

## BLEST BE THE TIES THAT BIND: COVENANT AND COMMUNITY IN PURITAN THOUGHT

by  
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Perry Miller once called the Biblical idea of covenant "the marrow of Puritan divinity."<sup>1</sup> In seventeenth century England and America, this covenant idea was also the "marrow" of Puritan community. It was used to describe not only the relation between God and man, but also the multiple relations among men. "We are by nature covenant creatures," wrote a leading Puritan divine in 1624, "bound together by covenants innumerable and together bound by covenant to our God. Such is our human condition. Such is this earthly life. Such is God's good creation. Blest be the ties that bind us."<sup>2</sup>

This Article analyzes briefly the transformation of the idea of covenant from a subsidiary Biblical theme to an organizing principle of Puritan<sup>3</sup> thought. Part I analyzes Puritan innovations in

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<sup>1</sup> Miller, *The Marrow of Puritan Divinity*, in *TRANSACTIONS OF THE COLONIAL SOCIETY OF MASSACHUSETTS, 1933-1937* (1937); reprinted in P. MILLER, *ERRAND INTO THE WILDERNESS* (1964). The term "marrow" — meaning both "core or essence" as well as "summary or distillation" — was commonplace among seventeenth century Protestant theologians. See, e.g., W. AMES, *THE MARROW OF SACRED DIVINITY* (1623, Latin; 1642, English) and J. CLARKE, *THE MARROW OF ECCLESIASTICAL HISTORIE* (1650).

<sup>2</sup> W. Perkins, *Sermon of 1624*, quoted in A. KUYPER, JR., *DIE VASTIGHEID DES VERBONDS* 104 (2d ed., 1913).

<sup>3</sup> The term "Puritan" describes at least three separable groups of Protestants in England and America. (1) The term was coined during the Vestarian Controversy (1559-1567) in England to describe a group of clergy within the Church of England who sought a greater reform of theology, liturgy, and church government than was countenanced by the English monarchy. These early Puritans were particularly influenced by the Geneva reformers, John Calvin and Theodore Beza, and by the Rhineland reformers, Heinrich Bullinger, Ulrich Zwingli, and Martin Bucer. (2) In the last quarter of the sixteenth century, and the first quarter of the seventeenth century, the term "Puritan" also came to be used to describe a number of other religious groups — such as the Presbyterians, Independents, Brownists, Congregationalists, and even, at times, certain Anabaptist groups. These Puritans, too, adopted much of the liturgy and theology of the Geneva and Rhineland reformers, but they

traditional theology which radically expanded the covenant into a unified doctrine. Part II traces certain applications of this theological doctrine of covenant to Puritan concepts of human community and of moral and legal obligation.

### I. THE COVENANT IN PURITAN THEOLOGY

The idea of a divine covenant, agreement, or contractual bond between God and man had always been a part of Western Christian theology.<sup>4</sup> Theologians, both Roman Catholic and Protestant,

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held to their own ecclesiology and organized their churches outside of the Church of England. (3) In the mid-seventeenth century, the term also was used to describe a diverse group of Protestant political activists and pamphleteers, within and without the Church of England — such as the Levellers, Fifth Monarchy Men, Walwinians, Diggers, and others — who advocated limited monarchy, Parliamentary rule, abolition of the prerogative courts, and other political and legal reforms. I shall draw upon the writings of all three groups of Puritans (particularly the second group) in this article.

For further discussion of the etymology and evolution of the term "Puritan" see, e.g., Schipps, *The Political Puritan*, 45 *CHURCH HISTORY* 196 (1976); H. DAVIES, *WORSHIP AND THEOLOGY IN ENGLAND FROM CRAMNER TO HOOKER, 1534-1603*, at 41ff. (1970); M. KNAPPEN, *TUDOR PURITANISM: A CHAPTER IN THE HISTORY OF IDEALISM* Appendix B: "Terminology" (1939); Brauer, *Reflections on the Nature of English Puritanism*, 23 *CHURCH HISTORY* 99 (1954); A. LANG, *PURITANISMUS UND PIETISMUS* 14ff. (1941).

<sup>4</sup> For a discussion of the doctrine of covenant in earlier Western Christian theology, see M. KARLBERG, *THE MOSAIC COVENANT AND THE CONCEPT OF WORKS IN REFORMED HERMENEUTICS: A HISTORICAL-CRITICAL ANALYSIS* Chaps. 1-2 (Dissertation, Westminster Theological Seminary, 1980); B. HAMME, *PROMISSIO, PACTUM, ORDINATIO: FREIHEIT UND SELBSTBINDUNG GOTTES IN DER SCHOLASTISCHEN GNADENLEHRE* (1977); Greschat, *Der Bundesgedanke in der Theologie des spaeteren Mittelalters*, 81 *ZEITSCHRIFT FUER KIRCHENGESCHICHTE* 44 (1977); H. OBERMANN, *THE HARVEST OF MEDIEVAL THEOLOGY* 148, 167ff. (rev. ed. 1967); Triterund, *The Origins of Puritanism*, 20 *CHURCH HISTORY* 37, 42ff. (1951); G. SCHRENK, *GOTTESREICH UND BUND IN ALTEREN PROTESTANTISMUS, VORNEHMLICH BEI JOHANNES COECCIUS* 6ff. (1923).

Much of the discussion of covenant prior to the Reformation was based on the writings of the Church Father, Irenaeus (b.c. 130), who devoted a whole chapter of his defense of the Christian faith to a treatment of the doctrine. See Irenaeus, *Against Heretics*, Book IV, in *IV THE ANTI-NICENE FATHERS* (A. Roberts and J. Donaldson, eds. 1885). The writings of the great Church Fathers, Ambrose, Augustine, and Athanasius, and the decrees of the great ecumenical councils — which, together, shaped the character and content of Western Christian dogma for more than a millennium — contain only oblique references to the covenant, which largely repeat Biblical commonplaces.

Theologians in the eastern orthodox churches, apparently, also paid little attention to the doctrine of covenant. Standard authoritative surveys of the history of dogma in the eastern church, such as J. PELIKAN, *THE SPIRIT OF EASTERN CHRISTENDOM (600-1700)* (1974); N. ZERNOV, *EASTERN CHRISTENDOM: A STUDY OF THE ORIGIN AND DEVELOPMENT OF THE EASTERN ORTHODOX CHURCH* (1961); and I & II D. ATTWATER, *THE CHRISTIAN CHURCHES OF THE EAST*

had discussed the Biblical covenants: first, the Old Testament covenant of works whereby the chosen people of Israel, through obedience to God's law, are promised eternal salvation and blessing, and second, the New Testament covenant of grace whereby the elect, through faith in Christ's incarnation and atonement, are promised eternal salvation and beatitude. The covenant of works, the church had taught, was created in Abraham, confirmed in Moses, and consummated with the promulgation and acceptance of the Torah. The covenant of grace was created in Christ, confirmed in the Gospel, and consummated with the confession and conversion of the Christian.<sup>5</sup> A few writers had also described the church as a "covenant community" and the Christian sacraments as "signs" and "symbols" of the covenant of grace. On the whole, however, discussions of covenant in this earlier period were only incidental and isolated, comprising little more than a footnote to the great doctrines of man and God, sin and salvation, law and gospel.

In the later sixteenth and seventeenth centuries, Puritan theologians in England and America — in alliance with Continental Protestants — transformed the covenant into one of the cardinal doctrines of theology.<sup>6</sup> "The whole of God's Word," wrote a leading

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(1947-1948) contain only passing references to the doctrine.

<sup>5</sup> For the Old Testament covenant, see, particularly, *Genesis* 15:1-6, 17:1-14; *Exodus* 19:1-24; *Deuteronomy* 27:1-30:20; 2 *Samuel* 7:4-16. On the New Testament covenant, see, particularly, *Matthew* 26:28ff.; 1 *Corinthians* 11:25ff.; *Hebrews* 7:22ff. The Biblical covenants, especially the Old Testament covenant, have been the subject of an immense contemporary literature. See, e.g., A. MURRAY, *COVENANTS AND BLESSINGS* (1984) and S. SZIKSZAI, *THE COVENANTS IN FAITH AND HISTORY* (1968), and literature cited therein. For a more philological, comparative, and "form-critical" approach to the Biblical covenants, see Gaffney, *J. of L. and Religion* 117 (1984); D. MCCARTHY, *OLD TESTAMENT COVENANT: A SURVEY OF CURRENT OPINIONS* (1972); D. MCCARTHY, *TREATY AND COVENANT: A STUDY IN FORM IN THE ANCIENT ORIENTAL DOCUMENTS AND THE OLD TESTAMENT* (1964); D. HILLERS, *TREATY-CURSES AND THE OLD TESTAMENT PROPHETS* (1964); K. BALTZER, *THE COVENANT FORMULARY IN OLD TESTAMENT JEWISH AND EARLY CHRISTIAN WRITINGS* (D. Green, trans. 1963); Huffman, *The Covenant Lawsuit and the Prophets*, 78 *J. of Biblical Literature* 286 (1959); Mendenhall, *Law and Covenant in Israel and the Ancient Near East*, 17 *Biblical Archeologist* 26, 49 (1954).

<sup>6</sup> The writings of a number of sixteenth and early seventeenth century Continental theologians had a shaping influence on the Puritan concept of covenant, particularly the following: H. BULLINGER, *DE TESTAMENTO SIVE FOEDERE DEI UNICO ET AETERNO* (1534); J. CALVIN, *INSTITUTIO CHRISTIANAE RELIGIONIS* (1536, 1559); C. OLIVIANUS, *EXPOSITIO SYMBOLI APOSTOLICI, SIVE ARTICULORUM IN QUA SUMMA GRATUTI FOEDERIS AETERNI INTER DEUM ET*

Puritan theologian as early as in 1597, "has to do with some covenant. . . ." "All that we teach you from day to day," another Puritan informed his students, "are but conclusions drawn from the covenant."<sup>8</sup> The doctrine of covenant, wrote another leading divine, "embraces the whole of the catechism . . . [N]o context of Holy Scripture can be explained solidly, no doctrine of theology can be treated properly, no controversy can be decided accurately" without reference to this doctrine.<sup>9</sup> This transformation of the doctrine of covenant was accomplished through at least three innovations in traditional dogma: the Puritans reclassified and expanded the covenant of works; they recharacterized the covenant of grace from a gift of grace to a voluntary contract; and they differentiated various forms of the covenant of grace. Such innovations, taken together, radically altered traditional concepts not only of the cove-

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FIDES (1576); C. OLIVIANUS, DE SUBSTANTIA FIDELITATIS INTER DEUM ET ELECTOS (1585); Z. URISINUS, SUMMA THEOLOGIAE (1584); J. COECCIUS, SUMMA DOCTRINAE DE FOEDERE ET TESTAMENTO DEI (1648). Other influential Continental writers on the doctrine of covenant include A. Hyperius, P. Boquinus, J. Curaeus, R. Eglinus, M. Martinus, and L. Crocius.

For surveys of the development of the doctrine of covenant among Continental theologians, see, particularly, A. KUYPER, *supra* note 2, at 198ff.; G. SCHRENK, *supra* note 4, *passim*; H. HEPPE, DOGMATIK DES DEUTSCHEN PROTESTANTISMUS IM 16TEN JAHRHUNDERT (1857); Diestel, *Studien zur Foederaltheologie*, 20 JAHRBUCHER FÜR DEUTSCHEN THEOLOGIE 210 (1865); E. VON KORF, DIE ANFÄNGE DER FOEDERALTHEOLOGIE UND IHRE ERSTE AUSGESTALTUNG IN ZÜRICH UND HOLLAND (1908); C. MCCOY, THE COVENANT THEOLOGY OF JOHANNES COECCIUS (Ph.D. Dissertation, Yale, 1957); J. BAKER, COVENANT AND COMMUNITY IN THE THOUGHT OF HEINRICH BULLINGER (1980).

For a discussion of the influence of Continental writings on the Puritan doctrine of covenant, see, e.g., D. WEIR, FOEDUS NATURALE: THE ORIGINS OF FEDERAL THEOLOGY IN SIXTEENTH CENTURY REFORMATION THOUGHT (Ph.D. Dissertation, St. Andrews, 1984); McGiffert, *William Tyndale's Conception of the Covenant*, 32 J. ECCLESIASTICAL HISTORY 167 (1981); Karlberg, *Reformed Interpretation of the Mosaic Covenant*, 43 WESTMINSTER J. OF THEOLOGY 1, 7-23 (1980); J. VENINGA, COVENANT THEOLOGY AND ETHICS IN THE THOUGHT OF JOHN CALVIN AND JOHN PRESTON (Ph.D. Dissertation, Rice, 1974); Yule, *Developments in English Puritanism in the Context of the Reformation*, STUDIES IN THE PURITAN TRADITION 8-27 (1964); Moller, *The Beginnings of Puritan Covenant Theology*, 14 J. ECCLESIASTICAL HISTORY 46 (1963); Emerson, *Calvin and Covenant Theology*, 25 CHURCH HISTORY 136 (1956).

<sup>7</sup> R. ROLLOCK, TRACTATUS DE VOCATIONE EFFICACI (1597), translated and reprinted in SELECTED WORKS OF ROBERT ROLLOCK 15 (W. Gunn, ed. 1849).

<sup>8</sup> J. PRESTON, THE NEW COVENANT 351 (1629), quoted in P. ZARET, THE HEAVENLY CONTRACT. IDEOLOGY AND ORGANIZATION IN PRE-REVOLUTIONARY PURITANISM 151 (1985).

<sup>9</sup> J. ALSTED, CATECHATICAL THEOLOGY 28-29 (1619), quoted in J. PELIKAN, REFORMATION OF CHURCH AND DOGMA (1300-1700) 367 (1984).

nant, but also of its relation to other theological doctrines.<sup>10</sup>

#### A. *The Covenant of Works*

Puritan writers developed a new theory of the origin, nature, and purpose of the covenant of works. Traditionally, the covenant of works was treated as God's special relation with the chosen people of Israel and their representatives, Abraham, Moses, and David. It designated the Israelites as God's elect nation and called them to serve as special agents in God's kingdom. It divulged to them in detail the requirements of God's law — their obligations towards God and towards each other. It demanded of them perfect obedience of God's law, and perfect fulfillment of their divine calling. It promised them, in return, eternal prosperity, blessing, and salvation.

For many Puritan writers of the seventeenth century, the covenant of works was not so limited in participation or purpose. It was not created in Abraham, the representative of the Jews, but in Adam, the representative of all mankind. It was not a privileged relation in which only the elect Jews participated, but a natural relation, in which all men participated. For the covenant of works, the Puritans taught, was established at the creation of the world,

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<sup>10</sup> The cryptic summary that follows of the development of covenant doctrine in later sixteenth and seventeenth century Puritanism seeks only to highlight certain major shifts in understanding of the doctrine. Pressure of space does not permit me to analyze the great theological controversies concerning predestination, infant baptism, antinomianism, free will, and pelagianism which motivated Puritan writers to expand this doctrine.

One important development in the sixteenth century deserves separate mention as a cause for the rapid development of Puritan covenant doctrine. The publication of English translations of the Bible was instrumental in highlighting the prominence of the term "covenant" in the Bible. Many of the early English translations — most notably that of Tyndale (c. 1532), Coverdale (1535), and Matthew (1537), as well as the Great Bible (1539) and the Geneva Bible (1560) — rendered the Hebrew *berith* and the Greek term *diatheke*, and the numerous derivations of each, by the English term "covenant." (Nearly 100 instances of the English term appear in the Geneva Bible.) Moreover, the annotations to the translations, particularly in the Tyndale and Geneva Bibles, interpret many Scriptural passages in covenantal terms, even though the word "covenant" does not appear in such passages. See Moller, *supra* note 6, at 50ff.; Triterund, *supra* note 4, at 42ff.; E. CASSIRER, *THE PLATONIC RENAISSANCE IN ENGLAND* 76ff. (J. Pettegrove, trans. 1953); W. STOEVER, 'A FAIRE AND EASIE WAY TO HEAVEN'. COVENANT THEOLOGY AND ANTINOMIANISM IN EARLY MASSACHUSETTS 81ff. (1978).

before the fall into sin.<sup>11</sup> Through Adam, the "federal head of the human race,"<sup>12</sup> all men were parties to this covenant. Through Adam, all men received its promises and blessings, as well as its threats and curses.

This pre-fall covenant of works, the Puritans believed, was "God's special constitution for . . . mankind . . . His providential plan for creation."<sup>13</sup> The covenant of works defined for man his *telos* or purpose, his role in the unfolding of God's divine plan, his responsibilities towards God, his neighbor, and himself. It established for him basic values of devotion and piety, honesty and honor, discipline and diligence, humility and charity. It instituted basic human relationships of friendship and kinship, authority and submission. It adumbrated basic principles of social, political, familial, and moral life and thought. It created the conditions for perfect communion with God and perfect community among men. To abide by this divine covenant, in every particular, was to earn

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<sup>11</sup>Accordingly, the covenant of works was called a pre-fall (-lapsus) or prelapsarian covenant. On the prelapsarian covenant, see, e.g., T. CARTHWRIGHT, *A METHODICALL SHORT CATECHISME*, reprinted in *CARTHWRIGHTIANA* 159 (T. Peel, et al. eds. 1951); S. RUTHERFORD, *THE COVENANT OF GRACE* 1-15 (1645); J. USSHER, *A BODY OF DIVINITIE, OR THE SUMME AND SUBSTANCE OF CHRISTIAN RELIGION* 123ff. (1645); R. ROLLOCK, *supra* note 7, at 18ff.; and *THE HUMBLE ADVICE OF THE ASSEMBLY OF DIVINES NOW BY AUTHORITY OF PARLIAMENT SITTING AT WESTMINSTER CONCERNING A CONFESSION OF FAITH* Chap. VII (1647), reprinted in III P. SCHAFF, *THE CREEDS OF CHRISTENDOM WITH A HISTORY AND CRITICAL NOTES* 616-17 (4th ed. 1966).

On the development of the doctrine of a prelapsarian covenant, see Weir, *supra* note 6, *passim*; Moller, *supra* note 6, at 59ff.; Triterund, *supra* note 4, at 48ff. Triterund writes: "By the 1580s the idea of a 'covenant of works,' so called, made between God and Adam, who represented all mankind, had begun to have considerable vogue on the Continent. The covenant of works provided a theological basis for a moral, civil, and religious obligation binding upon all men, elect and non-elect, regenerate and unregenerate, professedly Christian or pagan . . . Puritanism . . . was anything but blind to the possibilities which were inherent in this new scheme." *Id.* at 48.

<sup>12</sup> The term "federal" was derived from the Latin term *foedus* meaning covenant, agreement, or pact.

<sup>13</sup> W. AMES, *MEDULLA THEOLOGICA* 1.10 (1623), translated as *MARROW OF SACRED DIVINITY* 1.10 (1642); J. NORTON, *ORTHODOX EVANGELIST* 102ff. (1654). This prelapsarian covenant of works was also called the "covenant of nature" or the "covenant of creation." See, e.g., R. ROLLOCK, *supra* note 7, at 33; T. CARTHWRIGHT, *supra* note 11, at 223; cf. Triterund, *supra* note 4, at 48 and P. ZARET, *supra* note 8, at 154 n.2. For further discussion of the Puritan concept of "God's providential plan," and the providential view of history that this concept engendered, see McKim, *The Puritan View of History, or Providence Without and Within*, 1980 *EVANGELICAL QUARTERLY* 215.

eternal life and salvation; to breach the covenant was to receive eternal death and damnation.<sup>14</sup>

Man's fall into sin did not abrogate the covenant of works; it only altered man's relation to it. God's providential plan, His norms and principles for ordering and governing human life, remained in effect. All men still stood in covenant relation with Him. Man in his sin, however, had lost sight of the norms of creation and had lost the capacity to earn his salvation. Thus, after the fall, God sent His Son, Jesus Christ, as man's guarantor and representative. As guarantor, Christ satisfied man's debt under the covenant of works and absorbed the punishment which man deserved because of his sin.<sup>15</sup> As representative of man, as the "second Adam," Christ negotiated a second covenant with the Father, the covenant of grace, whereby the elect, despite their sin, could still inherit salvation.<sup>16</sup> This covenant repeated the terms of the old covenant. But, unlike the old covenant, it conditioned man's salvation on faith in Christ, not on unswerving adherence to the covenant, and it revealed the terms of the covenant not only in the hearts and consciences of men, but also in the pages of Scripture. Accordingly, the Puritans frequently called the Bible "The Book of

<sup>14</sup> See J. NORTON, *supra* note 13, at 14-15 (the covenant of works sets forth "that universal and perpetual rule of manners teaching how man should be ordered, disposed, qualified, and conformed, and (if we may so speak) mannered towards God and men."); T. SHEPHERD, *THESES SABBATICAE, OR THE DOCTRINE OF THE SABBATH* in 1 *THE WORKS OF THOMAS SHEPHERD* 17ff., 90ff. (J. Albro, ed. 1851-1853); T. CARTWRIGHT, *supra* note 11, at 223 ("this Covenant requireth workes done by the strength of Nature, and according to the Law of our Creation, answerable to Gods Justice, the expresse Image Whereof is in the Morall Law"). See, generally, Moller, *supra* note 6, at 60-62; W. STOEVER, *supra* note 10, at 81-93; Eusden, *Natural Law and Covenant Theology in New England, 1620-1670*, 5 *NATURAL LAW FORUM* 1, 16-28.

<sup>15</sup> See, e.g., T. ADAMS, *WORKS* (1629), quoted in W. SCHIRMER, *ANTIKE, RENAISSANCE, UND PURITANISMUS* 14 (1924): "We are bankrupt Debtors, God is a sure Creditor, Christ sets all on his score. We are ignorant Clients, God is a skillful Judge, Christ is our Advocate to plead our cause for us." See also, J. NORTON, *supra* note 13, quoted in W. STOEVER, *supra* note 10, at 93: "Though God by his absolute power might have saved man without redemption wrought by Christ: yet having constituted that rule of relative justice, 'In the day that thou eatest thereof, thou shalt surely die . . . .' Justice requires the surety should die, that the debtor may live . . ." For further examples of such use by Puritan writers of the creditor-debtor metaphor, see, P. ZARET, *supra* note 8, at 178ff.

<sup>16</sup> See, e.g., R. ALLEINE, *HEAVEN OPENED; OR, THE RICHES OF GOD'S COVENANT OF GRACE* 29ff. (1645). For a general discussion, amply documented, see P. ZARET, *supra* note 8, at 151ff.

the Covenant" or "The Covenant Register."<sup>17</sup>

Both the Old Testament covenant with the elect nation of Israel and the New Testament covenant with the church and its elect members, therefore, were but two forms of the same covenant of grace. "There are not two covenants of grace differing in substance," reads the Westminster Confession of 1647, "but one and the same under various dispensations."<sup>18</sup> Both forms of the covenant of grace repeat and embellish for sinful man the terms of the old covenant. Both insist upon faith as the condition of salvation. Both require that the faithful believer lead his life in devotion, service, and praise of God — not as a condition for his salvation, but as an expression of gratitude for God's grace and mercy.

### B. *The Covenant of Grace*

Several Puritan writers not only reformed the traditional concept of the covenant of works and its relation to the covenant of grace; they also radically recharacterized traditional concepts of the covenant of grace itself. Early Protestant writers — Calvin, Zwingli, and Bullinger<sup>19</sup> — had described the covenant of grace primarily as God's merciful gift to his elect. God set the terms of the covenant. He determined its parties. He gave man the faith which the covenant required. He promised fidelity to the covenant, regardless of man's infidelity. Man, in his sin, could not demand

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<sup>17</sup> A. KUYPER, *supra* note 2, at 58; Moller, *supra* note 6, at 53.

<sup>18</sup> Reprinted in P. SCHAFF, *supra* note 11, at 618. The Westminster Confession reads elsewhere, in explanation of this point: "This covenant was differently administered in the time of the law and in the time of the gospel; under the law it was administered by promises, prophecies, sacrifices, circumcision, the paschal lamb, and other types and ordinances delivered to the people of the Jews, all fore-signifying Christ to come . . . Under the gospel, when Christ the substance was exhibited, the ordinances in which this covenant is dispersed are the preaching of the word and the administration of the sacraments of Baptism and the Lord's Supper; which, though fewer in number, and administered with more simplicity and less outward glory, yet in them it is held forth in more fullness, evidence, and spiritual efficacy, to all nations, Jews, and Gentiles; and is called the New Testament." *Id.*, at 617-18.

<sup>19</sup> See *supra* note 6 for a list of relevant primary sources. For a discussion of these reformers' concept of the covenant of grace, see, e.g., Karlberg, *supra* note 6, at 8ff.; H. HERPPE, *supra* note 6, at 138ff.; J. PELIKAN, *supra* note 9, at 363ff.; Hoekema, *Covenant of Grace in Calvin's Teachings*, 2 CALVIN THEOLOGICAL JOURNAL 133 (1967); Emerson, *supra* note 6, at 139ff.



God's gracious covenant gift or bind God by it once it was conferred. He could simply accept it in gratitude. As one of the earlier Calvinist confessions put it, "God is under no obligation to confer [His] grace upon any; for how can He be indebted to one who had no previous gifts to bestow . . . who has nothing but sin and falsehood?"<sup>20</sup> And again, "faith is . . . the gift of God, not on account of it being offered by God to man, to be accepted or rejected at his pleasure, but because it is, in reality, conferred upon him, breathed and infused into him."<sup>21</sup>

Several Puritan writers, by contrast, described the covenant of grace as a bargained contract, voluntarily formed by God and his elect, and absolutely binding on both parties. "The word covenant in our English tongue," wrote a Puritan preacher in 1641, "signifies a mutual promise, bargain, and obligation between two parties." This is true "of all covenants in general, both God's covenant with men, and also the covenants which men make among themselves."<sup>22</sup> Acts of divine will and human will are required to form the covenant of grace. Through gracious "voluntary condescension" (as the Westminster Confession puts it), God offers his elect the terms of his salvation and promises to abide by his offer.<sup>23</sup> Through a voluntary act of faith, man accepts God's offer.<sup>24</sup>

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<sup>20</sup> CANONS OF DORT, OR FIVE ARTICLES AGAINST THE REMONSTRANTS (1618), Art. 4.15, reprinted in *PSALTER HYMNAL. DOCTRINAL STANDARDS AND LITURGY OF THE CHRISTIAN REFORMED CHURCH* 105 (1976).

<sup>21</sup> *Id.*, Art. 4.14.

<sup>22</sup> G. WALKER, *THE MANIFOLD WISDOM OF GOD* 39, 43 (1641), quoted in P. ZARET, *supra* note 8, at 169. See also J. PRESTON, *THE NEW COVENANT, OR THE SAINT'S PORTION* 70, 331 (1629): "He is in heaven, and we are on earth; he the glorious God, we dust and ashes; he the creator, and we but creatures; and yet he is willing to enter into covenant, which implies a kind of equality between us." "[God says, as it were,] I will not only tell thee what I am able to doe, I will not only express to thee in generall that I will deale well with thee, etc. . . . but I am willing to enter into covenant with thee, that is, I will bind myself, I will ingage myself, I will enter into bond, as it were, I will not be at liberty anymore, but I am willing to make a covenant, a compact, an agreement with thee . . ."

<sup>23</sup> Reprinted in P. SCHAFF, *supra* note 11, at 616.

<sup>24</sup> See, e.g., J. NORTON, *supra* note 13, quoted in W. STOEVER, *supra* note 10, at 100: "Faith is the condition of salvation, . . . yet both faith, and salvation by faith are willed absolutely." See also the lengthy discussion of the relation of will and faith in W. PERKINS, *A TREATISE OF GOD'S FREE GRACE AND MAN'S FREE WILL*, in *1 WORKS* 722ff. (1626). Perkins writes: "[L]iberty of will is not abolished [by the fall into sin], but wounded: because though liberty of grace to will well be lost, yet liberty of nature to will, still remains . . . . Corrupt

Once the elect man has accepted God's offer in faith, the Puritans taught, both parties are contractually bound by the terms of the covenant, and each may insist upon faithful compliance by the other. God may demand faithful devotion and service from man; if man refuses it, God is released from his promise and free to consign man to hell.<sup>25</sup> But man may also demand God to abide by His promise of salvation. "You may sue [God] of his bond written and sealed," wrote John Preston, a leading Puritan theologian and politician, "and he cannot deny it." "Take no denyall, though the Lord may defer long, yet he will doe it, he cannot chuse; for it is part of his covenant." "[We must] extort, . . . oppresse the promises [of God], as a rich man oppresseth a poore man, and gets out of him all that he is worth, he leaves him worth nothing, he plays the extortioner with him; after that man must deal with the promises [of God], for they are rich."<sup>26</sup>

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and sinful man has power and liberty to think of God, and to think many things of him, good in themselves: power to read and search the Scriptures: power to speak and talk of the word of God . . . It will be said that faith, repentance, and the rest are all gifts of God. I answer: there is no virtue or gift of God in us, without our wills: and in every good act, God's grace and man's will concur: God's grace as the principal cause; man's will renewed as the instrument of God." *Id.* at 731-39.

The question of the role of human will in the consummation of the covenant of grace sharply divided seventeenth century Puritan writers. English Puritans, such as William Perkins, William Ames, Richard Sibbes, John Norton, John Preston, and Thomas Gataker, along with such New England Puritans as Increase Mather, Cotton Mather, Thomas Shepherd, and others ascribed the most importance to the human will. They were frequently denounced by more traditional Puritan groups as heretical "Arminians," "Scholastics," and "Voluntarists." Even these supposed heretics, however, maintained that it is God, not man, who initiated the covenant of grace, and that the covenant is, as it were, a divine adhesion contract, in whose formulation and formation man had little part. See generally, Miller, *The Half-Way Covenant*, 6 *NEW ENGLAND QUARTERLY* 675 (1933); N. PETTIT, *THE HEART PREPARED: GRACE AND CONVERSION IN PURITAN SPIRITUAL LIFE* (1966).

<sup>25</sup> See the richly documented discussion in W. STOEYER, *supra* note 10, at 97-118 and P. ZARET, *supra* note 8, at 170ff. This emphasis on the conditionality of God's promise on man's faithfulness, and on the interdependent character of the divine and human promises, was a marked departure from the traditional reformed emphasis on God's enduring covenant faithfulness to his elect.

<sup>26</sup> Quoted in C. HILL, *PURITANISM AND REVOLUTION: STUDIES IN INTERPRETATION OF THE ENGLISH REVOLUTION OF THE SEVENTEENTH CENTURY* 246 (1958). For other examples in Puritan writings of such a legalistic depiction of man's relation to God, see Lyall, *Of Metaphors and Analogies: Legal Language and Covenant Theology*, 32 *SCOTTISH J. THEOLOGY* 1 (1979); Weber, *Reformatio, Orthodoxie, und Rationalismus*, 2 *BEITRÄGE ZUR FÖRDERUNG CHRISTLICHER THEOLOGIE* 50ff. (1951).

What traditionally had been treated as God's gift of faith and salvation to his predestined became, in Puritan theology, a bargained contract. What traditionally had been understood as God's covenant faithfulness to man became God's contractual obligation to man. This "spiritual commercialism," as it has been called, became a trademark of many brands of Puritan covenant theology in the seventeenth and eighteenth centuries.<sup>27</sup>

### C. *Differentiation in the Covenant of Grace*

Puritan writers recognized not only God's general covenant of grace with his elect, but also a variety of special forms of this covenant with certain Biblical figures and groups. God had contracted with prophets and apostles to testify to His grace and to proclaim His Word and will. He had contracted with priests and ministers to dispense His mysteries and to lead His people in worship. He had contracted with kings and rulers to reflect His majesty and glory and to enforce His will by law. He had contracted with the nation of Israel and with the members of His church to be "a light to the nations," "a witness to the world," an "exemplary community." The Puritans believed that each of these Biblical covenants — the prophetic, the priestly, the regal, and the communal — was rooted in the covenant of works. Each was a species of the general covenant of grace. Each was formed, in part, by divine and human volition. Each, once formed, became absolutely binding on both parties. Each defined for faithful believers one form of godly service.<sup>28</sup>

Several other relations in Scripture were also described in covenantal terms. The relation between the Father and the Son was treated as a three-fold covenant of redemption, reconciliation, and suretyship. The relation between the Son and the Spirit was construed as a special covenant of agency and representation. Familial relations between a husband and a wife, or a child and a parent, were treated as special agreements of devotion, love, and service.

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<sup>27</sup> P. MILLER, *THE NEW ENGLAND MIND: THE SEVENTEENTH CENTURY* 389 (1952).

<sup>28</sup> *Id.* See also J. EUSDEN, *PURITANS, LAWYERS, AND POLITICS IN EARLY SEVENTEENTH CENTURY ENGLAND* 28ff. (1958); G. CRAGG, *FREEDOM AND AUTHORITY: A STUDY OF ENGLISH THOUGHT IN THE EARLY SEVENTEENTH CENTURY* 151ff. (1975).

The bonds between authorities and subjects were also described as covenants.<sup>29</sup> The Puritans seemed to find covenants, in one exuberant preacher's phrase, "on every page of Scripture."<sup>30</sup>

## II. THE INFLUENCE OF COVENANT THEOLOGY ON PURITAN CONCEPTS OF COMMUNITY AND OBLIGATION

### A. *The Covenant and Puritan Community*

The transformation of covenant theology shaped Puritan concepts of the origin, nature, and purpose of human associations and relationships. The Puritans regarded themselves as a covenant community, a people bound together by a variety of covenants. Each of these human covenants, they believed, — though formed by voluntary human acts — was ultimately founded on the norms and principles of the covenant of works. Each covenant had a place in God's providential plan, a purpose for which it existed. Each was modeled on one of the covenants of grace described in Scripture. At least four such communal covenants were distinguished by the Puritans: a natural or national covenant; a political or governmental covenant; an ecclesiastical or church covenant; and a marital or family covenant.

#### 1. *The National Covenant*

The most embracing covenant was the "natural," "civil," or "national" covenant. Puritan groups (whether in Scotland, England, or America), believed that God had contracted with them, and their predecessors had contracted with each other, to be the new Israel, the new holy priesthood, the new elect people. God had called them — in John Milton's words — "to be agents of His Kingdom, . . . to set a standard [of] truth, . . . to blow the evangelical trumpet to the nations, . . . to give out reformation to the world."<sup>31</sup> In

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<sup>29</sup> *Id.*

<sup>30</sup> A. KUYPER, *supra* note 2, at 41.

<sup>31</sup> Quoted in W. HALLER, *FOXES' BOOK OF MARTYRS AND THE ELECT NATION* 241-42 (1963). See also the sentiments of Samuel Rutherford, a Scottish presbyterian pastor and political theorist: "Now, O Scotland, God be thanked, thy name is in the Bible. Christ spoke to us long since, ere ever we were born. Christ said, 'Father, give me the ends of the earth,

return, He had promised them peace and prosperity, harmony and happiness. This covenant obligated the people as a whole to preserve and propagate godly beliefs and values, to adopt and advocate godly morals and mores, to arouse themselves and all those around them to godly obedience. It obligated each individual to lead his life in love and service of God, his neighbor, and his community. Many of the trademarks of seventeenth century Puritanism — stern discipline, benevolent altruism, public spiritedness, nationalist enthusiasm, and reformist zeal — were rooted in this belief in the national covenant.<sup>32</sup> The Puritans believed they were God's co-workers, called — corporately and individually — to accept and reflect His will and truth. To succeed in this task was to earn God's favor; to fail was to incur God's wrath.<sup>33</sup>

Many of the charters, constitutions, speeches, and other documents of seventeenth century English and American Puritans attest to this understanding. "By this instrument," reads the 1614 charter of a Scottish Puritan town, "we do solemnly swear to unite together in love, to be vigilant in the faith, to bring God's Word to the nations, to conduct our lives as is due and meet of God's chosen people."<sup>34</sup> "We whose names are written here," reads a seventeenth century Rhode Island town compact, "do here solemnly, in the presence of Jehovah, incorporate ourselves into a body politic, and as He shall help will submit our persons, lives, and estates unto the Lord Jesus Christ, the King of kings, the Lord of lords."<sup>35</sup> "Thus stands the cause between God and us," declared Governor John Winthrop of Massachusetts;

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put in Scotland and England, with the isles-men in the great charter also: for I have them among the rest' . . . ." S. RUTHERFORD, *FOUR COMMUNION SERMONS BY SAMUEL RUTHERFORD* 116 (2d ed. 1878). For further discussion of the national or natural covenant among Puritan writers, see W. HALLER, *supra*, at 224-50; McKim, *supra* note 13, *passim*; Burrell, *The Covenant Idea as a Revolutionary Symbol: Scotland, 1596-1637*, 27 *CHURCH HISTORY* 338 (1958); P. MILLER, *THE NEW ENGLAND MIND: FROM COLONY TO PROVINCE* 21ff., 200ff., 363ff. (1953).

<sup>32</sup> See generally Berman, *Law and Belief in Three Revolutions*, 18 *VALPARAISO L. REV.* 569, 594ff. (1984).

<sup>33</sup> *Id.* See also P. MILLER, *supra* note 31, at 21-26.

<sup>34</sup> Quoted in A. KUYPER, *supra* note 2, at 218. Kuyper, unfortunately, fails to furnish the name of the Scottish town.

<sup>35</sup> Quoted in J. GOUGH, *THE SOCIAL CONTRACT: A CRITICAL STUDY OF ITS DEVELOPMENT* 84 (1936). Gough, too, unfortunately, fails to furnish the name of the Rhode Island town.

we are entered into covenant with him for his work; we have taken out a commission . . . . We must be a city on the hill, . . . a light to the nations of the world. We must entertain each other in brotherly affection . . . for the supply of other's necessities . . . . We must delight in each other, make other's conditions our own, rejoice together, mourn together, labor and suffer together, always having before our eyes our commission and community in the work, our community as members of the same body. [S]o shall we keep the unity of the spirit in the bond of peace; the Lord will be our God, and delight to dwell among us, as his own people, and will command a blessing upon us in all our ways . . . .<sup>36</sup>

This high calling could not be discharged without some order and organization, without some division and allocation of responsibility. The three other covenants — the political, the ecclesiastical, and the marital — formed and obligated certain groups to play a distinctive role in the fulfillment of this calling.

## 2. *The Political Covenant*

The political covenant was a tri-party agreement between God, the civil ruler, and the people. God, the Puritans believed, had called the civil authority to be His vice-regent in the world, to reflect and represent His majesty and authority, to appropriate and apply His will and law. The civil ruler was to lead the people by his example and direct them by his law to fulfill their great task under the national covenant. He was to exemplify godly justice and mercy, discipline and benevolence. His rules and laws were to prescribe virtue and proscribe vice, to protect Christian values and beliefs and punish immorality and apostasy. They were to bridle sinful discord, and to arouse the people to godly order and discipline.<sup>37</sup> By the political covenant, the civil ruler had vowed to God

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<sup>36</sup> J. WINTHROP, A MODEL OF CHRISTIAN CHARITY. WRITTEN ON BOARD THE ARABELLA . . . 1630, in II WINTHROP PAPERS 294-95 (1931). See further discussion of these and other passages in Eusden, *supra* note 14, at 5-12; J. GOUGH, *supra* note 35, at 82-99.

<sup>37</sup> See, e.g., S. RUTHERFORD, LEX, REX, OR THE LAW AND THE PRINCE (1982; facsimile of 1644 ed.). Other representative Puritan political writings are included in I & II PURITAN POLITICAL IDEAS (E.S. Morgan, ed., 1957).

and to the people to accept these charges. The people, in turn, had vowed to the civil ruler and to God to oblige and submit to the civil ruler, to accept and respect his civil laws.

This political covenant, the Puritans believed, rendered the people and the civil ruler co-responsible for each other's obligations to God and man. The civil ruler was required to compel the people to perform their obligations under the national covenant. If the people failed, the civil ruler could reprimand them; if they persisted in their delinquency, he could banish or execute them. The people, in turn, were required to compel the civil ruler to discharge the duties of his divine office. If the civil ruler failed in his duty towards God or towards them, the people could protest and disobey him; if he persisted, they could unseat him "by force and arms."<sup>38</sup> Faithful attendance to the other party's actions was of paramount importance, for if either party failed in its divine task, the whole corporate body would suffer divine sanction.<sup>39</sup>

Such an understanding of the political covenant helps to explain the Puritans' passionate concern for law and politics in the seventeenth century. The political covenant ultimately made them responsible for the law and politics of the realm. They were to ensure that the civil ruler was a godly ruler and that the civil law reflected

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<sup>38</sup> J. SELDEN, *SELDENIA OR TABLE TALK OF JOHN SELDEN* 92 (1789) (first assembled in 1654 and first published in 1689).

<sup>39</sup> See, e.g., S. RUTHERFORD, *supra* note 37, at 54ff.; *EPISTLE TO OUR BELOVED BRETHREN AND NEIGHBORS, THE LAWS AND LIBERTIES OF MASSACHUSETTS* A2 (1648). Cf. the observations of T.H. BREEN, *THE CHARACTER OF THE GOOD RULER: PURITAN POLITICAL IDEAS IN NEW ENGLAND, 1630-1730*, at 15 (1970): "[The Puritans] insisted that the Lord had made a compact with the English at some indeterminable time in the past, granting them peace, prosperity and Protestantism in exchange for obedience to Scriptural law. The Puritan regarded this agreement as a real and binding contract for which all men could be held responsible. If the nation failed the Lord by allowing evil to flourish, He punished the entire population, saints and sinners alike. The ruler [thus] became a crucial figure for the Puritans, because it was his duty to make Englishmen uphold the terms of their compact, whether they wanted to or not."

Markedly similar views on the tri-party relationship among God, the civil authority, and the people were developed by Continental Calvinist writers. See, e.g., F. HOTMAN, *VINDICIAE CONTRA TYRANNOS* (1579), in *CONSTITUTIONALISM AND RESISTANCE IN THE SIXTEENTH CENTURY: THREE TREATISES BY HOTMAN, BEZA, AND MORNAY* 146ff., 180ff. (J. Franklin, trans. and ed. 1969); J. ALTHUSIUS, *POLITICA METHODICE DIGESTA ET EXEMPLIS SACRIS ET PROFANIS ILLUSTRATA* (3d. ed. 1614), in J. ALTHUSIUS, *THE POLITICS OF JOHANNES ALTHUSIUS* 115ff. (F. Carney, trans. and ed. 1964).

divine law and instituted godly order, discipline, and reform.

### 3. *The Church Covenant*

Several Puritan groups — particularly the Independents and Congregationalists — also recognized an ecclesiastical or church covenant.<sup>40</sup> Scripture, they believed, requires that each “natural community” also include within it institutional churches. Each church was called to preach the Gospel, to administer the sacraments, to help care for the sick, the destitute, and the afflicted, to disseminate God’s Word throughout the world. It was also called to instruct the political authorities and people on the requirements of God’s Word, to console and pray for them, and, if necessary, to admonish them. By the ecclesiastical covenant, members of each congregation vowed to each other and to God to undertake these ecclesiastical obligations. In the words of a New England congregation: “[We vow] to unite together as a body of Christ, to appoint pastors to preach the Word and dispense the mysteries, to appoint elders to discipline the flock, to appoint deacons to distribute alms [and] . . . to [appoint] each other as God’s priests . . . and prophets in the world.”<sup>41</sup>

### 4. *The Marital Covenant*

The Puritans also recognized the marriage covenant.<sup>42</sup> This covenant, though formed by the mutual consent of a man and a woman, was also ultimately founded in the creation and command-

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<sup>40</sup> On the Puritan concept of the church covenant, see J. GOUGH, *supra* note 35, at 82-84; P. MILLER, *supra* note 31, at 68ff., 221ff.; Burrell, *supra* note 31, at 345ff.; H. SCHNEIDER, *A HISTORY OF AMERICAN PHILOSOPHY* 4-6 (1946).

On the historical development of these church covenants among sixteenth century Continental Protestant groups, see Burrell, *supra* note 35, at 338-44; Triterund, *supra* note 4, at 49-54; C. BURRAGE, *THE CHURCH COVENANT IDEA* (1904); H. FOSTER, *COLLECTED PAPERS* 53-55 (1929); J. McNEILL, *THE HISTORY AND CHARACTER OF CALVINISM* 135ff. (1964).

<sup>41</sup> Quoted in A. KUYPER, *supra* note 2, at 245.

<sup>42</sup> On the Puritan covenantal view of marriage and the family, see, e.g., L. STONE, *THE FAMILY, SEX, AND MARRIAGE IN ENGLAND 1500-1800* (1977); Johnson, *The Covenant Idea and the Puritan View of Marriage*, 32 *J. HIST. IDEAS* 107 (1971); E. MORGAN, *THE PURITAN FAMILY* (1966).



ments of God. For God had created man and woman as social beings, naturally inclined to one another. He had required them to help, nurture, love, and serve each other as "friends," "partners," and "companions."<sup>43</sup> He had commanded them "to be fruitful and multiply"<sup>44</sup> and endowed them with the physical capacity to join together and beget children. By declaring their marital vows, the Puritans taught, the couple affirmed and accepted these obligations. Each promised fidelity to the other. They jointly promised to honor God and abide by His law for marriage. If both parties abided by these vows, the family would prosper; if either party was delinquent, the whole family would incur God's wrath.<sup>45</sup>

The married couple, the covenant family, played a vital role in society, alongside the church and the state. It exemplified a community of love and service, cooperation and care, song and prayer. It held out for both the church and the state an example of firm, but benign, parental discipline, rule, and authority. It nurtured and educated children, and inculcated with them virtue and love of God, respect and submission to authority and law. It helped care for the sick, the poor, and the helpless. As a late sixteenth century Puritan writer put it: "A household is, as it were, a little commonwealth, by the good government whereof, God's glorie may be advanced, the commonwealth which standeth of severall families, benefited, and all that live in that familie may receive much comfort and commodities."<sup>46</sup>

### B. *The Covenant and Puritan Concepts of Obligation*

The new covenant theology also provided the cardinal ethical principle of Puritanism that each person was free to choose his act, but once having chosen, was bound to perform that act, regardless of the consequences. This ethical principle was deduced directly from the new understanding of the covenant of grace. Just as each

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<sup>43</sup> See Johnson, *supra* note 42, at 110ff., and the primary sources cited therein.

<sup>44</sup> Genesis 1:28.

<sup>45</sup> See, e.g., the entry under "Solemn Matrimony" in THE BOOK OF COMMON PRAYER (1549).

<sup>46</sup> ROBERT GATAKER, A GODLIE FORME OF HOUSEHOLDE GOVERNMENT 13 (1658), quoted in Johnson, *supra* note 42, at 111-12.

person was free to enter into a covenant of grace with God, so each person was free to enter into covenants and contracts with his fellow man. Just as he was bound to God to render the faithful service, love, and devotion that the covenant of grace demanded of him on pain of eternal punishment, so he was bound to the co-party to the covenant to perform the obligations which he had undertaken on pain of punishment at law. As one Puritan pastor put it, "[A covenant or agreement is] a voluntary obligation between persons about things wherein they enjoy a freedom of will and have a power to choose or refuse."<sup>47</sup> "An agreement once formed, [however,] . . . yokes each party to the other inextricably . . . until the last duty is discharged."<sup>48</sup>

<sup>47</sup> Quoted in M. WALZER, *THE REVOLUTION OF THE SAINTS. A STUDY IN THE ORIGINS OF RADICAL POLITICS* 214 (1965, repr. 1968).

<sup>48</sup> *Id.* This point is developed in Berman, *The Religious Sources of General Contract Law: An Historical Perspective* [forthcoming in *J. OF L. AND RELIGION* (1987)]. Berman traces to Puritanism the "bargain theory" of absolute obligation for breach of contract which he contrasts with the "moral theory" of the earlier Roman Catholic canon lawyers. "The canonists and Romanists of the late eleventh and twelfth centuries and thereafter," he writes, "based the enforceability of contracts on two principles: first, that to break a promise is a sin, an offense against God, or, more fundamentally, an act of alienation of oneself from God; and second, that the victim of the breach ought to have a legal remedy if the purpose of the promise, or exchange of promises, was reasonable and equitable. These principles served as part of the foundation for the systematization of contract law, that is, the construction of an integrated set of concepts and rules of contract law. Many of these concepts continue to be taught in courses in law schools throughout the world — concepts and rules concerning fraud and duress and mistake, unconscionability, duty to mitigate losses, and many other aspects of contract law that link it directly with moral responsibility. . . ."

"The bargain theory of contract was, in its inception, also a moral theory, but in a different sense of the word 'moral.' It started from the premise that God is a God of order, who enters into contracts with his people by which both he and they are absolutely bound. Its second premise was that the people of God, in entering into contracts with each other, whether social contracts or private, are also absolutely bound by the contract terms, and that nonperformance is excused only to the extent that those terms permit. However, the Puritan stress on bargain and on calculability ('order') should not obscure the fact that the bargain presupposed a strong relationship between the contracting parties within the community. These were not yet the autonomous, self-sufficient [rational] individuals of the eighteenth-century Enlightenment. England under Puritan rule and in the century that followed was intensely communitarian." *Id.* at 33-35. See also H. BERMAN & W. GREINER, *THE NATURE AND FUNCTIONS OF LAW* 751ff. (4th ed. 1980); H. BERMAN, *LAW AND REVOLUTION: THE FORMATION OF THE WESTERN LEGAL TRADITION* 245ff. (1983).

*Cf.* the following comment by Roscoe Pound: "A fundamental proposition from which the Puritan proceeded was the doctrine that man was a free moral agent with power to choose what he would do, and responsibility coincident with that power. He put individual judgment in first place. No authority could coerce them; but every one must assume and abide

The Puritans' belief in the absolute bindingness of voluntary agreements was predicated on more than the traditional premises of Christian ethics: that to break one's word was a sin; that to defeat one's neighbor's proper expectations was to fail in one's love for him; that to break one's promise was to fall short of the example of Christ's faithfulness which Scripture required man to emulate.<sup>49</sup> The Puritans insisted on the absolute obligation of voluntary agreements for two additional reasons.

First, the Puritans believed that adherence to covenants and agreements was essential to maintain social cohesion and harmony. Covenants and contracts provided order and organization in society. They formed the basis of various social institutions; they made interactions between men predictable, calculable, and structured. Breach of these covenants — particularly the political covenant, as the Puritan Revolution had made eminently clear — destroyed order and calculability, thereby sowing rebellion and discord and obstructing individuals and institutions from fulfilling their covenantal calling. "[We] are under a contract," wrote Henry Ireton, the great Puritan parliamentarian, "... to that general authority which is agreed upon among us for the preserving of peace and the supporting of . . . law . . . [We are] in covenant to live together in peace with one another . . . . [W]e must keep covenant one with another when we have contracted one with another. Abandon this principle and the result will be chaos."<sup>50</sup>

Second, the Puritans also believed that each covenant or agreement, however insignificant, was ultimately rooted in the original covenant of nature at creation. Parties to each agreement were governed by the principles of honor and honesty, discipline and diligent discharge of one's duties dictated by this original covenant. Moreover, each human covenant itself served some purpose

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the consequence he was free to make . . . ." Pound, *Puritanism and the Common Law*, 45 AM. U. L. REV. 810, 819 (1911).

<sup>49</sup> See Berman, *The Religious Sources of General Contract Law: An Historical Perspective*, *supra* note 48.

<sup>50</sup> Quoted in J. Gough, *supra* note 35, at 89-90.

in the unfolding of God's providential plan. As Edmund Burke — an eighteenth century politician of Puritan background — put it in reference to the national or social covenant: "Society is, indeed, a contract . . . [which] ought not be . . . dissolved by the fancy of the parties. [For] each contract of each particular state is but a clause in the great primeval contract of eternal society, linking the lower with the higher world, according to a fixed compact, sanctioned by the inviolable oath which holds all physical and all moral natures each in their appointed place." If such contracts are broken at will, Burke continued, "the law is broken, nature is disobeyed, and the rebellious are outlawed, cast forth and exiled from the world of reason, and order, and peace, and virtue, and fruitful penitence, into the antagonistic world of madness, discord, vice, confusion, and unavailing sorrow."<sup>61</sup>

### III. CONCLUSION

The Puritan doctrine of covenant was based on three novel propositions: first, that the covenant of works is God's "special constitution" for mankind by which man's purpose in the world is prescribed, his rights and duties towards God and his neighbor are defined, and moral, political, and social values and principles are established; second, that the covenant of grace is a bargained contract, voluntarily formed by God and his elect, and absolutely binding on both parties; and, third, that through the Bible God illumines the provisions of the covenant of works and illustrates the many forms of the covenant of grace. Taken together, these propositions radically altered and expanded traditional theological ideas of covenant.

This new covenant doctrine became an organizing principle of Puritan thought.

First, the doctrine produced a new synthesis of Puritan theology. It preserved the traditional Protestant teaching of an incomprehensible, omnipotent God. Yet it emphasized his revealed will and self-imposed obligations to man. It maintained the great reformed

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<sup>61</sup> E. BURKE, REFLECTIONS ON THE REVOLUTION IN FRANCE 110 (T. Mahoney, ed., 1955)(1790).

doctrines of human depravity and justification by faith alone. Yet it made man a partner with God and his work a fulfillment of God's providential plan. It affirmed the Calvinist doctrine of divine predestination. Yet it accorded new importance to human volition and human action. It continued to distinguish between law and gospel, between the Old Testament and the New. Yet it regarded both law and gospel as essential instruments of grace, both the Old Testament and the New as indispensable chapters in the drama of redemption. The great doctrines of earlier Lutheran and Calvinist reformers were, therefore, retained, but they were cast in a new ensemble, with new meanings, new emphases, and new applications.

Second, the doctrine of covenant unified the Puritans' concepts of the individual and of the community. Earlier Protestant writers had vacillated between nominalist theories of man that focussed on the nature of the individual, to the exclusion of the community, and realist theories of man that focussed on the nature of the community, to the exclusion of the individual. Puritan writers shifted the focus of inquiry to the nature of the covenant and thus found a place in their theory of man for both the individual and the community. Each individual, the Puritans believed, was created by God and was bound to Him by covenant. Each individual was called to fulfill his divine *telos* or calling in the world, to serve as God's co-worker, to account for himself on the day of judgment. But God had also created man as a communal being. He had commanded him to love and serve his neighbor, to join with him in a variety of associations. The Puritans differentiated at least four such covenantal associations — the nation, the state, the church, and the family. Each of these associations, they believed, though given positive form by man, was, nonetheless, created by God. Each was bound by covenant to God. Each was called to fulfill a divine mandate, to serve a divine purpose or office. The nation was called to be an image of God's kingdom, to preserve and propagate godly beliefs and values, to adopt and advocate godly morals and mores, to arouse all individuals to godly obedience. The state was called to reflect and represent God's authority and rule, to appropriate and apply His law, to compel the whole nation and each of its members to fulfill their covenantal calling. The church was

called to preach the Word, to administer the sacraments, to attend to the destitute and the afflicted, to instruct the people on the requirements of God's law, and, if necessary, to admonish and discipline them. The family was called to beget and raise children, to inculcate within them love of God and neighbor, to teach them respect and submission to law and authority. A pluralism of associations was thus formed, each with a unique calling from God, each with a special responsibility to the individual.

Third, the doctrine of covenant unified the Puritans' concepts of freedom and of obligation. Every person, the Puritans believed, was created with the freedom of will to choose those obligations which he wished to assume. Whether such obligations involved ultimate or trivial matters, whether the obligatory conduct was prescribed or self-determined, each person was free to accept or decline such obligations. Once having accepted, however, a person was bound to perform that obligation, regardless of the consequences. This insistence on the absolute bindingness of voluntary obligations was based on two premises. First, to breach any obligation, however trivial, was to violate one's covenant of grace with God. It was to sin before God, to fail in one's love and service to one's neighbor, to fall short of the example of Christ's faithfulness which Scripture requires man to emulate. Second, to break one's obligation was ultimately also to violate the covenant of works or covenant of nature. It was to fall short of the principles of honor, discipline, and diligence set forth in this covenant. It was also to destroy the communal order, calculability, and harmony provided by this covenant.

Many historians, particularly since Max Weber, have regarded this covenant doctrine as an harbinger of modern ideas of man, society, and law. The Puritans' emphasis on man's calling and accountability, they have argued, prepared the way for the individualist theories of Voltaire, Comte, and Mill. The new covenantal theory of associations was a prototype of the social contractualism of Locke, Spinoza, and Kant. The new concept of the elect nation inspired the nationalist theories of Rousseau, Herder, and Hegel. The new understanding of human freedom and obligation formed provided the basis for the bargain theories of Pothier, Bentham,

and Langdell.

Such historiography, however, has tended to distort, rather than to illumine, the Puritan doctrine of covenant. It has judged seventeenth century Puritan writings not so much by their own standards but by those of the succeeding centuries. It has analyzed Puritan ideas not so much for their own value, but for those which they helped to produce. It has abstracted the Puritans' teachings both from the historical context in which they arose and from the system of beliefs and values, the *Weltanschauung*, in which they were rooted and which gave them meaning.

The Puritan doctrine of covenant can be better understood when viewed at its inception and in its unfolding, when analyzed not by what it has produced but by how it was produced. Only with such a method can one appreciate the novelty of its insights and the sources of its inspiration.