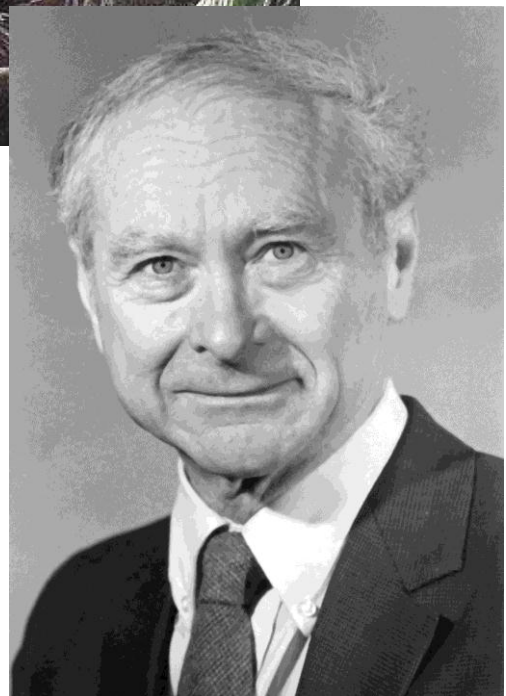


[KLINE,  
HORTON, AND  
THE MOSAIC  
COVENANT]



**KLINE, HORTON,  
AND THE MOSAIC COVENANT**

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## INTRODUCTION

In the latter half of the twentieth century, a multi-generational theological position has developed as a polemic against the covenant theology of John Murray and his successors. The movement germinated with the work of Meredith Kline in *By Oath Consigned* (1968).<sup>1</sup> Michael Horton developed it further in *God of Promise: Introducing Covenant Theology* (2006).<sup>2</sup> Today, this “Kline-Horton” position represents a major emphasis of the faculty of Westminster Seminary California - as evidenced by the publication of the collection of essays, *The Law Is Not of Faith*.<sup>3</sup> The acknowledgements of the *The Law Is Not of Faith* include the following statement: “We are also thankful for the institutional support we received from Westminster Seminary California and Geneva Orthodox Presbyterian Church and pray this volume will be of great benefit to both the academy and the church.”<sup>4</sup>

The declared purpose of this position is to correct the perceived errors streaming from the John Murray line of covenant theologians. Kline writes:

Among orthodox theologians, too, there has been a line of those who would frame the covenant concept in unilateral fashion with exclusive emphasis on the divine initiative and promise, without, however, denying the responsibility of the covenant recipients... our interaction here will be primarily with this development within the orthodox tradition in the hope of providing a corrective for its one-sided formulations of this fundamental biblical theme.<sup>5</sup>

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<sup>1</sup>Meredith Kline, *By Oath Consigned: A Reinterpretation of the Covenant Signs of Circumcision and Baptism*(Grand Rapids: Eerdmans, 1968).

<sup>2</sup>Michael Horton, *God of Promise: Introducing Covenant Theology*(Grand Rapids: BakerBooks, 2006).

<sup>3</sup>Bryan D. Estelle, J.V. Fesko, and David VanDrunen, *The Law Not of Faith: Essays on Works and Grace in the Mosaic Covenant* (Phillipsburg: P&R Publishing, 2009).

<sup>4</sup>Estelle, *Law Not of Faith*, ix.

<sup>5</sup>Kline, *By Oath Consigned*, 15.

Although Kline names no names in the above statement, he later identifies his opponents specifically as “proponents of classic covenant theology and the revisionist tradition represented by John Murray.”<sup>6</sup> This trajectory abides in the sentiments of Michael Horton and other like-minded contemporaries. In a recent (favorable) review of Horton’s *God of Promise*, Orthodox Presbyterian Church (OPC) minister Gregory Reynolds writes:

While Horton does not major on polemics, he wisely interacts with several contemporary Reformed theologians who espouse a more mono-covenantal scheme. Owen Palmer Robertson, as his mentor John Murray, tends to blur the works-grace distinction, believing that all divine-human relationships require grace before and after the fall. Horton appreciates many of Robertson's insights, but notes a fundamental flaw in his failure to recognize the Mosaic covenant as a law covenant... Covenantal nomism sees the conditional element in the Mosaic covenant as essential to the new covenant as well... But, as Horton points out, this does not explain why Moses was denied entrance into the land of promise...<sup>7</sup>

The accusation against Murray and his theological children is that they espouse an essentially mono-covenantal position. According to Kline, the chief exhibit for this prosecution is the teaching of Murray’s immediate successor at Westminster Seminary (Philadelphia), Norman Shepherd: “Rejection of the works principle in the old covenant tends to degenerate into a more general denial of the possibility of merit in the religious relationship and thus to a rejection of the principle of works in the original creation covenant with Adam.”<sup>8</sup> The footnote attached to this statement makes it clear that Kline traces Shepherd’s aberrations to Murray’s influence: “This tendency is displayed in the

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<sup>6</sup>Meredith Kline, “Gospel Until the Law: Rom 5:13 and 14 And The Old Covenant,” *Journal of the Evangelical Theological Society Volume 34*, December 1991, 433.

<sup>7</sup>Gregory Edwards Reynolds. “Review of *God of Promise: Introducing Covenant Theology*” in the *Ordained Servant Online*: [http://www.opc.org/os.html?article\\_id=20](http://www.opc.org/os.html?article_id=20).

<sup>8</sup>Meredith Kline, “Gospel Until the Law,” 435.

more immediate sphere of Murray's influence. In the teaching of his successor, Norman Shepherd, preredemptive and redemptive covenants were flattened into a continuum of promise and demand."<sup>9</sup>

## PRESUPPOSITIONS

The present paper now turns to examine the theological presuppositions which govern Kline-Horton theology. In the thinking of Michael Horton, the preeminent operative distinction is law and gospel. Horton sees this distinction as the central nerve of covenant theology. "Luther made this hermeneutic central, but both traditions of Protestant Reformation jointly affirm this key distinction."<sup>10</sup> What does this mean for one's actual understanding of the relationship between the law and the gospel? Horton explains:

The Gospel is that Christ was crucified for our sins and was raised for our justification. The Gospel produces new life, new experiences, and a new obedience, but too often we confuse the fruit or effects with the Gospel itself. Nothing that happens within us is, properly speaking, 'Gospel,' but it is the Gospel's effect. Paul instructs us, 'Only let your conduct be worthy of the gospel of Christ...' (Phil. 1:27). While the Gospel contains no commands or threats, the Law indeed does and the Christian is still obligated to both 'words' he hears from the mouth of God. Like the Godhead or the two natures of Christ, we must neither divorce nor confuse Law and Gospel.<sup>11</sup>

Turning to Meredith Kline, one sees a distinctively different emphasis. As an Old Testament scholar rather than a systematic theologian, Kline's interests lie in the

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<sup>9</sup>Ibid., n 9.

<sup>10</sup>Michael Horton, "The Law &The Gospel," The White Horse Inn, 1996: <http://www.whitehorseinn.org/free-articles/the-law-the-gospel-by-michael-horton.html>.

<sup>11</sup>Ibid.

relationship of Ancient Near East (ANE) vassal treaties to the covenants of the Old Testament. For Kline, the former represent the interpretive key to the latter: “It will emerge, we believe, that for purposes of reappraising the Old Testament canon, the most significant development in the last quarter-century has not been the Dead Sea scroll finds but discoveries made concerning the covenants of the Old Testament in the light of ancient Near Eastern treaty diplomacy.”<sup>12</sup> According to Kline, the only way to properly understand the biblical covenants is to interpret them in light of the categories found in these ANE treaties:

If we would preserve a substantial continuity between our theological use of terms and the biblical usage, we must inquire what kind of divine-human relationship was called ‘covenant’ in the biblical world. To determine this is largely a matter of surveying the data of the Bible itself... But our historical survey will also take account of some extra-biblical covenants that exhibit parallels to the form of several biblical covenants and hence clarify our understanding of them.<sup>13</sup>

From the ANE treaty data, two distinct types of covenants emerge: promise covenants and oath covenants. How does one determine into which of these formal categories any particular covenant belongs? One determines classification by identifying the person swearing the ratificatory oath:

It is this swearing of the ratificatory oath that provides an identification mark by which we can readily distinguish in the divine covenants of Scripture between a law covenant and one of promise. For it is evident that if God swears the oath of the ratification ceremony, that particular covenantal transaction is one of promise, whereas if man is summoned to swear the oath, the particular covenant thus ratified is one of law.<sup>14</sup>

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<sup>12</sup>Quoted in Horton, *God of Promise*, 25.

<sup>13</sup>Kline, *By Oath Consigned*, 14.

<sup>14</sup>Kline, *By Oath Consigned*, 16.

If the suzerain (God) swears the ratificatory oath, the covenant is a covenant of promise.

If the vassal (man) swears the oath, the covenant is a covenant of law.

From the foregoing, a few preliminary observations are in order. Firstly, it should be noted that Michael Horton's law-gospel paradigm becomes the grid through which he interprets covenant: "The architects of federal theology clearly recognized that their covenant of works-grace scheme arose from prior commitment to the distinction between law and gospel."<sup>15</sup> Covenant theology proceeds from the law-gospel distinction, instead of the law-gospel relationship finding its origins in the biblical covenants. It is not clear how this hermeneutical pre-commitment harmonizes with the priority given to covenant in the Westminster Standards.<sup>16</sup>

Secondly, it should be noted that Horton sees his work as essentially continuous with that of Kline. Horton writes: "In the title of his groundbreaking work *The Treaty of the Great King*, Meredith Kline characterized not only the content, but the very form of Scripture. We will first briefly explore this secular background and then focus our attention on the covenantal warp and woof of Scripture."<sup>17</sup>

## MOSAIC LAW AND THE COVENANT OF GRACE

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<sup>15</sup>Horton, *God of Promise*, 85.

<sup>16</sup> WCF 7.1: "The distance between God and the creature is so great, that although reasonable creatures do owe obedience unto Him as their Creator, yet *they could never have any fruition of Him as their blessedness and reward, but by some voluntary condescension on God's part, which he hath been pleased to express **by way of covenant.***" Emphasis added. *The Westminster Confession of Faith* (Willow Grove: Orthodox Presbyterian Church, 2005).

<sup>17</sup>Horton, *God of Promise*, 23.

What is the role of the Mosaic law in the covenant of grace? In the second paragraph on the first page of the first chapter of *God of Promise*, Horton provides a summary answer to this question: “In the fall of humanity in Adam, recapitulated in the history of Israel, human relationships fray as a result of prior infidelity to their covenant Lord. Yet before, during, and after humankind's broken promises, the promise-making and promise-keeping God is present and will not let the web fall apart.”<sup>18</sup> The key word in this quotation is ‘recapitulated.’ According to this view, the Mosaic law is a recapitulation – or a republication – of the covenant of works made with Adam.

But the very notion of ‘recapitulation’ presupposes a prior promulgation of a law covenant – namely, the covenant of works. God gave this covenant of works to Adam in Eden prior to the Fall. However, Adam broke this covenant. Immediately, therefore, God instituted a promise covenant in the *protoevangelium* (Gen. 3:15).

This promise covenant was formalized in God’s covenant with Abraham. Kline writes:

Genesis 15 provides an example of a covenant sealed by divine oath. The theophany-ritual described there symbolized the conditional self-malediction that inheres in the swearing of oaths. To his promise to Abraham God added a second immutable thing (Heb. 6:17, 18). Passing between the slain and divided beasts beneath the threatening birds of prey (cf. vv. 9-11, 17), God invoked the curse of the oath upon himself should he prove false to it. That curse, so effectively portrayed by the combined ritual and natural features of the scene, was a common one among ancient treaty-curses... Thus, on that day the Lord ratified a covenant with Abraham (v. 18), a covenant that was a dispensation of grace and blessing guaranteed by twofold immutability.<sup>19</sup>

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<sup>18</sup>Ibid., 9.

<sup>19</sup>Kline, *By Oath Consigned*, 16-17.

However, when Israel arrived at Sinai, the covenant they made with God was of a decidedly different character:

Exodus 24 contains the record of the ratification ceremony of another divine covenant. On this occasion, however, the oath was sworn by the people of Israel, not by the Lord. It was an oath of allegiance by which they devoted themselves to the service of their sovereign Lord according to all the law he had revealed to them (v. 7). Some have contested calling this affirmation made by Israel an oath, but if due weight is given to all the factors present in the situation there need be no hesitation on that score. In any case, it is clear that the solemn commitment by which this covenant was ratified was not made by the Lord but by Israel.<sup>20</sup>

Since Israel swore the ratificatory oath at Sinai, the Mosaic covenant was constituted as a law covenant. From this point forward, there were two distinct covenants operative in the life of Israel: the promise covenant sworn to Abraham by God, and the law covenant sworn to God by Israel.

Horton adopts these twin strands – promise covenant and law covenant – under the rubric of his law-gospel paradigm. He understands the law covenant as conditional, and he understands the promise covenant as unconditional. What effect does this have on the continuity between the Old and New Testaments? Horton proposes:

Covenant theology begins with continuity rather than discontinuity, not because of any a priori bias, but because Scripture itself moves from promise to fulfillment, not from one distinct program to another and then back again. At the same time, covenant theology recognizes in Scripture itself a distinction between specific types of covenants. Some demand unswerving obedience as a condition of their fulfillment, such as the covenant made by the people at Sinai.<sup>21</sup>

In order to elucidate the distinction between Scripture's covenants, Horton alludes to Lev. 18:5: "In biblical terms, a suzerainty treaty is a 'Do this and you shall live' kind of

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<sup>20</sup>Ibid.,17.

<sup>21</sup>Horton, *God of Promise*, 20.

arrangement.”<sup>22</sup> Following Kline, he affirms that the Sinaitic covenant is analogous to a suzerainty treaty. It is therefore a law covenant, a conditional covenant, a covenant involving stipulations and threats:

The oath that Israel took at the foot of Mount Sinai has clear affinities with the suzerainty treaty. God had delivered them from Egypt and taken them for his people, but now they had to own Yahweh as their covenant Lord. Hearing the terms (stipulations), they replied, 'Everything the LORD has said we will do' (Exod. 24:3 NIV). The covenant at Sinai was an oath sworn by the Israelites, just as in the suzerainty treaty. The elements of the treaty form were clearly present: the historical prologue (liberation from Egypt), the stipulations (ten words or commandments), sanctions with the usual blessings and curses formula, with the warning that the Israelites were 'but [God's] tenants' (Lev. 25:23 NIV) and were subject to eviction if they violated the covenant. And in fact, the Law (Torah) itself prophesied that this would happen (Deuteronomy 29).<sup>23</sup>

This suzerainty “Do this and you shall live” sort of covenant is distinct from – and contrasts with – the Abrahamic covenant of gracious promise.

The recapitulated covenant of works serves two purposes in the Mosaic economy. Firstly, it shows the Israelites that they cannot earn their salvation because they cannot obey perfectly. Thus it trains them to look ever forward to the coming Messiah and his merits. Secondly, this republished covenant of works *did* permit the Israelites to earn national, typological salvation in the land of Canaan – without abrogating their ultimate need for Christ:

This does not mean that the world only needed a redeemer who could roughly approximate the requirement of perfect obedience. After all, the covenant of works made with Adam and his posterity still requires fulfillment if anyone is to be saved. There must be a second Adam, not just a second Israel. There are both continuities and discontinuities between the covenant of works made with Adam and the republication of the works-covenant at Sinai, differences that are determined largely by changing historical contexts (viz., the fall and God’s

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<sup>22</sup>Ibid., 31.

<sup>23</sup>Ibid., 31-32.

determination to have a typological system whose every detail was designed to prefigure his Son's arrival in world history).<sup>24</sup>

Yet there is an inherent difficulty in this second use of the republished covenant of works: a sinful people could never perfectly keep their law covenant. Horton recognizes this: "After the fall, a covenant of works arrangement - even for a national covenant rather than individual salvation, cannot really get off the ground if absolutely perfect obedience is the condition."<sup>25</sup> Thus God graciously lowers the bar: "What was necessary on the nation's part was, as M.G. Kline expresses it, an 'appropriate measure of national fidelity.' Enough covenant obedience was necessary to keep the typology legible, serving its purpose of directing attention to the true and lasting kingdom of God that it prefigured."<sup>26</sup>

Remember, the purpose of the Jewish theocracy (i.e., the old covenant) was to point forward through types to the coming Messiah. But how could God maintain a typological kingdom that kept the focus of future anticipation on Christ if that kingdom's existence depended at every moment on obedience? If the terms in Canaan were as strictly enforced as they were in Eden, the Israelites would never have even made it to Canaan (as we see in Exodus 32-34, not to mention in their testing of God in the desert).<sup>27</sup>

How does the obedience mandated by the Sinaitic law covenant relate the gracious promise covenant made to Abraham? They are not continuous. They function not *coordinately*, but *alternately* to one another. Both covenants offer an alternate mode of salvation: "The Sinaitic Covenant in itself, as a covenant ratified by Israel's oath, made

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<sup>24</sup>Ibid., 32-33.

<sup>25</sup>Ibid., 32.

<sup>26</sup>Ibid.

<sup>27</sup>Ibid.

law obedience by the Israelites themselves the way of life-inheritance, and yet in the Mosaic revelation as a whole, law was accompanied by promise sealed by divine oath and offering an alternative way of inheritance.”<sup>28</sup> One salvation is temporal and earned by law through the Sinaitic covenant. The other is eternal and received by promise through the Abrahamic covenant.

This settled discontinuity requires a fundamental redefinition of the notion of covenant. Whereas the Westminster Confession defines covenant as a “voluntary condescension on God’s part,” in order that his creatures might have “fruition of him as their blessedness and reward,”<sup>29</sup> Kline defines covenant as follows:

God's covenant with man may be defined as an administration of God's lordship, consecrating a people to himself under the sanctions of divine law. In more general terms, it is a sovereign administration of the kingdom of God. Covenant administration is kingdom administration. The treaties are the legal instruments by which God's kingship is exercised over his creatures.<sup>30</sup>

How can Kline maintain unity in covenant theology alongside of this emphasis on “God’s lordship”? “Coherence can be achieved in Covenant Theology only by the subordination of grace to law. Election must be subordinated to covenant, the representative headship of the two Adams to the lordship of God, redemption to creation.”<sup>31</sup>

Therefore, it appears that, strictly speaking, both the Abrahamic and Mosaic covenants are ultimately law covenants. Why? Because both promise covenants and law

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<sup>28</sup>Kline, *By Oath Consigned*, 32.

<sup>29</sup>*Westminster Confession of Faith*, 7.1.

<sup>30</sup>Kline, *By Oath Consigned*, 36.

<sup>31</sup>*Ibid.*, 35.

covenants are “legal instruments by which God’s kingship is exercised over his creatures.” Thus, *all* divine covenants are divine versions of ANE vassal treaties.

### **KLINE-HORTON CREDITED**

There are two points at which one can fairly credit the work of these theologians. Firstly, there is a clear emphasis for believers living in the New Testament era on the precious doctrine of justification by faith alone. Secondly, they emphasize that salvation is in Christ alone. There are for the saints of the New Testament two Old Testament covenants loaded with examples of failure when it comes to obedience to God’s law. Man’s first parents failed the first covenant of works, resulting in exile from Eden. Israel as a nation failed the covenant of works recapitulated, resulting in exile from the promised land. Thus both of these conditional, law-based, works covenants of the Old Testament demonstrate the hopelessness of trying to justify oneself by obedience to the law. Consequently, Christ and his perfect obedience to the law come clearly into view as the believer’s only hope.

### **KLINE-HORTON CRITIQUED**

The present paper now turns toward critique. The first criticism is that Kline-Horton embraces what one might call a “Rosetta Stone” methodology. This is evident in the way Kline allows extra-biblical research on ANE vassal treaties to control his interpretation of the biblical covenants. In relying upon his understanding and research of the ANE vassal treaties, Kline permits the secular to govern the sacred. Kline subjugates God’s holy and infallible Word to his own limited understanding of pagan treaties. This

creates a hermeneutical slippery slope. If one allows ANE treaties to dictate one's understanding of the biblical covenants, why not permit Darwinian science to govern one's understanding of creation? Why not interpret Scripture's teaching on sin and guilt according to popular psychology? There is no bottom to this rabbit hole.

But to embrace a Rosetta Stone methodology is to wrap all exegetical insights in a deadly shroud of perpetual provisionality. If biblical interpreters universally misunderstood the biblical covenants before Kline's work on ANE suzerainty treaties, then the last two thousand years of church history were ignorant, malnourished, and utterly uninformed – and this by God's own hand, since by his providence the church for two millennia lacked the covenant-interpreting Rosetta Stone of ANE treaties. And if this be said of the last two thousand years, is there any reason to think there will be a better result in the years to come? What essential Rosetta Stones will the future reveal the present to have lacked? All of biblical truth remains forever “on the table” awaiting the next discovery.

The second criticism is the reliance upon selective exegesis. This is obvious in the treatment of the Abrahamic covenant. God's command to Abraham to “walk before me, and be blameless”<sup>32</sup> (Gen. 17:1) presupposed that Abraham had a knowledge of God's law prior to its alleged republication at Sinai. Indeed, Scripture affirms that God blessed Abraham “because Abraham obeyed my voice and kept my charge, my commandments, my statutes, and my laws,” (Gen. 26:5). Furthermore, the image of Israel as God's own bride – invoked throughout the Old Testament – implies divine initiative coordinate with the demand for a response of public loyalty and obedience. This same coordination of

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<sup>32</sup>Scripture quotations are taken from the *Holy Bible, English Standard Version* (Wheaton: Crossway, 2001).

grace begetting faithfulness is evident in Exodus 19:1-8, 24:3. As a loving husband, God redeemed his bride from Egypt. In response, Israel professes her faith and consequent loyalty. But the Kline-Horton interpretation of Exodus 24:3 ignores the nature of professions of faith – namely, that they imply obedience.

Here it is worth noting the third membership vow as stated in the *Book of Church Order* of the Orthodox Presbyterian Church: “Do you acknowledge Jesus Christ as your sovereign Lord and do you promise, in reliance on the grace of God, to serve him with all that is in you, to forsake the world, to mortify your old nature, and to lead a godly life?”<sup>33</sup> Such professions, by believers in both the Old and New Testaments, are pleasing in God’s sight – not misguided attempts to merit his favor (Deut. 5:28-29).

A third criticism is that this position truncates typology. In its assertion that “What was necessary on the nation's part was... an ‘appropriate measure of national fidelity’... to keep the typology legible,” it ignores the clear typological provisions for national infidelity. These included daily sacrifices for sin as well as the annual Day of Atonement. Israel’s entire ceremonial system pointed toward the need for a sinless Substitute who would take away the sins of his people (Heb. 9:22,26).

Moving beyond the critique of methodology and presuppositions, it is worth asking whether this position is on an Antinomian trajectory. Insofar as it changes the character of the law, it thereby seems to denigrate the law’s third use as a rule of life for the believer. Bryan Estelle writes:

God does not call the New Testament church to obedience in exactly the same way as he did the Old Testament saints in the Sinaitic covenant or for the same purpose, and neither should we: the promise of tenure in the land is over... The

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<sup>33</sup>*The Book of Church Order of the Orthodox Presbyterian Church*, 2005 edition, 135.

demand for sincere obedience, relative obedience (albeit imperfect) which would showcase and appropriate measure of readable obedience before the surrounding nations, has passed. The whole system was planned obsolescence.<sup>34</sup>

From his footnote, Estelle indicates his opposition to John Murray, who wrote, “the demand of obedience in the Mosaic covenant is *principally identical* with the same demand in the new covenant of the gospel economy,” (emphasis Estelle’s).<sup>35</sup>

Are the above sentiments in accord with the Westminster Standards? Question 97 of the Westminster Larger Catechism explicitly states that the moral law is of use to believers “to provoke them to more thankfulness, and to express the same in their greater care to conform themselves thereunto as the rule of their obedience.” Furthermore, the Confession of Faith 7.6 say: “There are not therefore two covenants of grace differing in substance, but one and the same under various dispensations.” WCF 7.6 expressly delineates differences that *do* exist between the covenants regarding ordinances and objects. But these differences *do not* include any relativity in the demand for obedience.

Most strikingly, the Kline-Horton view of God’s covenant seems to distort God’s character. By rooting the covenant in lordship rather than basing it on electing love, this position seems to reduce the law to a legal instrument divorced from God’s moral character. Moreover, like Dispensational approaches to Scripture, there appears to be an implicit questioning of God’s immutability. Regarding the Mosaic covenant, T. David Gordon boldly declares:

The Sinai covenant-administration was no bargain for sinners, and I pity the poor Israelites who suffered under its administration, just as I understand perfectly well why seventy-three (nearly half) of their psalms were laments. I would have

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<sup>34</sup>Bryan D. Estelle, “Leviticus 18:5 and Deuteronomy 30:1-14 in Biblical Theological Development: Entitlement to Heaven Foreclosed and Proffered” in *The Law Not of Faith*, 136-137.

<sup>35</sup>*Ibid.*, 136.

resisted this covenant also, had I been there, because such a legal covenant, whose conditions require strict obedience (and threaten severe curse-sanctions), is bound to fail if one of the parties to it is a sinful people.<sup>36</sup>

It appears that the primary difference between Gordon and old-Scofield Dispensationalism on this point is that, according to Gordon, Israel *reluctantly* accepted the Sinaitic covenant. According to Scofield, Israel *voluntarily* traded grace for law:

It is exceedingly important to observe: (1) that Jehovah reminded the people that hitherto they had been the objects of His free grace; (2) that the law is not proposed as a means of life, but as a means by which Israel might become 'a peculiar treasure' and a 'kingdom of priests'; (3) that the law was not *imposed* until it had been *proposed* and voluntarily accepted...What, under law was *condition*, is under grace, freely *given* to every believer. The 'if' of [Exod. 19:5] is the essence of law as a method of divine dealing, and the fundamental reason why 'the law made nothing perfect' (Rom. 8.3; Heb. 7.18, 19).<sup>37</sup>

Scofield concluded his note by explicitly pitting the Abrahamic and New covenants against the Sinaitic covenant: “The ‘if’ of v. 5 is the essence of law as a method of divine dealing and the fundamental reason why ‘the law made nothing perfect’ (Rom. 8.3, Heb. 7.18, 19). The Abrahamic...and New...covenants minister salvation and assurance because they impose but one condition, faith.”<sup>38</sup> Adam’s sin brought about the change from covenant of works to covenant of grace, but what brought about the change from the Abrahamic promise covenant to the Mosaic law covenant – the covenant of works

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<sup>36</sup>T. David Gordon, “Abraham and Sinai Contrasted in Galatians 3:6-14” in *The Law Not of Faith: Essays on Works and Grace in the Mosaic Covenant* (Phillipsburg, NJ: P&R Publishing, 2009), 251.

<sup>37</sup>C. I. Scofield ed., *The Scofield Reference Bible: The Holy Bible* (1909, reprint, New York: Oxford University Press, 1945), 93.

<sup>38</sup>*Ibid.*

republished? If sinless Adam failed the covenant of works, why would God reintroduce it with sinful Israel?<sup>39</sup> Why did the changeless God change his approach?

### **KLINE-HORTON ANALYZED**

At root, the law-gospel paradigm of Horton theology seems rooted in an antecedent commitment to a “two kingdoms” theology:

The fall in Eden marks the breaking of this covenant, and since then humanity has developed along two distinct lines: those who build cities and those who call on the name of the Lord (Gen. 4:17-26). Those two lines intersect in the individual Christian, who is a citizen of both kingdoms. But the two kingdoms are distinct. The covenant of creation is not the same as the covenant of grace, and the world is not the church. The kingdom of God does not advance through cultural achievement but through divine rescue. Covenant theology marvelously unites these crucial commitments without confusing them.<sup>40</sup>

It seems that Horton has embraced the old Lutheran dichotomy between nature and grace.

As Bavinck so aptly puts it:

Luther, inasmuch as he could not really deny to reason all insight and discernment, was compelled to make a sharp distinction between the spiritual and the secular, the heavenly and the earthly, the eternal and the temporal. Following his example, Lutheran theologians made a distinction between 'two hemispheres, one of which was inferior, and the other superior.<sup>41</sup>

This Lutheran position contrasts with the Reformed emphasis on noetic sin:

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<sup>39</sup> The sins of the Patriarchs and of early Israel are made abundantly clear throughout the Pentateuch: E.g., Abraham in Gen. 12:10ff., 16:2-3, 17:17, 20:1ff.; Isaac in 26:7ff., 27:4 (cf. 25:23); Jacob in 27:19ff.; 30:37-43; 33:2, Judah in 37:26-28, 31-33, 38:1ff.; Moses in Exod. 4:10, 24-26, 5:22-23, 6:12, Nu 11:10-15, 20:11; Aaron in Exod. 32:2ff., Num. 12:1-2; and the children of Israel in Exod. 5:20-21, 6:9, 14:11-12, 15:24, 16:2, 20, 27, 17:2, 32:1ff., Num. 11:1, 13:31-14:45, 15:32, 16:1ff., 20:3, 21:5, 25:1ff.

<sup>40</sup>Horton, *God of Promise*, 17.

<sup>41</sup>Herman Bavinck. *Prolegomena*, vol. 1 of *Reformed Dogmatics*, trans. by John Vriend, ed. by John Bolt (Grand Rapids: Baker Academic, 2003), 305.

The Reformers indeed assumed a revelation of God in nature. But the human mind was so darkened by sin that human beings could not rightly know and understand this revelation either. Needed, therefore, were two things: (1) that God again included in special revelation those truths which in themselves are knowable from nature.<sup>42</sup>

Does Horton escape the error that Lutheranism and Dispensationalism: i.e., of making a metaphysical dichotomy between nature and grace? There is no such dichotomy for the Reformed: “The essence of the Christian religion consists in the reality that the creation of the Father, ruined by sin, is restored in the death of the Son of God and re-created by the grace of the Holy Spirit into a kingdom of God.”<sup>43</sup>

## **A BIBLICAL UNDERSTANDING THE MOSAIC COVENANT**

The present paper now turns to the constructive task. The following sections – the remainder of the present paper – propose to outline a biblical understanding of the Mosaic covenant.

### **HERMENEUTICAL PRINCIPLES**

The first step in developing a biblical covenant theology is to reach a consensus on how to approach the Holy Scriptures. How is one to read the Bible? What principles are essential for understanding the way in which God deals with his people – both in the past, and now?

The first necessary principle is the perspicuity of Scripture. The word of God is simple and its meaning is plain. The Westminster divines thought this idea to be so

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<sup>42</sup>Ibid., 304.

<sup>43</sup>Ibid., 112.

important that they dedicated an entire paragraph to it.<sup>44</sup> The Confession of Faith affirms that “those things which are necessary to be known, believed and observed for salvation are clearly propounded and opened in some place of Scripture or other.”<sup>45</sup> Why is this principle germane to the present discussion? The doctrine of divine covenant permeates the whole body of Scriptures and relates to the way God chose to bestow redemption upon man. Thus this doctrine must be plain and simple “that not only the learned, but the unlearned, in a due use of the ordinary means, may attain unto a sufficient understanding of them.”<sup>46</sup>

The second necessary principle is that Scripture interprets Scripture. In other words, “when there is a question about the true and full sense of any Scripture..., it must be searched and known by other places that speak more clearly.”<sup>47</sup> The governing principle to understand the Bible is the Bible itself, not extra-biblical research. This becomes clear when one considers the uniqueness and the completeness of Scripture. As the revelation of God, breathed by Him, written in dependence upon and with the inspiration of the Holy Spirit, the Bible is a book different from all others. In spite of the human elements present in it, its source is supernatural. Therefore, in searching for the true meaning of a passage or formulating a biblical doctrine, no other documents should govern one’s interpretation of Scripture but the Bible itself. In its uniqueness lies its completeness. If no other document may be used to govern our understanding of the

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<sup>44</sup>*Westminster Confession of Faith*, 1.7.

<sup>45</sup> Morton H. Smith, “*Systematic Theology, Volume One: Prolegomena, Theology, Anthropology, Christology*, (Greenville, SC: Greenville Seminary Press, 1994), 14.

<sup>46</sup> Smith, *Systematic Theology*, 14.

<sup>47</sup>*Ibid.*, 15.

Scriptures, it must be complete in itself. Its many parts must explain, complement, and supplement one another.

The third necessary principle is that, although the Bible alone must govern its interpretation, the true sense of a text or the formulation of a doctrine may be aided by the subordinate use of grammatical knowledge and historical data. This is also known as the grammatical-historical principle of biblical interpretation. Grammatical knowledge includes the proper understanding of morphology, syntax, semantics, literary genres, figures of speech, and other grammatical elements of the original languages employed in the inscriptured Word of God. Understanding these elements is essential to ascertaining the Scripture's original meaning. Historical data includes “those historical circumstances that put their stamp on the different books of the Bible.”<sup>48</sup> Therefore, it is quite valid to ask questions such as, who was the human author? Who were the original readers? What were their social, political, geographical and religious circumstances? All of these constitute valid questions that may be asked in the search for the true meaning of a text. Proper biblical interpretation will always keep in mind these considerations. Yet it will never employ them to the exclusion of the governing principle of Scripture interpreting Scripture. Grammatical-historical interpretation must *guide* the interpretation of Scripture, not *govern* it.

The fourth and last necessary principle for the understanding the Bible is that of theological interpretation. When approaching the Scriptures one must not forget that Old and New Testaments are related to each other by means of prophecy and fulfillment, type and antitype, continuity and discontinuity. In spite of the differences that exist, both

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<sup>48</sup>Louis Berkhof, *Principles of Biblical Interpretation; Sacred Hermeneutics* (Grand Rapids: Baker Book House, 1950),113.

group of writings form an organic revelation and express the immutable will of almighty God. Berkhof explains that theological interpretation “deserves the preference, as expressive, as once, of the fact that its necessity follows from the divine authorship of the Bible, and of the quality important consideration that, in the last analysis, God is the proper Interpreter of His Word.”<sup>49</sup> This principle is of fundamental importance when approaching the doctrine of the covenant. The substantial unity of God’s covenant in any age in time lies in its *telos* — which is to give man fullness of life in the triune God.

### THE MOSAIC COVENANT

The present paper turns now to apply the aforementioned hermeneutical principles to the Scriptures, seeking to achieve a biblical formulation of the Mosaic Covenant. This formulation will focus on three major aspects: the *nature* of this covenant, the *substance* of this covenant, and the *relation* of this covenant to the New Testament. In this approach the present authors recognize that Yahweh is a covenantal God, and that covenant is his way of relationship with his creation. After and before the fall, the nature of his relationship with man is covenantal

What is the nature of mosaic covenant? In comparing conclusions with the covenant theology of Kline-Horton, focus will be placed in three distinct areas: parties, oath, and progressiveness. But where should one begin? Often emphasis is placed on Exodus 20 as the beginning of the Mosaic covenant. Pains are taken to establish that the elements in the narrative in this chapter fit the form of the suzerain treaties. But this raises a question: does almighty God need to establish his covenant *ipsis litteris* with the Hittite treaties? Is he bound to follow step by step the Hittite procedures? These questions

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<sup>49</sup>Berkhof, *Principles of Biblical Interpretation*, 134.

must be answered in the negative. But then where should one start when seeking to understand the Mosaic Covenant?

The presence of the word *בְּרִיתִי* in Exodus 19:5 informs the reader that this pericope deals with the divine covenant. The preamble of the chapter, the first three verses, express a shift in the course of history of the people of Israel - dividing the whole book of Exodus in two distinct periods: before and after Sinai. The history of the development of covenant theology also points toward the fact that Exodus 19 is where the covenant with Israel begins. Herman Witsius affirms that “the plan of this covenant is that contract, which God entered into with Israel, a little before the law was given, Exodus xix. 5, 6, 8. Its solemn ratification was made by those signs which are recorded, Exod. xxiv. 3. *seq.*”<sup>50</sup> W. J. Dumbrell makes a similar remark, saying “the question of a covenant within the framework of Israel’s experience at Sinai is raised formally for the first time at Exod. 19:5.”<sup>51</sup> Thus it is arbitrary to start an analysis of the Mosaic covenant anywhere else. A biblical examination of the Mosaic covenant must begin in Exodus 19.

A careful reading of Exodus 19 clearly discloses that the covenant is established between Yahweh and the congregation of Israel encamped at the foot of Sinai.<sup>52</sup> Yahweh is the one who starts the process of liberation from captivity and deliverance from Egypt. He is the one who determines the content of the covenant, but the people are still required to say “I do”. Vos rightly affirms: “It is true; the initiative in designing the terms is strictly vindicated for Jehovah. No parleying, no co-operation between God and man in

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<sup>50</sup>Herman Witsius, *The Economy of the Covenants Between God and Man: Comprehending a Complete Body of Divinity*, vol 2 (Phillipsburg: P & R Publishing, 1990), 181.

<sup>51</sup>William J Dumbrell, *Covenant and Creation: An Old Testament Covenantal Theology* (Exeter, Devon: Paternoster Press, 1984), 80.

<sup>52</sup>Exod. 19:5,8.

determining the nature and content are from the standpoint of the narrative conceivable. It is Jehovah's covenant exclusively in that respect. Still, the *berith* is placed before the people, and their assent required.”<sup>53</sup>

In spite of the active role in the making of the Sinaitic covenant, the involvement of the people is far beyond that of being passive spectators alone. After Jehovah's pronouncement, the people are described as verbalizing their acceptance of the terms of the covenant.<sup>54</sup> They pronounce together an oath of allegiance to Yahweh and of acceptance of the blessings and curses of the sovereignly administered covenant. Thus this brief examination of Exodus 19 enables one to detect three basic elements constitutive of the nature of the covenant: the parties (Yahweh and Israel), the sanctions and conditions, and a mutual agreement or oath.

What is the substance of the Mosaic Covenant? Even though man has fractured his relationship with God through the fall, the Mosaic Covenant establishes union between God and man. The Immanuel principle (God with us) finds its consummation in the redemptive work of Christ and is clearly revealed at his birth.<sup>55</sup> Even before the prophecy of Isaiah,<sup>56</sup> the Immanuel principle had been carried on in the administration of the divine covenants and constitutes its substance. In the Old Testament, the Immanuel principle is revealed in the formula "I will be your/their God and you/they will be my

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<sup>53</sup>Geerhardus Vos, *Biblical Theology: Old and New Testaments* (Edinburgh: Banner of Truth Trust, 1975), 122.

<sup>54</sup>Exod. 19:8.

<sup>55</sup>Matt. 1:23.

<sup>56</sup>Is. 8:8, 10.

people." In the Mosaic administration, this principle is present even before the redemption from the Egyptian captivity.<sup>57</sup>

The presence of the Immanuel principle is marvelously expressed in the making of the Mosaic covenant in Exodus 19:5. Yahweh declares that they shall be his treasured possession if they obey the words of the covenant. This he clearly expresses with the formula "you shall be my people". The counterpart of the formula "I shall be your God", although not clearly expressed, is implied. The principle is again clearly expressed in revelation of the ceremonial law.<sup>58</sup>

Because of its more elaborated and legalistic character, scholars are tempted to regard the Mosaic covenant as essentially different from the Abrahamic covenant. John Murray warned about this tendency: "such considerations as these have been the occasion for constructions which set the Mosaic covenant in sharp contrast with the Abrahamic covenant and the New Testament."<sup>59</sup>

Contrary to this tendency, Scripture sets the Mosaic covenant in complete unity and harmony with the redemptive plan of God generally, and with the individual administrations of the covenant of grace specifically. One of the evidences of this harmony is the abiding presence of the Immanuel principle. The promise of the eternal presence of God among his people was present as part of the very substance of the Abrahamic administration.<sup>60</sup> The harmony of substance between the Abrahamic and

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<sup>57</sup> Exodus 6:7. The theme runs throughout Scripture. Cf. Gen 17:7, Exod. 6:6-7, 19:4-5, 25:8, 29:45-46, 40:35, Lev. 11:44-45, 26:12, Deut. 4:20, 29:13, Jer. 7:23, 11:4, 30:22, Ezek. 34:24, 36:28, 37:26-28, Zec. 2:11, 8:8, John 1:14, 2 Cor. 6:16, Eph. 2:21-22., Rev 7:15, 21:1-3.

<sup>58</sup> Lev. 26:12.

<sup>59</sup> John Murray, *The Covenant of Grace: A Biblico-Theological Study*, Biblical & theological studies (Phillipsburg: Presbyterian and Reformed Pub. Co, 1988), 20.

Mosaic covenants should, in itself, be enough to affirm the substantial unity and harmony between the two covenants.

Another evidence of unity between the Abrahamic and Mosaic covenants is that the former is the reason for the latter. Deliverance from slavery in Egypt only took place because of the promise Jehovah made to Abraham and carried out through his descendants.<sup>61</sup> At Sinai, Yahweh brings back to the mind of the congregation of Israel his gracious dealing with them in delivering the nation from the hands of their enemies.<sup>62</sup> This particular usage of the Egyptian captivity in the preamble of the Sinaitic covenant is a clear demonstration that God's attitude toward Israel at Sinai did not arise in a vacuum, but finds its root in his covenantal faithfulness – to an “agreement” made not with them, but with Abraham.

The words of the covenant at Sinai also carry forward other aspects of the Abrahamic administration: the promise that there was a particular portion of land destined to him, and that from him kings should proceed.<sup>63</sup> In other words, Yahweh promised Abraham the possession of a geographic portion of land and the formation of a political state. The Mosaic administration builds upon and expands this foundation through the giving of the Law. The promise of land is remembered and renewed,<sup>64</sup> and at Sinai God takes the “sons of Jacob” and constitutes them a “kingdom of priests” and a “holy nation”.<sup>65</sup>

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<sup>60</sup> Gen. 17:7.

<sup>61</sup> Exod. 2:24.

<sup>62</sup> Exod. 19:4.

<sup>63</sup> Gen. 15:18, 17:6.

<sup>64</sup> Exod. 23:31.

The aspect of implied obedience also unites both covenants. Murray warns against the peril of disregarding this similarity: “It is too frequently assumed that the condition prescribed in connection with the Mosaic covenant place the Mosaic dispensation in a totally different category as respects grace, on the one hand, and demand of obligation, on the other.”<sup>66</sup> Yahweh expected obedience not only from Abraham, but also from his posterity.<sup>67</sup> The same expectation is expressed at Sinai.<sup>68</sup>

On the other hand, it is important to note the differences between the pre- and post-lapsarian covenantal obedience required from man. Adam was a federal head in the state of *posse peccare*; the “sons of Jacob” are not a single sinless individual, but a multitude of people in the state of *posse non peccare*.<sup>69</sup> Thus while Yahweh does expect Israel to maintain covenant fidelity, he has also made gracious provision for their fallibility. God gave the ceremonial law and the expiatory ceremonies to demonstrate the

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<sup>65</sup> Exod. 19:6.

<sup>66</sup> Murray, *The Covenant of Grace*, 22.

<sup>67</sup> Gen. 18:17-19.

<sup>68</sup> Exod. 19:5-6.

<sup>69</sup> Augustine’s distinctions are helpful. God made Adam sinless. It is essential to remember this, lest God be thought of as a harsh and legalistic God. Adam was made upright in every way; his sin was a complete and violent break from the way he was made. Adam’s sin plunged mankind into the estate of sin and misery. Man became *non posse non peccare*. “But when the fullness of time had come, God sent forth his Son, born of woman, born under the law, to redeem those who were under the law, so that we might receive adoption as sons,” (Gal. 4:4-5). The entire covenant of grace in the OT looked forward to this point. The seed of the woman (Gen. 3:15, 22:18, Gal. 3:16), the second and last Adam (Rom. 5:12-13, 19, 21, 1Cor. 15:22) bruised the serpent’s head, thereby securing what Adam lost. Faith in the coming Messiah and Redeemer for the OT saints is for the NT saints replaced with faith in Jesus Christ, the Redeemer, who came and conquered sin and death (1Cor. 15:54-57). The Holy Spirit brings man to believe this, then sanctifies man after he has brought him to this saving faith. During the sanctification process, man is more similar to pre-fall Adam than he is to the fallen humanity, for those in Christ are *posse non peccare*. *Because redeemed man is similar to Adam in this sense, God’s law to redeemed man must never be viewed as a harsh legalistic imposition on God’s own people.* Forgiveness of sins has been secured in Christ. The Holy Spirit is being poured out upon those who believe. Obedience is possible, and where the saint fails, forgiveness is promised. Furthermore, all Christians operate under the hope for what is promised but not yet realized, the final glorification, at which point, man will have what not even Adam in paradise had—man will be *non posse non peccare*.

need for repentance and forgiveness of sin. Witsius rightly affirms: “a conditional proposal upon an impossible condition is equivalent to an absolute denial.”<sup>70</sup> Obedience to God’s requirements and standards were to flow from a sincere and converted heart that recognizes that Yahweh is the faithful one even when in the midst of unfaithfulness. This is the essence of the oath taken by the nation of Israel. “The pious among the Israelites, conscious of their own inability and manifold infirmities, humbly promised, depending by faith on the gracious influences of divine strength, and obedience, not indeed perfect, (for that would be incur the guilt of a lie,) but sincere, and by no means feigned.”<sup>71</sup>

It is important to note that this principle of implied obedience was present as well in other administrations of the covenant - but never with a meritorious character. Yahweh required obedience from Abraham, yet it was not his obedience that was counted to Abraham as righteousness.<sup>72</sup> David, who owed obedience to the Law of Moses, never thought that it was because of his perfect obedience that he was counted right before God.<sup>73</sup> In fact, the history of Israel supports the conclusion that covenantal promises do not flow from obedience. Vos rightly affirms that were this so, Israel should never have conquered Canaan: “their taking possession of the promised land could not have been made dependent on previous observance of the law, for during their journey in the wilderness many of its precepts could not be observed.”<sup>74</sup>

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<sup>70</sup>Witsius, *The Economy of the Covenants Between God and Man*, 181.

<sup>71</sup>Ibid. 182.

<sup>72</sup> Gen. 15:6.

<sup>73</sup> Ps. 32:1-2.

<sup>74</sup>Vos, *Biblical Theology*, 127.

Finally, what is the relation of the Mosaic covenant to the New Testament? “The law chiefly operated toward bringing about and revealing the failure of certain methods and endeavors. It served as a pedagogue to 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 minister of the letter.”<sup>75</sup> This is a summary of Pauline theology concerning the function of law.<sup>76</sup> According to Witsius, the repetition of Law in the ears of Israelites took place chiefly “in order to convince them of their sin and misery, to drive them out of themselves, to shew them the necessity of a satisfaction, and to compel them to Christ.”<sup>77</sup>

## CONCLUSION

A biblical formulation and understanding of the Mosaic Covenant compels the unbiased reader of Scripture to recognize its continuity with the redemptive covenant initiated in Genesis 3:15. Its nature follows the pattern of the Abrahamic Covenant involving the presence of two parties, sanctions, blessings and cursings, and a solemn agreement between the parties. Its substance carries forward man’s chief need since the fall: restoration of the union of God with his people. Its new elements are nothing but a tool which compel believers to flee to him in whom this union is restored: the only Redeemer of God’s elect, the Lord and Savior Jesus Christ.

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<sup>75</sup>Ibid., 126.

<sup>76</sup>Rom. 5:12-14, Gal. 5:12-14.

<sup>77</sup>Witsius, *The Economy of the Covenants Between God and Man*, 184.

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