold covenantal scheme: the covenants of works and grace, and the Mosaic covenant was subservient to the covenant of grace.<sup>10</sup> Burroughs writes:

The administration of the Law to them was under another notion, it was to bring them to Christ, and that they might come to see their inability of keeping of that

Covenant, and come to understand Christ so much the more, and to be driven unto Christ by having the Law presented to them, God did never intend by giving of the Law to the people of the Jews that it should be a Covenant of eternal life to them; 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.<sup>11</sup>

Burroughs contends that the administration of the Law, the Mosaic covenant, had different elements “annexed” to the covenant under which New Testament believers

7. This section is drawn from J. V. Fesko, *Christ and Covenant: The Theology of the Westminster Standards* (Wheaton: Crossway, forthcoming). I use a historic edition of the Standards in this section in contrast with the contemporary edition in the theological section to distinguish the original from edited modern versions (cf. *The humble Advice of the Assembly of Divines, Now by Authority of Parliament sitting at Westminster, Concerning a Confession of Faith, with Quotations and Texts of Scripture annexed* [London: A. M., 1648]; *The Confession of Faith and Catechisms of The Orthodox Presbyterian Church with Proof Texts* [Willow Grove: The Committee on Christian Education, 2005]).

8. Samuel Bolton, *The True Bounds of Christian Freedom. Or a Treatise wherein The Rights of the Law are vindicated, The Liberties of Grace maintained; And the several late Opinions against the Law are examined and confuted* (London: Austin Rice, 1656), 128–29.

9. Edmund Calamy, *Two solomne Covenants Made Between God and Man: viz. The Covenant of Workes, And the Covenant of Grace* (London: Thomas Banks, 1646), 1–2; 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 (Göttingen: Vandenhoeck & Ruprecht, 2011), 187.

10. Jones, “The ‘Old’ Covenant,” 187. For a survey of the broader Reformed tradition on the nature of the Mosaic covenant, Jones’ essay is necessary reading, though also noteworthy is Sebastian Rehnman, “Is The Narrative of Redemptive history Trichotomous or Dichotomous? A Problem for Federal Theology,” *Nederlandsch archief voor Kerkgeschiedenis* 80 (2000): 296–308.

11. Jeremiah Burroughs, *Goſpel Conversation* (London: Peter Cole: 1653), 47; Jones, “The ‘Old’ Covenant,” 187.

no longer lived. In particular, Burroughs explains that the Mosaic covenant was specifically tied to living in Canaan.

Burroughs makes this point clearer as he propounds the nature of the Mosaic covenant:

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) concerning their happy and comfortable condition in the Land of *Canaan* upon the keeping of their Law (Burroughs, *Gospel Conversation*, 47).

This is the element that echoes Cameron's own formulation, one that claimed that the Mosaic covenant was neither of the covenants of works or grace, but was a third covenant, subservient to the covenant of grace; this view was also Bolton's view (Bolton, *True Bounds*, 130–31). Confirmation that this was Bolton's position comes

12. Note the subtitle of Bolton's work, *Whereunto is annexed a discourse of the learned John Cameron, touching the three-fold covenant of God with man, faithfully translated*; cf. John Cameron, *De Triplici Dei cum homine foedere theses* (Heidelberg: 1608). The appendix appears in Bolton, *True Bounds*, 351–401; cf. idem, *The True Bounds of Christian Freedom* (Edinburgh: Banner of Truth, 2001).

13. Obadiah Sedgwick, *The bowels of tender mercy sealed in the everlasting covenant* (London: Edward Mottershed, 1661), li-ii (pp. 1–7); Richard A. Muller, "Divine Covenants, Absolute and Conditional: John Cameron and the Early Orthodox Development of Reformed Covenant Theology," *MAJT* 17 (2006), 52; Jones, "The 'Old' Covenant," 186, 194–202; Michael Brown, *Christ and the Condition: The Covenant Theology of Samuel Petto (1624–1711)* (Grand Rapids: Reformation Heritage Books, 2012), 87–104; Edward Fisher, *The Marrow of Modern Divinity: Touching both the Covenant of Works, and the Covenant of Grace* (London: G. Calvert, 1645), 28–29. Baxter seems to lend his qualified approval of this view as well (Richard Baxter, *Aphorismes of Justification, With their Explication annexed. Wherein also is opened the nature of the Covenants, Satisfaction, Rightousnesse, Faith, Works, &c* [London: Francis Tyton, 1649], thesis XXIX [pp. 144–46]).

14. Anthony Burgess, *Vindiciae Legis: A Vindication of the Morall Law and the Covenantants* (London: Thomas Underhill, 1647), lect. XXIV (p. 233).

15. George Walker, *The Manifold Wisdom of God in the Divers Dispensation of Grace by Jesus Christ, in the Old New Testament. In the Covenant of Faith. Workes. Their Agreement and Difference* (London: John Bartlet, 1640), XV (p. 128).

from the fact that he published Cameron's *Theses on the Threefold Covenant of God with Man* in English translation as an appendix to his *True Bounds of Christian Freedom*, which, incidentally, is not included with the modern edition of Bolton's work.<sup>12</sup> Other theologians who have been identified with the threefold (subservient) view include Westminster divines Thomas Goodwin and Obadiah Sedgwick (ca. 1600–58), as well as other Reformed theologians such as John Owen, Samuel Petto (1624–1711), and Edward Fisher (fl. 1627–55).<sup>13</sup>

But even among the divines who held to a twofold covenantal scheme (works and grace) who saw the Mosaic covenant as part of the covenant of grace, they still invoked the covenant of works to explain the nature of the Mosaic covenant. Anthony Burgess (d. 1644), for example, held to a twofold scheme (works and grace) but nevertheless writes:

The Law (as to this purpose) may be considered more largely, as that whole doctrine delivered on Mount Sinai, with the preface and promises adjoined, and all things that may be reduced to it; or more strictly, as it is an abstracted rule of righteousness, holding forth life upon no termes, but perfect obedience. Now take it in the former sense, it was a Covenant of grace; take it in the later sense, as abstracted from *Moses* his administration of it, and so it was not of grace, but workes.<sup>14</sup>

Burgess therefore places the Mosaic covenant in the covenant of grace in the broader spectrum of everything propounded at Sinai; but in the narrower view, taken out of the context of its administration, it is the covenant of works.

Another Westminster divine, George Walker (1581–1651), who held the "mixed view" (the Mosaic covenant was a mixed covenant of works and grace), argued that the covenant of works was renewed at Sinai: "For the first part of the Covenant which God made with Israel at Horeb, was nothing else but a renewing of the old Covenant of works which God made with *Adam* in Paradise."<sup>15</sup> But on the other hand, Walker also believed that there was a second part of the Mosaic covenant, which was more obscurely given in the Levitical laws, the tabernacle, and the ark, which were types of Christ. This dimension of the Mosaic covenant was more clearly set forth in the Deuteronomic version of the covenant, and "was nothing else but a renewing of the Covenant of grace which he had before made with their Fathers, *Adam, Abraham, Isaac, and Jacob*" (Walker, 128–29). Other theologians of the period, such as Peter Bulkeley (1583–1659), made distinctions very similar to Walker's.

Bulkeley believed that the “Covenant of workes was then revealed and made knowne to the children of Israel, as being before almost obliterated and blotted out of man’s heart, and therefore God renewed the knowledge of the Covenant of workes to them.”<sup>16</sup> Key to Bulkeley’s statement is that the covenant of works was *revealed*, not that it was re-administered. Therefore, Bulkeley also employs the wide-narrow distinction vis-à-vis the covenants of works and grace as they both relate to the Mosaic covenant: “The Law is to be considered two wayes: First, absolutely, and by it selfe, as containing a covenant of workes; Secondly, dependently, and with respect to the covenant of grace” (Bulkeley, 63).

Even though at least four of the divines, Burroughs, Bolton, Sedgwick, and Goodwin, held to the threefold (subserving) view, and others such as Walker held the mixed view, the more common position was a twofold scheme (works and grace), which was also the more generally held view in the broader Reformed tradition (See Turretin, *Institutes*, XII.viii.6). John Ball (1585–1640), for example, writes: “Most Divines hold the old and new Covenant to be one in substance and kind, to differ only in degrees.”<sup>17</sup> Westminster divines such as Samuel Rutherford (1600–61) also polemicized against other views, such as Cameron’s threefold (subserving) scheme.<sup>18</sup> One of the reasons Rutherford argued against this view was that he believed that the Mosaic covenant was not a covenant of works. He based his argument upon a number of different texts from Scripture. One such text was Deut 30:6 and the promise of a circumcised heart (Rutherford, 61). However, important to note are the different nuances that a theologian might employ in untangling this challenging issue. For example, in a work commended by Westminster divine Edmund Calamy (1600–66), Thomas Blake (ca. 1597–1657) stated his agreement with John Ball and Anthony Burgess that the Mosaic covenant was part of the covenant of grace.<sup>19</sup> But on the other hand, he, like Bulkeley and Walker, also acknowledges the broad-narrow distinction when dealing with the Mosaic covenant: “There are those phrases in Moses, which are ordinarily quoted, as holding out a covenant of Works, and in a rigid interpretation are no other; yet in a qualified sense, in a Gospel-sense, and according to Scripture-use of the phrase, they hold out a covenant of Grace, and the termes and conditions of it” (Blake, 215–16). If it is not already clear, all of the aforementioned views defy a neat and tidy taxonomy. And it is no wonder that Burgess commented: “I do not find in any point of Divinity, learned men so confused and perplexed (being like *Abrahams* Ram, hung in a bush of briars

and brambles by the head) as here” (Burgess, *Vindiciae Legis*, XXIV, 229).

### *The Westminster Confession*

So, then, given the complexity of this issue and the varied opinions, what did the assembly conclude? What does the Confession have to say on this matter? The Confession affirms the connection between the moral law, natural law, and the Decalogue (WCF XIX.i-ii). The Shorter Catechism confirms this conclusion with two questions regarding the moral law:

Q. What did God at first reveal to man for the rule of his Obedience?

A. The rule God at first revealed to man for his Obedience, was, the Moral Law (Rom 2:14–15, 10:5).

Q. Where is the Moral Law summarily comprehended?

A. The Moral Law is summarily comprehended in the Ten Commandments (Deut 10:4) (qq. 40–41).<sup>20</sup>

The moral law is the same standard for both the covenant of works and the Mosaic covenant, and for both covenants death appears as a consequence of its violation (cf. Gen 1:26; 2:17; Exo 21:1–23:19, esp. 21:12, 14, 15, 16, 17, 20, 23; 22:18, 19, 20; WCF XIX.i, iv). So at least at this level, this element of the covenant of works is repeated at Sinai. If one argues, therefore, that the Mosaic covenant does not “in any sense” republish the covenant of works, then he must deny that the moral law appears in both covenants. Ask the simple question, Where are there covenants in the Bible that have death as a consequence of its violation? What covenants in the Bible have covenant curse as a consequence of their violation? The inevitable answer is, the covenant of works and the

16. Peter Bulkeley, *The Gospel-Covenant or The Covenant of Grace Opened* (London: Matthew Simmons, 1651), I.vii (p. 62).

17. John Ball, *A Treatise of the Covenant of Grace* (London: G. Miller for Edward Brewster, 1645), VII (p. 95).

18. Samuel Rutherford, *The Covenant of Life Opened: Or, a Treatise of the Covenant of Grace* (Edinburgh: Robert Brown, 1654), I.xi (pp. 57–58).

19. Thomas Blake, *Vindiciae Foederis; or, A Treatise of the Covenant of God Entered with Man-Kinde*, 2nd ed. (London: Abel Roper, 1658), XXXIII (pp. 210–11).

20. *The humble Advice of the Assembly of Divines, Now by Authority of Parliament sitting at Westminster, concerning a shorter Catechism* (London: J. F., 1648). Note that the original Shorter Catechism does not number the questions. Catechism questions were regularly numbered after the Lumisden and Robertson edition of what would become the traditional collection of the Westminster Standards (*The Confession of Faith, Larger and Shorter Catechisms*, etc. (Edinburgh: 1728).

Mosaic covenant. This is not to say, however, that these two covenants are identical.

Beyond this the Confession addresses matters relevant to the relationship between the covenant of works and Mosaic covenant, though only slightly. The divines recognize that in the Old Testament the covenant of grace was “differently administered” in comparison to the “time of the Gospel” (VII.v). The divines employ a common Aristotelian distinction of *substance* and *accidents* to explain how Christ and the gospel are administered under both periods of redemptive history. They identify Christ as the “substance” of the covenant of grace, who was revealed in various promises, prophecies, sacrifices, circumcision, and the like, which all fore-signified Christ to come (VII.v-vi). Though they do not employ the second term, “accidents,” to describe the different elements that attended the covenant of grace in the Old Testament, it is implied. During the New Testament, the earlier sacrifices, circumcision, types, and ordinances give way to a simpler and clearer revelation of Christ, manifest in the “Preaching of the Word, and the Administration of the Sacraments of Baptisme, and the Lords Supper” (VII.vi).

That the accidentals of the Old Testament administration of the covenant of grace were stripped away is evident in what the Confession states about the other elements of the Law. Using the common threefold distinction of the moral, ceremonial, and civil law, the Confession states:

Beside this Law, commonly called Moral, God was pleased to give to the people of Israel, as a Church under age, Ceremoniall Laws containing several typicall Ordinances, partly of worship, prefiguring Christ, his graces, actions, sufferings, and benefits, and partly holding forth divers instructions of moral duties. All which Ceremonial Laws are now abrogated, under the new Testament (XIX.iii).

To them also, as a Body Politique, he gave sundry Judicial Laws, which expired together with the State of that people; not obliging any other now, further than the general equity thereof may require (XIX.iv).<sup>21</sup>

These accidental elements of the administration of the covenant of grace were removed once Christ,

21. The threefold division of the law (moral, civil, and ceremonial) goes back at least to Aquinas, see *Summa Theologica* Ia IIæ q. 99 art. 4.

22. Tobias Crisp, *Christ alone Exalted: Being the Compleat Works of Tobias Crisp, D. D. Containing XLII Sermons*, 2 vols. (London: William Marshall, 1690), vol. II, serm. II (pp. 246–47).

the “substance,” had arrived. They were no longer necessary.

Beyond these statements, the divines explicitly reject only one position regarding the relationship between the covenants of works and grace: “There are not therefore Two Covenants of Grace, differing in substance, but one and the same, under various dispensations” (VII.vi). The divines offer an oblique rejection of a theological position without identifying the person who holds the view. In this case, the divines reject the view of reputed antinomian Tobias Crisp (1600–43), not any of the other views represented at the assembly. Crisp readily accepted the basic twofold covenantal scheme, works and grace, but as to be expected given the complexity of the matter, offered a unique formulation concerning the Mosaic covenant. Crisp believed that Christ is completely absent from the covenant of works because at its core is “Do this and live,” which implies life upon the offering of perfect obedience and curse upon disobedience. On the other hand, Christ and his works, not those of the sinner, stand at the center of the covenant of grace. Christ fulfills all of the necessary conditions of the covenant of grace.<sup>22</sup>

Crisp believed, however, that the Mosaic covenant was unique. He did not believe that the Mosaic covenant was in any sense the covenant of works. The covenant of works, for example, demands perfect obedience and has no provision for the forgiveness of sins. On the other hand, the Mosaic covenant offers the forgiveness of sins (Num 15:28, Crisp, 247). Moreover, the Mosaic covenant had priests, which mediated sacrifice, atonement, and the forgiveness of sins; but in contrast to the greater priestly ministry of Christ, the Aaronic priesthood paled in comparison. Crisp expounded these things in his sermon on Heb 8:6, which speaks of the superiority of Christ’s ministry over the old priestly order (Crisp, 246–47). Crisp explains the relationship between the two priestly orders in terms of two different covenants of grace:

The whole Administration of that Covenant which the Priests had to manage, was wholly and only matter of Grace: And though it were a Covenant of Grace, yet it is opposed to that Covenant which Christ in his own Person did mediate. Therefore the opposition which stands here, is not between the Covenant of Works, and the Covenant of Grace, but it is between the Covenant of Grace *weak, imperfect, unprofitable, disannulled*; and another Covenant of Grace that is *perfect, established*, and makes the comers thereunto perfect (Crisp, 247).

Elsewhere, based upon his exegesis of Jer 31:31, Crisþ succinctly states: “Here are two Covenants, a *New Covenant*, and the *Covenant he made with their Fathers*” (Crisþ, 250).

The question naturally arises, Why did the divines specifically zero in on this view and exclude it? From one vantage point there does not appear to be much indication that Crisþ’s view differs from the cornucopia of variations that existed. Crisþ’s formulation seems as reasonable as some of the other views. What difference is there, for example, between saying that there is one covenant of grace with legal accidents that fall away with the advent of Christ, who is the substance, and saying there are two covenants of grace? Crisþ, after all, indicates that Christ is typified and foreshadowed in the weaker covenant of grace (Crisþ, 248). The likely answer is that Crisþ’s view on the relationship between the covenant of works, the covenant of grace, and the moral law struck and severed a nerve that the divines believed was vital to an orthodox doctrine of salvation.

Reformed theologians maintained, whether holding a threefold or twofold covenantal scheme in their different variants, the perpetual necessity and binding nature of the moral law. Crisþ, on the other hand, rejected the idea that the moral law was still binding upon believers. Crisþ also denied the connection between the moral law and the Mosaic covenant (Crisþ, 250). For Crisþ, the Mosaic covenant was a covenant of grace, but not the promulgation of the moral law. Moreover, when the Mosaic covenant was swept away with the advent of the second covenant of grace, the implication was that the Decalogue was no longer binding upon the believer. According to Crisþ, the stronger covenant of grace had no conditions whatsoever; God supplied everything and man was entirely passive. Conditions were part of the covenant of works, not part of the stronger covenant of grace.<sup>23</sup>

In his *Vindiciae Legis*, Westminster divine Anthony Burgess specifically engages Crisþ on this point. Citing Crisþ, Burgess writes: “Therefore it is a very wilde comparison of one [Crisþ], that a man under grace hath no more to doe with the Law, then an English-man hath with the lawes of Spain or Turkie.”<sup>24</sup> The divines understood that the moral law “doth for ever binde all, as well justified persons as others, to the obedience thereof.” They believed, “Neither doth Christ, in the Gosþel, any way dissolve, but much strengthen this obligation” (XIX.v). But they are also quick to point out, “Although true Believers be not under the Law as a Covenant of Works, to be thereby justified or condemned, yet, is it of great use to them, as well as to

others; in that, as a Rule of life informing them of the will of God, and their duty, it directs, and binds them to walk accordingly” (XIX.vi). The divines perceived the threat to the perpetual binding nature of the moral law spread across the various covenants and therefore excluded Crisþ’s view.

However, the Confession does not rule out other views. There were certainly many debates over these matters and even the exchange of heated and strong language. Francis Turretin (1623–87), for example, in his *Formula Consensus Helvetica* (1675), co-written with Johannes Heidegger (1633–98), explicitly rejects the threefold (subservient) covenantal scheme held by Cameron and Westminster divines Goodwin, Sedgwick, Bolton, and Burroughs.<sup>25</sup> There is nothing that comes close to the Formula’s rejection in the Westminster Confession. The *Formula Consensus Helvetica* was never widely adopted as a confession of faith; it quickly evaporated from the theological scene perhaps because it was too strict on matters that were deemed genuine areas of disagreement where the different parties were considered orthodox.

All of the aforementioned views held by various theologians both within and without the Assembly demonstrate that republication was common, though this is not to say that it was expressed in the same way. However, contrary to popular current opinions, the Westminster Standards only preclude one view, namely Crisþ’s two covenants of grace view. Interestingly enough, Crisþ is the one surveyed theologian who completely rejects republication. Readers should observe, though, that republication is not irrefragably connected to a threefold covenant scheme, such as the subservient view of Westminster divines Bolton, Burroughs, Sedgwick, and Goodwin. Republication also appears in twofold (works and grace) schemes; the Mosaic covenant can be a part of the covenant of grace but still echo the covenant of works at points. Moreover, one thing the diversity of views at the Assembly should alert us to is the effort to account for the legal demands present in the Mosaic covenant, legal demands (especially vis-à-vis the land) that are no longer present in the wake of the ministry of Christ. Where in the New Testament, for example,

23. Cf. Francis Roberts, *Mysterium & medulla bibliorum. The mysterie and marrow of the Bible: viz. God’s covenants with man, in the first Adam, before the fall: and in the last Adam Jesus Christ, after the fall* (London: George Calvert, 1657), II.ii.5 corollary IV (pp. 111–32).

24. Burgess, *Vindiciae Legis*, lect. I (p. 15); for the engagement of Crisþ’s views by another Westminster divine, see Rutherford, *Covenant of Life Opened*, II.x (pp. 344–48).

25. *Formula Consensus Helvetica*, canon XXV, in A. A. Hodge, *Outlines of Theology* (1860; Edinburgh: Banner of Truth, 1991), 663.

do believers swear an oath of covenant faithfulness with the penalty of curse or even death for violation of this oath? The divines sought to account for these legal elements of the Mosaic covenant. But in the end, counting noses for and against a particular view does not determine doctrine. Doctrine must turn on exegesis; hence with this historical evidence in the background, we now turn to examine several key scriptural texts.

#### EXEGETICAL EXAMINATION

The previous historical survey demonstrates that republication is not a new idea but has precedent in the Reformed tradition and is confessional, given the presence of the different views at the Westminster Assembly. However, proponents of republication historically discuss the concept in terms of soteriology and the function of the law. As important as the connections between republication and soteriology are, there are also other connections with christology that warrant attention. Specifically, there are a number of key typological connections between Adam, Israel, and Christ that appear quite prominently in Scripture.

#### *Broader typological connections*

In the broad picture God had two sons, Adam (Luke 3:38) and Israel (Exo 4:22; Hos 11:1). Adam was placed in the paradisiacal garden (Gen 2:8–15), and the Promised Land is described in terms evocative of Eden (Num 24:5–9). In fact, according to recent scholarship, Num 24:5–9 “in the poetic hyperbole of prophetic oracles, Israel is Eden recultivated . . . Eden has in fact materialized among Israel’s tents.”<sup>26</sup> Just as God walked in the garden in the cool of the day (Gen 3:8) so Yahweh would walk among Israel (Lev 26:12). God gave Adam a command not to eat of the tree of knowledge lest he die (Gen 2:17) and God also gave Israel a series of commands with similar curses annexed to them (Deut 7:12–13; 8:19). The earliest Jewish interpreters of the Old Testament identified

these parallels between Adam and Israel and identified Israel’s tenure in the land as a recapitulation of Adam’s probation in the garden. Jacob Neusner identifies key themes within the *halakhah* (the normative law of the Oral Torah) such as the parallels between Eden and the Promised land and Adam and Israel.<sup>27</sup> In the Jewish Oral Torah (specifically Sifra, the Halakic midrash to the book of Leviticus) there are reflections upon the prohibition against eating the fruit from any new tree for three years (Lev 19:23). Neusner comments: “Then the planting of every tree imposes upon Israel the occasion to meet once more the temptation that the first Adam could not overcome. Israel now recapitulates the temptation of Adam then, but Israel, the New Adam, possesses, and is possessed by the Torah. . . . So when Israel enters the Land, in exactly the right detail Israel recapitulates the drama of Adam in Eden” (Neusner, *Halakhah*, 8).

To be clear, ancient Judaism’s estimation of Israel’s powers was far more optimistic than Scripture allows, but we should not miss the point that the earliest interpreters of the Bible observed the Adam // Israel parallels in the broader narrative of the Old Testament.<sup>28</sup> At the most fundamental level, New Testament authors recognize this point as there is a web of interconnected texts that link Adam, Israel, and Jesus: Adam is a type of the one who was to come (Rom 5:14) and “out of Egypt I called my son” (Matt 2:15; Hos. 11:1). So to deny the republication of the covenant of works “in any sense,” flies in the face of the witness of Scripture. Both Adam and Israel typify Christ—this is undeniable. At this point, in terms of my stated definition of republication, the type-antitype relationship between Adam, Israel, and Christ highlights the faithlessness of God’s sons (Adam and Israel) and the faithfulness of God’s only begotten Son, Jesus.

#### *Leviticus 18:5*

When we turn to specific texts, one of the more important verses is Lev 18:5. This text not only surfaces several times in Scripture but is one of the anchors for republication. Namely, in terms of my earlier stated definition, it republishes the terms of the covenant of works, which demonstrates Israel’s inability to fulfill the broken covenant of works (in this way Israel is a microcosm of humanity writ large upon the canvas of redemptive history). But it also highlights Christ’s active obedience through the typological picture of obedience to the law yielding long life in the land, which is typical of eternal life. Hence, my focus in this section is to explore Lev 18:5, Ezek 20, Luke 10:25–28, Rom 10:5, and 2 Cor 3:1–11.<sup>29</sup>

26. William P. Brown, *The Ethos of the Cosmos: The Genesis of Moral Imagination in the Bible* (Grand Rapids: Eerdmans, 1999), 214; cf. G. K. Beale, *The Temple and the Church’s Mission: A Biblical Theology of the Dwelling Place of God* (Downers Grove: IVP, 2004), 123–26.

27. Jacob Neusner, *The Halakhah: Historical and Religious Perspectives* (Leiden: Brill, 2002), 2.

28. G. K. Beale, *We Become What We Worship: A Biblical Theology of Idolatry* (Downers Grove: IVP, 2008), 141–60, 213; Scott J. Hafemann, *Paul, Moses, and the History of Israel* (Milton Keynes: Paternoster, 2005), 228–29.

29. There are a number of texts that warrant examination which have been recently explored by my colleague, David VanDrunen,

One of the key pieces of evidence for republication lies in Lev 18:5. From a purely historical point of view, we find the logical explanation for the presence of republication with this one verse. How so? This is one of the most frequently cited verses in support of the covenant of works, either through direct citation or quotation of Lev 18:5, Luke 10:26–28, Rom 10:5, or Gal 3:12.<sup>30</sup> How can a verse that is imbedded in the Mosaic covenant refer to the pre-fall covenant of works? The simplest answer is that Lev 18:5 republishes the terms of the covenant of works. We can move beyond this basic observation and focus upon the question of the exegetical legitimacy of appealing to this verse for the covenant of works and hence republication. Some, such as John Murray, have argued that Lev 18:5 does not at all speak to the covenant of works for a number of reasons. Murray contends, first, that the original context is one of grace; Lev 18 echoes other passages such as Exo 20:1–17 and Deut 5:6–21. These passages begin with the announcement of God's redemption of Israel. Murray believes therefore that Lev 18:5 "refers not to the life accruing from doing in a legalistic framework but to the blessing attendant upon obedience in a redemptive and covenant relationship to God."<sup>31</sup>

Second, Murray argues that the only way Lev 18:5 and "do this and live" could be used in antithesis to faith is if Paul misquotes the verse; according to Murray in its original context Lev 18:5 simply refers to the third (or normative) use of the law. Briefly, there are three historic uses of the law traditionally recognized by Reformed theology: (1) the pedagogical use of the law, which drives the sinner to Christ by showing him how far he falls short of the requirements of the law (2); the civil use of the law—its employment in the regulation of government and society; and (3) the normative use of the law, which shows Christian believers what conduct is acceptable and pleasing to God—it is a guide for the Christian life. Murray writes: "It has been maintained that here is not strictly *quotation* in support of his argument but a free employment of the words of Moses, which the apostle uses as an apt substratum for his own course of thought" (Murray, "Leviticus 18:5," 251–52). For Murray, "do this and live" could apply to Adam under the "Adamic Administration," but in a post-fall world it has no place (Murray, 250). In fact, Murray contends that Lev 18:5 "is, of itself, an adequate and watertight definition of the principle of legalism" (Murray, 251). In summary, Murray believes that Paul has taken Lev 18:5 out of context to echo the erroneous teaching of the Judaizers and their misinterpretation of the law so he can disprove it. We can note two

things about Murray's exegesis of Lev 18:5: (1) it is perhaps one of the best examples of a rejection of Lev 18:5 as a proof text for the covenant of works; and (2) Murray's exegesis runs counter to the historic Reformed appeal to this verse.

The key question regarding the original context of Lev 18:5 is whether, as Murray contends, it falls under the third use of the law. Does the text simply explain how a member of the covenant of grace benefits from the blessings of covenant of life by being obedient, or is something else in view? Murray contends that because of the Lord's declaration at the beginning of the chapter that it immediately sets us in the context of grace and hence the third use of the law. But is this conclusion necessarily so? Within its original context, the text begins with God's announcement, "I am the Lord your God" (Lev 18:2), but such a statement is not an indicator that what follows falls under the pedagogical or normative

such as Rom 5:13–14, 7:7–12, and Gal 3:10, and correlative passages (see David VanDrunen, "Israel's Recapitulation of Adam's Probation under the Law of Moses," *WTJ* 73/2 [2011]: 303–24). Also note that Lev 18:5 appears in Neh 9:29, and my contention is that it echoes a similar point that appears in Ezek 20.

30. See, e.g., WCF VII.i (cites Rom 10:5; Gal 3:12); William Pemble, *Vindiciae fidei, or A Treatise of Justification by Faith* (1625; Oxford: John Adams, Edw. and John Forreſt, 1659), II.i (p. 159); John Preſton, *The new covenant or the saints portion* (London: Nicolas Bourne, 1639), 314; idem, *The best-plate of faith and love* (London: Nicolas Bourne, 1630), 38; Thomas Hooker, *The unbelievers preparing for Christ* (London: Andrew Crooke, 1638), 59; Fisher, *Marrow of Modern Divinity*, 48; Rutherford, *Covenant of Life Opened*, I.xiii (p. 89); Rollock, *Treatise on God's Effectual Calling*, 1.34; Turretin, *Institutes*, VIII.vi.4; Wilhelmus á Brakel, *The Christian's Reasonable Service*, 4 vols., trans. Bartel Elshout (Morgan: Soli Deo Gloria, 1992), XII (1.360); Benedict Piçtet, *Christian Theology*, trans. Frederick Reyroux (London: R. B. Seeley and W. Burnside, 1834), III.vii (p. 155); Thomas Watson, *A Body of Divinity Contained in Sermons Upon the Westminster Assembly's Catechism* (1692; Edinburgh: Banner or Truth, 2000), 129; James Ussher, *A Body of Divinitie, or The Summe and Substance of Christian Religion* (London: Tho. Downes and Geo. Badger, 1645), 125; David Dickson, *Truths Victory Over Error* (Edinburgh: John Reed, 1634), XIX (pp. 137–38); Patrick Gillespie, *The Ark of the Testament Opened* (London: R. C., 1681), I.v (pp. 180–81); Edward Leigh, *A Systeme or Body of Divinity* (London: William Lee, 1654), IV.i (p. 306); Herman Witsius, *Conciliatory, or Irenical Animadversions*, trans. Thomas Bell (Glasgow: W. Lang, 1807), VIII.i–ii (pp. 86–87); Jeremias Baſtingius, *An Exposition or Commentarie Upon the Catechisme of Christian Religion which is Taught in the Schools and Churches Both of the Low Countries and of the Dominions of the Countie Palatine* (London: John Legat, 1595), fol. 122; cf. William Whitaker, *An Answer to the Ten Reasons of Edmund Campian* (London: Felix Kyngſton, 1606), 252–53; John Downame, *The Christian Warfare against the devil world and flesh* (London: William Stansby, 1634), II.viii (p. 103); J. Gresham Machen, *Machen's Notes on Galatians*, ed. John H. Skilton (Philadelphia: P & R, 1972), 178.

31. John Murray, "Appendix B: Leviticus 18:5," in *Romans*, NICNT (1959, 65; Grand Rapids: Eerdmans, 1968), 249.

use of the law. Rather, these words simply indicate the divine source of the law; Israel must follow these laws because they are the statutes of the covenant Lord.<sup>32</sup> The divine pronouncement, “I am the Lord your God,” also harkens back to the administration of the Decalogue, which reminds the Israelites that God is the source of both; the Levitical legislation is of the same weight and importance.<sup>33</sup>

Second, Murray does not consider Lev 18:5 in the broader context of the chapter, which clearly sets forth a works-principle regarding Israel’s tenure in the land:

Do not make yourselves unclean by any of these things, for by all these the nations I am driving out before you have become unclean, and the land became unclean, so that I punished its iniquity, and the land vomited out its inhabitants. But you shall keep my statutes and my rules and do none of these abominations, either the native or the stranger who sojourns among you (for the people of the land, who were before you, did all of these abominations, so that the land became unclean), lest the land vomit you out when you make it unclean, as it vomited out the nation that was before you (Lev 18:24–28).

God establishes a relationship between keeping his rules and Israel’s tenure in the land. Ask the simple question, Why was Israel cast out of the land? And there is a simple response: They disobeyed God’s laws. This echoes Adam’s state in the garden and subsequent expulsion. The same relationship exists for the previous tenants of the land—the Canaanites, who committed sexually immoral acts, evident by the broader context

32. Jacob Milgrom, *Leviticus*, Anchor Bible, 3 vols. (New Haven: Yale UP, 1991–2000), 1517.

33. Milgrom, *Leviticus*, 1518; John E. Harlley, *Leviticus*, WBC (Dallas: Word, 1992), 291–93; cf. Rashi, *Leviticus*, The Pentateuch and Rashi’s Commentary, trans. Abraham ben Isaiah and Benjamin Sharfman (Brooklyn: S. S. & R. Publishing, 1949), 173.

34. That God was driving out the Canaanites draws the reader back to the Noahide incident when Ham’s sons lost their right to the land of Canaan because of their sexual immorality (contra Milgrom, *Leviticus*, 1520; cf. Gen. 9:22; 10:6; Lev. 18:7–17; Bruce K. Waltke, *Genesis: A Commentary* [Grand Rapids: Zondervan, 2001], 149; Umberto Cassuto, *A Commentary on the Book of Genesis*, Part Two [Jerusalem: Magnes Press, 1997], 151–52; Nahum Sarna, *Genesis*, JPSTC [Philadelphia: JPS, 1989], 66; Claus Westermann, *Genesis 1–11*, trans. John J. Scullion, S. J. [Minneapolis: Fortress, 1994], 488; Gordon J. Wenham, *Genesis 1–15*, WBC [Waco: Word Books, 1987], 199–200).

35. Milgrom, *Leviticus*, 1522; Preston M. Sprinkle, *Law and Life: The Interpretation of Leviticus 18:5 in Early Judaism and in Paul*, WUNT (Tübingen: Mohr Siebeck, 2008), 28–29.

36. Wenham, *Genesis*, 253; contra Milgrom, *Leviticus*, 1522–23. Cf. Baruch A. Levine, *Leviticus*, JPSTC (Philadelphia: JPS, 1989), 119; Rashi, *Leviticus*, 174; Sprinkle, *Law and Life*, 31–34.

of chapter 18’s legislation (vv. 6–23), and thus the land vomited them out.<sup>34</sup>

Third, a grammatical element within the chapter itself suggests that this legislation was binding, not only upon the Israelites as the covenant people of God, but also upon Gentiles sojourning within the land. Lev 18:5a states: “You shall therefore keep (וּשְׁמַרְתֶּם) my statutes and rules,” which employs a second person masculine plural pronominal suffix. But the latter half of the verse then shifts to a masculine third person singular verb: “If a person does (יַעֲשֶׂה) them, he shall live by them” (Lev 18:5b). The shift in pronouns and persons indicates that not only the Jew, but also the Gentile, was bound by these laws, which is also confirmed by v. 26: “But you shall keep my statutes and my rules and do none of these abominations, either the native or the stranger (וְהַגֵּר) who sojourns among you.” Another consideration is that the text specifically states that the “man” (הָאָדָם) who does them will live by them, which generalizes this command.<sup>35</sup> At this point there are a number of exegetical features that do not fit Murray’s exegesis. How, for example, can Lev 18:5 be the third use of the law if it is applied to the sojourner in the land, one who is not a member of the covenant of grace? The point seems to be, *pace* Murray, that Israel is not only responsible to live in subjection to the law but so are the Gentiles in their midst; otherwise they will all, Jew and Gentile (covenant member and non-member of the covenant of grace), be cast out of the land.

Beyond these three issues, there is the pressing question regarding what it means to *live*. The text states: “If a person does them, he shall live by them.” To what form of life does the verse refer? Does it refer to temporal life in the land or something else, such as eternal life? Note that within the context of the 18th chapter the one who violates the laws suffers the curse of the covenant (Lev 18:29). If disobedience earns a person covenant curse, then the converse must also be true that obedience earns Israel covenant blessing. This is a conclusion agreed upon by commentators both old and new.<sup>36</sup> In context this promise is specifically given to the nation of Israel who was a party to the Mosaic covenant, which was tied to their tenure in the land. In the light of the New Testament, Israel’s tenure in the land typifies the obedience of Christ, the one who will obey the law and be justified by his works.

#### *Ezekiel 20:1–26*

Lev 18:5 resurfaces in Ezek 20 where the prophet covers Israel’s time in Egypt (vv. 5–9), the desert (vv. 10–17),

and the subsequent generations (vv. 18–26).<sup>37</sup> In vv. 10–13 God explains through the prophet that he gave Israel a clear revelation of this law with a synonymous parallelism: “I gave them my statutes // and // made known to them my rules” (v. 11a). Then, in the latter half of the verse Ezekiel quotes Lev 18:5: “If a person does them, he shall live” (v. 11b). The prophet’s application of Lev 18:5 refers to the whole law, not merely to laws pertaining to sexual immorality, as in the original context. What happened to the first generation in the desert? The prophet explains: “But the house of Israel rebelled against me in the wilderness. They did not walk in my statutes but rejected my rules, by which, if a person does them, he shall live; and my Sabbaths they greatly profaned. ‘Then I said I would pour out my wrath upon them in the wilderness, to make a full end of them’” (v. 13). This formula does not fit the third use of the law as Murray contends, as Israel’s disobedience is not met with grace but justice and covenant curse (cf. Ezek 18:9, 17, 19, 21; 33:15; Deut 6:24f; 30:15–19).<sup>38</sup>

According to the prophet the later generations were just like their fathers: “But the children rebelled against me. They did not walk in my statutes and were not careful to obey my rules, by which, if a person does them, he shall live; they profaned my Sabbaths. ‘Then I said I would pour out my wrath upon them and spend my anger against them in the wilderness’” (v. 21). Once again Lev 18:5 is mentioned and the formula continues: wrath meets disobedience, not the grace of the forgiveness of sins and sanctification as with the third use of the law. The verses that follow make it abundantly clear that the third use of the law is not at all in view. The prophet writes:

Moreover, I swore to them in the wilderness that I would scatter them among the nations and disperse them through the countries, because they had not obeyed my rules, but had rejected my statutes and profaned my Sabbaths, and their eyes were set on their fathers’ idols. Moreover, I gave them statutes that were not good (לֹא טוֹבוֹת) and rules by which they could not have life (לֹא יִחִיּוּ בָהֶם) and I defiled them through their very gifts in their offering up all their firstborn, that I might devastate them. I did it that they might know that I am the Lord (vv. 23–26).

Were this not a quote from Scripture, people might otherwise be surprised at the fact that the prophet would say that God’s statutes were “not good” and they were rules by which “they could not have life.”<sup>39</sup> Verses 23–26 are an intentional contrast with what we find in vv. 11–13;

these latter verses contrast Israel’s failure vis-à-vis the life offered in the earlier portion of the chapter that quotes Lev 18:5.<sup>40</sup>

Would we consider the third use of the law as “not good”? At this point the defect lies not with the sinner, however true it is that sinful man is unable to fulfill the requirements of the law; rather the prophet places the “defect” upon the divinely given law—it is “not good.” While I will address these matters below, how can one hold these seemingly contradictory estimations of God’s law together? How can the law at the same time be good (e.g., Rom 7:12) and “not good” (Ezek 20:25)? Answers lie in a host of texts from the New Testament, such as Paul’s statement that “Scripture imprisoned everything under sin, so that the promise by faith in Jesus Christ might be given to those who believe” (Gal 3:22). Similarly Paul calls the Mosaic covenant a “ministry of death” (2 Cor 3:7). However, one of the most readily accessible explanations of this antinomy comes from Paul’s exegesis of Lev 18:5 in Rom 10:5.

#### Romans 10:5

In the broader context of Rom 10:5 Paul demonstrates that Israel has failed to establish a right standing with God, as he reveals that his heart’s prayer is that Israel would be saved (Rom 10:1). But what is the specific nature of Israel’s failure? Paul explains: “For, being ignorant of the righteousness of God, and seeking to establish their own, they did not submit to God’s righteousness” (Rom 10:3). Paul intentionally contrasts Israel’s attempts to achieve righteousness (Rom 9:30–31) with God’s righteousness (τὴν τοῦ θεοῦ δικαιοσύνην). What is the remedy for Israel’s failure? Paul writes: “For Christ is the end of the law for righteousness to everyone who believes” (Rom 10:4), by which he establishes an antithesis between *works* and *faith*, or *doing* and *believing*. Or this can be stated in the terms of the Confession: the *covenant of works* and the *covenant of grace*.

Paul then appeals to Lev 18:5: “For Moses writes about the righteousness that is based on the law, that the person who does the commandments shall live by them”

37. See Daniel Block, *The Book of Ezekiel Chapters 1–24*, NICOT (Grand Rapids: 1997), 630–33.

38. Moshe Greenberg, *Ezekiel 1–20*, AB (New York: Doubleday, 1983), 366; cf. Walther Eichrodt, *Ezekiel* (Philadelphia: Westminster, 1965–66), 267–68.

39. Block, *Ezekiel 1–24*, 639–40; Ellen F. Davis, *Swallowing the Scroll: Textuality and the Dynamics of Discourse in Ezekiel’s Prophecy* (Sheffield: Sheffield Academic Press, 1989), 113–14.

40. Cf. Greenberg, *Ezekiel*, 368–70; G. A. Cooke, *The Book of Ezekiel*, ICC (1936; Edinburgh: T & T Clark, 1970), 218–19.

(Rom 10:5). Paul's appeal to Lev 18:5 cannot be an instance of the so-called "misinterpretation theory," where Paul assumes the erroneous legalistic opinion of his opponents to disprove it, nor is Paul merely borrowing these words out of context, as Murray argues. Paul states: "Moses writes about the righteousness *that is based on the law* (Μωϋσῆς γὰρ γράφει τὴν δικαιοσύνην τὴν ἐκ τοῦ νόμου)" (emphasis).<sup>41</sup> Paul echoes the principle found in the law, such as Deut 6:25: "And it will be righteousness for us, if we are careful to do all this commandment before the Lord our God, as he has commanded us."<sup>42</sup> Paul echoes this principle earlier in Romans: "For it is not the hearers of the law who are righteous before God, but the doers of the law who will be justified" (Rom 2:13). Paul also states Μωϋσῆς γὰρ γράφει ("For Moses writes"), which is in the present active indicative, conveying the idea that Lev 18:5 is still binding even now.<sup>43</sup>

In the broader context of Rom 10, Paul moves from the righteousness that is based upon the law (the one who does them shall live by them) to the righteousness that comes by faith, vv. 6–10: "For with the heart one believes and is justified, and with the mouth one confesses and is saved" (v. 10; cf. Gal 3:12; Hab 2:4; Lev. 18:5). Paul succinctly restates what we have found in Ezekiel: Israel's failure to "do this and live" (Ezek 18, 20) will be fulfilled by God (Ezek 36–37; Sprinkle, *Law and Life*, 38). So Paul states that Israel's failed attempts to achieve righteousness on its own (Rom 9:30–31) has been fulfilled

41. For a survey of the various views on Rom 10:5 and bibliography see Sprinkle, *Law and Life*, 168–70.

42. J. A. Thompson, *Deuteronomy*, TOTC (Downers Grove: IVP, 1974), 127; J. G. McConville, *Deuteronomy*, AOTC (Downers Grove: IVP, 2002), 144–45; Moshe Greenberg, "Some Postulates of Biblical Criminal Law," in *A Song of Power and the Power of Songs: Essays on the Book of Deuteronomy*, ed. Duane L. Christensen (Winona Lake: Eisenbrauns, 1993), 288; Jeffrey H. Tigay, *Deuteronomy*, JPSTC (Philadelphia: JPS, 2003), 81; Moshe Weinfeld, *Deuteronomy 1–11*, AB (New York: Doubleday, 1991), 349; *pace* Meredith G. Kline, *Treaty of the Great King: The Covenant Structure of Deuteronomy* (Grand Rapids: Eerdmans, 1963), 67.

43. Mark A. Siefred, "Romans," in *Commentary on the New Testament Use of the Old Testament*, ed. G. K. Beale and D. A. Carson (Grand Rapids: Baker, 2007), 655.

44. E. Earle Ellis, *The Gospel of Luke*, NCBC (1966; Grand Rapids: Eerdmans, 1996), 161; I. Howard Marshall, *The Gospel of Luke*, NIGTC (Grand Rapids: Eerdmans, 1978), 444; Alfred Plummer, *The Gospel According to S. Luke*, ICC (1901; Edinburgh: T & T Clark, 1977), 285; cf. Darrell L. Bock, *Luke*, 2 vols., BECNT (Grand Rapids: Baker, 1996), 1026–27; David W. Pao and Eckhard J. Schnabel, "Luke," in *Commentary on the New Testament Use of the Old Testament*, ed. G. K. Beale and D. A. Carson (Grand Rapids: Baker, 2007), 321–22; Joseph A. Fitzmyer, *The Gospel According to Luke (X–XXIV)*, AB (New York: Doubleday, 1985), 881.

45. Cf. Venema, "The Mosaic Covenant," 97–98.

by God in Christ (Rom 10:6–10; Deut 20:12–14) and is available to anyone who believes in him. Or to put this in the terms of classic covenant theology, humanity's universal failure in Adam in the covenant of works (Lev 18:5; Gal 3:12; Rom 10:5), republished at the microcosmic level in Israel's probation in the land, is fulfilled by Christ's obedience to the law in the covenant of grace.

#### Luke 10:25–28

Paul has offered nothing new, as he simply cites the Old Testament and explains how the law functions—obedience yields life and disobedience yields death. This is the same structure that appears in the covenant of works and is repeated at Sinai in the Mosaic covenant. It is also the same point that Christ makes with the lawyer who asked him, "What must I do to inherit eternal life" (Luke 10:25)? Jesus asked the lawyer, "What is written in the Law?" to which the lawyer responded: "You shall love the Lord your God with all your heart and with all your soul and with all your strength and with all your mind, and your neighbor as yourself" (Luke 10:27). How did Jesus respond? He quotes Lev 18:5: "You have answered correctly; do this, and you will live" (Luke 10:28; cf. Lev. 18:5 LXX). That the totality of the law is in view is evident by the lawyer's quotation of Deut 6:5 and Lev 19:18; but Christ's response also holds out eternal life as the goal of obedience to the law. Key in this exchange is what follows, in that the lawyer, "desiring to justify himself" (v. 29), asked Jesus who his neighbor was.<sup>44</sup> In other words, this exchange, as in Paul's exegesis in Rom 10:5, demonstrates that a person can either be justified by works or by faith in Christ, though the former is now impossible in a post-fall world. Christ's use of Lev 18:5 also illustrates that, taken by itself, the verse sets forth the principle of the covenant of works—obedience yields eternal life. But within the context of the Mosaic covenant, it connects this works principle to long life in the land, which is ultimately fulfilled in the antitypical obedience of Christ.

#### 2 Corinthians 3:3–11

One of the chief questions undoubtedly lies in terms of how these two contradictory paths to justification can share the same stage in redemptive history. Some have suggested that the doctrine of the three uses of the law is the best way to account for the various texts in the Scriptures, but what should be evident at this point is that the Scripture's own intra-canonical exegesis of Lev 18:5 does not fit into any of these three categories.<sup>45</sup>

The purpose of Lev 18:5 is not to regulate civil government (the civil use of the law); and, divorced from the preaching of the gospel, neither does it drive people to Christ (the pedagogical use of the law), as is evident by Ezekiel’s characterization of the law as “not good,” nor is it the normative use of the law, a guide by which justified believers might know what is pleasing to God in their on-going sanctification. That a host of Reformed theologians, moreover, cited Lev 18:5 as well as its re-appearance in Gal 3:12 and Rom 10:5 as exegetical support for the covenant of works further substantiates this conclusion. But how, then, have Reformed theologians accounted for the seemingly antithetical presence of the covenants of works and grace in the Mosaic covenant?

While his answer to this question is not normative, Charles Hodge, professor of New Testament and later Systematic Theology at Princeton Seminary, offers exegesis of 2 Cor 3 and is an example of how one Reformed theologian has handled these issues through use of the idea of republication. Within the broader context of 2 Cor 3 Paul contrasts the old and new covenants by showing the superiority of the latter over the former. He compares the two by employing a rabbinic exegetical argument, a *qal wahomer* (“the light and the heavy”), which takes the form of, “if X is ... then how much more is Y.”<sup>46</sup> Paul compares the two covenants in the following manner:

Verses	Old Covenant	New Covenant
vv. 7–8	Now if the ministry of death, carved in letters on stone	will not the ministry of the Spirit have even more glory
v. 9	For if there was glory in the ministry of condemnation,	the ministry of righteousness must far exceed it in glory.
v. 11	For if what was being brought to an end came with glory,	much more will what is permanent have glory.

Important to note is that Paul’s statements here, particularly about the “ministry of death,” cannot be reduced to the pedagogical use of the law; Paul clearly contrasts the *παλαιᾶς διαθήκης* (“old covenant”), which was written on “tablets of stone” with the *καινῆς διαθήκης* (“new covenant”), which is “written not with ink but the Spirit of the living God” (vv. 3, 14; Harris, 279–80). There is more in view than the law’s pedagogical function to drive sinners to Christ; instead Paul highlights elements

that deal with condemnation—something beyond the three uses of the law. Paul’s characterization of the Mosaic covenant (i.e., Paul’s own view, not that he quotes or employs his opponents’ erroneous characterization of the Mosaic covenant) as a ministry of death stands in stark antithesis to the Jewish estimations of it as a “gift of life.”<sup>47</sup> But if both the Mosaic and New covenants belong to the one covenant of grace, how do we relate them one to another?

Hodge draws attention to this antinomy by noting: “Every reader of the New Testament must be struck with the fact that the apostle often speaks of the Mosaic law as a covenant of works; that is, presenting the promise of life on the condition of perfect obedience.”<sup>48</sup> Here Hodge not only has the present pericope in mind but also Gal 3:10–12 and Rom 10:5, both of which quote Lev 18:5. Hodge, however, also notes that Paul maintains that the plan of salvation has been the same from the very beginning and that Christ was the propitiation for sins under the old covenant, an allusion to Heb 9:15. Hodge writes: “Men were saved then as now by faith in Christ; that this mode of salvation was revealed to Abraham and understood by him, and taught by Moses and the prophets” (Hodge, 433). Hodge argues that the solution to the apparent contradiction between the two principles is to recognize that the Mosaic covenant had a number of different purposes and therefore has to be viewed from different perspectives.

Hodge offers three points. First, he argues: “The law of Moses was, in the first place, a re-enactment of the covenant of works.” He explains that a covenant is simply a promise suspended upon a condition, and in this case the covenant of works is the promise of eternal life upon the condition of perfect obedience. To support this contention, Hodge appeals to Luke 10:26–28 and Christ’s use of Lev 18:5 and concludes: “This is the covenant of works.” Hodge argues that there is an immutable principle that in the absence of sin there is no condemnation, but where sin is present the consequence is condemnation. He maintains: “Viewed under this aspect it is the ministration of condemnation and death.”<sup>49</sup> Hodge not

46. Murray J. Harris, *The Second Epistle to the Corinthians*, NIGTC (Grand Rapids: Eerdmans, 2005), 279.

47. C. K. Barrett, *The Second Epistle to the Corinthians*, BNTC (1973; Peabody: Hendrickson, 1997), 115; Victor Paul Furnish, *II Corinthians*, AB (New York: Doubleday, 1984), 226–29; Margaret E. Thrall, *The Second Epistle to the Corinthians*, vol. 1, ICC (Edinburgh: T & T Clark, 1994), 240–41, 249.

48. Charles Hodge, *1 & 2 Corinthians* (1857, 59; Edinburgh: Banner of Truth, 1994), 432–33.

49. Hodge, *1 & 2 Corinthians*, 433–34; for similar comments on 2 Cor. 3:9 see Owen, *Exposition of Hebrews*, 22.85–86.

only echoes Paul's characterization of the Mosaic covenant as a "ministry of death," but also Ezekiel's identification of God's laws as "not good."

Second, Hodge carefully situates the Mosaic covenant within God's covenantal dealings, not merely with individuals, but with the nation of Israel as a whole: "The Mosaic economy was also a national covenant; that is, it presented national promises on the condition of national obedience. Under this aspect also it was purely legal" (Hodge, 434). One need only look at Israel's exile to confirm this point. Like Adam cast from God's presence in the garden, Israel was cast into exile away from God's dwelling place. What Hodge describes as a "national covenant" is older nomenclature by which we would now describe the typological relationship between Israel and Christ. That is, Israel, as a nation, typifies the person and work of Christ. In this case, their corporate failure to remain in the land prefigures by way of contrast Christ's successful probation and attainment of eternal life on behalf of the recipients of the covenant of grace.

Third, the Princetonian does not ignore the fact that the Mosaic covenant also reveals the gospel: "As the gospel contains a renewed revelation of the law, so the law of Moses contained a revelation of the gospel" (Hodge, 434). Within the Mosaic economy we find instructions for the priesthood, sacrifices, and the like, which Hodge explains are shadows and types of Christ. Hodge then offers a summary explanation of how these three different aspects relate one to another:

When therefore the apostle spoke of the old covenant under its legal aspect, and especially when speaking to those who rejected the gospel and clung to the law of Moses as law, then he says, it kills, or is the ministration of condemnation. But when viewing it, and especially when speaking of those who viewed it as setting forth the great doctrine of redemption through the blood of Christ, he represented it as teaching his own doctrine. The law, in every form, moral or Mosaic, natural or revealed, kills (Hodge, 434).

Like his Reformed predecessors, and echoing principles set forth in the Confession, Hodge links the moral law to the various epochs of pre-redemptive and redemptive history and accounts for how it functions, not abstractly, but redemptive-historically, or covenantally.

<sup>50</sup> John Owen, *An Exposition Upon Psalm CXXX*, in *The Works of John Owen, D. D.*, vol. 14 (London: Richard Byanes, 1826), 183.

#### THEOLOGICAL IMPLICATIONS

The theological implications of understanding and employing republication are important on at least two different levels. First, when we read the Scriptures and the role of the law, we cannot be satisfied merely with the three uses of the law to explain how it functions. While the three uses of the law are applicable to all Christians today, the republication of the covenant of works under the Mosaic covenant for the purpose of typifying the active obedience of Christ is something that is not applicable to us today and does not appear in the New Testament's promulgation of the law. It seems that for some Reformed theologians today, the covenant of works, and especially the necessity of demonstrating the active obedience of Christ from the Old Testament, is ignored and forgotten. Moreover, the covenant of works is an isolated outpost in pre-redemptive history that is not systematically connected to the rest of Scripture or the other loci of systematic theology.

In this respect, the Confession explains that, far from being abrogated, the covenant of works is still binding upon sinners: "The moral law doth forever bind all, as well justified persons as others, to the obedience thereof" (XIX.v). The moral law, which was covenantally administered to Adam as the covenant of works (XIX.i), is still binding and still holds out the possibility of eternal life for anyone who would fulfill it. Note the language in Confession XIX.vi, which confirms this point: "Although true believers be not under the law, as a covenant of works, to be thereby justified, or condemned..." In other words, if a person is outside of Christ and still in Adam, he is still under the law as the covenant of works. John Owen points out that one of the chief reasons the Mosaic covenant revived the covenant of works was to remind the people of its sanction and keep the people under its bondage.<sup>50</sup> Republication, consequently, presents sinners not merely with the bare law, but with their federal failure in Adam's broken covenant of works, one that is replayed on the grand stage of redemptive history in Israel's failed probation in the land. This is one element that republication critics simply ignore, namely, the striking similarities between the Adam and Israel probation narratives. With such amazing parallels, it seems like readers would naturally be drawn to seeing some sort of repetition of Adam's state in the garden in Israel's tenure in the land.

The second implication is that republication highlights sinful man's inability to merit eternal life through his obedience: not only did God's son, Adam, fail but so did God's other son, Israel. Adam and Israel were

God's faithless sons, but Jesus is God's faithful Son, the one in whom the Father is well pleased (Matt 3:17; Mark 1:17; Luke 3:22). On the heels of the Father's declaration of approbation, Jesus was led into the wilderness by the Holy Spirit for forty days, evocative of Israel's forty-year Spirit-led wanderings, but with one massive difference—where Israel was disobedient Jesus was obedient.<sup>51</sup> Christ fulfilled the broken covenant of works not only by paying the penalty for its violation but also by his positive fulfillment of the law, i.e., he offered both his active and passive obedience. Notably, Paul states that Christ was born "under the law, to redeem those who were under the law" (Gal 4:4–5). In context, Paul's reference is to the Mosaic covenant (Gal 3:12–25; 4:21–28), but did Christ only come to redeem Israelites? Did he also not come to redeem Gentiles?

Gentiles were not under the Mosaic covenant but they were under the covenant of works. Israel's reception of the Mosaic covenant with the publication of the moral law was a republication of the universally binding covenant of works along with the gospel. That Sinai republishes the covenant of works therefore shows that Christ redeems both Israel, which is a microcosm of humanity at large, and Gentiles. Jesus came to deliver both Jews and Gentiles out from under the law in both of its covenantal administrations. Critics of republication must not only account, therefore, for Christ's redemption of Gentiles and Jews from under the law, but also the covenantal administrations of the law in the covenant of works and the Mosaic covenant. Crucial to this accounting of the covenantal administrations of the moral law is the issue of Christ's active obedience. Theologians are quick to identify Christ's passive obedience in the Old Testament, evident in the sacrifices, for example. But where is the active obedience of Christ typified? Where is Christ's necessary obedience and fulfillment of the law presented in the Old Testament? Republication, therefore, not only looks back to the covenant of works and Adam's failure as well as Israel's failure under the Mosaic covenant, but it looks forward to Christ's successful probation and obedience under both the Mosaic covenant and covenant of works.

#### CONCLUSION

My definition of republication was stated at the outset of this essay: the Mosaic covenant republishes the covenant of works to demonstrate humanity's inability to merit eternal life, to remind fallen humanity that they stand under the condemnation of the broken covenant of works, and to typify the active obedience of Christ.

This definition has been supported by the following historical and exegetical evidence:

1. The historical evidence is abundantly clear that Reformed theologians have wrestled with the presence of legal elements within the Mosaic covenant, which led a number of the Westminster divines to posit that the Mosaic covenant repeated the covenant of works in some sense.
2. The appeal to Lev 18:5 as a proof text for the covenant of works is one of the simplest sources to explain republication, as Reformed theologians appeal to legislation of the Mosaic covenant to argue for the covenant made with Adam.
3. At the most fundamental level, everyone who affirms that the moral law with appended curses as the standard for both the covenant of works and the Mosaic covenant (in the Decalogue) must concede that, at a minimum, this one aspect of the covenant of works is repeated at Sinai.
4. The earliest Jewish interpreters of Scripture observed the parallels between Eden // Promised land and Adam // Israel. This led them to suggest that Israel recapitulated Adam's probation in the garden. These conclusions are warranted, at a minimum, by the parallels between Adam, Israel, and Christ that Scripture itself identifies. To deny republication in any sense is to deny the clear statements of Scripture and drives an unnecessary wedge between Adam, Israel, and Christ.
5. There are a number of biblical texts that treat republication, but Lev 18:5 is one of the more prominent as it reappears in later portions of Scripture, e.g., Ezek 20:1–26, Neh 9:29, Rom 10:5, Gal 3:12, and Luke 10:25–28. Initially connected to Israel's tenure in the land, a binding command upon both Israelites and sojourners (Gentiles and aliens to the covenant of grace), the command does not fall under the third use of the law but rather illustrates the works-principle: obey and you will live long in the land; disobey and you will suffer covenant curse. This verse republishes the terms of the covenant of works but is writ large on the landscape of redemptive history as Israel corporately serves as a type of Christ. Older commentators such as Hodge called this a "national covenant of works." Israel, like Adam, suffered covenant curse, not merely fatherly discipline, for their

51. See, e.g., Craig L. Blomberg, "Matthew," in *Commentary on the New Testament Use of the Old Testament*, ed. G. K. Beale and D. A. Carson (Grand Rapids: Baker, 2007), 14–18.

violation of the covenant. But taken by itself, Christ himself explains that Lev 18:5 holds forth eternal life to the one who perfectly fulfills the law. This is why Paul contrasts the doing of the law with believing the gospel in Rom 10:5, which the Confession states in terms of the covenants of works and grace.<sup>52</sup>

Republication is hardly a novelty, as some have suggested. Rather its presence is prominent in the Reformed tradition. And while some have characterized republication as an obscure peculiar doctrine that has unnecessarily sidetracked theological discussion, republication, at its core, is simply the integration of the covenant of works throughout the rest of the system of doctrine contained in the Scriptures. And while critics of republication may argue that the three uses of the law is the sole-sufficient explanation for understanding its function throughout redemptive history, the Reformed tradition has never affirmed the presence of the “bare” law. The moral law has never been given *in nuda*; rather, it is *always* covenantally administered. Adam’s reception of the moral law came through the covenant of works. Therefore it naturally follows that subsequent administrations of the moral law where the stipulation of death for disobedience is present echo, in some sense, its initial administration to Adam, unless

one posits a radical discontinuity among the various covenants of Scripture. To deny republication of the covenant of works “in any sense” disrupts the organic flow of the narrative of redemptive history.

Republication forces us not simply to focus upon matters that pertain to soteriology and the application of salvation to the individual, as vital as they are, but also to account for the *historia salutis* and the covenantal administration of the universally binding moral law, whether in its revelation to Adam or Israel, or through Christ in the New covenant in all of its uses (civil, pedagogical, and normative). It also highlights that justification is by God’s grace alone through faith alone in Christ alone because it pressed the demands of the broken covenant of works upon Israel, reminding them of the requirement of perfect, perpetual, and personal obedience. Republication demonstrates that Jesus came and fulfilled every jot and tittle of the law—not merely the Decalogue, which in the Mosaic covenant was peculiar to Israel, but the universally binding covenant of works, which was first given to Adam and republished at Sinai. We all know why Christ died, but why did he live? Asking that question not only of the New Testament but also of the Old will lead to answers found in the concept of the republication of the covenant of works.

## The Law of Moses: Not a Disguised Covenant of Works

### A Response to F.V. Fesko’s “The Republication of the Covenant of Works”

By Cornelis P. Venema

The entire law, which the covenant of grace at Mount Sinai took into its service, is intended to prompt Israel as a people to ‘walk’ in the way of the covenant. It is but an explication of the one statement to Abraham: ‘Walk before me, and be blameless’ [Gen. 17:1], and therefore no more a cancellation of the covenant of grace and the foundation of a covenant of works than this word spoken to Abraham. The law of Moses, accordingly, is not antithetical to grace but subservient to it and was also thus understood and praised in every age by Israel’s pious men and women. But detached from the covenant of

grace, it indeed became a letter that kills, a ministry of condemnation. Another reason why in the time of the Old Testament the covenant of grace took the law into its service was that it might arouse the consciousness of sin, increase the felt need for salvation, and reinforce the expectation of an even richer revelation of God’s grace. It is from that perspective that Paul views especially the Old Testament dispensation of the covenant of grace. He writes that Israel as a minor, placed under the care of the law, had to be led to Christ (Rom. 10:4; Gal. 3:23f.; 4:1f.) and that in that connection sin would be increased and the uselessness of works for justification and the necessity of faith would be understood (Rom. 4:15; 5:20; 7:7f.; 8:3; Gal. 3:19). On the one hand, therefore, the law was subservient to the covenant of grace;

52. For other arguments in support of republication, I direct readers to Bryan D. Estelle, J. V. Fesko, and David VanDrunen, eds., *The Law is Not of Faith: Essays on Works and Grace in the Mosaic Covenant* (Phillipsburg: P & R, 2009).

it was not a covenant of works in disguise and did not intend that humans would obtain justification by their own works. On the other hand, its purpose was to lay the groundwork for a higher and better dispensation of that same covenant of grace to come in the fullness of time. The impossibility of keeping the Sinaitic covenant and of meeting the demands of the law made another and better dispensation of the covenant of grace necessary.” (Herman Bavinck, *Reformed Dogmatics* [Grand Rapids: Baker Academic, 2006], 3.222)

Although true believers be not under the law as a covenant of works to be thereby justified, or condemned; yet is it of great use to them, as well as to others; in that, as a rule of life informing them of the will of God, and their duty, it directs and binds them to walk accordingly; discovering also the sinful pollutions of their nature, hearts, and lives; so as, examining themselves thereby, they may come to further conviction of, humiliation for, and hatred against sin, together with a clearer sight of the need they have of Christ, and the perfection of his obedience. (Westminster Confession of Faith, Chap. 19.6)

I preface my response to Fesko’s “The Republication of the Covenant of Works” with a lengthy quotation from Herman Bavinck’s *Reformed Dogmatics* for two reasons. First, I do so to acknowledge the source of my response’s subtitle, “not a disguised covenant of works.” And second, I do so for the luminous way in which Bavinck captures the heart of the matter. Though it is anachronistic to put it this way, Bavinck’s comments on the role of the law within the Mosaic administration of the covenant of grace constitutes the proper biblical and Reformed answer to the republication thesis, as it is set forth and defended by Fesko. The law was promulgated through Moses, not as a means of republishing “in some sense” and in some obscure manner the covenant of works that obtained before Adam’s fall and disobedience, but as a means to publish the obligations of grateful obedience under the covenant of grace and to serve by God’s intention as a pedagogue, impressing upon the Israelites the need for the Savior who was to come. The covenant of grace, as it was administered during the Mosaic economy, was not in any proper sense a “republication” of the covenant of works. Nor was it intended to reinstitute the covenant of works in some hypothetical or typological sense. Rather, the Mosaic administration was an administration of the covenant of grace in its substance and accidents, to use the traditional language.

In my response to Fesko’s case for a version of the republication thesis, I will follow roughly the outline of his presentation. Since Fesko employs the somewhat elusive expression that the covenant of works is “in some sense” republished in the covenant of Moses, I will start with a reflection on the ambiguity of the republication thesis. The language of “in some sense” prompts the obvious question of definition: in what sense does the Mosaic covenant republish the covenant of works? After some reflection on the ambiguities attending the republication thesis, I will turn to the important question of the warrant for this position. Following the order of Fesko’s presentation, I will first consider the historical evidence for the presence of some version of a republication thesis in the history of Reformed theology. Though the historical case for republication is an important subject, I acknowledge with Fesko that the principal case for or against the republication thesis must be drawn from the teaching of Scripture. Therefore, an important part of my response will be an assessment of Fesko’s biblical arguments for a republication view, especially his appeal to Leviticus 18:5. Thereafter, in the concluding sections of my response, I will take up several more broadly theological issues that the republication thesis raises.

#### THE AMBIGUITY OF THE REPUBLICATION THESIS

Fesko begins his essay with an introductory section, which sets forth the contours of his understanding of the sense in which the Mosaic covenant includes the republication of the covenant of works. While he acknowledges that the Mosaic covenant is a “part of the covenant of grace,” he also insists that it “in some sense” republished the covenant of works. Negatively, the Mosaic covenant did not involve a “republication” in the sense of a “re-administration” of the covenant of works. The Mosaic covenant is an administration of the covenant of grace and, in whatever sense it republishes the covenant of works, it does not do so to re-establish a covenant of works with Israel. To define republication as a re-administration of the covenant of works would be to imply that Israel, as was true of Adam under the covenant of works before the fall, was given the law as a commandment of life, as a means to “merit” the promised reward of eternal life. In Fesko’s words, “it is one thing to argue that *the demands and stipulations of the covenant of works*, as well as its penalty for its violation, *were revealed again* and entirely another to argue that sinful humanity can somehow merit salvation apart from Christ.” The Mosaic covenant does not reinstitute or re-administer the covenant of works, but it

does reveal or enunciate what the law, which was first revealed to Adam before the fall, demands and stipulates.

According to Fesko, the republication or second revelation of the covenant of works in the Mosaic economy, serves two “specific functions.” First, it serves to evoke a remembrance of Adam’s dwelling in and expulsion from Eden, since Israel’s “tenure and subsequent exile from the land” replays or repeats the pattern exhibited in the covenant of works before the fall. Israel’s history, like Adam’s in the garden, reveals that human beings are unable to fulfill the covenant of works and therefore lie under its condemnation. And second, Israel’s tenure in the land and the republication to her of the covenant of works, with its blessings and curses, serves typologically to prefigure the person and work of Christ, the true Israel, whose “active obedience” to the law secures the inheritance of justification and life for the people of God. What Adam failed to do, Israel failed to do. The failures of Adam and of Israel to obtain favor and life in communion with God through their obedience to the demands and stipulations of the law, become the biblical-theological basis for an understanding of the importance of Christ’s perfect obedience as the only basis for securing the promised blessing of life in fellowship with God. Upon the basis of his understanding of these two functions of the republication of the covenant of works in the Mosaic economy, Fesko offers a broad definition of the republication thesis:

[T]he Mosaic covenant republishes the covenant of works to demonstrate humanity’s inability to merit eternal life, to remind fallen humanity that they stand under the condemnation of the broken covenant of works, and to typify the active obedience of Christ. God still requires obedience from his people in order to obtain eternal life, and republication highlights that Christ provides this necessary obedience.

#### *Definitions: The Covenant of Works and the Covenant of Grace*

In order to assess Fesko’s description of the sense in which the Mosaic covenant republishes the covenant of works, we need to begin with some definitions. What

exactly do we mean by the “covenant of works”? What exactly do we mean by the “covenant of grace”? And wherein do these two covenants differ? The classic Reformed answer to these questions is provided for us in The Westminster Confession of Faith (WCF), chapter 7.

According to the WCF, the first covenant that God made with the human race in Adam was a covenant of works. In the covenant of works, God promised Adam (and his posterity whom he represented as covenant head) life “upon condition of perfect and personal obedience.” Though there are features of the covenant of works that are disputed among Reformed theologians, the confessional definition makes clear that it was a covenant administration that would either bestow blessing and reward or issue in judgment and death.<sup>1</sup> The condition of perfect and personal obedience was stipulated as the way for Adam to enjoy life, to remain and be perfected in his fellowship with God. In theological terms, Adam’s justification and acceptance before God, and his entrance into the fullness of eschatological life in unbroken communion with God, were dependent upon his perfect obedience to God’s holy law. To use the traditional language, the “substance” of the covenant of works in its administration was the requirement of perfect obedience as the only way to obtain life and favor with God.

Because Adam (and in him, the human race) fell into sin and thereby failed to obey God perfectly, he and his posterity lie under the judgment and curse of God. According to the WCF, the fall and sin of the human race in Adam have forever barred the door to favor and acceptance with God by means of the covenant of works. In order for fallen human beings to gain the blessing of indefectible life in communion with God, a second and different covenant was instituted by God as Redeemer, namely, the covenant of grace.

Man, by his fall, having made himself incapable of life by that covenant, the Lord was pleased to make a second, commonly called the *covenant of grace*; wherein he freely offereth unto sinners life and salvation by Jesus Christ; requiring of them faith in him, that they may be saved, and promising to give unto all those that are ordained unto eternal life his Holy Spirit, to make them willing, and able to believe. (Chap. 7.3).

Throughout the entire history of redemption, the covenant of grace was “one and the same in substance,” though diverse in its various “dispensations” (WCF, 7.6). In all of its different administrations, including the Mosaic economy, the covenant of grace freely and

1. These issues include, but are not limited to: 1) whether Adam’s obedience was “meritorious” in the sense of “covenanted merit” (*meritum ex pacto*) or in the sense of “strict justice” (*meritum de condigno*); 2) whether the covenant of works inheres in the very nature of creation and Adam’s bearing God’s image, or was given “with” creation as a distinct act of “voluntary” condescension by God; and 3) whether the

graciously granted the inheritance of life and salvation to all the elect who, prompted by the Holy Spirit, receive Jesus Christ as their Mediator and Redeemer. Upon the basis of the redeeming work of Christ, believers freely obtain what was promised in the covenant of works. But believers now receive the promise by grace alone, and not upon the basis of their perfect obedience to God's law. Contrary to the means of justification and life held out in the covenant of works, namely, the requirement of personal and perfect obedience to God's law, the covenant of grace grants justification and life to those who entrust themselves wholeheartedly to Christ for their salvation. Upon the basis of the entire obedience of Christ, the "last" Adam—which includes both his active obedience to the law's abiding requirements, and his passive obedience to the law's inescapable penalties—believers are restored to life and favor with God. Even though the substance of the covenant of grace, Christ himself, was not yet exhibited in the Old Testament economy as in the New, the means by which believers obtained justification and life is the same throughout the entire history of the administration of the covenant of grace.

*Republication: Revealed Again or Re-administered?*

Compared to the simplicity and clarity of the WCF's distinction between the covenant of works and the covenant of grace, Fesko's republication thesis is a study in ambiguity.

On the one hand, Fesko argues that the Mosaic covenant only "reveals" to Israel the terms of the covenant of works, though it is not a "re-administration" of the covenant of works. The Mosaic covenant reveals to (and thereby reminds) Israel what the holy law of God always requires, namely, perfect conformity to God's righteous will. The law is an expression of God's holiness and righteousness, and must demand nothing less than perfect, undivided love toward God and self-less love toward those who bear his image. Because the holy law of God revealed through Moses demands perfect obedience, it reminds Israel that there is no possibility to obtain life and favor with God upon the basis of works of obedience. In this understanding of republication, Fesko seems only to want to affirm what any Reformed theologian would want to affirm: whenever God reveals through his holy law what pleases him, he reveals that nothing less than perfect conformity will do, and that failure to obey has deadly consequences. But this sense of "republication" hardly warrants the claim that the Mosaic economy, unlike other administrations of the

covenant of grace, is "in some sense a republication of the covenant of works." It is not a feature of the Mosaic economy that distinguishes it from other administrations of the covenant of grace.<sup>2</sup> As the WCF affirms in chapter 19, the law of God is ever a "perfect rule of righteousness," which contains all of our duties before God and in relation to others. This holy law of God, before and after the fall, always demands the same thing, and always declares the same consequence in the case of disobedience. Indeed, even in the fullness of the covenant of grace after the coming of Christ, the Lord himself teaches what the law of God requires: "be perfect even as your heavenly father is perfect" (Matt. 5:48). If Fesko's thesis were simply that the pre-fall covenant of works constitutes the basic framework for the biblical story of redemption, he would receive no quarrel from me or any Reformed theologian. It almost goes without saying that the story of redemption told in Scripture includes a constant reminder that no human being, subsequent to Adam's fall, is capable of finding acceptance with God upon the basis of his or her perfect and personal obedience to the law of God (cf. Rom. 3).

On the other hand, Fesko clearly seems to want to say more than that the Mosaic covenant reveals the terms of the covenant of works, and the consequences of its breach in Adam. In Fesko's definition of the Mosaic covenant, it is not enough to say that it restates and clarifies what the law of God requires. Nor is it enough to say that the law of Moses merely reminds Israel (as God reminds all of his people throughout the course of redemptive history) that Adam and his posterity are incapable of obtaining life and favor with God upon the basis of the terms of the covenant of works. After all, God continually reveals this truth by means of (the first use of) the law from the commencement of the history of redemption and thereafter. There is something unique about the Mosaic covenant that Fesko wishes to express by means of the republication thesis.

To the extent that I can make sense of it, Fesko seems to want to view the Mosaic economy as a covenant of works *so far as Israel's tenure in the land of promise is*

---

stipulations, promises, and sanctions of the covenant of works can be known through general revelation alone, or require pre-redemptive special revelation. In this essay, I shall leave these disputed matters to the side.

2. Though I will sometimes use the language "Mosaic covenant" in what follows, I will do so to reflect Fesko's usage and not the usage I prefer. Consistent with the confessional distinction between the "diverse administrations" of the covenant of grace and its "substance," I would prefer to speak of the "Mosaic economy." An "economy" is a distinct kind of administration, but it is not a distinct kind of covenant.

concerned. When Fesko describes the two specific functions of the republication of the covenant of works in the Mosaic economy, he mentions Israel's tenure in and subsequent exile from the land in both instances. Though he shies away from speaking of a "re-administering" of the covenant of works in the Mosaic economy for obvious reasons—it is, after all, an administration of the covenant of grace according to the Reformed confessions—he does want the Mosaic economy to function as a covenant of works "in some sense" and at some typological level. The giving of the law through Moses, together with the accompanying promises of blessing and warnings of curses, placed Israel, like Adam, in a probationary circumstance. If Israel were to do what the law requires, she would obtain and retain her inheritance in the land of promise. If Israel were to disobey what the law requires, she would thereby forfeit her inheritance in the land. In this sense of republication, Israel replays the unhappy history of the covenant of works before the fall, reminding her (and all human beings as sinners) that the only way to obtain the inheritance of life and blessing in communion with God is in the way of obedience to the law. Thus, the failure of Israel, like the failure of Adam, underscores the need for the last and true Adam, Christ, whose entire obedience under the law (active and passive) secures the inheritance of life and salvation for his people.

Though I am pleased that Fesko does not wish to affirm a re-administration of the covenant of works in the Mosaic covenant, I do not believe it makes sense to affirm that the covenant of works functioned "in some sense" as a covenant of works but not in an "administrative" sense. In Fesko's view, God was not merely "teaching" Israel that she could not obtain his favor through obedience to the law. God was actually placing Israel, so far as the inheritance of the land of promise was concerned, under a legal covenant that had real, even deadly consequences throughout her history. In Fesko's view, the exile of Israel was not a punishment for disobedience under the covenant of grace; it was a punishment for disobedience under the terms of the republished covenant of works. Despite his attempt to avoid the notion of a re-administration of the covenant of works in the Mosaic covenant, Fesko embraces some version of what in the older tradition of Reformed theology was termed a "mixed" covenant view. The Mosaic covenant is not properly or strictly a covenant of grace or a covenant of works. It contains, at different levels and in different respects, both the elements of a covenant of grace and a covenant of works. At some level, the Mosaic covenant functions *administratively* as a covenant of works.

My point in this opening section is that the republication thesis, at least as it is set forth by Fesko, is ambiguous and unstable. It is ambiguous in that the Mosaic covenant contains two different, and opposed, methods for obtaining what was promised to her in the covenant. And it is unstable because of this ambiguity. If God never intended to demand perfect obedience from Israel in the sense of the pre-fall covenant of works in order to grant her some or another portion of her inheritance in the covenant, then he never placed her under a covenant of works in any sense, at least not in any sense that reflects the traditional understanding of the covenant of works. But if God did covenant with Israel, at least with respect to her tenure in the land of promise, under the terms of the covenant of works, he did invite Israel to "merit" some portion of her inheritance. Happily, Fesko denies that any fallen human being could "merit" the favor of life and acceptance with God. Unhappily, he seems to think that God had to treat Israel as a "second" Adam throughout her history in the land of promise in order to make this point more clear than would otherwise have been the case.

#### INTERPRETING THE HISTORICAL EVIDENCE: A MINORITY POSITION AT BEST

The ambiguity that attends Fesko's description of the way the Mosaic covenant republishes the covenant of works, is evident in the opening section of his essay, which provides a historical survey of the presence of the republication thesis among Reformed theologians of the sixteenth and seventeenth centuries. Although Fesko rightly acknowledges that the republication view was "not the dominant view within the early modern period," he argues that it was frequently advanced in some form throughout the history of Reformed theology. He also maintains that, though the Westminster Confession does not explicitly affirm a republication thesis, a number of the prominent divines who were members of the Westminster Assembly held to one of several versions of a republication view. Even the WCF itself has elements in its summary of scriptural teaching that are consistent with or implicitly reflect aspects of the republication view.

In my response to this section of his essay, I will first identify some problems in Fesko's long list of theologians who ostensibly held some version of the republication thesis. The second part of my response will consider whether the WCF offers any comfort to the claim that the Mosaic covenant in some sense republished the covenant of works.

*Problems with Fesko's List of Theologians*

There are two problems with Fesko's list of theologians who held to some version of a republication view. First, he places them all in the category of holding a "republication" view, but offers little explanation regarding the sense in which they held the view or whether they concur with his understanding of it. And second, contrary to Fesko's suggestion, some of the theologians listed clearly do not hold to a republication view like the one that he proposes. To illustrate the second problem, I wish to offer a few brief comments on the view of the Mosaic economy held by Francis Turretin, Louis Berkhof, and Geerhardus Vos, all of whom are included in Fesko's list. None of these theologians presents a view of republication that resembles the view offered by Fesko.

The first of these theologians, Francis Turretin, is of special importance, since he expressly addresses the question of the relation of the Mosaic economy to the covenant of works. In the course of treating this question, Turretin identifies four distinct options that were represented among Reformed theologians: 1) the Mosaic economy is *simpliciter* a covenant of works; 2) the Mosaic economy is an admixture of the covenant of works and the covenant of grace; 3) the Mosaic economy is a "subserving" covenant, neither a covenant of works nor a covenant of grace; and 4) the Mosaic economy is in "substance" an administration of the covenant of grace, though it promulgates the law especially to teach human inability and sinfulness as a tutor to Christ, the only Mediator.<sup>3</sup> In his assessment of these four views, Turretin spends considerable time refuting the third and offers a defense of the fourth view as the preferred opinion among Reformed theologians. Although Turretin is willing to grant some diversity of opinion on the question of the relation of the Mosaic economy to the covenant of works, his view cannot legitimately be described to teach a doctrine of republication like the one Fesko advances. The closest Turretin comes to suggesting a republication doctrine is his observation that, though the Mosaic administration was "as to substance and species... nothing else than a new economy of the covenant of grace," its promulgation of the law was "clothed as to external dispensation with the form of a covenant of works..." (*Institutes of Elenctic Theology*, 2.263). Turretin's most extensive comments on the Mosaic administration and the covenant of works, clearly show that he did not view the Mosaic administration, properly considered within the framework of the divine intention, to be a covenant of works at some level:

The Mosaic covenant may be viewed in two aspects: either according to the intention and design of God and in order to Christ; or separately and abstracted from him. In the latter way, it is really distinct from the covenant of grace because it coincides with the covenant of works and in this sense is called the letter that killeth and the ministration of condemnation, when its nature is spoken (2 Cor. 3:6,7). But it is *unwarrantably abstracted here* because it must always be considered with the intention of God, which was, not that man might have life from the law or as a sinner might be simply condemned, but that from a sense of his misery and weakness he might fly for refuge to Christ.<sup>4</sup>

The key qualification in this extended comment is the language, "unwarrantably abstracted here." Though the Mosaic administration is not an administration of the covenant of works in any legitimate sense, it does promulgate the law that, when abstracted from the divine intention in the covenant of grace, reiterates the demands and sanctions of the covenant of works. When the law is isolated from its place within the broader framework of the Mosaic economy, its demands can only serve as a "letter that kills and a ministry of condemnation." Properly considered, however, the law was not given through Moses as a covenant of works.

The second of these theologians, Louis Berkhof, does not treat the Mosaic economy as in any sense a republication of the covenant of works. In two concise pages,

3. *Institutes of Elenctic Theology*, 3 vols., ed. James T. Dennison, Jr., trans. George Musgrave Giger (Phillipsburg, NJ: Presbyterian & Reformed, 1992-1996), 2.262.

4. *Institutes of Elenctic Theology*, 2.267 (emphasis mine). Turretin is basically following the position of John Calvin on the role of the law in the Mosaic economy. According to Calvin, God never gave the law through Moses as a covenant of works, or as a means to obtain the promises of the covenant. However, Calvin does speak in this connection of the *nuda lex* or "naked law," the law distinguished from its use within the covenant as a rule of gratitude. When the law is viewed by itself, as a means to secure acceptance with God, it can only serve to condemn the disobedient and prove their liability to punishment. For an account of Calvin's understanding of the role of the law in the Mosaic covenant, see: John Calvin, *Institutes of the Christian Religion*, ed. John T. McNeill, 2 vols. (Philadelphia: Westminster, 1960), II.vii-xi, IV.xx.14-16; John Calvin, *The Epistles of Paul the Apostle to the Romans and to the Thessalonians*, trans. Ross Mackenzie, ed. David W. Torrance and Thomas F. Torrance, vol. 8, Calvin's New Testament Commentaries (Grand Rapids: Eerdmans, 1960), 222-23; John Calvin, *The Epistles of Paul the Apostle to the Galatians, Ephesians, Philippians and Colossians*, CNTC, vol. 11, 53-54; Cornelis P. Venema, *Accepted and Renewed in Christ: The 'Twofold Grace of God' and the Interpretation of Calvin's Theology* (Göttingen: Vandenhoeck & Ruprecht, 2007), 229-47; and Cornelis P. Venema, "The Mosaic Covenant: A 'Republication' of the Covenant of Works?," *Mid-America Journal of Theology* 21 (2010): 26-31, 47-49.

Berkhof offers a careful description of the Mosaic covenant as an administration of the covenant of grace. Though Berkhof notes that the Mosaic covenant distinctively “reminds” Israel of the strict demands of the covenant of works, it does so for the twofold purpose of: 1) increasing Israel’s consciousness of sin; and 2) tutoring Israel unto Christ. In each of these purposes of the giving of the law through Moses, the gracious intention of the Mosaic covenant was advanced. These purposes do not mean that the Mosaic covenant was “a renewal of the covenant of works,” since the law was given in a manner that was “subservient to the covenant of grace.” In addition to these two purposes, which traditionally are regarded as instances of the “theological” or “pedagogical” use of the law, the Mosaic covenant promulgated the law “as a rule of life” for the people of God in their grateful obedience to the Lord who had redeemed them out of their bondage in Egypt. In the course of his exposition on the Mosaic economy, Berkhof also rejects several “deviating opinions.” Among these opinions, he includes the following: 1) the Cocceian view, which affirms the institution of a “legal covenant of ceremonial service” after Israel’s disobedience in the making of a golden calf; 2) the view that God gave the law through Moses as “a new covenant of works,” wanting thereby to teach the people the impossibility of obtaining salvation in their own strength; and 3) the view that the Mosaic economy was an admixture of three covenants, a national covenant, a covenant of works, and a covenant of grace. Interestingly, Berkhof describes the second of these deviant opinions as “somewhat in line with the view of present day dispensationalists, who regard the Sinaitic covenant as a ‘conditional Mosaic covenant of works’ (Scofield).”<sup>5</sup> What makes this observation telling is that the second deviant view bears a remarkable resemblance to Fesko’s republication view. According to Berkhof, all of these deviant positions must be rejected,

5. Louis Berkhof, *Systematic Theology*, 4th ed. (Grand Rapids: Eerdmans, 1939, 1941), 299.

6. *Systematic Theology*, 299. It is no accident that Berkhof’s treatment of the nature of the Mosaic administration echoes the treatment of the topic in Herman Bavinck’s *Reformed Dogmatics*, since Berkhof’s *Systematic Theology* is in many respects an English digest of Bavinck’s work. For Bavinck’s view of the Mosaic administration, see Herman Bavinck, *Reformed Dogmatics*, 3:219–22.

7. Geerhardus Vos, “The Doctrine of the Covenant in Reformed Theology,” in *Redemptive History and Biblical Interpretation: The Shorter Writings of Geerhardus Vos*, ed. Richard B. Gaffin, Jr. (Phillipsburg, NJ: Presbyterian & Reformed, 1980), 255.

8. Vos, “The Doctrine of the Covenant in Reformed Theology,” page 255.

9. Vos, “The Doctrine of the Covenant in Reformed Theology,” 255, n9.

because they inappropriately “multiply” the covenants, rather than distinguishing only between the pre-fall covenant of works and the various administrations of the post-fall covenant of grace. When these positions insert a “legal covenant” into the Mosaic economy, they fail to appreciate how the law was given through Moses in a manner that was “subservient to the covenant of grace.”<sup>6</sup>

The third and last theologian on Fesko’s list that I wish to consider is Geerhardus Vos. After noting that the theologians whom he lists all appealed to the covenant of works to explain the “nature of the Mosaic covenant,” Fesko quotes Vos as a proponent of some kind of doctrine of republication. However, if the quotation Fesko cites is read carefully in its context, it offers no support for the kind of republication view that Fesko espouses. What Vos affirms is that the law of God, when it is promulgated in the Mosaic covenant and throughout the course of redemptive history, always “keeps alive in us” the “memory” of the covenant of works that was broken in Adam.<sup>7</sup> The law declares a “hypothetical” promise, namely, that if human beings do perfectly what it requires, they would enjoy favor and life in fellowship with God. But this declaration serves within the framework of the covenant of grace, including the Mosaic economy, as a means to remind the people of God that there is no way back to God by means of their obedience to the law. In his quotation of Vos, Fesko also omits Vos’ preceding comment that this pedagogical use of the law, subservient to the purposes of God’s grace in the covenant of Moses, was the reason some of the “older theologians did not always clearly distinguish between the covenant of works and the Sinaitic covenant.”<sup>8</sup> The implication of Vos’ comments at this point is that it is a mistake not to distinguish clearly between the covenant of works and the covenant of Moses. Moreover, in the footnote to the sentence Fesko quotes, Vos offers an elaborate comment on the “essentially different place” ascribed to the law in historic Reformed and Lutheran theology. According to Vos, the “highest and abiding purpose [of the law given through Moses] lies elsewhere” for Reformed theologians than in its pedagogical use.<sup>9</sup>

#### *The Bi-covenantalism of The Westminster Confession of Faith*

Within the section of his essay that provides a historical survey of the presence of the republication view, perhaps the most important part of Fesko’s case for republication is his appeal to the Westminster Assembly and Confession of Faith. In his treatment of the

Westminster Assembly, Fesko maintains that there were a number of divines who held to various versions of the republication view, and that these views were not expressly repudiated by the WCF itself. Furthermore, Fesko claims that the WCF only obliquely rejects one view of the Mosaic covenant among the Westminster divines, namely, the view of the “reputed antinomian Tobias Crisp” who taught that the Mosaic covenant differed substantially from the new covenant of grace. According to Fesko, the “two covenants of grace” view held by Crisp was implicitly repudiated in Chapter 7.6 of the WCF, which says that “[t]here are not therefore two covenants of grace, differing in substance, but one and the same, under various dispensations.”

There are several observations that I would like to make regarding this part of Fesko’s historical argument.

First, I fully concur with Fesko’s claim that there were divines at the Westminster Assembly who held different views of the Mosaic covenant, and that these views fell roughly into the following four types: 1) the Mosaic covenant was an admixture of the covenant of works and the covenant of grace; 2) the Mosaic covenant was simply a repetition of the covenant of works; 3) the Mosaic covenant was a “subservient” covenant, and as such neither a covenant of works nor a covenant of grace; and 4) the Mosaic covenant was simply an administration of the covenant of grace.<sup>10</sup> There is no real dispute or argument that, in the history of Reformed theology and among the divines present at the Westminster Assembly, some theologians viewed the Mosaic economy to include a kind of re-introduction or publication of the covenant of works at some level.

Second, I also agree with Fesko’s acknowledgment that the “more common position” among the Westminster divines was “a twofold scheme.” The bi-covenantalism of the WCF represents, accordingly, the majority opinion of the divines, who clearly distinguished between the pre-fall covenant of works and the post-fall covenant of grace. In chapters 7 and 19 of the WCF, the twofold scheme is classically represented, and the Mosaic administration is thoroughly enveloped within the boundaries of God’s redemptive intentions to save his people through the work of the last Adam, the Lord Jesus Christ. Whatever else may be said about the republication view in all of its forms, it is certainly not the majority opinion in the history of Reformed theology.

Third, though I concur with these historical aspects of Fesko’s treatment of the Westminster Assembly, I do not concur with his presumption that, because a view is not expressly rejected, it must be a permissible view

within the boundaries set by the WCF itself. Not all forms of error are expressly rejected in the Reformed confessions, and this is certainly true of the WCF, when it codifies the official view of the Reformed churches on the doctrine of the covenants of works and of grace. Among the three views of the Mosaic covenant that represent it as in some sense a republication of the covenant of works, *surely the second and third views are provided no cover by the positive affirmations of chapters 7 and 19 of the WCF.* To say that the Mosaic covenant was neither a covenant of works nor a covenant of grace, but a sort of “subservient,” quasi-legal covenant, is to take a position contrary to that articulated in the WCF.<sup>11</sup> Likewise, and with an even greater degree of certainty, it is impossible to subscribe to the confessional position on the covenants, and yet view the Mosaic covenant as *essentially* a covenant of works. In his handling of the Westminster Assembly and Confession, Fesko fails to make sufficiently clear that there are versions of the republication thesis that are outside of confessional boundaries.

Fourth, it is not clear that Fesko’s own version of the republication thesis can take comfort from what the WCF expressly affirms on the one hand, and only “obliquely” denies in the case of Crisp’s position on the other. From my understanding of what Fesko means by republication, *it does not seem to be a contemporary expression of any of the three minority views held by some of the Westminster divines.* The closest parallel to Fesko’s view among the three historic expressions of republication is the “mixed” covenant view. In this view, the Mosaic economy is an admixture of the covenant of grace and the covenant of works, with the covenant of grace defining its essential nature. But it is not clear whether this older version of a republication thesis includes the biblical-theological, as well as typological features of Israel’s place in the history of redemption that are present in Fesko’s position. By this observation, I do not mean to say that Fesko’s position is outside the boundaries of what is permissible by the standard of the WCF. I only

10. These four views are roughly comparable to the four views identified in the treatments of the Mosaic economy in Francis Turretin and Louis Berkhof. See Turretin, *Institutes*, 2.262ff.; and Berkhof, *Systematic Theology*, 298–99.

11. In this connection, Fesko too quickly dismisses the importance of the Formula Consensus Helvetica (1675), which explicitly condemns the “subservient” covenant view. Though there may be no explicit condemnation of this view in the WCF, it remains a view that is at odds with the WCF’s positive affirmations about the Mosaic economy as an administration of the covenant of grace. The Formula Consensus Helvetica only makes explicit what is implicit in the formulations of the WCF.

mean to observe that Fesko's argument seeks to prove more than the evidence adduced allows.

And fifth, when Fesko appeals to the actual teaching of the WCF, he offers an inadequate argument for the claim that it offers cover for the idea that the Mosaic covenant in some sense republished the covenant of works. The evidence Fesko offers for this claim is that the moral law presents

the same standard for both the covenant of works and the Mosaic covenant, and for both covenants death appears as a consequence of its violation.... So at least at this level, *this element of the covenant of works is repeated at Sinai*. If one argues, therefore, that the Mosaic covenant does not "in any sense" republish the covenant of works, then he must deny that the moral law appears in both covenants. Ask the simple question, Where are there covenants in the Bible that have death as a consequence of its violation? What covenants in the Bible have covenant curse as a consequence of their violation? The inevitable answer is, the covenant of works and the Mosaic covenant.

There are several problems with Fesko's case at this point. While it is certainly true that the moral law is an "element of the covenant of works," the moral law does not constitute a *sufficient* condition for the presence of the covenant of works. For the covenant of works to be present, a promise of life must be revealed as a reward for perfect obedience to the demands and stipulations of the law. The promise of life and blessing in the covenant of works depends upon perfect compliance with the law's demands. Fesko offers no evidence from the WCF, chapter 19, that the law was given to Israel in this sense and at any (typological) level, which it must be in order for it to be in some sense a republication of the covenant of works. If his argument were valid, then the emphasis of the WCF, chapter 19, upon the moral law as a "perfect rule of righteousness," which "doth forever bind all, as well justified persons as others, to the obedience thereof," would be tantamount to saying that *the covenant of works is republished in every administration of the covenant throughout history*. However, the moral law as such is not the covenant of works. Neither before nor after the fall (nor even

in the state of consummation) does the moral law of God as such constitute a covenant of works.

What is perhaps most striking about Fesko's appeal to the WCF, chapter 19, is that he omits to acknowledge what it expressly says about the moral law as it was given to the people of God through Moses. On two occasions (19.6), the WCF explicitly denies that the moral law was given to believers in the covenant of grace "as a covenant of works." Fesko's appeal to the WCF, therefore, is unwarranted and even appears to gloss the most important testimony in the Confession regarding the specific matter in question. Indeed, chapter 19 of the WCF constitutes a serious impediment to any construal of the Mosaic covenant as a republication in some sense of the covenant of works. The only sense of republication that the WCF seems to allow is the benign idea that the law functions in the Mosaic economy in a manner that subserves its purposes of grace, teaching Israel to acknowledge her sin and tutoring her in the need for the Christ to come.

Finally, it should be observed that Fesko's rhetorical questions regarding the consequences of violating the covenant lack real punch. Unless I am mistaken, the primary argument of the book of Hebrews is that the "neglect" of the great salvation that is given through the work of Jesus Christ, the Mediator of the new covenant, has the most deadly consequences for those who have "tasted" the good word of God (see, e.g., Heb. 2). The warnings of the book of Hebrews are all based upon the administration of *the covenant of grace* in the course of redemptive history. While I recognize as a Reformed believer that the promises and conditions of the new covenant in Christ are properly extended to the elect, and that God graciously grants in Christ precisely what he requires (WCF, 7.), the covenant of grace is administered with stipulated conditions and expressed warnings. God's unconditional grace undergirds and enables the fulfillments of the covenant's requirements, to be sure. But this takes away nothing so far as the administration of the covenant is concerned. It is simply not true, from the standpoint of the administration of the new covenant in Christ, that it does not include warnings of judgment and curse to those who treat with contempt the privileges that they have enjoyed as members of the visible church. Fesko's assumption that the administration of the covenant of grace in time contains no deadly consequences in the instance of its violation, is invalid and offers no real support for the republication view.<sup>12</sup> If Fesko's assumption were true, then the new covenant in Christ would be, *mutatis mutandis*, a covenant of works "in some sense."

12. Perhaps this is too important a point to relegate to a footnote, but it should be observed that Israel's (temporary) exile under the curse of the covenant during the Old Testament economy was a judgment/discipline for her disobedience under the covenant of grace, not under the covenant of works in a narrowly typological sense. I will return to this point in the following, when I consider Fesko's interpretation of Ezekiel 20:1–26.

## THE PROPOSED BIBLICAL EVIDENCE

At the close of his survey of the history of Reformed theology on the question of republication, Fesko notes that “in the end, counting noses for and against a particular view does not determine doctrine. Doctrine must turn on exegesis.” I heartily agree with this sentiment, and therefore recognize that the most important dimension of the debate about republication is the question of what the Scriptures teach. Since I will have the opportunity to offer my own interpretation of the scriptural evidence in a subsequent article in *The Confessional Presbyterian*, I will focus my response upon the cogency of Fesko’s specific appeal to the biblical evidence.

*Broader typological connections?*

Fesko begins his treatment of the biblical evidence with a short treatment of the “typological connections” in Scripture between Adam, Israel, and Christ, the last Adam. Though his treatment of these alleged connections is too brief to permit much comment, they move directly and too quickly from parallel symbolism in the histories of Israel and of Adam before the fall to an appeal to early “Jewish interpreters” of these parallels who “identified Israel’s tenure in the land as a recapitulation of Adam’s probation in the garden.” The one Jewish interpreter whom Fesko specifically identifies is the prolific Jewish scholar, Jacob Neusner, who interprets Israel’s history as a “recapitulation” of Adam’s history before the fall. While Fesko admits that these Jewish interpreters had a “far more optimistic” estimation of Israel’s powers than Scripture allows, he nonetheless finds their interpretation compelling. Indeed, he finds their interpretation so compelling that a denial of the republication of the covenant of works in Israel’s history “flies in the face of the witness of Scripture.”

At the risk of flying in the face of the witness of Scripture, I would observe that this is much too facile a treatment of biblical typology and the parallels between Israel and Adam in Scripture. That the typology of redemptive history parallels the typology of pre-redemptive history may only remind us that redemption entails ultimately the “regaining” of Paradise (and more). The redemptive economy redresses what was lost in the pre-redemptive economy. Accordingly, the typology of the Old Testament economy (and the New Testament economy as well) undoubtedly reflects imagery drawn from the history of Adam before the fall. But what is most important is that the Old Testament typology prefigures and foreshadows *New Testament realities that*

*fulfill Old Testament promises*. Israel’s history in the Old Testament economy was a history of *redemption*, and not a history that replays/reiterates the pre-fall history of Adam. The Old Testament “types” symbolize New Testament realities; they are “prospective” inasmuch as they relate to “what will become real or applicable in the future.”<sup>13</sup> O. Palmer Robertson makes a comment about the typology of the Mosaic administration in relation to the new covenant in Christ that is applicable to Fesko’s republication thesis. Although Robertson is assessing Meredith Kline’s view of republication, his comment is applicable to Fesko’s position, which is remarkably similar to that of Kline.

Kline’s view of the Mosaic economy as a “covenant of works” is fundamentally flawed at several points. He bases his case on the assumption that in God’s redemptive covenants a distinction can be made between the basis of temporal benefits and salvific benefits. But in scripture these two aspects of redemption are both matters of grace. He must also assume that a difference in the basis for operation may be made between the typological experience of Israel and the redemptive experience. But Vos effectively makes the point that the typological can communicate in its essence nothing different than the symbolized reality it portrays (*Biblical Theology*, 145–46). Kline’s definition of the Mosaic covenant as a covenant of meritorious works is also flawed by its effort to make a radical distinction between the basic nature of the Abrahamic and Davidic covenants in comparison with the Mosaic covenant. The same typological images present in the Abrahamic and Davidic covenants may be found in the Mosaic, and the same type of law condition in relation to promise is found in all three covenants. David admonishes his son/successor Solomon to “keep [God’s] decrees and commands, his laws and requirements, as written in the law of Moses, so that ... the Covenant Lord may keep his promise to me” (1 Kings 2:3–4 NIV). David obviously saw his covenant relation to the Lord as an extension of the Mosaic covenant and had no problem joining commandments to promises.<sup>14</sup>

Robertson’s point is that the promises of the Mosaic economy were typological of the spiritual blessings of the covenant of *grace*. The typology of the Mosaic economy does not function at two disparate levels, the one

13. Geerhardus Vos, *Biblical Theology: Old and New Testaments* (Grand Rapids: Eerdmans, 1948), 144.

14. *The Christ of the Covenants* (Phillipsburg, NJ: Presbyterian & Reformed, 2004), 364–65 n. 6.

level being a republished covenant of works and the other level being a covenant of grace. Furthermore, the obligations of obedience in the Mosaic economy are essentially the same obligations that accompany the promises of grace in every administration of the covenant of grace.

It should also be observed that Fesko's appeal to the traditional Jewish construction of the Mosaic economy is highly problematic. While Fesko acknowledges that the Jewish view of Israel's obligations of obedience under the Mosaic economy reflects an unbiblically optimistic view of Israel's ability to do what the law requires, he fails to reckon sufficiently with the fact that this view represents as well a *distortion and corruption of the divine intention in giving the law through Moses to Israel*. In his masterful treatment of the function of the law in the period of Moses, Geerhardus Vos emphasizes the importance of distinguishing carefully between God's intention in the giving of the law and Israel's misappropriation of the law as a means to "earn" the blessedness promised her in the covenant.

From the nature of the theocracy thus defined we may learn what was the function of the law in which it received its provisional embodiment. It is of the utmost importance carefully to distinguish between the purpose for which the law was professedly given to Israel at the time, and the various purposes it actually came to serve in the subsequent course of history. ... In this sense Paul has been the great teacher of the philosophy of law in the economy of redemption. Most of the Pauline formulas bear a negative character. The law chiefly operated towards bringing about and revealing the failure of certain methods and endeavours. It served as a pedagogue unto Christ, shut up the people under sin, was not given unto life, was weak through the flesh, worked condemnation, brings under a curse, is a powerless ministry of the letter. These statements of Paul were made under the stress of a totally different philosophy of the law-purpose, which he felt to be inconsistent with the principles of redemption and grace. This pharisaic philosophy asserted that the law was intended, on the principle of merit, to enable Israel to earn the blessedness of the world to come. (Vos, *Biblical Theology*, 126)

15. Though Fesko offers evidence for this claim in a footnote (45), his statement is overstated and seems inconsistent with his earlier admission that the republication view is not the "common" one in the history of Reformed theology. For a treatment of the position of venerable Reformed exegetes who essentially agree with John Murray's treatment of Leviticus 18:5, see Cornelis P. Venema, "The Mosaic Covenant: A 'Republication' of the Covenant of Works?," *Mid-America Journal of Theology*, volume 21 (2010), pp. 44–51.

In Fesko's appeal to the traditional Jewish understanding of the Mosaic covenant, he fails to attend adequately to the misconstrual of the law's purpose that it represents. Rather than representing a misconstrual of the proper function of the law within the Mosaic economy, Fesko's interpretation of the Mosaic economy tends to sanction Israel's distortion of the law into a means of meriting her land inheritance. While he properly acknowledges that Israel was unable to do what was required of her in the law, Fesko nonetheless views the law to function at some level as a covenant of works within the divine intention or purpose.

#### *Leviticus 18:5: The Lone Proof Text*

The most important piece of biblical evidence in Fesko's argument is Leviticus 18:5. Though Fesko also appeals to Ezekiel 20, Luke 10:25–28, Romans 10:5, and 2 Corinthians 3:1–11, these passages serve to confirm what Fesko terms an "intra-canonical" interpretation of the "works principle" that is enunciated in Leviticus 18:5. The primary biblical case for the idea of a republication of the covenant of works in the Mosaic economy rests upon this verse. At the typological level of Israel's tenure in the land, the language of Leviticus 18:5, "do this and you will live," represents a republication of the terms of the covenant of works that were first given to Adam before the fall. According to Fesko, interpretations of Leviticus 18:5 that employ the traditional "three uses of the law" (the pedagogical, the civil, and the normative) are inadequate. The clear meaning of this text, confirmed by the way it is interpreted elsewhere in the course of the history of redemption, warrants the doctrine of republication. Though John Murray attempts to interpret this text in its original context as a statement of the third or normative use of the law, his attempt to do so "runs counter to the historic Reformed appeal to this verse."<sup>15</sup> Contrary to Murray's claim that Paul quotes this text out of context and in accordance with its misappropriation by his Judaizing opponents (who sought to base their life and salvation upon their works performed in obedience to the law's requirements), Fesko believes that it clearly teaches that Israel, at the typological level of her inheritance and tenure in the land, was placed under the works principle of the covenant of works. In reply to Fesko's appeal to Leviticus 18:5, I would offer several observations.

First, it is critical to ascertain the meaning of this verse in its original Old Testament context, and in the immediate context of the teaching of Leviticus in general. When these hermeneutical constraints are

honored, several features of the surrounding context are of particular importance to an interpretation of this verse. Like the giving of the Decalogue through Moses, the obligations of obedience that Leviticus 18:5 enunciates are placed within the framework of Israel's redemption by the gracious hand of her covenant Lord. God does not speak in Leviticus 18:5 simply in the way God spoke as the Creator to Adam, his creature and image-bearer. God speaks, and repeatedly identifies himself before and after this verse, as the "the Lord your God." He speaks as Israel's Redeemer, and he speaks as the covenant Lord whose claim upon the life of his people is comprehensive and all-embracing. Rather than simply identifying the "source" of the call to obedience in Leviticus 18:5, as Fesko contends, the formula, "I am the Lord your God," implies that this call is set within the context of the covenant of grace. Furthermore, Leviticus 18:5 is nestled within the broader framework of a rich preaching of Christ under the shadows and types of the Old Testament priesthood and sacrifices of the law. The book of Leviticus as whole, though it is sadly ignored by many contemporary Christians, offers a wonderful portrait of the atoning work of Christ in all of its dimensions. Though the children of Israel may have only seen Christ dimly in the teaching of the book of Leviticus, they were able to see and were invited to believe in the Christ to come as the one whose blood would secure the remission of all their sins. This is scarcely the kind of setting in which to place Israel under a renewed covenant of works, and to teach that her inheritance and continuance in the land would depend upon her works of obedience to the law. The message of the book of Leviticus is that the Lord is holy, and he summons his people to be holy. But with the summons to holiness, the Lord also promises that he will sanctify them (see, e.g., Lev. 22:32–33). Israel's sanctification will itself be the fruit of God's gracious work, not only through the provisions of the Levitical priesthood and sacrifices, but also through her grateful obedience to all that he summons her to be and do in his holy law. These are the kinds of considerations that warrant John Murray's proper insistence that Leviticus 18:5, in its original setting and meaning, enunciates what Reformed theologians call the third or normative use of the law.

Second, in his appeal to the use of Leviticus 18:5 in Ezekiel 20:1–26, Fesko offers a similar kind of de-contextualized exegesis of the passage. Because the prophet pronounces God's judgment and wrath against Israel for her disobedience to his holy statutes, Fesko concludes that the prophet is revealing Israel's liability to

the curses of the covenant of works to which she was subjected in respect to her tenure in the land. Because the prophet even declares the statutes of the Lord "not good," he must be ascribing a different function to the law of God than that of a rule of gratitude. For Fesko, the language of the prophet echoes the promises and stipulations of the covenant of works, and cannot be explained as an application of the promises and stipulations of the covenant of grace. Fesko also suggests that none of the traditional three uses of the law provide an adequate explanation for the announcement of judgment that the prophet conveys.

Though I cannot offer a full response here to Fesko's interpretation of Ezekiel 20:1–6, I would like to offer an alternative interpretation, which does not require the republication thesis. In a common Reformed interpretation of Ezekiel, the prophet is declaring that Israel's exile is impending because of her persistent disobedience to the stipulations and obligations of the *covenant of grace*. Of course, it must be noted that this declaration comes after a long history of willful unbelief and disobedience on Israel's part, and within a context of God's having shown mercy to many generations of the children of Israel. In these respects, the application of God's judgment and discipline upon Israel is not at all compatible with the pattern of the pre-fall covenant of works. When did the children of Israel ever obey God perfectly? At what point in her history could Israel boast of having "earned" the inheritance of the land of (note well!) promise? Throughout the entire course of Israel's history, the grace, mercy, and long-suffering patience of the Lord had sustained her and brought her to this point. At no point in Israel's history until the time of the prophet Ezekiel did God deal with her upon the basis of the so-called "works principle" that governed the pre-fall covenant of works with Adam. When the prophet Ezekiel says that the Lord's statutes "were not good" and that the Israelites "could not have life" by them, he does not thereby treat them as a republished covenant of works. This language can be explained by the first or pedagogical use of the law: the statutes of the Lord demand what is required for Israel to enjoy life in communion with God, but they cannot give what they require. These commandments describe the kind of life that pleases God, but they could not be the "source" or ground of that life.<sup>16</sup> Indeed, under the Old Testament

16. See Moisés Silva, *Interpreting Galatians: Explorations in Exegetical Method*, 2nd ed. (Baker Academic, 2001), 156. Silva distinguishes between an improper (Judaizing) appeal to the law as the "source" or means to obtain life and favor with God, and a proper appeal to law as the "manner" in which to express life in communion with God.

economy, the demands and stipulations of the covenant always serve to remind Israel of her sinfulness and need for the Savior to come. These demands remind Israel of what is required, but they could not of themselves supply what Israel needs, namely, the work of Christ and the outpouring of his Spirit in full measure. Remarkably, in the broader context of Ezekiel 20, the prophet Ezekiel speaks another word to Israel on behalf of her covenant Lord. And the Word the Lord speaks is a Word full of grace and truth: in the future, the Lord would restore his people from exile, rebuild the temple, pour out his Spirit upon them, forgive their sins, and replace their hearts of stone with hearts of flesh. In all of these respects, the prophecy of Ezekiel demands that it be viewed throughout as an application of the administration of a gracious covenant, the covenant of grace, even though in its Old Testament form it cries out for a new and better (an ultimate) administration in the time of coming fulfillment.

Third, Fesko dismisses a common, more plausible explanation of the use of Leviticus 18:5 in passages like Luke 10:25–28 and Romans 10:5 (cf. Gal. 3:15). When John Murray, for example, argues that Paul in Romans 10:5 takes Leviticus 18:5 out of its original context within the covenant of grace, he is reflecting a long tradition of Reformed exegesis. Fesko is simply wrong in his assertion that Murray's appeal "runs counter to *the* Reformed appeal to this verse" (emphasis mine). Not only does this assertion conflict with his earlier admissions that the republication thesis was a minority opinion in the Reformed tradition, but it also misrepresents the treatment of this verse and its use in the New Testament by such venerable theologians as Calvin, Witsius, Turretin, Murray, H. Ridderbos, G. Vos, and others. These theologians all argue that Paul's appeal to Leviticus 18:5 is shaped by his polemic with the legalism of his Judaizing opponents. Because the Judaizers were seizing upon the law as the "source" of life and the means of self-justification before God, Paul replies by arguing that the

law, narrowly considered and divorced from its place with the covenant of grace, can only condemn those who fail to fulfill all its stipulations. In its narrow and abstract meaning, the law reveals only the demands and obligations of perfect obedience. In Calvin's language, the "naked law" (*nuda lex*) can only serve to condemn fallen sinners, when it is detached from the promises of the gospel and the provisions of God's grace in Jesus Christ. In this reading of the use of Leviticus 18:5 in the passages cited by Fesko, there is no need to view the Mosaic economy as in some sense a covenant of works. A contextualized reading of the use of Leviticus 18:5 recognizes that Paul's appeal to it is "colored" by the self-justifying boast of his Judaizing opponents.<sup>17</sup> If Leviticus 18:5 is taken to enunciate merely what the law always requires, it expresses clearly, as John Murray argues, "an adequate and watertight definition of the principle of legalism."<sup>18</sup> Expressed in terms of what is traditionally called the "pedagogical" use of the law, the principle set forth in Leviticus 18:5, detached from the promises of the covenant of grace, is sufficient to remind all sinners that there is no way to find favor with God by obedience to the law's demands.

And fourth, Paul's language in 2 Corinthians 3 regarding the ministry of Moses does not require the republication thesis, at least not the republication thesis that Fesko maintains. Even though Fesko relies heavily upon Charles Hodge's treatment of this passage, it is not evident that even Hodge means to affirm the kind of republication view that Fesko favors. When Hodge describes the Mosaic economy as a "re-enactment of the covenant of works," he does not mean to say anything more than that it includes a ministry of the law in its first or pedagogical sense. The core of Hodge's argument is, in his own words, that "[t]he law, in every form, moral or Mosaic, natural or revealed, kills."<sup>19</sup> While it may have been a "peculiar office" of Moses, to use an expression of Calvin, to minister especially the law in its first use, this office is not exclusive to the Mosaic economy but even continues in to the administration of the fullness of the covenant of grace in Christ. It certainly doesn't make the Mosaic economy a covenant of works on the one hand ("in some sense"), and a covenant of grace on the other. Even as a ministry of condemnation and death, the Mosaic economy is a "preparation for Christ" (*preparatio Christi*, Calvin). The striking contrast that Paul presents between the Mosaic economy and the ministry of Christ, which is also reflected in the argument of the book of Hebrews, is not a contrast between a covenant of works and a

17. See Moisés Silva, *Interpreting Galatians*, 187–95; idem, "Abraham, Faith, and Works: Paul's Use of Scripture in Galatians 3:6–14," *Westminster Theological Journal* 63/2 (2001): 251–68; and idem, "Faith Versus Works of the Law in Galatians," in *Justification and Variegated Nomism*, vol. 2: *The Paradoxes of Paul*, ed. D.A. Carson, Peter T. O'Brien, and Mark A. Seifrid (Grand Rapids: Baker Academic, 2004), 217–48.

18. John Murray, *The Epistle to the Romans*, 2 vols., *New International Commentary on the New Testament*, gen. ed. F.F. Bruce (Grand Rapids: Eerdmans, 1959, 1965), "Appendix B: Leviticus 18:5," 2.251.

19. Charles Hodge, *1 & 2 Corinthians* (Edinburgh: Banner of Truth, 1994 [1857, 1859]), 434.

covenant of grace. Rather, it is a contrast between an economy that was *weak, incomplete, penultimate and insufficient*, and a covenant that is *strong, complete, ultimate and sufficient*. Without the coming and mediatorial work of Christ, to which the Mosaic economy looked forward, the life and salvation promised in the covenant of grace in all of its administrations could not be granted. For the contrast Paul makes between the ministry of Moses and the ministry of Christ to be true, it is not necessary to turn the Mosaic covenant at some level into a covenant of works. It is only necessary to say that it serves as a pedagogue to lead the people of God to Christ, the only Mediator, whose entire obedience under the law and perfect sacrifice for sin is sufficient to the need of fallen sinners.

#### THEOLOGICAL QUESTIONS

At the close of his essay, Fesko identifies several theological implications and benefits of the republication thesis. Several of these implications and alleged benefits are stated in a rather bold and sweeping fashion. For example, Fesko claims that a proper reading of Scripture and the role of the law throughout the course of redemption, requires that theologians go beyond the traditional distinction between the “three uses of the law” in order to explain how it functions. Rather than viewing the “covenant of works” as an “isolated outpost in pre-redemptive history,” theologians need to connect systematically the way in which the covenant of works is present throughout the history of redemption. To do so, all of the loci of systematic theology require further revision and development to accommodate the implications of the republication thesis. According to Fesko, the republication thesis enables the doctrine of sinful man’s inability to merit eternal life through his own obedience to come to greater clarity. The republication thesis also offers a more stable basis for the affirmation of the “active obedience” of Christ under the law, which is an indispensable part of the righteousness that is imputed to believers for their justification. And if all of these implications and benefits are not enough to impress the reader, Fesko ups the theological ante with the striking assertion that “[t]o deny republication of the covenant of works ‘in any sense’ disrupts the organic flow of the narrative of redemptive history.”

My response to Fesko’s wide-ranging claims for the republication thesis and its theological implications, will consist of a relatively brief identification of the theological questions they raise.

#### *Republication: Repristination or a Revisionist View*

The first theological question posed by Fesko’s republication view concerns the theological pedigree and importance of the doctrine of republication. On the one hand, Fesko acknowledges that the republication view was a minority view in the period of Reformed orthodoxy. And on the other hand, Fesko offers a defense of the republication view that makes far-reaching claims respecting its importance. Among other claims, the republication thesis is said to offer: 1) the only satisfactory biblical-theological interpretation of the progress of redemption from the time of the Mosaic economy until the coming of Christ in the fullness of time; and 2) a more adequate basis for a doctrine of justification that includes the imputation of the active and passive obedience of Christ. It is even suggested that the fabric of Reformed theology may require considerable reweaving in order to accommodate and incorporate the implications of the republication thesis.

The question these claims raises is this: how can the republication view be simultaneously a minority opinion in the history of Reformed theology, and an integral, even indispensable feature of a revised Reformed biblical theology that warrants the orthodox Reformed view of justification? At the risk of sounding a little traditionalistic, is it not a little breath-taking to say that traditional Reformed theology requires the kind of revisionist overhaul that Fesko proposes, and that this is necessary to sustain one of its principal theological emphases (justification by grace alone through faith alone upon the basis of the work of Christ alone)? And if this is what is required, how can the republication thesis claim to be a recovery of an older Reformed view of the Mosaic economy?

#### *The Integrity of the Mosaic Economy as a Covenant of Grace*

The second theological question is a basic question of definition: how can the Mosaic economy be simultaneously (though at different strata) a covenant of grace and a covenant of works? If the Mosaic economy, in its substance and accidents, was an administration of the covenant of grace, how could it include a re-institution at some level of the covenant of works? In Fesko’s view, the Mosaic economy is neither a covenant of grace *simpliciter* nor a covenant of works *simpliciter*. It must then be an economy that was an “admixture” of two (incompatible) covenants, or a third kind of covenant

(subservient) that is neither a covenant of works nor a covenant of grace. After all the ink has been spilled, it remains deeply mysterious to me how the Mosaic covenant was “in some sense” a republication of the covenant of works. It also remains largely unexplained how the law as it was promulgated through Moses functioned as a rule of gratitude for the redeemed people of God. In short, Fesko’s view leaves me with the question: in what senses was the Mosaic economy an administration of the covenant of grace?

*What need exists for a “second”  
Adamic probation?*

The third theological question posed by Fesko’s republication thesis is: what need exists for a “second” Adamic probation under the terms of a republished covenant of works at the level of Israel’s land inheritance and tenure? Though it is undoubtedly true that the history of redemption includes a continual reminder that all human beings lie under the curse and judgment of the broken covenant of works, it seems unnecessary that God should have to establish this point a second time through the history of another (“second”) Adam, Israel. Since the law of God in its first use always exposes human sinfulness and liability to punishment, and since the history of special revelation includes a continual reminder of Adam’s fall and its consequences, it seems unclear why the covenant of works needed to be republished and instituted at some level through the Mosaic economy in order to make this evident once again. For the same reason, it is not evident that the doctrine of republication is needed to fortify the argument for the imputation of Christ’s active obedience as a basis for the believer’s justification. The biblical doctrine of God’s righteousness and the nature of the divine act of justification are sufficient to establish the need for the entire obedience of Christ under the law as constitutive of the righteousness that is imputed to believers for their justification.

Contrary to the doctrine of republication, the story line of Scripture is one of creation, fall, and then redemption; it is not one of creation, fall, second creation, second fall, and then redemption. The history of the Mosaic covenant is not a second account, a repetition or replay, of the pre-lapsarian history of God’s covenant with the human race in Adam. In the final analysis, the republication thesis of Fesko amounts to something like historical-redemptive “diplopia” or double vision. Rather than one Adam, one fall, and then the story of redemption commences, we find that there are two

Adams, two falls, and only then comes redemption after a long, protracted period of a slow abrogation of the covenant of works. In this scheme, an almost “dispensational” distinction obtains between the Mosaic economy and the new covenant in Christ.

*A “fourth” Use of the Law?*

The fourth and final theological question that Fesko’s republication thesis raises is: what does he mean by his suggestion that Reformed theology may require a “fourth” use of the law?

It would appear that the reason Fesko suggests that Reformed theology may need an additional “use” for the law, besides the traditional three uses, is to accommodate the way the law functions in his version of the doctrine of the republication of the covenant of works through Moses. The traditional explanation that appeals to the “first” or “pedagogical” use of the law is inadequate, because it allegedly treats the law detached from its covenantal administration. According to Fesko, the law never functions or was given as a “bare law,” but it was always “covenantally administered.” So, when God gave the law to Israel through Moses, he must have done so covenantally, as in some sense a republished covenant of works. For this reason, when Fesko cites the WCF 19.5 (“The moral law doth forever bind all, as well justified persons as others, to the obedience thereof”), he concludes that the WCF implicitly supports the idea that the covenant of works continues to function in some sense after the fall of Adam.

Fesko’s claims regarding the “uses” of the law of God in the history of God’s dealings with the human race, whether in the covenant of works or in the covenant of grace, are confused and confusing. It seems fairly clear from chapter 19 of the WCF, that it is possible to distinguish between the moral law of God *as such*, and the way this law functions in the two covenants of works and of grace. The moral law of God is a perfect rule of righteousness that binds all those to whom it is given to obey its demands, personally, perfectly, and perpetually. The moral law of God always reveals the duties that human beings, who were created in God’s image, owe God. Thus, it is certainly possible to distinguish the law from its role in different covenantal administrations. The law remains what it is, but functions differently in terms of the kind of covenant that is being administered. In the “voluntary condescension” of God that is the pre-fall covenant of works, God promised Adam the reward

of life and blessedness upon condition of his perfect and personal obedience to all that God's holy law required. To the holy law, which in its nature spells out the moral duties of the creature, God covenantally attached a "promise," namely, the promise of indefectible life. The covenant of works consists, as to its essence, of the promise of life and favor with God upon condition of perfect obedience to God's law. In this covenant, the law functions instrumentally as the means whereby Adam could obtain the covenantal inheritance of eternal life.

However, in the history of the covenant of grace, the same moral law is given, but *not as a covenant of works*. The law's role within the covenant of grace is determined by the nature of the covenant and the redemptive purposes that it advances. This is why the WCF 19.6 insists that the law was not given through Moses "as a covenant of works," but in a manner subservient to the purposes of the covenant of grace. The traditional three uses of the law (as a teacher of sin, a restraint upon evil-doers, and a rule of gratitude) are expressly described in WCF 19, to illustrate how the good and holy and just law of God functions in the covenant of grace in all its administrations, including the Mosaic economy. The WCF recognizes no other use of the law, and it is difficult to see how a proposed "fourth use" of the law is compatible with its teaching. Compared to the precision and clarity of the WCF's exposition of the role of the law throughout the history of the covenant of works before the fall, and the covenant of grace after the fall, Fesko's intimation of a possible "fourth" use of the law (the republished covenant of works through Moses?) is a theological anomaly (no pun intended).

#### CONCLUSION

Since I have exceeded an appropriate length for my response to Fesko's article, my conclusion will consist of a short list of the main points of my response.

- Fesko's appeal to the history of Reformed theology and the WCF is problematic. The doctrine of republication, however it is defined, is a minority opinion in the history of Reformed theology, and it does not find explicit or implicit support in the WCF.
- The biblical evidence adduced for the republication doctrine consists largely of an appeal to Leviticus 18:5, and to the use of this passage in the course of the history of special revelation. In my judgment, the predominant interpretation of this passage and its use in the Scriptures throughout the history of Reformed theology are correct: Leviticus 18:5 affirms the proper use of the law as a rule of gratitude but, in the course of Israel's history, it was inappropriately taken to warrant a use of the law as a means to obtain favor and acceptance with God.
- Fesko's suggestion that Reformed theology may need to formulate a "fourth use" of the law illustrates the truth of the adage, "necessity is the mother of invention." The traditional three uses of the law are sufficient to summarize Scripture's teaching regarding the way the law functions within the diverse administrations of the covenant of grace.
- The argument that the doctrine of republication requires a considerable revision of the loci of traditional Reformed theology further intimates that it is not so much a venerable doctrine with Reformed pedigree as it is a revision of Reformed theology. ■
- While I am pleased that Fesko does not want to affirm a "re-administration" of the covenant of works in the Mosaic economy, the doctrine of republication that he espouses appears to teach a "re-institution" of the covenant of works at the typological level of Israel's land inheritance and tenure. I do not believe this is compatible with the teaching that the Mosaic economy was an administration of the covenant of grace as to its "substance and accidents."