

An Historical Defense Of Covenanting And The Solemn League And Covenant # 6

Joshua 9:15
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In the previous sermon on National Covenanting, we noted that colonial charters were the legal covenant and contract between the Crown of Britain and the colonies in North America. In the very words used in the colonial charters, the Crown of Britain and all successors to the throne guaranteed to the colonies and all of their posterity, as loyal subjects of the Crown, all of the liberties, rights and privileges to which those living in England were entitled. This was universally understood to include the liberties, rights and privileges of due process of law guaranteed under Magna Carta (adopted in 1215 a.d.). In fact, when the colonies began to defend themselves against what they termed “acts of tyranny” by the Crown and Parliament of Great Britain, to what constitutional documents did they turn? They turned primarily to the Magna Carta and to the colonial charters?

The colonies believed their rights as loyal subjects of the Crown of Britain were guaranteed by these historical covenants and that these historical covenants had a descending obligation to the posterity of both Crown and subject to all succeeding generations. How is it, dear ones, that a lawful covenant between a human king and his subjects can bind succeeding generations and even bind the colonies in America (as in the case of the Magna Carta), but a National Covenant made between God, the King of kings, and all the posterity of England does not bind the colonies? Listen to a few excerpts from both ministers and congressional assemblies who forcefully defended their rights as loyal British subjects of the Crown on the basis of these two historical covenants: the Magna Carta and the colonial charters.

Jonathan Mayhew said the following in a sermon preached on May 23, 1766 on the occasion of the repeal of the Stamp Act:

It shall be taken for granted, that this natural right [to our own property—GLP] is declared, affirmed and secured to us, as we are British subjects, by Magna Carta; all acts contrary to which, are said to be *ipso facto* [by the fact itself—GLP] null and void. And, that this natural, constitutional right has been further confirmed to most of the plantations by particular subsequent royal charters, taken in their obvious sense; the legality and authority of which charters was never once denied by either house of Parliament (*Political Sermons of the American Founding Era—1730-1805*, Ellis Sadoz, Ed., Liberty Press, p. 240).

Mayhew argued that the right to own and dispose of their own property as colonies was guaranteed by the Magna Carta and the colonial charters. Is it not clear that this minister (as an example of many colonial ministers) argued that the rights guaranteed in a historical covenant between the Crown of England and the free subjects of England (dating back to 1215 a.d.) were passed on to the colonies by means of the colonial charters? Now, if that is true of Magna Carta, how much more it is true of the Solemn League and Covenant, for there are no greater rights guaranteed to the Crown of Britain and to the subjects of the Crown than those Biblical rights and duties articulated in the Solemn League and Covenant (1643), which moral rights and duties we have specifically considered in a previous sermon.

Another minister in the colonies, Moses Mather, issued an essay entitled, “America’s Appeal to the Impartial World” (1775), wherein we note these words.

[A]nd these original compacts [the colonial charters—GLP] were made and entered into by the king, not only for himself, but expressly for his heirs and successors on the one part, and the colonies, their successors and assigns [heirs—GLP] on the other; whereby the connection was formed, not only between the parties then in being, but between the crown and the colonies, through all successions of each; and those compacts are permanent and perpetual, as unalterable as Magna Carta, or the primary principles of the English constitution; nor can they be vacated or changed by the king, any more than by the colonies, nor be forfeited by one more than the other; for they are mutually obligatory on both, and are the ligaments and bonds that connect the colonies with the king of Great Britain, and the king with them . . . (*Political Sermons of the American Founding Era—1730-1805*, Ellis Sadoz, Ed., Liberty Press, p. 458).

I ask you, dear ones, how is it that the rights of mere men in a National Covenant can be so sacred as to be binding to all succeeding generations in England and in the colonies, but the rights of almighty God in a lawful National Covenant are not sacred and do not bind all succeeding generations in England and in the colonies? What abominable blasphemy is this that the Most High God should be treated as less than a man and His divine rights less than mere human rights!

Finally, before moving on, let the testimony of not only ministers, but that of congressional assemblies likewise demonstrate that the colonies appealed directly to Magna Carta and their colonial charters as the historical covenants that guaranteed to the colonies all of the liberties, rights and privileges enjoyed by all those natural-born subjects of the Crown living in England. Since, therefore, the Solemn League and Covenant of Britain declared the biblical rights and duties of both Crown and subjects, all of the colonies by way of their charters were engaged to the same biblical rights and duties in the National Solemn League and Covenant (as they forcefully argued they were to the Magna Carta) as were all of the inhabitants living in Great Britain.

The first document is from the Virginia House of Burgess (May 29, 1765) in which it clearly defends their rights as loyal British subjects by appealing to the colonial charters made between the Crown and the colony over 150 years earlier.

Resolved, That the first adventurers and settlers of this his majesty's colony and dominion of Virginia brought with them and transmitted to their posterity and all others, his majesty's subjects since inhabiting in this his majesty's colony, all the privileges and immunities that have at any time been held, enjoyed, and possessed by the people of Great Britain.

Resolved, That by the two royal charters granted by King James the First, the colonists aforesaid are declared entitled to all privileges of faithful, liege [loyal—GLP], and natural born subjects, to all intents and purposes, as if they had been abiding and born within the realm of England.

The second document is from the House of Representatives of Massachusetts (October 29, 1765). This declaration even mentions (in

particular) rights founded upon the law of God which is exactly what the rights and duties guaranteed in the Solemn League and Covenant are founded upon.

Whereas the just rights of his Majesty's subjects of this Province, derived to them from the British Constitution, as well as the royal charter, have been lately drawn into question: in order to ascertain the same, this House do unanimously come into the following resolves:

1. *Resolved*, That there are certain essential rights of the British Constitution of government, which are founded in the law of God and nature, and are the common rights of mankind; therefore,
2. *Resolved*, That the inhabitants of this Province are unalienably entitled to those essential rights in common with all men: and that no law of society can, consistent with the law of God and nature, divest them of those rights.
4. *Resolved*, That this inherent right, together with all other essential rights, liberties, privileges, and immunities of the people of Great Britain, have been fully confirmed to them by Magna Charta, and by former and by later acts of Parliament.
5. *Resolved*, That his Majesty's subjects in America are, in reason and common sense, entitled to the same extent of liberty with his Majesty's subjects in Britain.
6. *Resolved*, That by the declaration of the royal charter of this Province, the inhabitants are entitled to all the rights, liberties, and immunities of free and natural subjects of Great Britain to all intents, purposes, and constructions whatever.

The last document is not a declaration by one colony, but is the united declaration by the First Continental Congress of the united colonies (October 14, 1774).

That the inhabitants of the English Colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following rights:

Resolved, N.C.D. 2. That our ancestors, who first settled these colonies, were, at the time of their emigration from the mother-country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England.

Resolved, N.C.D. 3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

If, dear ones, the colonies did not lose any of those liberties, rights or privileges guaranteed to all English subjects living in Britain as found in their National Constitution when they immigrated to his Majesty's dominions and colonies in North America, then the colonies certainly did not lose any of the liberties, rights and privileges guaranteed to English subjects living in Britain as found in their National Solemn League and Covenant.

Objection: Before considering our text from God's Word, there may be one objection that arises from a consideration of when the colonies came under the dominion of the Crown. It may be objected that when half of the colonies received their charters from the Crown, there was no Solemn League and Covenant (which was established in 1643). How could half of the colonies be bound by the Solemn League and Covenant when the Solemn League and Covenant was non-existent at the time that they became dominions of the Crown?

Answer: Even though half of the colonies were established prior to the Solemn League and Covenant (1643), did these same colonies exist after the Solemn League and Covenant was sworn as the National Covenant of Britain in 1643? Yes, in fact all of the colonies that were established prior to 1643 also existed as colonies after 1643. Thus, any liberty, right, privilege, law, or covenant that applied to all subjects of the Crown, would apply to all those dominions of the crown established before 1643. Was the Magna Carta only applicable to those free subjects of the Crown born after it was established or did it apply to all those who were living and were free subjects of the Crown (whether they were born before or after the Magna Carta)? Let me ask you, are laws and treaties that are lawful and that are established after your birth also applicable to you? Of course. Who would possibly win a legal argument by arguing that he is not obligated to obey that law or treaty because it was not established at the time of his birth but rather became a law after the time of his birth? Dear ones, the question as to whether a colony is bound by the National Solemn League and Covenant is not when did a colony become a colony, but rather the question is whether it exists as a colony after the establishment of the National Solemn League and Covenant (1643). If the colony exists after the National Solemn League and Covenant of Britain is sworn and established as part of the Constitution of Britain in 1643, then that colony is bound by the Solemn League and Covenant.

I. A Lawful and Binding National Covenant Upon All Posterity is Established by the Federal Representatives of the People (Joshua 9:15).

A. Joshua chapter 9 details the National Covenant made between Israel and Gibeon. The Gibeonites were one of the nations of Canaan that were to be devoted to destruction according to God's instructions to the Israelites. In one of the previous sermons in this series, the deception of the Gibeonites and how that relates to lawful covenants was addressed in some detail. Thus, I will not be addressing again those issues in the sermon today.

B. As we look more closely at Joshua 9:15, we observe the following principles.

1. A firm National Covenant was made between Israel and Gibeon when the chief representatives of each nation covenanted with each other. Note that in this case, there was no popular vote of all the Israelites taken, nor did all of the Israelites personally engage themselves in this National Covenant. In fact, it may be inferred that the vast majority of the Israelites were very upset with the National Covenant that was made ("And all the congregation murmured against the princes" Joshua 9:18). The only people that formally swore the National Covenant between Israel and Gibeon were Joshua and the princes of Israel (and we assume likewise the official representatives of Gibeon). Nevertheless, since the National Covenant was lawful (which was addressed in a previous sermon dealing with Joshua 9), and since the official representatives of the nation swore it, this lawful National Covenant could not be broken (without be charged with the sin of covenant-breaking) no matter how unhappy the people at large were with that covenant or with their leaders.

2. This National Covenant is not distinctly Jewish for it equally binds the Gibeonites as well as the Israelites. Thus, it cannot be

argued that the moral principles involved in this National Covenant do not apply to Gentile nations, for Gibeon was a Gentile nation.

3. This National Covenant was not made directly with God, but was a covenant between two nations. How much more sacred and unbreakable then would be a National Covenant made directly with God as one of the parties in the covenant (as was true of the National Solemn League and Covenant)?

4. This National Covenant (in Joshua 9) continued to bind posterity in all succeeding generations even though only the official representatives of each nation had formally sworn it (and not the people at large) as is evidenced by God's judgment brought upon Israel over 400 years later when the Lord brought a three year famine upon Israel for Saul's violating this National Covenant by slaying the Gibeonites (2 Samuel 22:1).

Thus **in spite** of the deception of the Gibeonites, and **in spite** of the fact that the ordinary Israelite did not personally and formally engage himself in the National Covenant made between Israel and Gibeon, and **in spite** of the fact that the common Israelite was even upset with the National Covenant made with the Gibeonites (and with their leaders who did so on their behalf), there was nevertheless a lawful National Covenant established, and a lawful National Covenant that bound not only the present generation of Israelites and Gibeonites then living, but also bound all succeeding generations of Israelites and Gibeonites that lived thereafter. Dear ones, covenants are binding upon posterity not because posterity has personally and formally engaged themselves to the covenant or because they remember the covenant or because they love the covenant. Covenants are binding upon posterity because they are lawful and agreeable to God's Law and because their official representatives have sworn to such a covenant on their behalf. This is certainly true of the covenants found in Scripture.

C. Consider the following examples of Covenants in Scripture that likewise illustrate the truth that a lawful and binding covenant upon all posterity is established by the federal representatives of the people.

1. **The Covenant of Redemption.** From all eternity God chose His elect “in Christ Jesus” (Ephesians 1:4). The Covenant of Redemption was established on the basis of the official Mediator or Representative, the Son of God, binding Himself to save His people from their sins. That covenant being made “before the foundation of the world”, that eternal covenant did not depend upon the consent of the people who were to be saved. In fact, they were not only chosen before they existed, but were chosen in Christ as those accounted to be dead in their trespasses and sins and thereby unable to believe in Christ apart from God’s free grace.

2. **The Covenant of Works.** This covenant was made with Adam and all his posterity by ordinary generation. Adam’s fall and judgment was the fall and judgment of all mankind by ordinary generation (“For as in Adam all die” 1 Corinthians 15:22; Romans 5:12). This covenant was made with the father and federal head of mankind without the consent of the posterity.

3. **The Covenant of Grace.** This covenant was made with Christ as Mediator on behalf of His elect after the fall of man in order to accomplish the terms of the Covenant of Redemption. This is the fulfilling of the Covenant of Redemption in time (“Even so in Christ shall be made alive” 1 Corinthians 15:22). Christ’s work in time to save His people did not ultimately depend upon their consent for they were all dead “in Adam”, but rather they were all made alive “in Christ.” Even the faith exercised by God’s elect in Christ is the gift of God (Ephesians 2:8-9).

4. **The Covenant Made with Noah** (Genesis 9:8-17). The covenant God made with Noah not to destroy the world by water included not only Noah but all Noah’s posterity after him. Noah was the federal representative for all his posterity. The consent of the posterity was never sought in order to make this covenant binding to all posterity.

5. **The Covenant Made with Abraham** (Genesis 17:7). This covenant was made with Abraham and all his posterity even though the posterity never consented. Abraham was the federal representative for his posterity in this covenant. The posterity may hate the covenant, but they are bound by it. They may break the covenant, but they cannot annul the covenant.

6. **The Covenant Made with Israel** (Deuteronomy 29:10-15). All the posterity were bound by this National Covenant without their consent (“But with him that standeth here with us this day before the LORD our God, and also with him that is not here with us this day” Deuteronomy 29:15). That is why God charges later generations in Israel with breaking this covenant made with their fathers (Jeremiah 11:10).

7. **The Nazarite Covenant** (Numbers 6:1-21). When a child was made a Nazarite from birth, the parent made such a covenant or vow to God on behalf of the child before the child was able to give his consent. This was true of Samson (Judges 13:5,7), Samuel (1 Samuel 1:11) and John the Baptist (Luke 1:15). This covenant did not depend upon the consent of the child, but rather upon the lawfulness of the covenant and that the child’s federal representatives, his parents, had covenanted on his behalf.

8. **The Covenant Made with the Gibeonites** (Joshua 9:15). We have already commented on this covenant. This National Covenant did not depend upon the consent of the people who were represented by their federal representatives since it was a lawful National Covenant.

9. **The Covenant Made between David and Jonathan** (1 Samuel 20:16,42). This covenant bound not only David and Jonathan, but also bound their posterity forever and even without the consent of the posterity (1 Samuel 20:42).

10. **The Covenant Made David** (Psalm 89:2-3). This covenant did not require the consent of David’s seed, but God continued to show mercy to David’s covenant-breaking seed for the sake of the covenant God made with David. The phrase “for David’s sake” is a continual refrain

in the historical narrative of the kings of Judah emphasizing that God's mercy was shown to even the most wicked kings without their consent because of the covenant God had made with David as the federal representative of his posterity.

11. **The Covenant Jonadab Made with His Posterity** (Jeremiah 35). God speaking through the prophet Jeremiah uses the example of the posterity of Jonadab to illustrate the descending obligation of covenants to posterity and accuses Judah of gross covenant-breaking in not keeping the National Covenant made with their fathers at Mt. Sinai, whereas the posterity of Jonadab (without their consent when this covenant was made by Jonadab) had kept the covenant their father made on their behalf for the past 275 years (Jeremiah 35:14).

12. **The Brotherly Covenant Made Between Israel and Tyre** (Amos 1:9). This National Covenant of peace was made between Solomon king of Israel and Hiram king of Tyre as the official representatives of their respective kingdoms about 225 years earlier than the words that we find here in Amos. The consent of all succeeding generations did not validate or invalidate the National Covenant that had been made by their federal representatives 225 years earlier. And yet because this covenant was broken by Tyre 225 years after it was made, God holds this Gentile nation responsible for covenant-breaking.

13. **The Covenant Made in Baptism On behalf Of Children** (Acts 16:15; 1 Corinthians 1:16). Just as Joshua could say "but as for me and my house, we will serve the Lord" (Joshua 24:15), so the Christian parent who brings his/her child to the Lord likewise declares that this child is brought into covenant with God (as was true of the posterity of Abraham when they were only 8 days old). These covenant blessings and duties rest upon our children without their consent by virtue of the Covenant of Grace established between God and believing parents and are signed and sealed in the baptism of our covenant children.

14. Likewise the Magna Carta, the colonial charters, treaties between nations, laws and constitutions are recognized and

acknowledged to become binding upon children not because they personally give their consent to them, but because they are the posterity of those federal representatives who engaged themselves and their posterity in these covenants, contracts, and treaties (if and only if the covenants, contracts and treaties are agreeable to God's Law). This then is not only a Biblical principle, but one universally recognized and practiced by all nations.

III. Application Of This Principle To The Solemn League and Covenant.

A. We have seen in the examples of covenants found in Scripture cited above that when the official representatives swear a covenant that includes the posterity, it binds all of the posterity whether they consent to it or not, whether they engage to it or not, whether they even like it or not (provided the terms of the covenant are agreeable to God's Word). In the examples of covenants found in Scripture cited above, this principle was not limited to the Jews for some of the covenants above included Gentiles as well; this principle was not limited by time, for after hundreds of years the covenants continued to bind posterity; this principle was true whether it was two men covenanting (as with David and Jonathan) or whether it was between Israel and other nations; this principle was true whether it was a covenant between human beings or whether it was a covenant between God and men. The mere passing of time did not annul the binding obligation of a lawful covenant to all posterity.

B. What now follows then is the necessary conclusion we must draw from the facts stated above. When the Parliament of England (1643) and the King of England (Charles II in 1650 and 1651) as the official representatives of their posterity swore the Solemn League and Covenant for themselves and all their heirs and swore for all their national posterity (which included "all his Majesty's dominions" in North America), and when the Crown of Britain entered into a covenant with the dominions in

North America by way of colonial charters to guarantee to their loyal subjects all liberties, rights and privileges guaranteed to those in Britain, the colonies as the national posterity of Britain were likewise in covenant with the Lord as His covenanted people, even if they did not personally consent or engage themselves to it, and even if they did not like it. They were a people in covenant with the Lord by means of the Solemn League and Covenant. But did they continue to be bound by the Solemn League and Covenant after they declared their independence from Great Britain and formed their own nation with their own constitution? We will look more closely at that question next time (God willing).

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"Brethren, I speak after the manner of men; Though it be but a man's covenant, yet if it be confirmed, no man disannulleth, or addeth thereto" (Galatians 3:15).