

Presbyterian Church in America

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CERTIFIED RETURN RECEIPT REQUESTED

TE Robert S. Rayburn
620 South Shirley Street
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Rev. Jim Bordwine
700 NE 70th St.
Vancouver, WA 98661

DATE: December 9, 2009

FROM: L. Roy Taylor
Stated Clerk, PCA

**SUBJECT: PROPOSED DECISION IN JUDICIAL CASE 2009-6
COMPLAINT OF TE JIM BORDWINE
VS.
PACIFIC NORTHWEST PRESBYTERY**

Gentlemen:

In accordance with the *Manual of the Standing Judicial Commission* Section 19.5, I am enclosing the Proposed Decision in the above captioned case.

Please note that *SJC Manual* 19.5, states the following:

“Proposed and recommended judgments of a Judicial Panel are not binding on the parties, but the Stated Clerk shall mail the parties a copy of the panel’s proposed decision and inform the parties of their right to request a rehearing before the full Standing Judicial Commission. If any party desires a rehearing by the full Commission, such request must be filed with the Stated Clerk within 14 days after receipt of said Panel’s proposed and recommended decision. Said party filing such a request for rehearing may attach a supplemental brief giving such party’s reasons and arguments for this request. Such supplemental brief must comply with the requirement of Sections 9 of this Manual as it relates to supplemental briefs.”

Case 2009-6
Page 2

You should further be advised of the method for computing time as delineated in *SJC Manual* 20.9 and 20.10.

Your Servant in Christ,

A handwritten signature in cursive script that reads "L. Roy Taylor". The signature is written in black ink and is positioned below the text "Your Servant in Christ,".

L. Roy Taylor
Stated Clerk, PCA

Prl

Enclosure: Proposed Decision
Cc: Mr. John White, Chairman, SJC
Rev. Bill Lyle, V-Chairman, SJC
Mr. Sam Duncan, Secretary, SJC
Rev. Dewey Roberts, Assistant Secretary, SJC

Standing Judicial Commission

Case 2009-6

TE James Bordwine, et al v. Pacific Northwest Presbytery

I. Summary of Facts

06-14-07 The 35th General Assembly of the Presbyterian Church in America adopted the following recommendations of the Ad Interim Committee on Federal Vision, New Perspective, and Auburn Avenue Theologies (the "Ad Interim Committee"), to wit:

- 1) That the General Assembly commend to Ruling and Teaching Elders and their congregations this report of the Ad Interim Committee on NPP, AAT and FV for careful consideration and study.
- 2) That the General Assembly remind the Church, its officers and congregations of the provisions of *BCO* 29-1 and 39-3 which assert that the *Confession of Faith and the Larger and Shorter Catechisms of the Westminster Assembly*, while "subordinate to the Scriptures of the Old and New Testaments, the inerrant Word of God," have been adopted by the PCA "as standard expositions of the teachings of Scripture in relation to both faith and practice."
- 3) That the General Assembly recommend the declarations (the "9 Declarations") in this report as a faithful exposition of the Westminster Standards, and further reminds those ruling and teaching elders whose views are out of accord with our Standards of their obligation to make known to their courts any differences in their views.
- 4) That the General Assembly remind the Sessions and Presbyteries of the PCA that it is their duty "to exercise care over those subject to their authority" and "to condemn erroneous opinions which injure the purity or peace of the Church" (*BCO* 31-2; 13-9f).
- 5) That the Ad Interim Study Committee on NPP, AAT and FV be dismissed with thanks.

Declarations

- 1) The view that rejects the bi-covenantal structure of Scripture as represented in the Westminster Standards (i.e., views which do not merely take issue with the terminology, but the essence of the first/second covenant framework) is contrary to those Standards.
- 2) The view that an individual is "elect" by virtue of his membership in the

visible church; and that this "election" includes justification, adoption and sanctification; but that this individual could lose his "election" if he forsakes the visible church, is contrary to the Westminster Standards.

- 3) The view that Christ does not stand as a representative head whose perfect obedience and satisfaction is imputed to individuals who believe in him is contrary to the Westminster Standards.
- 4) The view that strikes the language of "merit" from our theological vocabulary so that the claim is made that Christ's merits are not imputed to his people is contrary to the Westminster Standards.
- 5) The view that "union with Christ" renders imputation redundant because it subsumes all of Christ's benefits (including justification) under this doctrinal heading is contrary to the Westminster Standards.
- 6) The view that water baptism effects a "covenantal union" with Christ through which each baptized person receives the saving benefits of Christ's mediation, including regeneration, justification, and sanctification, thus creating a parallel soteriological system to the decretal system of the Westminster Standards, is contrary to the Westminster Standards.
- 7) The view that one can be "united to Christ" and not receive *all* the benefits of Christ's mediation, including perseverance, in that effectual union is contrary to the Westminster Standards.
- 8) The view that some can receive saving benefits of Christ's mediation, such as regeneration and justification, and yet not persevere in those benefits is contrary to the Westminster Standards.
- 9) The view that justification is in any way based on our works, or that the so-called "final verdict of justification" is based on anything other than the perfect obedience and satisfaction of Christ received through faith alone, is contrary to the Westminster Standards.

06-14-07 In accord with Recommendation 3 above, TE Peter Leithart ("Leithart") writes to the Stated Clerk of the Pacific Northwest Presbytery ("PNW") in order to lay out his views on specific subjects contained in the 9 Declarations.

10-04/05-07 In response to a request from Leithart and one of the Complainants herein, PNW appointed a Study Committee (the "PNW Study Committee") charged with examining Leithart's fitness to continue as a PCA Teaching Elder in light of the June 2007 General Assembly's reception of the Ad Interim Committee's Report on the theology of the Federal Vision.

01-10/11-08 PNW received a status report from the PNW Study Committee.

- 04-24/25-08 PNW received a status report from the PNW Study Committee.
- 10-02/03-08 PNW received a Report from the PNW Study Committee (the "Committee Report") and a Minority Report (the "Minority Report"). Leithart's Response to both reports was included. The Committee Report recommended that the views of Leithart be judged to be not out of accord with the fundamentals of our system of doctrine. The Minority Report recommended that the views of Leithart be found out of accord with the fundamentals of the system of doctrine taught in the Westminster Confession of Faith and Catechisms (the "Standards"). PNW adopted the Committee Report.
- 10-21-08 Complainants herein filed a Complaint with PNW regarding the action of PNW in connection with the adoption of the Committee Report. Complainants contended that: a) PNW erred by not finding that Leithart's views were out of accord with the Standards (Count 1); b) PNW erred by finding that Leithart's views were not out of accord with the Standards (Count 2); c) PNW erred by not correctly applying a principle set forth in the Louisiana Presbytery/Steve Wilkins case(s), i.e. the fact that Leithart's does not explicitly deny certain teachings of the Standards does not exonerate him (Count 3); and d) Members of PNW misunderstood the Minority Report (Count 4).
- 01-08/09-09 PNW consideration of the Complaint was postponed, due to weather conditions and assigned the Complaint to a Judicial Commission ("PNW Judicial Commission").
- 11-20-08 The PNW Judicial Commission denied the Complaint for the following reasons, to wit:
- a) Counts 1 and 2 were treated as a motion to reconsider and denied because, under Robert's Rules of Order, such a motion has to be made by one who voted for it.
 - b) Count 3 was denied because discussion on floor was attributed to PNW.
 - c) Count 4 was denied because one cannot complain about misunderstandings of presbyters.
- 04-23/24-09 PNW adopted the Report of the PNW Judicial Commission that PNW did not err in finding Leithart's views to not be out of accord with the fundamentals of our system of doctrine.
- 05-18-09 Complainants filed a Complaint with the PCA Stated Clerk alleging PNW erred in rejecting the Minority Report, which contained ample evidence that the differences between Leithart's views and the Standards are fundamental, and in affirming that Leithart's differences are not out of accord with the Standards. Complainants contend the Complaint should be sustained for the following reasons: a) PNW ruled that the "only recourse" was to make a motion reconsider; b) PNW applied the principles found in the Louisiana Presbytery case(s) incorrectly in holding that one could make statements contravening the Standards without explicitly denying the

Standards; and c) a complaint to the SJC may only be lodged if charges are actually filed against Leithart or PNW.

II. Issue

Did PNW err in its handling of the reports from the PNW Study Committee appointed to examine Leithart's fitness to continue as a PCA Teaching Elder?

III. Judgment

Yes. The Complaint is sustained, and the case is sent back to PNW with instructions to institute process and appoint a prosecutor to prepare an Indictment of TE Leithart and to conduct the case (BCO 31-2).

IV. Reasoning and Opinion

A. Introduction

This case involves the handling of concerns that elders who hold to various tenants of theology (generally known as the Federal Vision) are out of accord, in a fundamental way, with the Standards. This is the third instance of a presbytery coming before the SJC in recent years.

The First Case – Louisiana Presbytery

The first time these concerns were raised was with Louisiana Presbytery's handling of the Federal Vision views of TE Steve Wilkins. Through a long and tedious procedural history, that involved a SJC ordered BCO 31-2 investigation into TE Wilkins' views, the issue before the SJC was:

[d]id Louisiana Presbytery reach a decision consistent with the Constitution of the Presbyterian Church in America when it found "no strong presumption of guilt in any of the charges contained [in the Central Carolina Memorial] and exercise[d] its prerogative not to institute process regarding [those] allegations?"

The Judgment was:

No - See the judgment, reasoning and opinion in case 2007-8, *TE James Jones Jr., et al., vs. Louisiana Presbytery*, in particular Judgment 2.

The following Amends were adopted:

Pursuant to *BCO* 40-5 the Standing Judicial Commission hereby cites Louisiana Presbytery to appear "to show what it has done or failed to do in the case in question." To implement this process, RE Samuel J. Duncan is hereby appointed to: a) serve as prosecutor in this matter and conduct the case, which is designated as Case 2007-14; b) select Assistant Prosecutors from members of the General

Assembly to assist him with this matter; c) draw an indictment to be served upon Louisiana Presbytery, with the circumstances and specifications therein not being limited to those raised in 2006-02 and 2007-8; d) prepare a citation instructing Louisiana Presbytery to respond, in writing or at a called meeting of the Standing Judicial Commission, to the indictment and to enter its plea to the matters contained therein not later than February 1, 2008. (*BCO* 40-6, 31-2, 32-3) If Louisiana Presbytery enters a plea of "not guilty," then Louisiana Presbytery is directed to appear, through its representatives, for trial in this matter before the Standing Judicial Commission on March 5, 2008 (*BCO* 40-5, 40-6, 31-2, 32-3).

The Indictment of Louisiana Presbytery charged:

Louisiana Presbytery, by neglecting its duties to handle properly TE Wilkins differences and by not finding a strong presumption of guilt on the part of TE Wilkins, and thus either embracing his views or refusing even to being open to considering his guilt therein, has evidenced its refusal to deal with the views of TE Wilkins that differ from the Confessional Standards and Scripture; thereby creating an impasse that can only be resolved by Louisiana Presbytery either repenting (and showing its repentance by bringing TE Wilkins to trial in a fair and impartial way or by referring the matter pursuant to *BCO* 41), or failing which, having the ecclesiastical connection between Louisiana Presbytery and the Presbyterian Church in America dissolved by the General Assembly, with the geographical bounds of neighboring presbyteries being expanded to cover the geographical area of Louisiana Presbytery, with said neighboring presbyteries, after due examination of elders and deliberation, being responsible for receiving any elders and churches desiring to be reunited with the Presbyterian Church in America.

Louisiana Presbytery failed to find a strong presumption of guilt that some of the views of TE Wilkins were out of conformity with the Constitution, and thus was derelict in its duty under *BCO* 13-9, 40-4, and 40-5, and has thereby caused much unresolved pastoral confusion and harm.

TE Wilkins's views, as articulated in the Record of the Case in 2007-8 and in the following examples, clearly constitute a strong presumption of guilt that his views are out of accord with the Constitution and require a fair and impartial court to proceed to trial.

On January 19, 2008, Louisiana Presbytery met to receive and respond to the Indictment. The Presbytery voted to plead "Guilty" to the foregoing charge (failure to find a strong presumption of guilt that some views were out of accord) and to "reference the matter [the trial of TE Wilkins] to the SJC."

In receiving and acting upon this plea of Guilty, the SJC ruled that:

By entering a plea of "Guilty" in this matter ..., Louisiana Presbytery acknowledges the matters alleged and confesses its failures as to them. By so doing it is subject to judgment and censure without further process (*BCO* 32-3). In light of the

withdrawal of TE Wilkins and Auburn Avenue Presbyterian Church from the Presbyterian Church in America, there are no practical means by which Louisiana Presbytery could make amends for its failure to find "a strong presumption of guilt that some of TE Wilkins' theological views were out of conformity with the Constitution and in not pressing forward with a trial." We appreciate Presbytery's admission of guilt on this Specification and do not consider further action beyond the censure of admonition to be necessary to preserve the peace, purity, and unity of the Church.

The Second Case - Siouxlans Presbytery

The second time these concerns were raised was with Siouxlans Presbytery handling of Federal Vision views TE Greg Lawrence. The issue before the SJC was:

[d]id Presbytery of Siouxlans err when it denied a Complaint seeking the appointment of a committee to conduct a *BCO* 31-2 investigation?

The Judgment in that case was:

Yes, and the matter is sent back to Presbytery of Siouxlans with instructions to conduct a *BCO* 31-2 investigation as to whether or not TE Greg Lawrence holds or is preaching/teaching views with respect to the Covenant of Works or other doctrines associated with the so-called Federal Vision theology that are contrary to the doctrinal standards of the PCA.

At the present time, Siouxlans Presbytery is conducting this *BCO* 31-2 investigation as to whether or not TE Greg Lawrence holds views that place him out of accord with the fundamentals of the PCA's system of doctrine found in the Standards.

The Current Case (2009-6)

The PNW case lies somewhere between these two cases. The PNW Study Committee was established after Leithart wrote to the PNW Stated Clerk to lay out his views with respect to the 9 Declarations. The PNW Study Committee was charged with examining Leithart's fitness to continue as a PCA Teaching Elder in light of the June 2007 General Assembly's reception of the Ad Interim Committee's Report on the theology of the Federal Vision. In spite of being entitled a "study Committee," what was essentially formed was a committee with an assignment to conduct a *BCO* 31-2 investigation. The work product of this Committee, including the Committee Report, the Minority Report, and Leithart's Response, constituted an excellent *BCO* 31-2 investigative report. The only conclusion that a court should reach, given the excellent work product produced by the PNW Study Committee, would be that there is a strong presumption of guilt that some of the views of Leithart are out of accord with some of the fundamentals of the system of doctrine taught in the Standards. This does not mean that Leithart is a heretic. He is not. This does not mean that Leithart is not or whether he is a Christian. He is. This does not necessarily mean that Leithart is outside of the broader reformed community. The sole question to be determined is whether Leithart's views place him outside of the Standards, as adopted by the Presbyterian Church in America.

Respondent argued in his brief that someone who holds to various central tenets of the Standards cannot be outside the Standards:

In considering the views of Dr. Leithart, we are talking about someone who holds to the inerrancy of Scripture, to federal Reformed theology, the five points, penal substitutionary atonement, paedobaptism, and Presbyterianism and confesses his commitment to forensic justification, the necessity of faith for the effectiveness of baptism, etc. What are we saying if we say that such a man with such convictions cannot belong to our little Reformed Presbyterian church?

But such an external criteria of central tenets is not the appropriate criteria. One could envision such central tenets that would encompass Anglicans within its bounds; similarly, Reformed Baptists could affirm *some* central tenets of the Standards. This does not mean that either Anglicans or Baptists are within the Standards. In the same way, Leithart appears to hold some views that place him outside of the fundamentals of the Standards, as adopted by the Presbyterian Church in America.

The error made by PNW was twofold. First, PNW erred in judging Leithart's views "to be not out of accord with the fundamentals of our system of doctrine." Second, PNW also erred in not finding a strong presumption of guilt that some of the views of Leithart are "out of accord with the fundamentals of the system of doctrine taught in the Westminster Standards.

Under BCO 31-2, "if such investigation, **however originating**, should result in raising a strong presumption of guilt of the party involved, the court **shall institute process**" (emphasis added). The mandatory language of BCO 31-2 ("shall") means that under our polity, at this stage of the case, the proper procedure for determining Leithart's fitness to continue as a PCA Teaching Elder, as was the charge given to the PNW Study Committee, is to institute process under BCO 32 and 34.

B. Complainants raise three (3) issues and seek a declaration that PNW had erred and that an appropriate remedy would be ordered.

1) The first issue raised by the Complainants is that PNW erred by ruling that the Complainants could not file a complaint because their only recourse was a motion to reconsider.

PNW treated the Complaint as a motion to reconsider and ruled the Complaint out of order on the basis that none of the Complainants voted with the majority. This action by PNW clearly violated BCO 43-1, in that it is the right of any communing member of the Church in good standing to make complaint against any action of a court to whose jurisdiction he is subject. PNW erred in ruling the Complaint out of order on this basis.

2) The second issue raised by the Complainants is that PNW misapplied various rulings and findings of the SJC in the Louisiana Presbytery case(s) reported at the 2008 General Assembly. Since BCO 14-7 states that judicial decisions are to be given due and serious consideration by the Church and its lower courts when deliberating matters related to such action, but are only binding and conclusive on the parties who are directly involved, PNW did not err in refusing to recognize the judicial principals set forth in said cases(s). Because other matters are dispositive herein, the SJC will not at this point examine any of TE Leithart's statements in light of

the principal that one can be out of accord with the Standards without explicitly denying the Standards.

3) The third issue raised by the Complainants is that a complaint can only be filed if actual charges are filed against TE Leithart. The Record does not clearly indicate that PNW actually made this ruling; however, in a footnote, PNW does state, apparently in support of ruling the Complaint out of order, that "no complaint [charge] has been made to date against TE Leithart or Presbytery for any deficiency under BCO 31-2." To the extent that this reasoning was employed by PNW as a condition precedent for filing a Complaint, this action and reasoning, as stated above, clearly violated BCO 43-1, in that it is the right of any communing member of the Church in good standing to make complaint against any action of a court to whose jurisdiction he is subject. To any extent that it did, PNW erred in ruling the Complaint out of order on this basis.

C. What is the appropriate remedy?

The 2007 General Assembly Ad Interim Committee Report on Federal Vision, Leithart's June 14, 2007 letter, the PNW Committee Report, and the PNW Minority Report, and Leithart's Response, taken together amount to a thorough investigation that raises a strong presumption of guilt of the party involved, i.e. that Leithart holds views that place him out of accord with the Constitution of the PCA. (BCO 31-2 clearly states that an investigation may occur "however originating" and makes judicial process mandatory when a "strong presumption of guilt" is raised.)

Such a strong presumption of guilt is demonstrated by the following statements or views of Leithart, which raise a strong presumption of guilt, that he holds views that place him out of accord, in a fundamental way, with the Constitution of the PCA, to wit:

i) The Leithart June 14, 2007 Letter

An initial concern that Leithart's views place him out of accord with the Constitution of the PCA should have been raised by the Leithart's June 14, 2007 Letter, in which Leithart states:

There is discontinuity between the Adamic covenant and the post-lapsarian covenants, though I do not believe the discontinuity lies in the manner of communion with God... The differences between Adamic and post-lapsarian covenants are not at a "soteriological" level (ie., not a contrast of a "legal" versus a "gracious" covenant), but at the level of covenant administration.

I affirm that Christ's obedience was necessary for our salvation, and affirm too that Christ's history of obedience becomes the life story of those who are in Christ. I'm not sure that "imputation" is the best way to express this. It's not clear to me that the Westminster Standards require belief in the imputation of Christ's active obedience.

I do believe that all of Christ's benefits are "subsumed" under the heading of union with Christ. This renders imputation "redundant" if imputation is seen as a separate moment of justification, parallel to but distinct from union with Christ.

ii) The Bi-Covenantal Structure of Scripture

The Westminster Confession of Faith in Chapter 7 affirms the bi-covenantal structure of Scripture setting forth each of those covenants and its terms:

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.

Man, by his fall, having made himself incapable of life by that covenant, the Lord was pleased to make a second, commonly called the covenant of grace; wherein He freely offers unto sinners life and salvation by Jesus Christ; requiring of them faith in Him, that they may be saved, and promising to give unto all those that are ordained unto eternal life His Holy Spirit, to make them willing, and able to believe.

Leithart rejects this bi-covenantal structure, writing that there is no significant difference between the covenants:

The differences between Adamic and post-lapsarian covenants are not at a "soteriological" level (ie., not a contrast of a "legal" versus a "gracious" covenant), but at the level of covenant administration.

Leithart's statement resonates more with the Confession's description of the one Covenant of Grace ("[t]his covenant was differently administered in the time of the law, and in the time of the Gospel" WCF 7.3) than it does the description of the difference between the Covenant of Works and the Covenant of Grace, which was established because "man ha[d] made himself incapable of life by that covenant [of works] (WCF 7.3).

iii) Baptism, Adoption and the Gifts of God

With respect to baptism, Leithart makes statements that propose a form of "non-eternal" salvation and temporary faith and gifts:

'saving' here does not mean that all who receive baptism are eternally saved. No one in the history of the church, to my knowledge, has taught this, and I certainly do not. **Many who are baptized receive blessings and gifts from God, but fail to respond with faith, or respond with temporary faith, and will end up damned.** Only the elect respond with genuine and lasting faith, and only they ultimately receive the blessing of eternal communion with the Triune God. (emphasis added)

there are some **who are made sons by baptism** who fall away (emphasis added)

Since a baptized infant becomes a member of God's household, he is a child of God.

The Standards take a different view of baptism and adoption, which adoption is a benefit only enjoyed by the justified:

Adoption is an act of the free grace of God, in and for his only Son Jesus Christ, whereby **all those that are justified are received into the number of his children**, have his name put upon them, the Spirit of his Son given to them, are under his fatherly care and dispensations, admitted to all the liberties and privileges of the sons of God, made heirs of all the promises, and fellow heirs with Christ in glory. (WLC 75, emphasis added)

All those that are justified, God vouchsafes, in and for His only Son Jesus Christ, to make partakers of the grace of adoption, by which they are taken into the number, and enjoy the liberties and privileges of the children of God. (WCF 12.1)

The PNW Committee Report appeared to have understood the difficulties caused by these contradictions, since it stated: "The committee does not find persuasive Dr. Leithart's positive construction of the biblical data and finds that construction **unhelpful, unnecessary, and confusing.**" (emphasis added)

iv) Receipt of Saving Benefits of Christ's Mediation

With respect to the Saving Benefits, Leithart argues that some can receive the Saving Benefits of Christ's Mediation and yet not persevere in those benefits, when he writes:

In baptism, God judges sin, **declares the baptized righteous**, and delivers the baptized from death in the new life of the Spirit-filled body of God's Son. (emphasis added)

Those who are washed are rightly described as the sanctified **and justified.** (emphasis added)

The baptized are implanted into Christ's body, and in Him share in **all that he has to give.**" (emphasis added)

The Standards, however, describe justification not in terms of those who have been baptized and thus "declared righteous," or in terms of those who are "washed" and hence "justified," but rather in terms of those who receive righteousness by the imputation of Christ's obedience and satisfaction by faith:

Those whom God effectually calls, He also freely justifies; not by infusing righteousness into them, but by pardoning their sins, and by accounting and accepting their persons as righteous; not for any thing wrought in them, or done by them, but for Christ's sake alone; nor by imputing faith itself, the act of believing, or any other evangelical obedience to them, as their righteousness; **but by imputing the obedience and satisfaction of Christ unto them, they receiving and resting on Him and His righteousness by faith;** which faith they have not of themselves, it is the gift of God. (WCF 11.1, emphasis added)

The Standards reject any form of "theoretical" or temporary justification, whether from eternity or from baptism, and instead link justification and faith in Christ:

God did, from all eternity, decree to justify all the elect, and Christ did, in the fullness of time, die for their sins, and rise again for their justification: nevertheless, they are not justified, until the Holy Spirit does, in due time, actually apply Christ unto them. (WCF 11.4)

Justification is an act of God's free grace unto sinners, in which he pardons all their sins, accepts and accounts their persons righteous in his sight; not for any thing wrought in them, or done by them, but only for the perfect obedience and full satisfaction of Christ, by God imputed to them, and **received by faith alone**. (WLC 70, emphasis added)

Once again, the PNW Committee Report identified the error of Leithart's views, when it states that Leithart writes "in language that could easily be predicted **to confuse and disturb**." (emphasis added) In fact, Leithart's views have been judged by the PNW Study Committee to

create a set of new problems Holy Scripture does not help us to resolve. We have, for example, no idea what it would mean to say that someone was justified *temporarily*, to be judged righteous before God *temporarily*, or to share in all that Christ has to give *temporarily*. (emphasis in original)

It certainly would be problematic for the Church if a Study Committee of a Presbytery, enjoined and equipped specifically for the task of evaluating theological views, and composed of men who have studied at the seminary level and beyond, is incapable of understanding what a PCA teaching elder has to say on a subject as fundamental as justification.

v) The Efficacy and Benefits of Baptism

Leithart expresses his view of baptism that such spiritual blessings of justification, sanctification, adoption and union with Christ are given to every person who is baptized. These blessings or benefits of baptism fail to result in salvation in every case because the recipients do not have persevering faith. With respect to Baptism, Leithart argues:

Baptism is a gift of grace that bestows other gifts, but it is effective to salvation only for those who have persevering faith.

The Standards use terms like justification, sanctification, union to Christ, and adoption in a stipulated way; according to the standards, these blessings, by definition belong only to the elect. But the Biblical usage is more elastic.

Many who are baptized receive blessings and gifts from God, but fail to respond with faith, or respond with temporary faith, and will end up damned.

The baptized are implanted into Christ, and in Him share all that he has to give.

Second, and more controversially, I am drawing on the Reformed notion of temporary benefits and temporary faith.

Leithart states above that the baptized receive "all that He has to give." Is not perseverance also the gift of Christ? If the baptized receive everything which Christ has to give, then why do they not also receive perseverance? Contrary to Leithart, the Standards view perseverance as one of the gifts of Christ, and one of the benefits of the covenant of grace:

The benefits which in this life do accompany or flow from justification, adoption, and sanctification, are assurance of God's love, peace of conscience, joy in the Holy Ghost, increase of grace, ***and perseverance therein to the end.***" (WSC 36, emphasis added).

They that are effectually called do in this life partake of justification, adoption, sanctification, and the several benefits which in this life do either accompany or flow from them. (WSC 36)

We are made partakers of the benefits which Christ hath procured, by the effectual application of them unto us, which is the work especially of God the Holy Ghost. (WLC 58)

First, Leithart confuses water baptism as a sign and seal with the spiritual baptism signified by it. Leithart teaches that baptism is "a gift of grace which bestows other gifts," but the *Westminster Confession of Faith* teaches that baptism only "represents" Christ and His benefits. "Sacraments are holy signs and seals of the covenant of grace, immediately instituted by God, to represent Christ and His benefits." (WCF, Chapter 27, section 1). "The grace which is exhibited in or by the sacraments rightly used, is not conferred by any power in them; neither doth the efficacy of a sacrament depend upon the piety or intention of him that doth administer it; but upon the work of the Spirit." (WCF, Chapter 27, section 3).

Second, Leithart makes no distinction between the graces received by members of the visible church and invisible church, except the grace of perseverance. Yet, the Standards make a distinction between these two groups:

The visible church hath the privilege of being under God's special care and government; of being protected and preserved in all ages, notwithstanding the opposition of all enemies; and of enjoying the communion of the saints, the ordinary means of salvation, and ***offers of grace by Christ to all members of it in the ministry of the gospel***, testifying, that whosoever believes in him shall be saved, and excluding none that will come to him. (WLC 63, emphasis added)

The members of the invisible church by Christ enjoy union and communion with him in grace and glory. (WLC 65)

The communion in grace which the members of the invisible church have with Christ, is their ***partaking of the virtue of his mediation, in their justification, adoption, sanctification, and whatever else, in this life, manifests their union with him.*** (WLC 69, emphasis added)

Leithart says "do believe that some are united to Christ yet do not persevere." The Standards teach that union with Christ belongs only to the effectually called who are members of the invisible church and this union can never be lost. Leithart teaches that all the baptized receive the graces of justification, adoption and sanctification. The Standards teach that the members of the visible church only receive the offers of grace, but do not receive justification, adoption and sanctification until they partake of the virtues of Christ's mediation through saving faith.

Third, Leithart also gives to water baptism a power or efficacy which is contrary to the Scriptures. Specifically, Leithart has written in his Response to the PNW Committee Report, "I argue that Paul is talking about water baptism in Romans 6 and 1 Corinthians 10, and that Peter is talking about water baptism in 1 Peter 3." If baptism in Romans 6 refers to water baptism, then water baptism has the power to grant newness of life, to unite us with Christ, to destroy the sinful self and to raise us up with Christ from the dead. Leithart is categorically wrong in this interpretation. Paul is speaking not of the baptism of the flesh, but of the baptism of the heart (Cf. Romans 2:28, 29).

1 Peter 3:21 says "baptism now saves you," a phrase which Leithart takes out of context and uses as the basis for his book, *The Baptized Body*. The context of this verse is that the baptism to which Peter refers is not the washing of the flesh, but the appeal to God for a renewed conscience. It is not water baptism of the flesh, but the spiritual baptism of the heart to which Peter refers.

The proof that Peter did not mean water baptism saves us in 1 Peter 3:21 is the account of his preaching at Caesarea given in Acts 10:34-48, particularly verse 47, "Surely no one can refuse water for these to be baptized who have received the Holy Spirit just as we did, can he?" In that sermon, Peter proclaimed that forgiveness of sins is given to everyone who believes. The Caesareans received this forgiveness when the Holy Spirit fell on them and they believed. All this took place before they were baptized with water. The baptism which saves us, according to the analogy of Scripture, is the outpouring of the Holy Spirit which is symbolized by water baptism.

Fourth, Leithart's views on baptism effect his views on justification and the whole order of salvation. He has written, "In baptism, God judges sin, declares the baptized righteous, and delivers the baptized from death in the new life of the Spirit-filled body of God's Son." Yet, the Standards state:

Justification is an act of God's free grace, wherein he pardoneth all our sins, and accepteth us as righteous in his sight, only for the righteousness of Christ imputed to us and, received by faith alone. (WSC 33)

The Standards teach that believers are justified by faith in Christ alone. Leithart erroneously teaches that we are declared righteous, or justified, by water baptism which explains his enigmatic statement that "faith is the proper response of being baptized." The Standards teach that faith is the proper response to the Gospel - not to baptism.

Leithart's emphasis on the final verdict of justification can only be understood in light of his emphasis on water baptism. Leithart says, "I believe we must, in faithfulness to Scripture, affirm that we are justified by works in whatever sense that James means it." In one sense, we can all agree

with this statement - but we do not agree that refutes the report of Ad Interim Committee Report which said, "The view that justification is in any way based on our works, or that the so-called 'final verdict of justification' is based on anything other than the perfect obedience and satisfaction of Christ received through faith alone, is contrary to the Westminster Standards."

In the place of the Biblical and confessional teaching of salvation, Leithart teaches that those who are baptized with water obtain eternal salvation only through persevering in covenant faithfulness. Justification for Leithart is not through faith in Christ alone, but is received initially through water baptism. The final verdict of justification, for Leithart, is received only at death and therefore contradicts the view that justification is an "act of God's free grace." (WSC 33) Justification by free grace is contrary to justification by covenant faithfulness. Justification and definitive sanctification are said by Leithart to be "the same act," which contradicts the teaching of the Bible and the Standards. (WCF chapters 11 and 13) Since Leithart teaches "covenant faithfulness is the way to salvation," he also denies the distinction between the law and the gospel. (WSC 40 and 86) Finally, Leithart attempts to account for the fact that not all baptized members of the church persevere to salvation with his doctrine of temporary faith. He teaches that the "reprobate may move in and out of the same stream" of salvation in which the elect find eternal life without showing constitutional or Scriptural authority for such an erroneous position.

We note the inconsistencies and contradictions in the PNW Committee Report. On the one hand, that Report says, "At least some baptized unbelievers have for a time some measure of a real connection with the Son and the Spirit." Then, the Report says, "The phenomenon of the baptized unbeliever or apostate... is not that a reality that once existed does so no longer. Rather the unbeliever, though baptized, was never really, or fully, incorporated into the body of Christ." The Committee Report was correct in the second quote above and wrong on the first quote which underscores the inconsistency of PNW's approval of Leithart's unconstitutional errors as "not out of accord with the fundamentals of our system of doctrine." His views are definitely unconstitutional.

vi) Union with Christ

Leithart subsumes all of Christ's benefits (including justification) under "union with Christ" and therefore renders imputation redundant:

I do believe that all of Christ's benefits are "subsumed" under the heading of union with Christ. This renders imputation "redundant" if imputation [if imputation] is seen as a separate moment of justification, parallel to but distinct from union with Christ. We are united with Christ; Christ is righteous; therefore, God regards us (considers us, counts us) as righteous. This is imputation, but it is not a distinct act of imputation. (emphasis added)

The Standards, however, view justification to be the result of a distinct act of imputation:

Justification is an act of God's free grace unto sinners, in which he pardons all their sins, accepts and accounts their persons righteous in his sight; not for any thing wrought in them, or done by them, but only for the perfect obedience and full satisfaction of Christ, **by God imputed to them**, and received by faith alone. (WLC

70, emphasis added)

Although Christ, by his obedience and death, did make a proper, real, and full satisfaction to God's justice in the behalf of them that are justified; yet inasmuch as God accepts the satisfaction from a surety, which he might have demanded of them, and did provide this surety, his own only Son, **imputing his righteousness to them, and requiring nothing of them for their justification but faith**, which also is his gift, their justification is to them of free grace. (WLC 71, emphasis added)

Leithart's view of a subsuming doctrine of union with Christ becomes all the more problematic when his views of the nature of the relationship between justification and sanctification are explored. Displaying candor, he flattens out the differences between justification and sanctification:

The Protestant doctrine **has been too rigid in separating justification and sanctification**, more rigid certainly than Scripture itself. ...Justification and definitive sanctification are not merely simultaneous, nor merely twin effects of the single event of union with Christ (though I believe that is the case). Rather, **they are the same act**. (emphasis added).

This is especially troubling in light of the classic conflict of the Reformation, which often focused upon distinguishing justification and sanctification (contra Roman Catholic doctrine). The Standards clearly distinguish between justification and sanctification, starting with the fact that justification is defined as "an *act* of the free grace of God" (WLC 74) and sanctification as "a *work* of God's grace" (WLC 75). But further than this, the distinction is critical enough to the Standards that they take the time to formally distinguish justification and sanctification in the Larger Catechism:

Question 77: Wherein do justification and sanctification differ?

Answer: Although sanctification be inseparably joined with justification, yet they differ, in that God in justification imputes the righteousness of Christ; in sanctification his Spirit infuses grace, and enables to the exercise thereof; in the former, sin is pardoned; in the other, it is subdued: the one does equally free all believers from the revenging wrath of God, and that perfectly in this life, that they never fall into condemnation; the other is neither equal in all, nor in this life perfect in any, but growing up to perfection.

It is to be noted that the Standards clearly spell out a distinction at precisely the point that Leithart equivocates, imputation versus infusion.

One of the difficulties a court encounters when examining the views of men who hold views styled as "Federal Vision," is a tendency to justify such views by appealing to Scripture in order to contradict the Standards. What Scripture says about a particular topic is set forth in our Standards.

BCO 39-3 states that:

[w]hile affirming that the Scripture is "the supreme judge by which all controversies of religion are to be determined" (*WCF* 1.10), and that the Constitution of the Presbyterian Church in America is "subordinate to the Scriptures of the Old and New Testaments, the inerrant Word of God" (*BCO* Preface, III), and while affirming also that this Constitution is fallible (*WCF* 31.3), the Presbyterian Church in America affirms that this subordinate and fallible Constitution has been "adopted by the church" (*BCO* Preface, III) "as standard expositions of the teachings of Scripture in relation to both faith and practice" (*BCO* 29-1) and as setting forth a form of government and discipline "in conformity with the general principles of biblical polity" (*BCO* 21-5.3). To insure that this Constitution is not amended, violated or disregarded in judicial process, any review of the judicial proceedings of a lower court by a higher court shall be guided by the following principles.

By appealing to Scripture in this way to justify positions that are out of accord with our Standards, an individual, or group, is in effect doing just that (i.e. amending the Constitution, not by judicial act, but by personal interpretation). If someone believes that the Standards have incorrectly or inadequately stated what Scripture says about a particular topic, then instead of ignoring what our Standards state and justifying their positions by personal interpretations of Scripture which are not consistent with the Standards, they should propose amendments to the Standards to clarify or expand the Standards, since our Constitution holds them out to be "standard expositions of the teachings of Scripture."

This tension is evidenced by the PNW Committee Report which states:

Presbytery's study committee cheerfully acknowledges that it approached its task with the intention of allowing Dr. Leithart the greatest latitude consistent with the second ordination vow (*BCO* 21-5) and of placing the best, not worst construction on his statements.

It is our opinion that PNW, even though confronted with statement(s) and writing(s) of Leithart that place him out of accord with the fundamentals of the Standards, as adopted by the Presbyterian Church in America, chose to place Leithart's statements in the kindest of light and not engage in critical thinking and reasoned judgment, by stating:

In the committee's view Dr. Leithart's views are compatible with the teachings of our standards though there are certainly some differences in statement, emphasis, and elaboration. Our brief was to determine whether he denied or contradicted the teaching of our Standards, not to object if he wished to say more than they say or even, in confessing the same truth, to improve upon their form of words. That his positive constructions may seem in some respects difficult to reconcile with the language of our standards is not itself evidence that he denies their teaching. The dialectical character of biblical teaching famously produces tensions that remain difficult, if not impossible to resolve.

The opinion of the committee that his views, while in some cases going beyond the formulations of the *WCF*, are not a denial of them, should not, however, be taken to mean that the committee is persuaded that Dr. Leithart's construction of the doctrines

in dispute represent an advance in understanding or that they provide a more accurate account of the teachings of Holy Scripture.

Much of Dr. Leithart's work purports to provide a more complete picture of biblical teaching than is represented in the systematic presentation of that teaching in the Westminster Confession of Faith and the Larger and Shorter Catechisms. To that end he draws out attention to the fact that the biblical vocabulary of election, justification, and union with Christ is used in ways other than those uses reported in the Standards. he says often enough that, so far as it goes, the confessional summary is accurate, but he remains convinced that our doctrinal formulations would be enriched by careful attention to the complete biblical usage of this theological vocabulary. The complaint has been that using these terms in other than their accepted usage is unnecessarily confusing. The reply is that these are the Bible's own terms and a faithful interpreter of Scripture is duty bound to reckon with the fact that the Bible employs even these important theological terms in different ways.

We likewise do not believe, we cannot believe, "that the Reformed confessions have been formed for all ages and stand in no further need of reformation."

The committee wishes to say, however, that having read some of Dr. Leithart's works, we do wish he were more careful to avoid unnecessary confusion by stating more categorically and in different contexts what he is asserting in connections with the teaching of the Reformed tradition and, in particular, Westminster Calvinism, and perhaps more importantly, what he is not asserting.

The committee does not feel that he has done all he could have done [as he has challenged accepted notions or critiqued familiar forms of words].

Nevertheless, we are persuaded that at some key points, Dr. Leithart has, in fact, failed adequately to represent the fullness of biblical teaching.

It is the view of the committee, however, that in his [Leithart] positive construction of baptism and its efficacy, he [Leithart] fails adequately to represent the biblical data and the result is a one-sided and confusing, if not positively incoherent construction.

In failing to exercise this critical thinking and reasoned judgment, PNW has failed to guard the church of teachings and writings "which injured the purity and peace of the church." (BCO 13-9.f) and in doing so has caused much pastoral confusion and harm.

In conclusion, since what amounts to a thorough BCO 31-2 investigation has been conducted by PNW, the results of which PNW should have recognized raised a strong presumption of guilt that Leithart holds views that place him out of accord with our Standards (the Constitution of the PCA), PNW erred in not so doing. In determining what is the appropriate remedy, the SJC remands and sends this case back to PNW with instructions to institute process, based on this finding of a strong presumption of guilt, and appoint a prosecutor to prepare an Indictment of Leithart and to conduct the case.

This Decision was written by RE Samuel J. Duncan, with the assistance of TE Dewey Roberts, TE Fred Greco, and TE Bill Lyle and concurrence from RE Jeff Owen.