

SUPPLEMENTAL BRIEF
Judicial Case 2009-6
Pacific Northwest Presbytery
Robert S. Rayburn
Respondent

Presbytery has received the Proposed Decision of the SJC Panel in Case 2009-6 and respectfully offers this supplemental brief in protest of the decision and its reasoning. To be frank the respondent offers this brief with no expectation of it being read with sympathy. At no point in this process has there been any indication of an intention to give Dr. Leithart or the Presbytery of the Pacific Northwest a sympathetic evaluation, to examine his statements in context, or really to enter into the exploration of the issues raised in this discussion. Nor has there been any acknowledgement that Scripture provides us with data for which the Standards provide us no specific explanations and that is it chiefly this material that comes to the fore in Dr. Leithart's explorations. I regret to say this brief is offered more as an effort to satisfy the demands of conscience than in any expectation of provoking serious reflection upon the part of the SJC. To that end I protest the decision of the panel and plead with the entire SJC to think again on the following grounds.

The Make-up of the Panel

When the case was first assigned to a panel, Presbytery noted that one of its members had been part of a panel that had heard a case involving similar issues in the Siouxlands Presbytery. Presbytery inquired of the Stated Clerk and the SJC Chairman whether the rules by which panels were appointed had been observed in our case (RAO 17-3) as it seemed doubtful to us that between the spring and the middle of the summer all other members of the SJC would have been selected to serve on panels and the names in the pool been completely turned over (17-3c). The new chairman appointed a different panel, suggesting to us that the roster of the original panel had, in fact, been rigged. But Presbytery now learns that RE Sam Duncan, who authored the panel's opinion in the present case, was not only a member of the Siouxlands panel, but its chairman. We are trying very hard to believe that this was not an intentional violation of the rules with a view to ensuring that the panel's judgment would be what it has proved to be. Surely in highly politicized cases such as these, great care should be taken to ensure that the SJC's conduct of its affairs be above reproach. Has it been? One remembers Herman Bavinck's melancholy observation – the observation of a politician and a churchman – that while politics are often seamy, church politics are always so.

The Impression of a Prevailing Bias

I simply note the fact that in the panel's reasoning (C iv) not only is Dr. Leithart cited as writing "The baptized are implanted into Christ's body, and in Him share in all that he has to give," but emphasis is added to the last six words. The panel knows very well – it is in the record of the case and was further brought to the panel's attention during the

discussion – that Dr. Leithart retracted that statement as overreaching and unhelpful. To have it used against him in the panel's report is unconscionable and heightens the overall impression that no effort was made really to extend to Dr. Leithart the courtesy of dealing fairly with his words.

Or, take another illustration. Dr. Leithart's statement, cited under C vi, that "justification and definitive sanctification are not merely simultaneous..." becomes in the panel's evaluation a failure to distinguish between justification and sanctification, as if Dr. Leithart were speaking of sanctification in the customary sense of its definition in the Confession and Catechisms. Everyone knows that the distinction between definitive sanctification, a theologoumenon now widely embraced in our circles, and sanctification as a life-process of renovation in righteousness does not appear in the Standards and that definitive sanctification is a dimension of the biblical doctrine that is not clearly represented in their definitions. This failure to extend to a brother the ordinary courtesy of faithfully representing what he actually writes seriously undermines the credit of the panel's report.

Or, once more, take the statement in the panel's reasoning that "The Standards teach that faith is the proper response to the Gospel – not to baptism." [C v] Not only is it an egregious misrepresentation to suggest that Dr. Leithart does not think that faith is the proper response to the Gospel, it is passing strange that a Reformed Christian would not think that faith is the proper response to one's baptism. Am I not to believe that by baptism I have been enrolled in the church of God? Am I not to believe that being baptized in the name of the Father, the Son, and the Holy Spirit I have a calling to fulfill? Am I not to believe that great and precious promises have been sealed to me in the sacrament and that is my privilege to base my life and hope upon them? Paul certainly seems to feel that faith is the proper response to one's baptism (e.g. Romans 6:3-4). This kind of argument by false disjunction betrays a spirit and it is not a spirit we should commend.

Theological Reasoning

As the original brief submitted by Presbytery argued there are two fundamental questions that must be answered if a fair judgment is to be reached. Neither of these questions is even addressed, much less answered in the reasoning offered for the panel decision.

The first question is whether any of Dr. Leithart's teaching actually amounts to a strike at the vitals of the "system of doctrine" taught in the Westminster Standards. The panel can't have it both ways. Dr. Leithart cannot belong to "the broader reformed community" and, at the same time, have placed himself outside the boundaries of Westminster Calvinism with respect to the vitals of the system. He can't belong to the broader reformed community and teach that justification is by baptism, not through faith in Christ alone. One suspects that the panel doesn't really take its own reasoning seriously if it can, at the end of the day, cheerfully acknowledge Dr. Leithart's membership in the "broader Reformed community." Quite apart from whether the panel

has faithfully represented Dr. Leithart's views – it most certainly has not (I would say its report demonstrates a perverse tendency not only to cherry-pick citations but to interpret them without regard to the context in which they are found) – Christian brotherhood and loyalty to Holy Scripture (as well as loyalty to the Standards as our subordinate rule of faith) require it to engage the discussion as to whether this teaching in any particular amounts not to a difference of emphasis or an attempt to refine by reference to other biblical data but amounts instead to an attack upon the nervous system of the Reformed Faith. Let me remind the brothers that the sort of arguments used by the panel have not persuaded a significant number of PCA men (two presbyteries have placed their considered opinions on the record), including honored teachers in a number of our theological faculties that Dr. Leithart's teaching strikes at the vitals. You are purporting to drive out of the church a long-serving minister and you haven't convinced a sizeable number of able men, just as committed to Westminster Calvinism as you are, that there is any need to do so! It is indeed problematic that a committee of ministers and elders, including men "who have studied at seminary and beyond," cannot explain to the satisfaction of many of their peers the great danger present in Dr. Leithart's teaching. [C iv]

In a similar way to represent Dr. Leithart's taking a side in the now longstanding debate about the covenant of works as striking at the vitals of our system of theology is absurd. Are we seriously of a mind to think that John Murray could not serve in the Presbyterian Church in America? First, the panel treats us to the more than faintly ridiculous conclusion that though Dr. Leithart teaches that there is discontinuity between the Adamic covenant and the post-lapsarian covenants [C i] – a discontinuity rooted in the entrance of sin and change of federal head from Adam to the Son of God! – that there is nevertheless no significant difference between the covenants. Surely God's covenant with sinners in Jesus Christ represents a difference of some significance! Second, there is a total failure accurately to represent the nature of this debate. Strip away the sloganeering and what is left is, first, Dr. Leithart's assertion that there is grace in the first covenant – as demonstrated in Presbytery's brief, this a commonplace of Reformed teaching and of the teaching of Westminster divines and certainly is not contradicted by any statement in the Standards – and, second, there was the necessity of faith on Adam's part. Surely, unless Adam was omniscient in Eden and God was then a visible being, Adam must have had to have been a believer! Surely he was required to believe what God told him and to believe that his life lay in obedience to God's commandments! To equate this position in this debate with overturning our system of doctrine is the worst sort of overreaching. Palmer Robertson wisely points out that the nomenclature of covenant of works/covenant of grace has strengths and limitations and he too asserts that there was grace in the first covenant. Those who read the Standards as emphasizing a meritocracy and those who read them as emphasizing the gracious foundation of all God's covenant dealings with humanity can both find their view in the language of the Standards and in the Westminster tradition. The Standards are simply not sufficiently precise to settle this debate.

The second question is whether it is proper for PCA ministers to draw our attention to biblical data for which our theological Standards provide no summary. Is it not a salutary

work to attempt to account for biblical teaching that is not incorporated in the theological summary provided in the Standards? Is it possible, that is, to affirm from the heart, the assertions of the Standards while pointing out that there are senses in which the Bible uses the same theological terminology in other ways and to other effects? This is, in fact, what the Presbytery concluded Dr. Leithart has done. For example, the panel argues that it is obviously impossible for someone to be justified temporarily. And, no doubt, in the ordinary sense of the term in its theological usage, that is a correct conclusion. But there is no constitutional warrant for the conclusion that the term can always and only be used in accordance with this confessional usage. Justification – whatever else it is – is the forgiveness of sins. It is perfectly obvious that there is such a thing as temporary forgiveness because the Bible says there is (cf. Num. 14:20 with 1 Cor. 10:5; Ezekiel 16:1-14; Matthew 18:32-34; etc.). Whether we are entirely satisfied with Dr. Leithart's effort to incorporate this biblical material into the larger picture of the way of divine grace, the fact is, temporary forgiveness is a biblical datum. The panel has the audacity to say that "What Scripture says about a particular topic is set forth in our Standards." [C vi] Really? Where do the Standards deal with temporary forgiveness? If, indeed, Holy Scripture is really our only infallible rule of faith we cannot possibly object to a man working hard to understand how such teaching is to be incorporated into the system, all the more if, as in Dr. Leithart's case, he confesses loyalty to that system and proves it in his writings. What is more, our loyalty to Holy Scripture absolutely requires us in such a case as this to acknowledge in our discussion of his views of justification and the other benefits of Christ's redemption that there is obviously a sense in which forgiveness may be temporary, holiness temporary, a family relationship with God temporary, "life" itself temporary, even the love of God temporary (Deut. 7:7-11; Hos. 11:1). To fail to do that, to act as if such ideas were preposterous, is to betray our theology with a kiss. Where, pray tell, do the Standards "reject any form of 'theoretical' or temporary justification"? Do the Standards teach us to deny that the Lord pardoned Israel in the wilderness notwithstanding that she perished in her sins or to deny that he himself says that he washed Israel and made her clean (Ezek. 16:4,9)? If so, let the panel tell us where they teach us to do so?

In the same way, the GA Report notwithstanding, where do the Standards teach that our justification on the last day (our "acquittal" as the Catechisms have it) is not based in any way on our works? [C v] Presbytery's original brief demonstrated that this is hardly the opinion of the authorities of Westminster Calvinism in general and, in fact, the Standards don't explain one way or another how our works may be related to our final acquittal. The panel admits that "in one sense" Dr. Leithart's statement is true that "we are justified by works in whatever sense James means it." Well, then, in what sense is Dr. Leithart's statement untrue? Dr. Leithart hasn't gone nearly so far as Robert Dabney in relating our final justification to our works! What is his error?

Again, who denies that the Standards employ the phrase "union with Christ" to signify Christ's relationship with the elect? Certainly not Dr. Leithart. When he uses the terminology this way he is in explicit agreement with the Standards. But while this understanding of union with Christ is essential to the Scripture-based theological definition of the term as it is employed in the Standards, it is hardly fair to suppose that

the Standards' definition of union with Christ be deemed present in every biblical passage that uses that same terminology or that drawing attention to the different biblical uses of the terminology somehow amounts to a betrayal of the teaching of the Standards. What grounds (constitutional or otherwise) are there for insisting that all the Hebrew and Greek terms and phrases under consideration must be used by biblical writers only as we find them used in the Standards? The biblical idea of union with Christ is multiform, not uniform and richer than the specific use of this terminology in the Standards. Why is this not cheerfully admitted when it is so obviously true? It poses no threat whatsoever to the constitutional usage to admit this. Why is the discussion of Dr. Leithart's teaching not conducted with an eye open to these other uses of the terminology? Why is it not obvious in the panel's reasoning that it is well aware of these facts and was concerned to remain faithful to them in its evaluation of Dr. Leithart's writings?

Once again, it remains a simple fact that the Standards do not explain what precisely we are to think of the experience of a man who was baptized and who enjoyed powerful experiences of the ministry of the Holy Spirit but who proved at last not to be saved. I am frankly flabbergasted by the assertion of the panel that it is untrue that "some baptized unbelievers have for a time some measure of a real connection with the Son and the Spirit." [C v] Does not the Scripture say explicitly of such people that they "shared in the Holy Spirit" (Heb. 6:4) and were "sanctified" by the "blood of the covenant" (10:29)? I want very much to believe that we are together committed to Holy Scripture as our only infallible rule of faith, but it becomes harder to believe that when statements are made in the panel's reasoning in defense of what they take to be the Standards teaching that seem to amount to a direct contradiction of the plain speaking of the Bible.

The Bible does not scruple to attribute life to people who eventually die in their sins (Ezek. 16:6; Matt. 13:5-7). It does this repeatedly. It does not scruple to speak of God's love for such people and of their having been his children (Isa. 1:2; Jer. 1:16; Matt. 13:5-7; etc.). These are facts and any good faith examination of Dr. Leithart's work should clearly and emphatically take note of those facts and discuss his proposals in view of them. Otherwise we are not reasoning biblically and theologically, we are sloganeering.

What is repeatedly revealed in the panel's argument, alas, is a persistent failure to grasp the real *status questionis* and, consequently, the lines of argument are not drawn with the precision necessary to ensure a proper solution. This is true in respect to every issue the panel takes under its review. For example, in the matter of justification the panel fails carefully to distinguish between the *causa materialis* and the *causae instrumentalium*. Reformed theology does not doubt, for example, that faith is a cause of justification, but it is not its ground, which is alone the righteousness of Christ. The Word of God, the gospel, is a cause of justification, but not its ground (1 Cor. 15:2; Eph. 1:13; 2 Thess. 2:14). And, in the same way, the works of a Christian's life are a cause of the sinner's final justification (whether as its vindication or its demonstration) while certainly not being its ground or material cause. Without attention to such careful distinctions and without the demonstration that Dr. Leithart's view has been scrutinized

in keeping with these distinctions the panel's reasoning is an exercise in comparing, as we say, apples and oranges.

In the same way the panel's argument fails to disclose in what ways baptism may serve as a *causa instrumentalis* in the salvation of sinners, which our Standards certainly teach that it is when they refer to it as a means of grace or as Scripture does when it says that we are cleansed "by the washing with water through the word" (Eph. 5:26). After all, a very simple piece of confessional reasoning leads us to the conclusion that baptism is ordinarily necessary for salvation. We read in WCF XXVIII, i, that baptism is "for the solemn admission of the party baptized into the visible church...." And we read in WCF XXV, ii, that "outside of [the visible church] there is no ordinary possibility of salvation." The conclusion follows by rigorous necessity: ordinarily baptism is necessary for salvation. Whatever else one may say about this, it is a reminder that in our Standards there is more to baptism than there is in the panel's argument! Dr. Leithart's position is critiqued as if the theological alternative were solely baptism as the ground of justification or salvation, on the one hand, or baptism as contributing little or nothing to salvation on the other.

What the panel should have done was to work hard to set Dr. Leithart's teaching within the context of this much more sophisticated theology of the *causae salutis* and the *instrumenta gratiarum* in hopes of finding that it fits adequately within such a framework. This it very clearly did not do.

Biblical Exegesis

At the beginning of Presbytery's thirty minutes before the panel Presbytery's respondent was told in quite a peremptory way to read Romans 6:1-7. "That is not about baptism," he was told. I assume they meant that it was not about water baptism, the rite of baptism. This is the view now represented in the panel's reasoning [C v]. Gentlemen, do you really want to go on record saying that the PCA does not believe that Romans 6 is about water baptism? That is a conclusion you will find in no reputable commentary on Romans: from Hodge to Murray, from Bruce to Cranfield, from Ridderbos to Moo. Let's not make ourselves a laughingstock. Is PCA baptism really so light, so weightless, so invisible that it cannot be found even where it is the explicit subject of a text of Holy Scripture? However else one may account for the reality of baptized unbelief, Romans 6 is most assuredly about water baptism and it is an offense to the entire tradition of Christian biblical study to deny this!

The argument of the panel, according to which we are told how particular texts of Holy Scripture are to be interpreted, amounts to a very different assertion than that the Standards represent "standard expositions of the teachings of Scripture" (BCO 29-1). We are being told that the Standards demand a particular exegesis of various texts, even historically controversial texts such as 1 Pet. 3:21. The SJC has no such authority in our church to determine the exegesis of passages of Holy Scripture. We do not have in the PCA a constitutional standard of exegesis whose effect is that all of us must agree that Romans 6, for example, is not about water baptism! This is only

another way in which the panel's reasoning proves to be extra-confessional if not anti-confessional.

The panel seems to be operating with the assumption that the Standards' view of sacramental relation (WCF XXVII, ii) amounts to permission to choose in any text whether the reference is to the sacrament or what the sacrament signifies and seals. This is hardly the meaning of the Confession's statement however and it will be very difficult to find any Reformed authority who thinks it is. The solution to the "problem" created by the fact that the rite of baptism is performed in many cases when the subject does not belong to the elect of God does not lie in the sacramental relation between the sign and the thing signified. That relation rather means that whatever is true of Baptism with the Holy Spirit is attributed to Baptism with water. There is no principle of theology or exegesis according to which we may believe that when the Bible mentions baptism it is referring to something else than what everyone understands by the term!

Theological Statement

I have already referred to what I regard as errors of interpretation in the panel's reasoning. But there are other examples of this that ought not to go unnoticed. For example, we are told [C v] that, according to the Standards "baptism only `represents' Christ and his benefits." That is, of course, incorrect. According to the Standards baptism signifies, seals, and exhibits the benefits of Christ. Indeed, in baptism when rightly used, "the grace promised is not only offered, but really exhibited, and conferred, by the Holy Ghost..." [WCF xxviii, 6] It makes some difference whether the Standards' actual view of baptismal efficacy lies behind the critique of Dr. Leithart's views or the much weaker view of the sacrament entertained by the panel. Their statement about what baptism does raises the obvious question as to whether the panel members themselves should register an exception to the Standards on this point.

Again, we are told that "Leithart is categorically wrong" in saying that baptism "has the power to grant newness of life." What does that mean? Is the panel supposing that Dr. Leithart actually teaches that baptism works as an *opus operatum*? That is preposterous and certainly unproven in the record. Are they then denying that baptism is a means of grace? Of course the sacraments have power to grant newness of life. Our Standards say as much. They are "the outward and ordinary means by which Christ communicates to us the benefits of redemption" among which newness of life is chief! The Word has that power; so do the sacraments; so does prayer. Of course they work instrumentally. Of course they are not the efficient or the material causes of salvation. Of course they are the apparatus of divine grace and the means of the application of Christ's redemption by the Spirit. But they certainly have power to grant newness of life. God invests them with that power as our Standards plainly teach. Gentlemen, please do not confirm an explanation of our church's doctrine that manages to deny what our Standards explicitly affirm.

Similarly, we have the extraordinary statement in C v: "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." Are we actually denying the truth of that statement? Are we denying that sinners obtain eternal salvation only through perseverance? Is it the panel's view that we obtain salvation without perseverance in covenant faithfulness? Is the necessity of perseverance not what we believe and is it not what the Bible and our Standards plainly teach? Can you not see how such statements as these wholly undermine the case the panel is attempting to make? Brothers, the panel's reasoning is an argument so confusing as an account of the doctrine of our Standards and so suspiciously uncaring of the plain speaking of both the Standards and Holy Scripture that I can't help but think it would be deeply embarrassing to us to have it published as the thinking of our church.

The Unity of the Church

Perhaps the most disturbing and discouraging aspect of the panel's report is its cavalier dismissal of the obligations of Christian unity. In section A, after quoting a statement from the original brief of the Presbytery to the effect that Dr. Leithart holds to the great system of Reformed theology as expressed in the Westminster Confession and Catechisms, we read, "But such external criteria of central tenets is not the appropriate criteria." I, for one, thought the central tenets by which any system of theology is formed were precisely the criteria by which we determined whether a man held to our system of doctrine. That is almost entirely what the Westminster Confession is concerned with: central tenets. That explains why there is so much biblical data it does not summarize or systematize. It is precisely the challenge posed by Dr. Leithart's work that he is proposing to give an account of other things besides central tenets. I was, by the way, unaware until reading the panel's report that there are Anglican Presbyterians! Reformed Baptists, we read, could affirm "some central tenets of the Standards." Precisely. But they couldn't affirm others. That is why Reformed Baptists are not Presbyterians. But Dr. Leithart affirms all the central tenets.

The panel seems to accept the existence of denominations with blithe indifference rather than as a tragic necessity that must be worked against with might and main. The panel seems to think it convenient, a happy providence, to be able to offload Dr. Leithart on to the "broader reformed community." There has been in all of this discussion in our church precious lack of any concern that rending the body of Christ over hyper-fine points of biblical and systematic theology may in fact be an offense to God and a betrayal of the one, holy, catholic church. There is a real risk here, brothers, and the risk is that the Lord Christ will be displeased with what we are doing. I fear that the world will never be likely to infer either that the Father sent the Son or that God loves his people by observing the way our church is practicing unity. [John 17:21-23] No yeoman effort to preserve and protect that unity. No determination to be sure that we have read our brother fairly, have honestly engaged the challenge of his writing, and that we have been compelled to conclude, virtually against our will, that it is an absolute necessity that he not be permitted to remain in our brotherhood. Quite the contrary. The blogs, I hear, are dripping with glee over the panel's report. What is more, the panel seems virtually to hold it against the Presbytery that we chose to place Dr. Leithart's statements

in the best possible light. Love always hopes but I see little of this hope in the panel's report. I fear the Lord's displeasure at this unseemly disunity fueled by party spirit. May I remind the brothers of this statement from the "Preface" of our *Book of Church Order*:

"While it is necessary to make effective provision that all who are admitted as teachers be sound in the faith, there are truths and forms with respect to which men of good character and principles may differ. In all these it is the duty both of private Christians and societies to exercise mutual forbearance toward each other" (Preliminary Principle 5).

May I also remind the SJC that even such a finding as the panel purports to make, viz. that Dr. Leithart "holds views that place him out of accord with the Standards," is not yet grounds for a trial. Dr. Leithart has made no secret of his views and so has not been neglectful of his vows. Indeed, the panel has failed to persuade the Presbytery that he does not in fact hold to the general and the specific teaching of our Standards. But the fact is, even were the SJC panel correct in its assessment of the relationship between Dr. Leithart's views and the teaching of our Standards, it would still be possible, indeed preferable, to seek to maintain the unity of the Spirit in the bond of peace by simply requesting that he register certain exceptions to the Standards and leave it to Presbytery to determine if those exceptions strike at the vitals. Indeed, I think the Presbytery would be very interested to know what exceptions the SJC believes he should take to what particular assertions of the Standards.

What Presbytery is still waiting to receive is a fair representation and examination of Dr. Leithart's work and Presbytery's evaluation of it, conducted in a spirit that cherishes unity as well as purity, and that eschews a simplistic criticism that fails to do justice to the richness of biblical teaching and Reformed theology. We despair to believe that such an evaluation cannot still be forthcoming from the courts of our church.