

Is the Old Covenant Legalistic?

Salvation by "works of the law" Part 1



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Paul spends a lot of time arguing that we are saved by grace, not by works (Eph 2:8–9; Rom 3:20, 28, 4:1–6, etc.). To be saved by works would mean we have *earned* our salvation and have received what we are due, as Paul says in Romans 4:4, “Now to the one who works, his wages are not counted as a gift but as his due.” But Paul argued, to the contrary, we are saved by grace *not by works*. So who was advocating that we are saved by works and where did they get this teaching?

Some have suggested that the *Old Covenant* taught salvation by works.

The Old Covenant—that is, the Covenant made with Israel at Mount Sinai after their exodus from Egypt (Ex 19–24)—contained *laws*. Paul taught that the New Covenant in Jesus Christ replaced this Old Covenant (e.g. 2 Cor 3, see also Heb 7–9). The New Covenant is the means by which we are saved by grace through faith. And so, when Paul said that we are not justified by “works of the law” (Gal 2:16), many have concluded that he was saying that we are not justified by keeping the laws of the Old Covenant. And by extension, many have then assumed that the Old Covenant actually taught justification by works of the law. In other words, they assume the Old Covenant was inherently legalistic.

It is worth noting that many who believe the Old Covenant was legalistic also believe people, both in the Old and New Testament, have always been saved by grace. **The issue I am raising is not over *how* people have always been saved, but specifically over *what* type of covenant was the Old Covenant?** Did God give Israel on Mount Sinai a legalistic covenant? Did the Old Covenant teach Israel that they would be saved by works of the law?

This issue of the Old Covenant being legalistic has been further confused by the theological categories of the alleged “Covenant of Works” and “Covenant of Grace” from Covenant Theology. Within the Westminster Confession of Faith, it is argued that Adam was in relationship with God via the “Covenant of Works” which demanded perfect obedience in return for life.¹ This Covenant of Works, which Adam received, contained a “law” and this law was the same law given to Moses on Mount Sinai.² Covenant Theology thus understands the Covenant of Works to be legalistic, teaching “life” is earned through “perfect and personal obedience,” and this Covenant of Works was manifest in the Old Covenant given at Sinai.³

Is this accurate? And is this what Paul was counteracting? To these two questions we will turn our attention.

Is the Old Covenant Legalistic?

I believe this understanding of the Old Covenant as legalistic does not stand up to what Scripture teaches, and the promulgation of this erroneous view has had negative effects upon the Christian church’s view of the Old Testament. Below, are a few questions we need to answer to have a right understanding of the purpose of the Old Covenant.

1. What is the Old Covenant?

First, we must distinguish the historical Old Covenant (given at Sinai) from the 39 books we now call the Old Testament. *Testamentum* is a Latin word meaning “covenant,” and hence the confusion. But the Old Testament means the 39 books of Scripture delivered before Christ. The Old Covenant, by contrast, was an historic arrangement between God and the Israelites upon exiting Egypt ratified at Mount Sinai. It is simply wrong to say that the 39 books of the Old Testament are legalistic collectively teaching “salvation by works.” For, collectively, the 39 books of the Old Testament teach of a gracious God who has planned to bless the nations through the seed of Abraham.⁴

2. Within What Context Was the Old Covenant Given?

Second, we must look at the context in which the Old Covenant was given. The Old Covenant was given to Moses *after* Israel had experienced redemption from Egypt. They did not *earn* their redemption, their freedom from slavery in Egypt, by their works.

Rather God delivered Israel graciously because of his promise of Abraham (Ex 2:24; 6:8). The term “salvation,” biblically speaking, includes the notion of redemption. And so, in this understanding, the Old Testament in the book of Exodus, teaches salvation/redemption by grace, not by works. So, even *if* the Old Covenant established a legalistic relationship with God (teaching that Israel would receive something from God for obeying God’s laws), the Old Covenant did not promise redemption/salvation by works, because Israel had already been redeemed by God’s grace. ⁵

3. For What Purpose Was the Old Covenant Given?

So what did the Old Covenant promise Israel if she obeyed? Did it promise salvation for obeying works of the law? No. The Old Covenant did not promise “salvation” as we think about it (going to heaven, etc.). Rather, the Old Covenant promised **long life in the promised land** (Deut 4:40; 5:16, 33; 6:1–2; 22:7; 30:20; 32:47). Additionally, a recurring phrase in Deuteronomy is that, if Israel obeyed, it would “go well with them” (Deut 5:29; 6:3, 18; 12:28). These phrases (“long life” and “go well”) are summed up in the blessing and the curses of the Old Covenant found in Deuteronomy (Deut 28). Israel would be blessed (“go well with them”) if they obeyed, but if they disobeyed they would be cursed. And the culmination of the covenant curses would be their expulsion from the promised land (i.e. they would *not* live long in the land if they disobeyed).

The Old Covenant establishes a relationship between God and Israel, that if they obeyed they would be blessed, summarized as “long life in the land” and it “going well” for Israel.

Is such a relationship legalistic (“Do this and you’ll get long life”)? Even if we assume for now that it was, the *reward* for such “works of the law” in the Old Covenant was *not* salvation (“going to heaven”), or even redemption (emancipation from Egypt), but the text clearly states that the reward would be that it would go well with them and they would have long life in the promised land.

4. Did the Old Covenant Require Perfection?

Sometimes, in addition to thinking the Old Covenant was legalistic (i.e. it contained laws by which people would receive benefits) some also conclude that it demanded

moral perfection. However, nothing could be further from the truth and at least two points make this plain.

The Old Covenant included an entire sacrificial system by which atonement could be made for the sins of the people! Inherent to the Old Covenant arrangement was that the people required a sacrificial system to make atonement before God for their wrongdoing, thereby implying the people would sin. But notice, sinning does not result in them being removed from the covenant community (though some high-handed sins would). Atonement can be made for sinners and was even prescribed in the arrangement of the Old Covenant. [6](#)

Additionally, the Old Covenant contained laws to regulate the sinful effects of the fall. For example, in Deuteronomy 24 there are laws for how to handle divorce and remarriage, in Deuteronomy 21 there are laws for how to not show preferential treatment to a specific wife if you have more than one, and Exodus 21 tells you how to buy a Hebrew slave. But Jesus taught that God's plan was for one man to have one wife and they not to divorce (Matt 19) and Paul argued that slaves should seek their freedom (1 Cor 7:21) and exhorts Philemon to release his slave (Phil 16). But *inherent* to the Old Covenant are laws that mitigate the sinful effects of the fall, acknowledging that those within the Old Covenant would not be living up to moral perfection, but could still remain in relationship with God under the terms of the Old Covenant.

So the Old Covenant did not require moral perfection.

5. What does the Hebrew word תורה mean?

The Hebrew word תורה has a wider range of meaning than the English word "law." A more fitting translation for this word is "instruction." In the Greek translation of the Old Testament, the word תורה is regularly translated by the Greek word νόμος which is closer to the narrow English word "law." The "instruction" then that God gave to Israel, has been understood in the narrower sense of "law" *because* of the tradition of the Septuagint and English translations.

That's not to say, תורה does not include the sense of laws, for *laws* do instruct. [7](#) And many of the "instructions" given to Israel did function like laws. But it is to say, that what we think of when we think of "laws" (usually those enforced by the government, or

some other authority) is not the most accurate picture to understand the Hebrew word תורה. And this relates to my next point.

6. Within What Context Were the Laws to Be Obeyed?

The “instructions/laws” of the Old Covenant were given within the context of a *covenant*. The closest example we have of this today is marriage. Marriage is a covenant between two people. It establishes a particular relationship between two people. And, marriage covenants contain vows whereby couples express their intent to live in a particular way with each other, usually (at least in word) until death do them part. No-one would describe a marriage relationship as legalistic, and yet, Christian husbands are to follow specific instructions/laws (lay their life down, love as Christ loved the church, nourish, etc.) within their relationship and wives are also (to honor, help, follow, etc.).

So similarly, the very nature of a covenant prevents it from being legalistic. A covenant establishes a loving and faithful relationship (חסד ואמת) between two parties that includes stipulations/laws/instructions for how they will relate to one another. **But the presence of “laws” does not make a covenant legalistic.** It is not a cold, transactional business contract. Israel does not mechanistically obey the laws to get the blessing.

Jesus summed up the entire law and prophets in two commands: love God and love neighbor. Love and legalism cannot coexist. The Old Covenant arrangement between God and Israel was built upon love. If Israel *loved* God, they would obey him (Deut 6:5–6; 10:12; 11:1, 13; 13:3; just like the New Covenant Jn 14:15, 21, 23; 1 Jn 2:3; 5:3; 2 Jn 6). And God *blesses* Israel for their obedience *because he loves them* (Deut 7:7, 13; 10:15), it is his “delight” to do them good! (Deut 28:63; as also in the New Covenant Lk 12:32).

Just as in a marriage covenant, it ought to be the delight of the husband to lay his life down for his wife whom he loves (in other words, his delight to keep the “law” of his marriage covenant), so also Israel was to obey the laws of the covenant *because* they loved their covenant partner. Yes it would “go well,” yes they would gain “long life” in the land, but the motive is love, the blessing is a welcomed result.

7. How do the Prophets Interpret the Old Covenant?

The prophets in Israel make the above point explicit, namely that the Old Covenant relationship between God and Israel was not legalistic but it was to establish and maintain a loving and faithful relationship (חסד ואמת) out of which law-obedience would flow.

For example, Hosea 4:1 states that there is “no faithfulness (אמת) or steadfast love (חסד), and no knowledge (דעה) of God in the land” and instead there is “there is swearing, lying, murder, stealing, and committing adultery” (Hos 4:2), which clearly echoes the 10 commandments. In other words, because the people are not in right covenant relationship with God, they do not keep his commandments, which implies if they were in a right relationship with God they would keep his commandments. [8](#)

If God was merely concerned with a legalistic relationship he would have been happy that the people in Israel were offering sacrifices, and celebrating the feasts as outlined in Leviticus. But the Lord says he “hates them” (Amos 5:21–22) and has had his fill (Isa 1:19), because they are hypocrites, doing evil and worshipping idols. Amos exhorts the people, then, to seek God and live (Amos 5:4, 6) which is equated with seeking “good” (Amos 5:14). If they truly wanted *God* then they also would do good and live. But if they just sought to obey some externals of the law (legalism) God would reject them.

The Gracious-Old Covenant

The Old Covenant is the historic covenant given by God to Moses on Mount Sinai to establish a relationship with Israel. It was given *after* God had graciously redeemed Israel from slavery to Egypt. By its very nature of being a covenant, it sought to establish a loving and faithful relationship (חסד ואמת) between God and Israel. It contained “instructions” that did not demand moral perfection but God-given instructions that defined *how* Israel was to express its covenant-love to God in obedience from their heart. God expressed his loving desire to graciously bless Israel with long life in the land in response to their covenant-obedience, culminating in a return to an Eden-like state with God walking among them (Lev 26:12).

As Schreiner concludes, “The Mosaic Covenant was not a legalistic one, and thus it is a complete distortion to understand it as advocating salvation by works rather than by faith.” [9](#)

The problem with the Old Covenant was not that it was legalistic—it was not. The problem with the Old Covenant was not even the arrangement of the Old Covenant. The problem with the Old Covenant was Israel herself. Israel could not circumcise their hearts, which they needed if they were to obey the laws (Deut 10:12–16; Rom 7:7–12). [10](#)

So on what basis were Paul’s opponents arguing a salvation by “works of the law” if the Old Covenant did not teach salvation by works of the law? I’ll attempt to answer that in part two.



***Image by Gustav Dore, *Moses Breaks the 10 Commandments*

- 1 The Westminster Confession of Faith Chapter 7:2 reads “The first covenant made with man was a covenant of works, wherein life was promised to Adam; and in him to his posterity, upon condition of perfect and personal obedience.”
- 2 The Westminster Confession of Faith Chapter 19:1–2 reads “God gave to Adam a law, as a covenant of works, by which He bound him and all his posterity to personal, entire, exact, and perpetual obedience; promised life upon the fulfilling, and threatened death upon the breach of it; and endued him with power and ability to keep it. **This law**, after his fall, continued to be a perfect rule of righteousness; and, as such, **was delivered by God upon Mount Sinai in ten commandments**, and written in two tables; the first four commandments containing our duty toward God, and the other six our duty to man.”
- 3 It is true today that many Covenant Theologians debate whether the Sinai Covenant was part of the Covenant of Works or the Covenant of Grace. For example, Belcher concludes, “the Mosaic Covenant is primarily a development of the Covenant of Grace.” Richard P. Belcher Jr., *The Fulfillment of the Promises of God: An Explanation of Covenant Theology*, 93. Furthermore, the Westminster Confession taught, rightly, that God’s laws are good. The issue is not the nature of the laws, but the nature of the Covenant and thus the *purpose* of these good laws. Were these good laws given in the context of a legalistic covenant?
- 4 Regarding the idea that the old Testament taught salvation by works, Schreiner concludes that “there is no warrant for this idea,” namely that the OT teaches salvation by works since Paul uses examples from the Old Testament to teach salvation by grace (e.g. Abraham, David in Romans 4). Thomas Schreiner, *40 Questions about Christians and Biblical Law*, 29.

- 5 Schreiner answering the question “Was the Mosaic Covenant Legalistic?” first defines legalism as “the idea that human beings can earn or merit right standing with God” and concludes that the Old Covenant was *not* legalistic in this sense because Israel’s “redemption is an act of divine grace and cannot be ascribed to the obedience of Israel” and “The giving of the law *followed* the salvation of Israel, and hence such obedience signified Israel's grateful *response* to the redemption accomplished by the Lord.” Thomas Schreiner, *40 Questions about Christians and Biblical Law*, 25.
- 6 Answering a slightly different question, Schreiner looks at the sacrificial system and concludes that “sinless perfection was demanded, for Israel would not be forgiven of their sins apart from offering sacrifices that atoned for sin.” In other words, Schreiner notes that, *because atonement for sin is required*, sinless perfection is required for a right relationship with God. In other words, I think he is saying, the Old Covenant revealed that sin must be dealt with for one to have a right relationship with God. I agree, but within the Old Covenant structure, one could remain as a faithful covenant member but not be perfect because the Old Covenant provided (albeit an imperfect and typological sacrificial system; Heb 8–10) sacrifices for sins. Thomas Schreiner, *40 Questions about Christians and Biblical Law*, 53.
- 7 Schreiner acknowledges that in “some instances, a broader sense (that goes beyond commands and prescriptions) aptly captures the meaning of Torah” and yet “the vast majority of instances, however, the word *torah* focuses on doing what is commanded in the law.” Thomas Schreiner, *40 Questions about Christians and Biblical Law*, 19.
- 8 Schreiner notes, regarding Habakkuk, that “Habakkuk acknowledges that Israel had failed to keep the law (Hab 1:4), and thus their only hope was a new exodus in which the Lord would save his people.” Thomas Schreiner, *40 Questions about Christians and Biblical Law*, 30.
- 9 Thomas Schreiner, *40 Questions about Christians and Biblical Law*, 30.
- 10 Jason Meyer, “The Mosaic Law, Theological Systems, and the Glory of Christ,” in Wellum and Parker eds., *Progressive Covenantalism*, 78.

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