

## **Did Parliament Lawfully Enact the *Solemn League and Covenant*?**

Jeremiah 34:18-20; Genesis 15:18

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As we continue in our series on National Covenanting, we move to consider some objections that have not yet been answered in previous sermons. This we will proceed to do, but first let us consider our text from God's Word for this Lord's Day.

### **I. Covenant-breaking Is a Serious Aggravation of Sin against God's Law (Jeremiah 34:18-20).**

#### **A. The Historical Context (Jeremiah 34:1-11).**

1. The opening section of Jeremiah chapter 34 (verses 1-7) begins with the siege of Jerusalem by the army of Babylon. The Lord God issues a prophecy through Jeremiah to King Zedekiah of Judah to the effect that Jerusalem (and Zedekiah as King) shall not escape the wrath of God or that of Nebuchadnezzar King of Babylon. Jerusalem shall be destroyed and laid waste by fire, and Zedekiah shall be led into captivity.

2. In response to this sobering prophecy from the Lord God of Israel, Zedekiah entered into a National Covenant (actually a renewal of their National Covenant) with the Lord (according to Jeremiah 34:8-11) to set all Hebrew servants free that had apparently been held captive indefinitely, contrary to the Judicial Law to which Israel was bound (Exodus 21:1-6). God's Law stated that an Israelite, who due to indebtedness or theft had become an indentured servant to work off his debt, could only be held in servitude six years, and then he was to be set free (and not set free empty-handed, but with the resources to start a new life). The only exception was when the Israelite servant voluntarily chose to remain with his master because he loved him and wanted to continue with him, in which case the Israelite servant had his ear bored with an awl, which indicated that he had chosen to serve his master all the days of his life. Rather than having followed this merciful provision established by God as a part of the National Covenant made with Israel at Mt. Sinai, the wealthy Princes and Nobles of Israel had disobeyed God and had made permanent slaves of Israelites for their own benefit and profit. Apparently, King Zedekiah thought to placate God's just anger with Judah for their idolatry and covenant-breaking by solemnly engaging themselves and renewing their National Covenant with God (in setting at liberty their Israelite servants). Babylon is ready to knock down the gates of Jerusalem, and Zedekiah renews the National Covenant with God in a solemn ceremony, and sets the captives free. Was this a sincere case of self-humiliation on the part of Zedekiah and his Princes, or was it a treasonous case of playing games with the Most High God? Let us see.

#### **B. Hypocrisy Revealed (Jeremiah 34:12-16).**

1. In this section, the Lord begins by calling to remembrance the National Covenant made with Israel at Mt. Sinai wherein the Lord had established this merciful law of setting free Israelite servants after six years of bondage. And though Zedekiah and his Princes had acted in accordance with God's Covenant by setting the captives free, they polluted and profaned the most holy name of God, whose holy name they had invoked in their solemn ceremony in the temple, by forcibly taking captive once again the very servants they had previously set free (Jeremiah 34:15-16).

2. Now why would Zedekiah go through this covenant renewal in the temple with all of the representatives of the Kingdom and give outward demonstration of their covenant renewal by setting all Israelite servants free, and then coerce these same Israelites back into a Jewish captivity? We find our answer

in Jeremiah 34:21. There we see that Zedekiah broke covenant with God and forced freeman back into captivity when the Babylonians lifted the siege around Jerusalem (“which are gone up from you”) in order to attend to matters with Egypt with whom Judah was in league (Jeremiah 37:1-10). Zedekiah and his Princes are no better than Pharaoh who set the Israelites free and then had a change of mind when he was no longer under the severe judgment of the plagues sent by God. In fact, Zedekiah is far worse than Pharaoh because Zedekiah broke the National Covenant of his forefathers and polluted and showed the highest degree of contempt for God by playing games with God in breaking covenant with Him when the threat of the Babylonians was mercifully lifted by the Lord.

3. It reminds me of the way in which the name of God was used by covenant-breakers in England who engaged in the *Solemn League and Covenant* with Scotland when the armies of Scotland were needed to help defend them against the attack of King Charles I, but when the Parliamentary forces began to turn the tide against the Royalist forces of Charles I, religious uniformity and uprooting of denominationalism and sectarianism, which was a sworn duty in the Solemn League and Covenant, was not so important any longer. Dear ones, lawful covenants with God and man are not only to be kept when disaster and impending doom wait at the gate of our house, church, city, or nation. We reveal our true character when we uphold lawful covenants even when there is no imminent danger or when a lawful civil or ecclesiastical court is no longer around to remind us of our solemn covenanted duties which we still owe to God regardless of our circumstances. If we play games with God by invoking His name when we are in trouble or when we are more closely watched, but pollute His most glorious name when He delivers us or when we are no longer closely watched, we face the same threat that Judah faced when the Lord brought Babylon back to destroy Jerusalem and brought upon them the very judgment of captivity that they had brought upon the Israelites whom they had set free and then enslaved again (“Be not deceived; God is not mocked: for whatsoever a man soweth, that shall he also reap” Galatians 6:7). Dear ones, regardless of the circumstances, God declares he is blessed who “swaereth to his own hurt, and changeth not” (Psalm 15:4). Such a one does not play games with the covenant-keeping God.

C. The Significance of the Covenant Ceremony (Jeremiah 34:18-20).

1. In verses 18 and 19, there is explained the origin of the common phrase “to make a covenant.” For in the Hebrew text, the words are quite literally translated “to cut a covenant.” This phrase, “to cut a covenant”, is used about 80 times in the Hebrew Old Testament to refer to covenants God makes with man (as with Abraham in Genesis 15:18 and with Israel in Exodus 24:8), to refer to covenants man makes with God (as Jehoiada the High Priest did in 2 Kings 11:17, as King Hezekiah did in 2 Chronicles 29:10, as King Josiah did in 2 Chronicles 34:31, as Ezra did in Ezra 10:3, as the saints did in Psalm 50:5, and as the Kingdom of Judah did in our text here in Jeremiah 34:15,18), and “to cut a covenant” also refers to covenants man makes with man (as between Abraham and Abimelech in Genesis 21:27, between Israel and the Gibeonites in Joshua 9:15, and between David and Jonathan in 1 Samuel 18:3). So what is it that is cut in making a covenant? According to our text, a calf was cut into two pieces. And then what happened? The chief representatives of the Kingdom of Judah (the Princes, Eunuchs, Priests, and leaders of all the people) then walked between the two bloody pieces of the calf there in the temple of the Lord in order to graphically illustrate and impress upon the consciences of all the people that if they turned their backs upon the covenant they were making with God, they deserved to be cut into pieces by the Lord. As the people passed between the pieces of the calf, they were saying, “Let this happen to us, if we turn our backs upon our God and His Covenant.” Now though this phrase, “to cut a covenant”, was used so many times, it doesn’t mean that an animal was actually cut into pieces every time a covenant was made. However, even those times in which an animal was not cut into pieces, the vivid image and solemn self-maledictory oath behind the words, “to cut a covenant”, was no doubt

brought into the minds of those who engaged in covenants. And, dear ones, that was the purpose of these words, “to cut a covenant”—to increase the gravity, seriousness, and solemnity of making covenants. For God will not be mocked. Would our covenants with God, our marital covenants, personal covenants, ecclesiastical covenants, or business covenants be taken more seriously if we slaughtered a calf and walked between the bloody pieces of that calf as we engaged ourselves in solemn covenants?

2. Apparently, it had no lasting impact on the leaders of Judah who walked through the bloody pieces of the calf, for after the Babylonians lifted the siege against Jerusalem to battle the Egyptians, the people turned their backs upon the Lord and forced those Israelites who had been set free back into bondage. Consequently, the Lord declared that He would set Judah free to be swallowed up with the sword, pestilence, famine, and captivity (Jeremiah 34:17). They had mocked God, and the curse they took in walking between the bloody pieces of the calf was going to fall upon them.

3. Dear ones, the first time this phrase, “to cut a covenant”, is used in the Scripture is when God cut a covenant with Abraham in Genesis 15:18, and at that time God Himself passed alone through the bloody pieces of the animals that the Lord told Abraham to slay (as represented by the burning torch that passed through the pieces). In the first place in Scripture where “to cut a covenant” is used, it is the Lord God, who cannot lie, who is ever faithful and true to His promises, who voluntarily takes upon Himself the words, “Let this happen to me if I do not keep this covenant with Abraham and his seed.” Dear ones, this is the foundation of the Covenant of Grace. It is not that we must first walk through those bloody pieces in covenanting with God. We can only covenant to be God’s people and walk through those bloody pieces because Christ has first perfectly walked through the bloody pieces on our behalf and has suffered the cruel death of the cross in order to redeem us from our sins. For even when we sincerely walk through those bloody pieces in covenanting with God, we will certainly fall into sin and violate the covenant we have made with God. But Jesus Christ, our Covenant-Keeper, has perfectly kept the Law of God for us and has perfectly suffered the infinite wrath of God for us, so that His righteousness might be imputed to us and His forgiveness extended to pardon all our sins by faith alone. Therefore, the relationship of the covenants we make with God to the Covenant of Grace is that our covenants with God are simply an offering of ourselves to God to be His people out of love and thanksgiving because God first freely gave Himself to us to be our God, to give us everlasting life, everlasting righteousness, everlasting forgiveness, everlasting holiness, and everlasting love. Dear ones, have you (in your own mind) walked through the bloody pieces of that animal in renewing your baptismal covenant to fight against the world, the flesh, and the devil all the days of your life? Have you in your own mind walked through the bloody pieces of that animal in your marriage covenant, in your business covenants, in your national and ecclesiastical covenant as presented in the *Solemn League and Covenant*? Dear ones, you can’t give up, you can’t quit, for you have cut a covenant. Turn to Christ, your Covenant-Keeper, for all of the grace you need to be faithful to those solemn covenants. For, dear ones, He has already walked through those bloody pieces for you who have put your trust in Him alone for your eternal salvation. Tell Him, “I am thine, save me”; “I am thine, clothe me”; “I am thine, feed me”; “I am thine, heal me”; “I am thine, sanctify me”; “I am thine, comfort me”; “I am thine, fill me with thy glory and praise.”

**II. One Objection:** Let us consider the following historical objection. Now this objection may not be one you would consider to have much weight, but some do. Therefore, we will consider it at this time. This objection may be summarized as follows. “The Westminster Parliament of England did not have the lawful authority to engage in a National Covenant without the consent of King Charles I. King Charles I issued a proclamation from Oxford, denouncing the *Solemn League and Covenant* as ‘in truth nothing else but a traitorous and seditious combination against us and the established religion of this kingdom’, charging all his loyal subjects, ‘that they presume not to take the said seditious and traitorous Covenant.’ Charles I thereafter

called a separate and rival Parliament in Oxford which was claimed by Charles I to be the lawful Parliament of England and which first met in Oxford on January 22, 1644. That Parliament in Oxford alone had a lawful authority because it alone had the consent and call of the King.” Thus in summary, this objection maintains that the *Solemn League and Covenant* was unlawful: (1) Because it was not established by a lawful Parliament; and (2) Because Parliament did not have the authority to establish a National Covenant or any other act or law without the joint signature of the King. The consequences of this objection (if it was true) would be that England was not nationally bound by the *Solemn League and Covenant*; and, therefore, none of his Majesty’s Dominions were lawfully bound by the *Solemn League and Covenant*. And if none of his Majesty’s Dominions were lawfully bound, then the British Colonies in North America were not lawfully bound (including the United States, Canada, or any other Dominion of Britain). If this objection is true, the consequences are indeed far reaching.

A. In the first place, it should be noted that the Westminster Parliament was the lawful legislative body in England. King Charles I had himself called Parliament at Westminster into session (the “Long Parliament”) on November 3, 1640 after two disastrous losses to the Scots forces in the Bishops’ Wars of 1639 and 1640. But when the lawfully elected Parliament of Westminster would not rubber-stamp the will of the King but resisted his attempts at absolute rule and tyranny, he left Westminster and set up his royal residence in Oxford (57 miles to the east of Westminster). In order to challenge the legitimacy of the Westminster Parliament, Charles summoned the House of Lords and the House of Commons to leave Westminster and to meet at Oxford. It would appear that 34 from the House of Lords (nearly one-half of its members) and 118 from the House of Commons (about one-third of its members) gathered at Oxford (for this was the number that signed a document to the King to pursue negotiations with the Parliament in Westminster). And those numbers dwindled to fewer and fewer as they realized that the King was plotting to bring Irish Catholics into England in order to wage a civil war against his own people (cf. *Charles I, The Personal King* by Charles Carlton, pp. 264-265). Thus, the Westminster Parliament had both the lawful call of the King who could not lawfully dissolve that Parliament without the consent of Parliament (according to the Dissolution Act passed May 11, 1641 and signed by Charles I), and the Westminster Parliament also had the majority of members of the House of Commons while splitting in approximate halves the House of Lords. Thus, it cannot be established that the Westminster Parliament was not the lawful legislative body of England. Furthermore, the *Solemn League and Covenant* was sworn by both Houses of Parliament, the House of Commons on September 25, 1643 and the House of Lords on October 15, 1643, before there was ever a rival Parliament assembled in Oxford (which did not occur until January 22, 1644). Thus, at the time that the *Solemn League and Covenant* was sworn by Parliament as a National Covenant, the Parliament at Westminster was the only existing Parliament in England.

B. Secondly, it is not true that Parliament could not establish a lawful National Covenant without the signature of the King when the King was a tyrant seeking to rule absolutely and using military force to overpower the lawfully elected Parliament by the people of England.

1. It is true that ordinarily King and Parliament ruled together—Parliament enacting legislation and the King executing legislation with his approval and signature. However, when the King became a tyrant and ruled absolutely in civil and ecclesiastical matters, Parliament (being the representatives of the people) could and should take steps to defend themselves against such absolute tyranny, which is what the Long Parliament in Westminster did.

2. Samuel Rutherford wrote his classic treatise on this subject, entitled *Lex, Rex, or The Law and the Prince*, in the midst of this very conflict between the King and Parliament in 1644. In this book,

Rutherford cogently dismantles the arguments of those who promoted the absolute authority of the King and rather demonstrates the lawful authority of Parliament to rule, to enact laws, and to establish National Covenants without the consent of King when he is a tyrant. Essentially, Rutherford's biblical and historical arguments can be summarized as follows: It is Parliament (by the will and consent of the people as their representatives) that makes a King; it is not the King does that makes the people or its representatives in Parliament. Thus, the original power of Parliament is greater than that of the King, so that when the King rules absolutely and tyrannically against the moral good of the people and against his own coronation oath (i.e. his covenant with the people), and when the King will not be reformed from his continual flagrant tyranny (but rather will raise military forces against the Parliament of the people), the people through their lawfully elected Parliament have a duty before God to subdue such a tyrant and to enact all appropriate legislation and covenants that protect the lawful rights and privileges of Parliament, of the King, and of the people (which is precisely what the 3<sup>rd</sup> Article of the *Solemn League and Covenant* addresses). Listen to the words of Rutherford from *Lex, Rex*:

There is not like reason to grant so much to the king, as to parliaments, because, certainly, parliaments who make kings under God, are above any one man, and they must have more authority and wisdom than any one king. . . The power of all the parliament was never given to the king by God. The parliament are as essentially judges as the king, and, therefore the king's deed may well be revoked, because he acteth nothing as king. . . (pp. 34,35).

Those who make the king, and so have power to unmake him in the case of tyranny, must be above the king in power of government . . . (p. 98).

Likewise Rutherford argues (from Scripture, history, and reason) that Parliament may engage the nation in a National Covenant without the King's consent when the King is a tyrant and flagrantly violates his coronation oath to preserve the true religion and the rights and privileges of the people. Rutherford mentions the biblical examples of those people living in Israel (the northern Kingdom) under their own Kings who were invited by Kings of Judah, namely, Asa (2 Chronicles 15:9-12) and Hezekiah (2 Chronicles 30:1,11) to join with Judah in the work of the covenanted reformation and to swear the National Covenant of Israel without the consent of Israel's Kings (i.e. the Kings of the northern Kingdom of Israel). Likewise the Westminster Assembly which was convened by Parliament and was asked to write an "Exhortation" to be read at the taking of the *Solemn League and Covenant* argued that it was lawful to swear the *Solemn League and Covenant* without the King's consent in the present circumstances due to his tyranny.

3. Finally, the matter of the King's consent to the *Solemn League and Covenant* becomes a moot point, for Charles II subsequently did in fact swear two times the *Solemn League and Covenant* (in 1650 and again in 1651) as the King of England, Ireland, and Scotland. And if anyone would argue that Charles II was not constitutionally the King of England at those times that he swore the *Solemn League and Covenant*, one may consider the Proclamation of both Houses of Parliament in England (May 8, 1660) which stated that Charles II assumed the throne of England, Ireland, and Scotland in 1649 (at the time in which his father, Charles I, was executed).

We, therefore, the Lords and Commons now assembled in Parliament, together with the lord mayor, aldermen and commons of the city of London and other freemen of this kingdom now present, do, according to our duty and allegiance, heartily, joyfully and unanimously acknowledge and proclaim that immediately upon the decease of our late Sovereign Lord King

Charles the imperial crown of the realm of England, and of all the kingdoms, dominions [including the British Colonies in North America—GLP] and rights belonging to the same, did by inheritance, birthright and lawful and undoubted succession descend and come to his most excellent Majesty Charles the Second, as being lineally, justly and lawfully next heir of the blood royal of this realm. . . .

4. Thus, the *Solemn League and Covenant* became a National Covenant and part of the fundamental law of England, Ireland, and Scotland in 1643 as the respective Parliaments of these Kingdoms enacted and swore it as such. Although it did not have the consent of Charles I, it did obtain the consent and approval of the King when Charles II swore it twice (1650/1651) as the King of England, Ireland, and Scotland, and covenanted to uphold it and apply it in all of his Dominions (including the British Colonies in North America).

Dear ones, let us remember that our forefathers walked as it were through the bloody pieces of that animal, and we were represented in them as they swore the *Solemn League and Covenant*. Let us then not pollute the name of the Lord by ignoring, neglecting, forgetting, or despising this sacred covenant or any lawful covenant by which we are bound. For, dear friends, we cannot play games with the Most High God. Let us cling by faith alone to Jesus Christ, who has walked through those bloody pieces in fulfilling all righteousness for us, His covenant people. Let us take up His cross, deny ourselves, and follow Him out of love and gratitude to Him who died that we might live.

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