

1 In the Matter of
2 Presbyterian Church in America
3 v.
4 TE Peter Leithart

6
7 Judgment and Reasoning of the Standing Judicial
8 Commission
9 To the Presbytery of the Pacific Northwest
10 October 7, 2011

13
14 TE Brad Chaney TE Eric Costa TE Ron Gonzales TE Mike Kelly TE Eddie Koh
15 RE Dirk Carlson RE Mike Pfefferle RE Brian Sunderland RE Steve O’Ban (Trial Moderator)

17
18 *Summary:* The prosecutor filed five charges against Dr. Leithart.

19 The Standing Judicial Commission reached the following verdicts, with the Commission vote
20 on each charge noted.

21
22 Charge 1 Regarding Baptism Not Guilty 9-0
23 Charge 2 Regarding Covenant of Works Not Guilty 9-0
24 Charge 3 Regarding Imputation Not Guilty 9-0
25 Charge 4 Regarding Justification/Sanctification Not Guilty 9-0
26 Charge 5 Regarding Union and Apostasy Not Guilty 9-0

28
29 Per the October 2010 instruction of Presbytery, the Judicial Commission has organized this reported
30 judgment as follows:

- 31
32 I. Summary of the background facts
33 II. Charges and specifications and response of the accused to each charge
34 III. List of prosecution and defense witnesses (briefly noting to what issue they
35 testified)

- 1 IV. The Court’s judgment on each charge
- 2 V. Reasoning for the judgments
- 3 VI. Conclusion
- 4 VII. Appended to this report is the final wording of Presbytery’s commissioning motion.

5
6 Then follow the Commission’s recommendations to the Presbytery.

7
8

9 **I. Summary of Background Facts**

10 In 1989 Dr. Peter Leithart, Respondent, was ordained as a minister in the PCA by Evangel Presbytery and
11 from 1989–95 pastored Reformed Heritage Presbyterian Church in Birmingham, AL. He was examined
12 and approved for transfer by the Presbytery of the Pacific Northwest (PNWP) to labor out of bounds as a
13 professor of Theology and Literature at New St. Andrews College, Moscow, Idaho. Five years later, on
14 January 9, 2004, he was also approved to labor out of bounds as pastor of Trinity Reformed Church in
15 Moscow. He has been an ordained minister in the PCA for 22 years and a member of PNWP for 12 years.

16 Dr. Leithart is a graduate of Hillsdale College and received his MAR and Th.M. from Westminster
17 Seminary (Philadelphia) in 1986 and 1987. He received his Ph.D. from Cambridge University in the
18 United Kingdom in 1998.

19 In June 2007, the 35th General Assembly in Memphis, TN adopted five recommendations from a study
20 committee, including the recommendation endorsing nine declarations. Following the GA, in the same
21 month, Dr. Leithart sent a letter to the PNWP Clerk reporting his views on matters related to the
22 declarations. In October 2007, at the request of Dr. Leithart and TE Jason Stellman (the current
23 prosecutor), PNWP appointed a Study Committee “charged with examining Dr. Leithart’s fitness to
24 continue as a PCA Teaching Elder in light of the June 2007 General Assembly’s reception of the Ad
25 Interim Committee’s Report on the theology of the Federal Vision.” One year later at its October 2008
26 stated meeting, PNWP adopted the Committee’s recommendation: “That the views of TE Peter Leithart
27 be judged to be not out of accord with the fundamentals of our system of doctrine.”

28 A complaint was brought by TE Stellman and several other members of PNWP against this action of
29 presbytery. The complaint was eventually sustained by the PCA SJC in March 2010, which ruled that
30 PNWP erred “in its handling of the Reports from the PNWP Study Committee appointed to examine
31 Leithart’s fitness to continue as a PCA Teaching Elder” and the case was “sent back to PNWP with
32 instructions to proceed according to the Reasoning and Opinion of this Decision.” The SJC directed
33 PNWP to proceed as follows:

34 Pursuant to BCO 31-7, PNWP may counsel TE Leithart that the views set forth above
35 constitute error that is injurious to the peace and purity of the church and offer him
36 pastoral advice on how he might recant and make reparations for those views or, if he is
37 unwilling or unable in conscience to do so, that he is free to take timely steps toward
38 affiliation with some other branch of the visible church that is consistent with his views;

39 If said pastoral advice is not pursued or fails to result in TE Leithart’s recanting or
40 affiliating with some other branch of the visible church before the Fall Stated Meeting of
41 PNWP, then PNWP shall take steps to comply with its obligation under BCO 31-2.

42 Beyond these directions, we call attention to the responsibility of members of PNWP, as
43 those called to rebuke any who contradict sound doctrine, to bring charges in this case,
44 should they find the views in question to be in violation of our Doctrinal Standards. This
45 matter is remanded to PNWP for further actions consistent with this opinion.

1 One month later at its stated meeting in April 2010, PNWP adopted the following in response to the SJC
2 decision: “Presbytery recommends to TE Leithart that he consult with his advisors through the coming
3 months with a view to the consideration of the Standing Judicial Commission’s first direction and that
4 Presbytery, following the SJC’s direction, leave its decision as to how to proceed to the October
5 meeting.”

6 At PNWP’s stated meeting in October 2010, Dr. Leithart reported he had not changed his views nor was
7 he requesting to transfer his credentials out of the PCA. PNWP then adopted a motion to proceed to trial
8 without first finding a strong presumption of guilt, and appointed TE Stellman as prosecutor. The case
9 was referred to the PNWP Standing Judicial Commission composed of: TEs Brad Chaney, Eric Costa,
10 Ron Gonzales (chair), Michael Kelly, and Eddie Koh and REs Dirk Carlson, Steve O’Ban (trial
11 moderator), Mike Pfefferle, and Brian Sunderland.

12 On January 17, 2011, Dr. Leithart received the indictment, later amended to add Scriptural texts which the
13 prosecution alleged Dr. Leithart “contradicts” or “rejects.” On January 31, Dr. Leithart pled “not guilty”
14 to the five charges contained in the indictment.

15 The Court requested briefing on the issues raised in the indictment from both parties. On March 17, 2011
16 the prosecution filed its brief and revised witness list, identifying TE Lane Keister and Dr. Michael
17 Horton as its witnesses. The defense filed its brief in response on April 17, including a list of exhibits,
18 later amended, and identified the following trial witnesses: Dr. Leithart, Dr. William Barker, Dr. C. John
19 Collins, and Dr. Robert Letham. The prosecution was given an opportunity to file a reply brief, which it
20 declined. Trial was set for June 3 and 4 by consent of the parties.

21 On May 3, 2011, the Court invited the parties to brief two questions:

- 22 1. To what extent, if any, a presbytery considering a judicial matter is bound by the resolutions of a
23 GA on a non-judicial, but related matter, and in particular the Recommendations of the Federal
24 Vision Study Committee adopted by the GA meeting in Memphis, TN to this judicial case?
25 Please cite to any authorities or commentators on the issue, including, but not limited to, past GA-
26 SJC rulings.
- 27 2. Discuss the criteria or standard by which the Commission should determine whether a violation
28 of the Westminster Standards and/or the Scripture is hostile to or strikes at the vitals of the system
29 of doctrine held by the PCA. Please cite to any authorities or commentators on the issue,
30 including, but not limited to, past GA-SJC rulings.

31 The defense filed a brief addressing both issues. The prosecution declined to do so and indicated it would
32 address these issues during the course of the trial.

33 The trial was held on June 3 and 4, 2011, at CrossPoint Churches PCA, Green Lake Campus in Seattle.
34 The Moderator charged the members of the Court pursuant to BCO 32-12. Additionally, the Moderator
35 repeated the following statement, first given to the parties at the January 31, 2011 hearing:

36 We wish to clarify the role of this Commission to the parties. The Commission’s responsibilities
37 and duties are first and foremost governed by the BCO’s Rules of Discipline. If the directives of
38 the PNWP regarding this proceeding should conflict with the BCO, the BCO will control.
39 Further, we are of course aware that the PNWP has concluded in a non-judicial setting that the
40 Respondent’s views do not conflict with Scripture or the Westminster Standards. However, this
41 Commission operates in a judicial capacity and is, therefore, not in any way bound by that
42 conclusion. Members of the Commission take seriously and without reservation their duty to base
43 their decision solely on the evidence and argument presented by the parties in the trial. If the
44 evidence and argument support a finding of guilt, the Commissioners will not hesitate to rule that
45 the Respondent is guilty of any or all of the charges. Conversely, based on the trial record alone,
46 if the evidence and argument do not support a finding of guilt, we will so conclude.

1 The eighteen hour trial over two days was digitally recorded (later transcribed) and held in executive
2 session per the October 2010 instructions of Presbytery. The parties made opening statements, after which
3 the prosecution put on its witnesses, followed by the defense. The prosecution did not present a rebuttal.
4 Each side had the opportunity to cross-examine the other’s witnesses. The trial concluded with each side
5 presenting closing arguments.

6 The Court met immediately following the close of the trial and voted on the charges of the indictment.
7 The vote was unanimous. The Moderator then appointed a committee charged with drafting the judgment
8 and reasoning of the Court.

9

10 **II. Charges**

11 The full Indictment with specifications and with Westminster and Scripture citations is attached. The
12 defendant pled “not guilty” to each Charge, which read as follows: “That TE Leithart in his views and
13 teachings ...”

- 14 1. Contradicts the Westminster Standards and Scripture by attributing to the sacrament of baptism
15 saving benefits such as regeneration, union with Christ, and adoption (WCF 28:5–6; John 1:12–
16 13; Rom 2:28–29; Heb 4:2; 11:6). 5 specifications (i.e., all quotes from the defendant’s writing,
17 listed in full in Attachment C)
- 18 2. Rejects the covenant of works/covenant of grace structure set forth in Scripture and in the
19 Westminster Standards (WCF 7:2–3, 5-6; WLC 20; Gen 2:16–17; Hos 6:7; Rom 5:12–14; 1 Cor
20 15:21–22; Gal 3:12). 2 specifications
- 21 3. Rejects the teaching of Scripture and of the Westminster Standards that the obedience and
22 satisfaction of Christ are imputed to the believer (WCF 8:5; WCF 11:3; Rom 4:1–8; 5:17–18). 2
23 specifications
- 24 4. Fails, contrary to Scripture and the Westminster Standards, to properly distinguish justification
25 from sanctification (WLC 69, 75, 77; Rom 3:28; 4:4–8; 12:1; Tit 3:4–8). 3 specifications
- 26 5. Contradicts Scriptures and the Westminster Standards by teaching that people may be truly united
27 with Christ and receive saving benefits from him, and yet fall away from Christ and lose those
28 saving benefits (WLC 65–66, 69, 79; John 6:38–40; 10:28–29; Rom 8:28–39; Phil 1:6; Heb
29 7:25). 3 specifications

30

31 **III. List of Witnesses** (in the order they appeared)

32 Prosecution:

- 33 1. Dr. Michael Horton: testified regarding Charges 2, 3, and 4
- 34 2. Mr. Lane Keister: testified regarding Charges 1 and 5

35 Defense: (Each witness testified regarding all Charges.)

- 36 1. Dr. Peter Leithart
- 37 2. Dr. William Barker
- 38 3. Dr. C. John Collins
- 39 4. Dr. Robert Letham

40

41 **IV. Judgment on Charges**

- 42 1. Not Guilty

- 1 2. Not Guilty
- 2 3. Not Guilty
- 3 4. Not Guilty
- 4 5. Not Guilty

5

6 **V. Reasoning for Judgments**

7

8 Doctrinal trials are relatively infrequent in our Church. This trial has already attracted considerable
9 attention throughout our Church and beyond. Consequently the Court acknowledges any judgment it
10 makes will be controversial in some quarters of our fellowship. For these reasons, the Court deems it
11 necessary to give a fairly extended statement of the issues it considered, principles by which it was
12 governed during the trial, and the specific reasons for each judgment it reached.

13

14 **A. INTRODUCTION**

15 There were three overarching issues which must be addressed in order for this Court to properly
16 adjudicate the charges brought against Dr. Leithart.

17 1. What does Dr. Leithart actually believe and teach? Just as any trier of fact must determine the facts
18 before it can correctly determine if the accused has violated the law, the Court must determine what TE
19 Leithart teaches before it can ascertain if his teachings violate the Westminster Standards. The defense
20 denies that Dr. Leithart’s teaching has been accurately characterized by the prosecution. To evaluate
21 whether Dr. Leithart’s writings place him outside the bounds of the PCA’s doctrinal standards it was
22 necessary for the Court to determine exactly what Dr. Leithart’s teachings were on the disputed points.

23 2. What do the Westminster Standards teach? The defense claims that some of the prosecution’s
24 accusations amount to blaming him for differing, not with the Standards themselves, but rather with
25 someone’s interpretation of the Standards, which interpretations do not have Constitutional authority.

26 3. If Dr. Leithart does indeed differ from the Standards, how significant are those differences? In
27 answering this question, the Court was guided by the constitutional requirement of BCO 21-4, as
28 elaborated in RAO 16-3(e)(5), with commentary from the GA SJC case 2007-8.

29

30 **B. GUIDING PRINCIPLES**

31 Several principles have guided the Court in its findings and judgment.

32 First, as TE David F. Coffin, Jr. recently wrote for the GA SJC in SJC Case 2010-04, *Complaint of TE Art*
33 *Sartorius, et al. vs. Siouxlands Presbytery*: “If a view can be interpreted in an orthodox fashion, it ought
34 to be so interpreted until one is forced to do otherwise.” Likewise, “One cannot properly impute
35 implications that are drawn from a position to a person who expressly denies the implication.”

36 Second, we agree with the 2006 Report of the Missouri Presbytery where it states: “We believe the
37 judgment of charity requires us to believe a man (especially an elder) when he gives us his word that he is
38 speaking the truth, unless and until we have clear and convincing proof to the contrary. By this principle
39 and standard of love, we have worked with our brother.”

40 We believe that these two principles, when construing the teachings of fellow laborers of good character,
41 are controlling on a Court sitting in judgment of a teaching elder.

1 Next, two principles of church government guide this Court in the discharge of its duty to exercise
2 discipline over the purity of the truth.

3 Our own *Book of Church Order* states:

4 Preliminary Principle 3: “Our blessed Saviour, for the edification of the visible Church, which is His
5 body, has appointed officers not only to preach the Gospel and administer the Sacraments, but also to
6 exercise discipline for the preservation both of truth and duty. It is incumbent upon these officers and
7 upon the whole Church in whose name they act, to censure or cast out the erroneous and scandalous,
8 observing in all cases the rules contained in the Word of God.”

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

13 In these two principles we have the complementary requirements to allow for differences in non-
14 essentials, and the duty to insist on the purity of the faith once delivered to the saints.

15 Throughout his service as a minister in this fellowship, Dr. Leithart has repeatedly declared his agreement
16 with the Westminster Standards; first at his ordination, and then at his reception into the Pacific
17 Northwest Presbytery, and (with respect to the points alleged in the charges) in his testimony in this trial
18 as well as the preceding years of investigation and study. Although the Court recognizes the possibility
19 that an honest, intelligent man could incorrectly believe himself to be in accord with our Standards, a
20 man’s character and qualifications are still valid considerations when evaluating his views as well as in
21 conducting the ministry of the Court in a manner that is worthy of our calling. Consequently, the Court
22 notes for the record that it finds Dr. Leithart’s integrity and scholarship to be exemplary, as did the
23 prosecution itself in the following testimony:

24 The Prosecutor: “One such question [that is not at issue in this trial] is whether or not Dr. Leithart
25 is a good man, a godly man, and a scholar. No one in this room denies that these things are true”
26 (Trial Transcript, 1.15–16).¹

27 The first prosecution witness, Dr. Michael Horton: “First of all, if I may be permitted to say so, I
28 have tremendous respect and regard for Professor Leithart and much of his work from which I
29 have profited” (Trial Transcript, 1.49).

30 The second prosecution witness, Mr. Lane Keister: “Let me start by saying I would much rather
31 spend two hours telling you how much I’ve learned from TE Leithart and how much I appreciate
32 his wit” (Trial Transcript, 4.1).

33 While the prosecution clearly has serious disagreements with Dr. Leithart, the admiration expressed
34 above speaks well of both the defendant and the process. Therefore, even as our primary concern focused
35 on the content of Dr. Leithart’s views with relation to our Standards, the Court acknowledges for the
36 record that Dr. Leithart deserves widespread respect in the Church, even from those who disagree with his
37 positions as they understand them. With this in view, each man on this Court has taken this solemn duty
38 with utmost seriousness and has tried to the best of his ability to judge in a fair and impartial manner.

39

¹ References to the trial transcript are in the form *volume.page_number*, or *volume.page_number.line_number*.

1 C. Differences from the Standards and the System of Doctrine

2 The fact is that the three passages cited from the BCO, RAO, and a GA case all acknowledge that PCA
3 office-bearers will inevitably express themselves in ways that differ from the Westminster Standards, and
4 that it will be the responsibility of our church courts to evaluate such differences. BCO 21-4, for instance,
5 does not require agreement to every proposition in the Standards. RAO 16-3(e)(5) recognizes that a man
6 can differ from the Standards to various degrees: merely semantic; more than semantic, but not out of
7 accord with any fundamental of our system of doctrine; and “hostile to the system or striking at the vitals
8 of religion.”

9

10 1. Differences

11 SJC 2007-8 might seem to raise the bar in its discussion of the ways in which a man may be said to have a
12 difference with the Standards. The relevant paragraph from this decision reads:

13 Presbyteries are to determine whether a candidate or member has any *differences* with the
14 teaching of the Constitution. A difference does not require overt contradiction or denial. It can
15 arise when a member “quibbles” with the sufficiency of the exegesis underlying the proposition
16 of the Constitution. It may occur when a member redefines terms specifically defined in our
17 Constitutional standards. It can arise when a party describes the Constitution as “incomplete,
18 misleading, or inaccurate.” It occurs whenever a position is asserted that “differs” with the
19 authoritative exposition stated in our Constitutional standards. (Emphasis supplied)

20 This Court is not sure what to make of the claim that a man can be considered to have differences from
21 the Standards if he “quibbles” about the exegesis underlying a proposition of our Standards. We have no
22 authoritative statements of the exegesis underlying the statements in the Standards, and our officers at
23 ordination are asked to state their agreement with the Standards, not some supposedly authoritative body
24 of exegesis.

25 With respect to “redefining terms,” the Court naturally agrees that we should use words in predictable and
26 clearly understood ways, otherwise communication would be impossible. Having said that, the fact is that
27 words have a range of meanings in ordinary speech, in the Bible and even in systematic theology.
28 Defining, clarifying and sometimes “redefining” terms is inevitable. The question is not whether Dr.
29 Leithart uses some words in ways that are not the most common ways to use those words in our
30 systematics texts. The question is: does he use words in ways that *contradict* the teaching of the Standards
31 and the Scripture?

32 With respect to the dangers of saying that the Standards are incomplete: of course the Standards are
33 incomplete. Surely we are not to think that the Divines said everything that could possibly be said about
34 the whole counsel of God! The fact that our scholars are constantly writing books and journal articles
35 shows that we think there is always room to expand and deepen our understanding of God’s holy
36 revelation.

37 For example, the Standards do not say in so many words that the active obedience of Christ is imputed to
38 the believer. Many in our church believe that such an imputation is not only true but an essential belief for
39 anyone calling himself Reformed. Are the Standards “incomplete” at this point? Should those teaching
40 such an imputation be charged with having a difference with the Standards? The Court cannot imagine
41 that any reasonable person would think so.

42 We say all this not because we disagree with the decision in SJC 2007-8, or with the substance of the
43 paragraph quoted, but to guard against ways in which we think that paragraph can be incorrectly used.

44

45 2. The System of Doctrine

1 Again, the courts of our Church are charged with ensuring that her officers remain in accord with the
2 fundamentals of this system of doctrine (e.g., ordination vow 2, BCO 21-5). What is the system of
3 doctrine? What are the *fundamentals* of this system? It is the Court's conviction that there are two
4 possible errors to be avoided here, the error of the left and the error of the right, and it is for us, as it was
5 for Joshua, to avoid both (Joshua 1:7).

6 One error is to reduce the content of "the system" to the point where the system is not recognizably
7 Reformed. When Charles Finney was ordained in the Presbyterian Church while denying the sovereignty
8 of grace in salvation, his presbytery made this error. When Charles A. Briggs believed that he could
9 remain a Presbyterian minister and seminary professor while denying the Westminster Confession's
10 teaching on the "infallible truth" of the Scriptures, he likewise made the same mistake.

11 There is another error. It is possible to attempt to erect a standard narrower than our Constitution. This
12 can happen when men are held to a standard embraced by this or that theologian or party, rather than the
13 standard established by the Divines through the words of the Westminster Confession and Catechisms
14 and the binding chapters of the Book of Church Order.

15 With this in mind, we turn to a consideration of the character of the Westminster Standards. B.B.
16 Warfield described the intent of the Divines to craft a Confession as a "statement of the generic doctrine
17 of the Reformed Churches" ("The Westminster Assembly and Its Work," in *The Works of Benjamin B.*
18 *Warfield*, Baker, 1981 reprint, vol. 6, p. 56). This "generic" nature arose from the "wise plan ... to set
19 down in the Confession only what was common ground to both [sides in the supralapsarian/infralapsarian
20 debate]" (*ibid.*).

21 As Dr. Letham pointed out, Parliament's aim in calling the Westminster Assembly into being was to
22 provide for the unity of the kingdoms of England, Scotland, and Ireland. "That in turn led to a concern to
23 accommodate various parts of the reformed community" (Trial Transcript, 12.3). Dr. Letham testified to
24 two specific examples where the Divines worded the Standards in such a way to allow ministers who
25 differed on fine points of theology to affirm the Confession in good conscience.

26 The first example involved hypothetical universalism, a view of the extent of the atonement which is
27 related to but not exactly the same as Amyraldianism. This view was held by several members of the
28 Westminster Assembly, including Edmund Calamay and John Preston. Though the Assembly did not by
29 any means endorse hypothetical universalism, in the words of Dr. Letham: "the Confession itself was
30 worded in such a way that they could accept it in good conscience and interpret its statements without
31 prejudice.... [The Assembly] was careful to word its statements in a way which allowed for different
32 views to be accommodated within the broad consensus of reformed theology, within what Warfield calls
33 generic Calvinism" (Trial Transcript, 12.4).

34 The point here is not that we think that hypothetical universalism should or should not have been allowed
35 by the Assembly. The point is that the members of the Assembly, the great majority of whom did not hold
36 to hypothetical universalism, did not choose to draw the lines in such a way as to exclude ministers who
37 were considered to be "generically Reformed."

38 The second example involves the imputation of Christ's active obedience. Dr. Letham again:

39 Of 26 recorded speakers on the floor during the debates on the 39 articles, in the first months of
40 the assembly, there were at least four participants who did not accept that the active obedience of
41 Christ was imputed in justification.... But at the end of the day, the Assembly in none of its
42 documents used the terminology active and passive obedience although these have been used on
43 the floor of the assembly and debate. There's been significant discussion about why they may
44 have done this. Why they may have refrained from committing themselves specifically to that
45 particular terminology. And the balance of probability, I would suggest, [and] Chad Van
46 Dixhoorn argues, [is that] it was left deliberately ambiguous. I don't think anyone in the world
47 knows more about the Westminster Assembly than Chad Van Dixhoorn. [Court's note: Chad Van

1 Dixhoorn is the author of the massive study based on the handwritten minutes of the Westminster
2 Assembly, *Reforming the Reformation: theological debate at the Westminster Assembly 1642–*
3 *1652*, 7 vols., Ph.D. diss., University of Cambridge, 2004.] And I agree with him that this was left
4 so that people like Gataker, Vines, Woodcock and Taylor and others who didn't contribute could
5 nevertheless participate and not be deprived of their ministries (Trial Transcript, 12.4f.).

6 It is widely recognized that the Westminster Standards were written when covenant theology was still
7 early in its development. What is perhaps less widely recognized is the temptation to read later
8 developments in covenant theology back into the Westminster formulations. Consider, for instance, the
9 striking fact that the Confession's treatment of mankind's first sin comes in chapter 6 and is without any
10 reference to the covenant of works, which is first introduced in chapter 7. The Confession mirrors the
11 less-developed state of theological reflection upon the doctrine of the covenants which was current 350
12 years ago. This is not to denigrate the Confession, nor dismiss the value of the theological study that has
13 been done since the Divines did their work. The point is that modern formulations of covenant theology
14 are more precise and sophisticated than the Confession's treatment, but it is the Confession that has
15 Constitutional status in our Church, not any particular work of modern systematic theology. If the Church
16 feels this is a defect, the remedy is to revise the Constitution by Constitutional methods, not unilaterally
17 impose conformity to this or that theologian's extra-confessional formulation.

18 Consider further the varied statements given us by the Westminster Standards of why and how mankind's
19 first sin affected all of us: In WCF 6, both Adam and Eve are implicated, because they are the "root" of
20 all mankind. There is no mention of federal or covenant headship; guilt is imputed because of the natural
21 relationship between parents and children ("ordinary generation"), and, perhaps most strikingly, there is
22 no restriction of the blame to Adam. When we turn to the Catechisms (WSC 16 and WLC 22), we find
23 significant changes. Eve drops out of the picture and Adam alone is charged with our first sin. Further,
24 Adam's status as head (though the word is not used) of the covenant of life (not called the "covenant of
25 works" here) is now stated. In addition, in the Catechism answers, all mankind is said to have sinned in
26 Adam, a more powerful statement than that given in the Confession, where we are only told that the guilt
27 of Adam's sin was imputed to his posterity.

28 We absolutely do not say all this to allow just any deviation from the Standards. The fact that the Divines
29 chose to draw their lines in a broader way than some modern Reformed theologians would have done
30 does not mean that the Divines did not, indeed, draw lines in the sand. But as a Court, obedient to the
31 Standards of our Church, we recognize that the lines we have to enforce are those drawn by the Divines,
32 not the lines drawn by John Murray or Meredith Kline, Michael Horton or R. Scott Clark, Doug Wilson
33 or Guy Waters.

34 The prosecution and the defense agree that there are limits to what a PCA minister can believe and say,
35 and remain in good standing. The Court is absolutely committed to enforcing those limits. However, the
36 Court is convinced that those limits are the teaching of the Standards themselves. The Court is not
37 convinced that all parties to this controversy have been able to distinguish between the statements of the
38 Standards and the doctrinal constructions and elaborations that may go beyond the actual statements of
39 the Standards.

40 In the testimony of this case, we have experienced just such an example of reading one's own theology
41 into the Confession. One of the prosecution's witnesses, Dr. Michael Horton, repeatedly insisted on the
42 law/gospel dichotomy that he claimed pervades the Standards. And it was Dr. Leithart's failure to endorse
43 this dichotomy that appeared to be his great crime in this witness's opinion. Dr. Horton seemed, indeed,
44 to think that the law/gospel dichotomy IS the system of doctrine of the Westminster Standards. Yet we
45 also heard testimony from the defense that the Standards, while certainly aware of the differences
46 between law and gospel, are not structured or built around such an antithetical relationship. Rather, the
47 Confession says that law and gospel "sweetly comply" with one another (WCF 19.7). It would be a most

1 egregious redefinition of Constitutional terms to say that “sweetly comply” means “are absolutely
2 contradictory.”

3 One last comment before we move on to the judgments on the individual charges: The question of
4 whether a difference from the Standards is acceptable is not the same as saying that such a formulation is
5 the wisest way to speak. It is the task of a theologian to speak helpfully as well as truthfully. Such
6 considerations may be somewhat outside the brief of this Court, but as leaders in Christ’s Church, we had
7 them in mind at all times.

8
9

10 **1. Reasoning for Not Guilty Verdict on Charge 1 — Regarding Baptism**

11

12 I. The Charge

13 The Court’s task was complicated somewhat by the fact that one charge was specified in the indictment,
14 while the witness called to support the indictment made quite different charges. As formally stated in the
15 indictment, Dr. Leithart is accused of attributing saving benefits to baptism, such as regeneration, union
16 with Christ, and adoption, contra WCF 28.6. However, the witness called to substantiate this charge
17 summarized Dr. Leithart’s errors as follows: (1) he denies that children are members of the church before
18 their baptism, contra WCF 25.2 (Testimony of Lane Keister, 40); and (2) he ties the efficacy of baptism to
19 the moment of its administration, contra WCF 28.6 (*ibid.*).

20 Strictly speaking, the Court has only to evaluate the strength of the charge as stated in the indictment.
21 That is the only charge officially before the Court. However, since the prosecution supported its case at
22 charge 1 entirely with a witness who stated other charges, we feel it necessary for the sake of
23 completeness to evaluate the witness’s claims against Dr. Leithart as well.

24 The Court finds Dr. Leithart’s views on baptism to be in accord with the Standards, on the following
25 grounds.

26

27 II. Discussion

28 We begin with an analysis of the five quotations brought forth to demonstrate Dr. Leithart’s errors.

29 Quotation a:

30 In 27.2, the Westminster Confession says that because of the “spiritual relation” between
31 sacraments and the things they represent, “the names and effects of the one are attributed
32 to the other.” Applied to baptism, this means that when the Bible says that we are
33 baptized into Christ (Rom. 6), it doesn’t necessarily mean that the rite of water baptism
34 engrafts us to Christ but rather means that the “thing” that the sacrament signifies joins us
35 to Christ. Peter doesn’t really mean that “baptism now saves you” (1 Pet. 3:21), but that
36 the spiritual reality of baptism saves.

37 This idea seems perfectly natural, but a moment’s reflection shows how arbitrary the
38 whole procedure is. No matter what the Bible says about baptism, you can always trot out
39 the idea of “spiritual relation” to show that the Bible is speaking “sacramentally,” and
40 doesn’t mean what it seems to say. But you can only do this if you know already—before
41 actually looking at the Bible—what a rite like baptism can and cannot do. If we want to
42 develop a biblical understanding of baptism, we need to begin with what the Scriptures
43 say, no matter how unusual or unbelievable, rather than try to fit the biblical statements

1 into some preconceived notions. (“Baptism and the Church,” found at <http://www.hornes.org/theologica/peter-leithart/baptism-and-the-church>.)

3 The prosecution offered no exegesis of this quote or explanation of exactly what part of the quotation
4 violated the Standards. The Court, on its part, understood this quotation as Dr. Leithart’s protest against
5 widespread attempts to *subvert* the Standards and the Scriptures by using the concept of “sacramental
6 union” as a device to downplay the significance of the rite of baptism. Dr. Leithart was protesting the
7 misuse of the Standards to foreclose exegesis of biblical statements on the meaning of baptism. Nowhere
8 in the quote did Dr. Leithart even say what he thinks baptism in fact does, unless he is to be faulted for
9 quoting 1 Peter 3:21.

10 Quotation b:

11 Baptism expresses God’s eternal sovereign choice of an individual to be a member of the
12 people of God; and those who are members of the church stand righteous before God, are
13 holy, and are sons because they are members of the body inseparably joined to the Son of
14 God, who is the righteous and holy Son (1 Cor 6:11; Gal 3:28–29); these benefits of
15 baptism, however, belong finally only to the baptized who respond in God’s grace in
16 faith; there are some who are made sons by baptism who fall away. [This] does express
17 my view of baptism.... (“Letter to the Stated Clerk,” found at <http://www.leithart.com/archives/003074.php>.)

19 The prosecution seemed to think that in this quote Dr. Leithart was espousing the Roman Catholic
20 doctrine that baptism regenerates *ex opere operato*, that is, simply by virtue of the act having been
21 performed and in particular without any requirement of faith on the part of the baptized party.

22 This is a puzzling interpretation of Dr. Leithart’s words, since in the very quote offered as proof of his
23 guilt, we find the words “these benefits of baptism, however, belong finally only to the baptized who
24 respond to God’s grace in faith...” In his testimony, Dr. Leithart again denied that he taught *ex opere*
25 *operato* regeneration in the Roman Catholic sense (Trial Transcript, 6.5).

26 Furthermore, Dr. Leithart explicitly rejected the idea that baptism works merely by virtue of the act
27 having been performed; when he said that, in his doctoral dissertation, he was seeking a way

28 of thinking about the strong statements that New Testament makes about baptism in a way that
29 avoided the implications of some kind of magical properties in the water or in the rite itself but
30 still was able to account for the very strong statements about [the] efficacy of baptism that we
31 find in the New Testament (Trial Transcript, 6.5, emphasis added).

32 Once again, Dr. Leithart declared: “By ‘regeneration,’ the Confession means a new birth that is by
33 definition given only to the elect, and I agree that only the elect are regenerated *in that sense*” (Defense
34 Brief, p. 2, emphasis added.).

35 The problem may arise because Dr. Leithart declares that there *are* some benefits of baptism that are
36 conferred *ex opere operato*, and Dr. Leithart, finding precedents in the Reformed tradition, at times uses
37 the word “regeneration” to mean something different than what the Confession describes, e.g., 10.1,
38 which describes the new birth granted only to the elect. (The question of what specific benefits may or
39 may not be conferred by the act of baptism will be taken up below, under “Quotations c and d.”)

40 With respect to baptism conferring some benefits *ex opere operato*, Dr. Leithart likened baptism to
41 Aaron’s ordination: “He’s given a new identity and a new set of tasks. In that sense I talk about baptism
42 as something that gives new life” (Trial Transcript, 7.6). But he immediately qualified that statement
43 with: “I’m not talking about regeneration in the classic sense [that] everyone who is baptized receives this
44 gift which is given only to the elect” (Trial Transcript, 7.6–7).

45 With respect to using the word “regeneration” in a sense other than “the conferring of new life to the
46 elect,” Dr. Leithart notes that Calvin used the term to indicate “the whole course of renewal” (Trial

1 Transcript, 8.18), and the Court is not prepared to condemn Calvin on this point. Note that Calvin wrote
2 “Scripture emphasizes that regeneration consists in repentance. . . .” (*Treatises Against the Anabaptists and*
3 *Against the Libertines*, Baker, 1982, p. 265f.). He makes it clear that “regeneration,” as he “redefines” the
4 term, is a life-long process: “Now I readily concede that if there should be found a totally regenerated
5 man, then there would not be any sin in him” (*ibid.*, p. 269). And again, “[R]epentance can thus be well
6 defined: it is the true turning of our life to God, a turning that arises from a pure and earnest fear of him;
7 and it consists in the mortification of our flesh and of the old man, and in the vivification of the Spirit”
8 (*Institutes*, 3.3.5).

9 One may question the wisdom of using terms that have acquired a precise meaning in systematic theology
10 in different, “non-standard” senses. Or one may fault Dr. Leithart for using familiar words in (what are to
11 many of us) unfamiliar senses without sufficient explanations and safeguards. But the Court believes that
12 this is very different than judging a man guilty of violating the Standards of our church. (One might even
13 think it is a healthy thing to be reminded now and again that the terminology of systematic theology,
14 helpful as it undoubtedly is, is not precisely congruent with the language of the Bible.)

15 Quotations c and d:

16 Those who are baptized into the church share in Jesus Christ, and in Him they are
17 introduced into the Triune fellowship of Father, Son, and Spirit. . . . If the church, the
18 historical and visible church, is the bride of Christ, then membership in the visible church
19 involves us in marriage to Christ. We are members of his body as much as a bride is a
20 part of her husband’s flesh. (*The Baptized Body* (Moscow, ID: Canon Press, 2007), pp.
21 73–74.)

22 In receiving baptism, the baptized receive a great deal more. The baptized person is
23 brought into the community of the church, which is the body of Christ. That’s a gift. The
24 baptized is made a member of the family of the Father. That’s a gift. The baptized is
25 separated from the world and identified before the world as a member of Christ’s people.
26 That’s a gift. The baptized is enlisted in Christ’s army, invested to be Christ’s servant,
27 made a member of the royal priesthood, given a station in the royal court, branded as a
28 sheep of Christ’s flock. All that is gift. All this the baptized is not only offered, but
29 receives. All this he receives simply by virtue of being baptized. (“What Baptism
30 Confers,” found at <http://www.leithart.com/archives/003087.php>.)

31 The prosecution’s claim is that in these quotes, Dr. Leithart says that baptism, invariably and by the mere
32 act of its performance, conveys benefits to the baptized which the Confession reserves exclusively to the
33 elect. We have dealt above with the inaccurate claim that Dr. Leithart teaches that baptism conveys, *ex*
34 *opere operato*, regeneration in the sense of “new life granted only to the elect.”

35 Does baptism convey other benefits, including benefits to the non-elect? We may begin by pointing out
36 that the Standards themselves unequivocally state that the “mere” act of baptism does convey at least one
37 benefit to *all* the baptized. To this effect, WCF 27.1 and LC 165 both declare that baptism brings its
38 subjects into the visible church. Further, LC 167 speaks of “privileges and benefits conferred” by baptism
39 (that is, plural benefits).

40 Dr. Leithart says, in quotation (d), that baptism enlists the baptized in Christ’s army, invests him as
41 Christ’s servant, makes him a member of the royal priesthood, gives him a station in Christ’s royal court,
42 and brands him as a sheep of Christ’s flock. The Court thinks these are all apt descriptions of the
43 privileges of being a member of the visible church.

44 Dr. Leithart’s position is that baptism establishes a new relationship between the baptized and God. The
45 Court finds it perfectly consistent with the Standards and with the Scriptures to say this. As Dr. Leithart
46 pointed out, the Apostle Paul said in Romans 3 and 9 that circumcision was of benefit to even unbelieving
47 Jews (Trial Transcript, 6.6).

1 Quotation e:

2 [In 1 Corinthians 6:11] Paul is contrasting the condition of the Corinthians before their
3 conversion to Christ and their new life afterward. Some were dissolute and wicked, but
4 now they are “washed, sanctified, and justified” in Christ and the Spirit. I take the
5 “washing” to be a reference to baptism, and the wording suggests that sanctification and
6 justification are conferred through the washing. I believe this because the phrase “in the
7 name of Jesus” occurs at the end of the series of verbs, though we would expect it to be
8 directly connected with the “washing.” Thus, it is best to read this as, “you received a
9 sanctifying and justifying washing in the name of Jesus and in the Holy Spirit.”
10 (“Baptism and the Church,” found at <http://www.hornes.org/theologica/peter-leithart/baptism-and-the-church>.)
11

12 It is important to read this quote in context. Immediately after the words quoted in the indictment, Dr.
13 Leithart’s paper continues:

14 How can Paul attribute justification and sanctification to baptism when he everywhere attributes
15 justification to “faith, without the works of the Law”? We can go a ways to answering this
16 question by taking more seriously the biblical claim that the church is the “body of Christ.”
17 Because this is true, being joined to the church also means being joined to Christ. Christ is the
18 holy one, and His Body is the holy people, the “saints” (“holy ones”) claimed as God’s peculiar
19 possession. By His resurrection, the Father vindicated or justified the Son (Romans 4:25), and by
20 union with the body of the Justified Christ, we are justified (i.e., counted as covenant keepers).
21 (“Baptism and the Church,” found at [http://www.hornes.org/theologia/peter-leithart/baptism-and-](http://www.hornes.org/theologia/peter-leithart/baptism-and-the-church)
22 [the-church](http://www.hornes.org/theologia/peter-leithart/baptism-and-the-church).)

23 Note that Dr. Leithart agrees with Paul (and our Standards) that justification is by faith, not works. What,
24 then, of the idea that baptism is a “justifying washing”? Dr. Leithart says that baptism is a justifying
25 washing, because baptism is a joining to Christ, and Christ has been justified for us. This is not the same
26 thing as saying that baptism, by its mere performance, justifies. This may be a much stronger statement of
27 the effect of baptism than we are used to today, but the Court does not find that it contradicts the
28 Standards.

29 Dr. Leithart, furthermore, goes on to state the essential role that faith plays in the salvation of those who
30 have been baptized with the next paragraph:

31 None of this means that baptism guarantees eternal salvation. One consecrated as a saint may
32 renounce God’s claim on him; one can be cut off from the people whom the Lord regards as
33 covenant-keepers, and entire churches may be snuffed out, cut from the vine. But those who live
34 out of their baptism, faithful to the Lord in His Body, may be assured they are sanctified and
35 justified.

36 We now turn to the testimony offered by the prosecution’s witness, Mr. Lane Keister, beginning with
37 some preliminary comments on the value of the witness’s testimony. The BCO says “[i]t belongs to the
38 Court to judge the degree of credibility to be attached to all evidence” (BCO 35-1), and we believe this
39 applies also to the determining whether one qualifies as an expert in the relevant area. Indeed, the Court
40 saw no reason to consider this witness as an expert on theological matters. An expert is one who by
41 training or experience has qualifications and attainments rising above the ordinary in his field. Mr. Keister
42 has no advanced degree in theology (Th.M. or Ph.D.), and has published no scholarly books or journal
43 articles.

44

45 A further reason for not treating Mr. Keister as an expert witness is that he has demonstrated bias against
46 the defendant. This was not simply the bias we should all have for truth and against error. On the

1 contrary, this witness urged the Court to remove Dr. Leithart from the PCA *even if the Court found him*
2 *innocent of all the charges against him!* (Trial Transcript, 5.1; Testimony of Lane Keister, p. 40). The
3 ground for this inexplicable exhortation was that Dr. Leithart’s views were controversial. However, much
4 if not all of the controversy concerning Dr. Leithart’s views can be traced to the witness himself and his
5 blog. Leading a campaign against a man, then claiming that, even if the man should be found innocent,
6 the Court should remove him from the PCA because a campaign was waged against him is inappropriate
7 in an expert witness.

8 So the Court felt unable to assign any special weight *a priori* to the witness’s statements of opinion. The
9 Court, nevertheless, feels obliged to consider the charges the witness made in his written testimony in the
10 interest of thoroughness and because of the importance of these issues.

11 The witness summarized his opinion about Dr. Leithart’s baptismal errors as follows: (1) that Dr. Leithart
12 teaches that baptism brings the children of believers into the visible church while the Westminster
13 Standards say that the children of believers are members of the visible church already, and (2) that Dr.
14 Leithart ties the efficacy of baptism to the moment of its administration.

15 With respect to the witness’s first contention: The Westminster Standards give sanction to Dr. Leithart’s
16 language: children of believers are members of the visible church simply because their parents profess the
17 faith (WCF 25.2; LC 166), yet baptism admits the parties — which the Standards have declared are
18 already part of the visible church — into the visible church (WCF 28.1; LC 165). If the Westminster
19 Standards themselves can say that children of believers are, from birth, members of the visible church yet
20 admitted to the visible church by the sacrament of baptism, we cannot condemn a man for speaking in the
21 same way.

22 Again, Dr. Leithart is talking about baptism’s role in bringing the child in an official way into the church;
23 he does not deny that the child already belongs to God by virtue of being born to professing parents. “To
24 my mind, it doesn’t make any sense to say that you can have invisible membership in a visible church.
25 The analogy that I always go back to, marriage analogy when I’m thinking about many, many times
26 thinking about these things and an analogy between engagement and marriage I think is helpful, not
27 perfect. But the child is engaged and belongs to Christ, claimed by Christ by birth. But the marriage takes
28 place at baptism. That’s a rite of entry into the visible church” (Trial Transcript, 8.19).

29 John Calvin also agrees that, though children of at least one Christian parent are born holy, baptism brings
30 them into the church, when he asks: “why is the sign [i.e., baptism] denied which, so to speak, *opens to*
31 *them a door into the church...?*” (*Institutes*, 4.16.7).

32 Regarding the timing of the efficacy: the Court did not find this ad hoc claim persuasive or important. Of
33 course the efficacy of baptism is tied to the moment of administration, when the thing that baptism
34 accomplishes is bringing the subject into the visible church. How could baptism solemnly admit the one
35 baptized into the visible church only years after it was administered? So with respect to its function of
36 bringing the baptized person into the visible church, the efficacy of baptism is, by definition, tied to the
37 moment of its administration.

38 Now, Dr. Leithart does not deny that there are many other benefits to baptism beyond its initiatory
39 function, or that some of the graces signed and sealed may be experienced for the first time, or in
40 increasing measure, years after baptism, as taught in WCF 28.6 and LC 167. Dr. Leithart affirmed his
41 agreement with these parts of the Standards at his ordination, at his transfer into the Presbytery of the
42 Pacific Northwest, and during this trial. The prosecution offered no credible evidence to the contrary.

43

44 III. Conclusion on Charge 1

45 As it considered this case, the Court was reminded of the following quote, drawn from a discussion of
46 infant baptism:

1 Do let the little ones have their names written in the Lamb’s book of life, even if they afterwards
2 choose to erase them. Being thus enrolled may be the means of their salvation.

3 The author equated infant baptism with writing the names of the baptized in the book of life (a saving
4 benefit), argued that those who had received such benefits could finally be lost, and declared that infant
5 baptism could be called “the means of salvation.”

6 Yet the author was never put on trial, much less defrocked, for his views. In his day, such strong views of
7 the efficacy of baptism were not considered so strange, nor a violation of the Westminster Standards.
8 Indeed the author’s work was considered the standard presentation of Reformed theology in the English
9 language for many decades. The author was Charles Hodge and the work was his *Systematic Theology*.
10 (The quotation comes from volume 3, page 588.)

11 The Court finds that the defendant’s views with respect to charge 1 are in accord with the statements of
12 the Westminster Standards, though at times they explore areas not covered in the Standards, and
13 therefore, his differences from the Standards are, in the language of RAO 16, “merely semantic.”

14

15 **Findings of Fact related to Charge 1, Baptism**

16 1. Dr. Leithart affirms his agreement with WCF 28.5–6, which the indictment alleges he denies
17 (Trial Transcript, 6.4, 7).

18 2. Dr. Leithart denies the idea of “any kind of magical properties in the water [of baptism] or in
19 the rite itself” (Trial Transcript, 6.5).

20 3. Dr. Leithart denies that every baptized person is saved eternally (Trial Transcript, 6.5).

21 4. Dr. Leithart says baptism *does* work, *ex opere operato*, to effect entry into the church (Trial
22 Transcript, 6.5).

23 5. Dr. Leithart believes that “people can receive baptism without receiving saving grace” (Trial
24 Transcript, 6.5).

25 6. Dr. Leithart denies that baptism accomplishes regeneration *ex opere operato*, if regeneration
26 is defined in the “classic confessional sense”, as in WCF 10.1 (Defense Brief, p. 2).

27 7. Dr. Leithart states that baptism, just like the preaching of the Word of God, must be
28 responded to in faith (Trial Transcript, 6.6).

29 8. Dr. Leithart affirms WCF 27.2 on sacramental union, though he thinks others have used the
30 concept to neutralize the strong statements made in the New Testament about the power of
31 baptism (Trial Transcript, 6.5–6).

32 9. Dr. Leithart believes that, just as external fleshly circumcision conveyed many benefits to
33 even unbelieving Jews (Romans 9:4–5; 1 Corinthians 10.4–5), so also baptism conveys
34 spiritual benefits to those who receive baptism but never respond in faith (Trial Transcript,
35 6.5, 5).

36 10. Dr. Leithart denies that the prosecution has correctly stated his views, in that he does not
37 deny sacramental union as described in WCF (Trial Transcript, 6.6–7).

38

39

40 **2. Reasoning for Not Guilty Verdict on Charge 2 — Regarding the Covenants of Works and of**
41 **Grace**

42

1 I. The Charge

2 The charge does not identify any specific statements regarding the covenant of works and the covenant of
3 grace that Dr. Leithart is alleged to have denied; rather the charge states that Dr. Leithart denies “the
4 covenant of works/covenant of grace structure set forth in the Westminster Standards.” Dr. Leithart’s
5 denial of such structure appears to consist of the following particulars:

- 6 1. Dr. Leithart denies that there is any “substantial or soteriological difference between” the
7 covenant of works and the covenant of grace (Prosecution Brief, p. 8);
- 8 2. Dr. Leithart denies that there are “two distinct ways that man may receive the eternal reward,
9 resulting in a confusion of the law and the gospel” (Prosecution Brief, p. 8);
- 10 3. Dr. Leithart believes that the sinner in the post-fall age is “simply another Adam ... doing the law
11 to be justified” (Prosecution Brief, p. 9).

12 The Court finds Dr. Leithart’s views on the covenant of works and the covenant of grace to be in
13 accord with the Standards, on the following grounds.

14

15 II. Discussion

16 Dr. Leithart specifically affirms his agreement with WCF 7.2, 3, 5–6, WLC 20 (Trial Transcript, 6.8).

17 Contrary to the prosecution’s contention that Dr. Leithart sees no significant differences between the
18 covenants, Dr. Leithart testified:

19 I do believe that Adam’s covenant was in important respects different from the covenant [of
20 grace], all the covenants that follow. ... Again this is a point [on which] I thought Dr. Horton very
21 badly misrepresented me several times suggesting that I reject the covenant of works as such
22 which is not the case (Trial Transcript, 6.7).

23 Again, Dr. Leithart affirms the importance of the differences between the two covenants:

24 I believe entirely that the contrast between Adam and the last Adam is fundamental to biblical
25 theology and to the history of humanity.... So, the passages that have to do with Adam and the
26 last Adam, I affirm as giving us the basic structure of biblical history. (Trial Transcript, 6.9)

27 So, for instance, Dr. Leithart believes that Adam, before the fall, had to perform perfect, perpetual
28 obedience so as not to lose his place in the garden (Trial Transcript, 6.7).

29 The prosecution pointed to a quote in which Dr. Leithart said that NT believers had the same obligation as
30 Adam (quote b at Charge 2), and drew from this the conclusion that the *only* obligation Adam had and the
31 *only* obligation sinners in the post-fall age have is the “obedience of faith.” The prosecution then
32 concluded that Dr. Leithart’s position is that the sinner’s only “job” is to do the law in order to be justified
33 (Prosecution Brief, p. 9).

34 Now, if this really were Dr. Leithart’s teaching, it would indeed be a horrendous error, and one would
35 wonder why an entire Presbytery failed to notice for years that one of its higher-profile members was
36 teaching justification by works. In fact, Dr. Leithart denies that the prosecution’s construal of his position
37 is accurate, and he denies the consequences that flow from this misconstrual.

38 When I say that [i.e., that Christians have the same obligations as Adam], I mean, that Adam had
39 to trust God and out of that trust in his creator had to obey him. The prosecutor reads his own
40 view of the Adamic situation back into that and thinks that I am claiming that we all have to do
41 meritorious good works in order to be saved. And that’s not, never been my position. I also don’t
42 believe as the prosecutor characterizes it that our job as believers is simply to imitate Jesus and
43 follow him. We are called to imitate Jesus. That’s absolutely correct. But we do that because we

1 are united to Jesus. We do that out of trust in Jesus. It's not a matter of doing the job so that we
2 receive salvation or eternal life (Trial Transcript, 6.9).

3 What of Dr. Leithart's statement that the difference between the covenant in the garden and the covenant
4 of grace is not soteriological? (Quotation a, Charge 2) The Court agrees that this was extremely
5 problematic language, and in fact contradicted by Dr. Leithart's own clear statements that there are very
6 significant differences in the way in which humans maintain or gain favor with God in the garden and
7 since. The Court is happy, therefore, to note that Dr. Leithart has agreed that it was a poor choice of
8 words and has retracted the statement (Defense Brief, p. 4). The Court is heartened by this example of a
9 man admitting a mistake and correcting it; the Court feels this happens far too seldom in our circles and
10 we commend this example to all our brothers.

11 When asked if our obligation (after the fall) is different than Adam's, Dr. Leithart said, "it's obvious that
12 there are differences... Anyone who wants to get back into fellowship with God after the fall has to go
13 through sword and fire. In the Old Testament that was through the process of sacrifice. Now we trust in
14 our substitute Jesus Christ to give us access back to the Father. And that Adam didn't have to do" (Trial
15 Transcript, 6.7-8). In speaking of "sword and fire," Dr. Leithart is referring to, first, the temple sacrifices,
16 and finally, the sacrifice to which those rites pointed, Jesus the Lamb of God. In other words, after the
17 fall, there is sin which can only be taken away by death, the death of the perfect sacrifice.

18 Accordingly, Dr. Leithart states that post-fall, justification is by faith and not works: "And I certainly,
19 wholeheartedly agree, that we are justified by the work of Jesus Christ and by trusting in him and not by
20 the works that we've done" (Trial Transcript, 6.9).

21 Clearly, "statements suggesting a difference exists" have been made. How serious are those differences?
22 Dr. Leithart has made the following affirmations:

- 23 1. The distinction between the covenant in the Garden and the covenant of grace is "fundamental to
24 biblical theology."
- 25 2. Adam was required to perform "personal, perfect, and perpetual obligation" to remain in God's
26 favor and obtain eternal life, while humans after the fall have to trust in the work of "our
27 substitute Jesus Christ" and be justified by faith and not by their own works. In other words, there
28 are significant differences—soteriological differences—between the obligations of the unfallen
29 Adam and those of all sinners after the fall.
- 30 3. Again: "The grace shown to unfallen Adam was unmerited. The grace shown to sinners is favor
31 in the face of positive demerits" (Defense Brief, p. 5).

32 What is this but a summary of the teaching of WCF 7, WLC 20, and WSC 12?

33 It is true that Dr. Leithart has made statements that go beyond merely quoting the language of the
34 Standards, and which therefore might be considered differences from the Standards.

35 Dr. Leithart originally stated that the difference between the covenant of works and the covenant of grace
36 was not "soteriological." However, he has since recognized the inappropriateness of that adjective and
37 withdrawn it. Further, his original writings make it clear that he always believed that there was a
38 difference in the way of maintaining/gaining fellowship with God between the pre-fall arrangement and
39 the situation after the fall.

40 For the arrangement made with Adam in the Garden, Dr. Leithart does prefer the term "covenant of life"
41 as found in WSC 12 and WLC 20 to the term "covenant of works" as found in WCF 7.2. (Trial
42 Transcript, 6.7, 8) The Court fails to see how preferring one formulation of the Standards to another
43 formulation of the Standards puts one out of accord with the Confession.

44 Dr. Leithart has come under fire for stating that "Adam and everyone since have been called to 'covenant
45 faithfulness'" (Defense Brief, p. 4). Yet, if Adam was in covenant with God in the Garden, how could he
46 *not* be called to covenant faithfulness? Is that not what it means to be in covenant with God? And

1 likewise, in the covenant of grace, we, with Abraham, are called to walk blamelessly before the Lord
2 (Genesis 17:1–2), and to be holy as God is holy (Matthew 5:43; Mark 12:31; Luke 10:27; Romans 13.9;
3 Galatians 5:14; James 2:8).

4 The prosecution’s first witness himself agreed that good works are necessary for believers, while not
5 being the cause of the believer’s acceptance with God. When asked if he agreed with the distinction
6 between a necessary condition and a foundation of cause [i.e., a meritorious condition], as applied to the
7 believer’s works, he did so affirm (Trial Transcript, 3.10).

8 Calvin agrees that God can demand faithful obedience even under the covenant of grace: “Indeed, in all
9 covenants of his mercy the Lord requires of his servants in return uprightness and sanctity of life ...
10 Consequently, in this way he wills to keep in their duty those admitted to the fellowship of the covenant;
11 nevertheless the covenant is at the outset drawn up as a free agreement, and perpetually remains as such”
12 (*Institutes*, 3.17.5).

13 It is a commonplace of biblical theology that the test in the Garden hinged on faith, on sheer trust in
14 God’s word. The command not to eat of the tree of the knowledge of good and evil was not grounded in
15 the inherent qualities of the tree, or the natural consequences of eating from it; God gave Adam no reason
16 for this prohibition other than his own authority. The test was clear: was the first couple going to trust
17 (i.e., have faith) in God’s word alone, or would they distrust God and succumb to the reasoning of the
18 serpent? Again, it is a commonplace in biblical theology that faith plays such an important part in the life
19 of redeemed sinners precisely because it was a lack of faith that got us all into such a dreadful
20 predicament in the first place.

21 To say that the fallen Adam and his fallen posterity are both obligated to demonstrate covenant
22 faithfulness is not at all to say that Adam before the fall and sinners after the fall obtain favor with God in
23 exactly the same manner. Dr. Leithart has made it clear that Adam was to exercise covenant faithfulness
24 by performing “perfect, personal, and perpetual obedience”; since the fall, that course is not open to us
25 (though, of course, redeeming sinners are to strive to obey God in all things), and we must seek our
26 justification through the works of Christ, not any meritorious works on our part. (Trial Transcript, 6.7–8)

27 It is true that Dr. Leithart denies that Adam could have *merited* favor with God. But the Standards never
28 say Adam was to “merit” favor or eternal life. To say that Adam had to perform “perfect, personal, and
29 perfect obedience” is not to say that he would have thereby merited favor. It is an addition to the
30 Standards to say that the “perfect, personal, and perfect obedience” that Adam was to perform would have
31 been deemed meritorious. It may or may not be a true statement, but it is not a statement the Standards
32 make or one which can be inescapably deduced from the Standards. Dr. Leithart is on trial for his alleged
33 lack of adherence *to the Standards*, not for any disagreement with how some men augment the Standards.
34 Finally, the Bible makes it clear that there is a perfect obedience that is not meritorious, when Jesus said:
35 “So you also, when you have done all that you were commanded, say, ‘We are unworthy servants; we
36 have only done what was our duty’ ” (Luke 17:10).

37

38 III. Conclusion

39 We began our discussion of this charge by noting that the charge did not identify any specific statements
40 regarding the covenant of works and the covenant of grace that Dr. Leithart was alleged to have denied. It
41 became clear during the testimony that this was because there were simply no such statements to be
42 found.

43 The Court concludes that most of Dr. Leithart’s differences from the Standards associated with this
44 charge are, in the words of RAO 16, “merely semantic,” that is, saying the same things in different words.

45 Dr. Leithart affirms the crucial differences between the covenant of works and the covenant of grace with
46 respect to the way of salvation, affirming that Adam was under obligation to perform perfect, personal,

1 and perpetual obedience, while sinners since the fall can only obtain eternal life by trusting in the work of
2 Jesus Christ for their justification. The prosecution’s claim that Dr. Leithart flattens out the pre- and post-
3 fall situations, denies any substantial or soteriological differences between the covenants, and obliterates
4 the distinction between the principles of law and gospel is simply not true.

5 Dr. Leithart accepts the language “covenant of works” and (preferably) “covenant of life” for the
6 arrangement made pre-fall with Adam. But he also seems to accept John Murray’s contention that
7 “covenant” is not the right term for this arrangement at all. However, the Court views this as a “merely
8 semantic” difference on the grounds that Dr. Leithart has affirmed all the things about the covenant of
9 works/life and the differences between that covenant and the covenant of grace that the Standards require.
10 The Court finds it significant that Professor Murray was not expunged from the Orthodox Presbyterian
11 Church for that difference from the Confession.

12 There are some differences that might be considered “more than semantic.” For instance, Dr. Leithart
13 stresses the role that faith was to have played in Adam’s obedience. This is saying more than the
14 Standards appear to say, but the Court sees no conflict between this insight and the Standards.

15

16 **Findings of Fact Related to Charge 2, Covenants of Works and of Grace**

- 17 1. Dr. Leithart affirms his agreements with the Constitutional texts cited in the indictment: WCF
18 7.2–3, 5–6; WLC 20 (Trial Transcript, 6.4).
- 19 2. Dr. Leithart states that the covenant made with Adam was in important respects different
20 from all the covenants which follow [which collectively make up the covenant of grace]
21 (Trial Transcript, 6.7).
- 22 3. Dr. Leithart does not reject the term or the concept “covenant of works” (Trial Transcript,
23 6.7).
- 24 4. Dr. Leithart agrees that Adam had to obey perfectly or lose his place in the Garden (Trial
25 Transcript, 6.7).
- 26 5. Dr. Leithart states that post-fall, we have to trust in Jesus to have access to the Father, unlike
27 Adam's situation pre-fall (Trial Transcript, 6.7–8).
- 28 6. Dr. Leithart prefers “Covenant of Life” to “Covenant of Works” (Trial Transcript, 6.8).
- 29 7. Dr. Leithart believes that the contrast between the first and second Adam is fundamental to
30 biblical theology (Trial Transcript, 6.9).
- 31 8. Dr. Leithart believes we are justified by the work of Jesus Christ and not by our works (Trial
32 Transcript, 6.9).
- 33 9. Dr. Leithart denies that we have to do meritorious good works to be saved (Trial Transcript,
34 6.9).

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37 **3. Reasoning for Not Guilty Verdict on Charge 3 — Regarding Imputation**

38
39 I. The Charge

40 The charge is that Dr. Leithart rejects the teaching of Scripture and the Westminster Standards by denying
41 that the obedience and satisfaction of Christ are imputed to the believer. The Court finds Dr. Leithart’s
42 views on imputation to be in accord with the Standards, on the following grounds.

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II. Discussion

First, Dr. Leithart positively affirms the imputation of Christ’s righteousness based on the obedience and satisfaction of Christ, as taught in WCF 8.5; 11.3; Romans 4:1–8.

“As for imputation in general, I acknowledge that Scripture uses the concept in Genesis 15 and Romans 4.... I am entirely certain that imputation is a biblical concept and I have never denied it.” (Defense Brief, p. 6)

[Defense Examiner] Do you believe that Christ’s righteousness is imputed to us?
[Dr. Leithart] Yes (Trial Transcript, 6.9.23–25).

[Defense Examiner] Do you disagree with Westminster Confession of Faith 8.5...?
[Dr. Leithart] No. I agree with that entirely (Trial Transcript 6.10.27–30).

[Defense Examiner] Do you disagree with Westminster Confession of Faith 11.3...?
[Dr. Leithart] No. I agree with that in its entirety (Trial Transcript 6.10.31–33).

Second, based on the testimony and the record of the case, the Court determines that the Standards do not categorically require that a minister profess that the Scriptures teach that the active obedience of Christ is imputed to the elect. Indeed, that phrase is not found in our Constitution.

For his part, Dr. Leithart does not believe that the Standards require belief in the imputation of Christ’s active obedience, also noting that the Standards do not include the explicit language of active obedience:

[Dr. Leithart] My understanding is that the imputation of active obedience... was not required by the Westminster documents.

[Defense Examiner] Are you saying that in your understanding the phrase ‘imputation of active obedience’ or even simply ‘active obedience’ does not occur in the Westminster Standards...?

[Dr. Leithart] That’s correct (Trial Transcript, 6.10.14–19).

If indeed the Standards do require a belief in the imputation of the active obedience of Christ, Dr. Leithart might be out of accord with the Standards. However, the view that belief in the imputation of the active obedience of Christ is not strictly required of ministers who accept our Standards is substantiated by the history of the Assembly, as well as its final documents as adopted by our denomination. According to defense witness Dr. Letham, the Divines debated whether to include language about the active obedience of Christ (Defense Exhibit 8, pp. 101–103: excerpts from Dr. Letham’s book, *The Westminster Assembly*). The fact that they did not implies that they wished to leave the Standards open to those members of the Assembly who disagreed about the matter.

The phrase “by imputing the obedience and satisfaction of Christ unto them” reflects the earlier debates and raises the kind of questions we considered. On the face of it, the Assembly would appear to refer both to the passive and to the active obedience of Christ; if satisfaction is taken as meaning his sufferings and death, then obedience would comprise his conformity to the law of God throughout his life. This is the most probably [sic] meaning, in the absence of countervailing evidence. However, the omission of the terms “active” and “passive,” used continually in the debates, is equally impressive. It allows those who aligned themselves with Gataker and Vines to accept the statement, interpreting “obedience” and “satisfaction” as synonymous terms, which would not have been possible if the words “active” and “passive” had been used (Letham, *The Westminster Assembly*, 270–1, as quoted in Defense Exhibit 8, p. 103).

1 Third, Dr. Leithart’s formulation of the doctrine of imputation satisfies the Standards, albeit in a non-
2 traditional and at points easily confused manner. Dr. Leithart teaches that it is the *verdict*, the *judgment*,
3 the *declaration of Jesus’ righteousness* by God upon his resurrection that is imputed or reckoned to the
4 believer, not necessarily the *actions* or *deeds* of Christ that are imputed (i.e., “active obedience”).
5 However, within that context he also asserts:

6 I believe that Christ had to obey perfectly. *His active obedience is essential to our salvation.*
7 ... Jesus is raised from the dead as a declaration to the world that this is the righteous Son of the
8 Father.... That verdict is based on the perfect obedience of Jesus, *the active obedience of Jesus.*
9 It’s based on the fact that he went [to the] cross and passively obeyed... We have the
10 righteousness of Jesus, we have the status of “righteous” before God because we participate in the
11 verdict that was pronounced in his resurrection. And that again is based on his obedience (Trial
12 Transcript, 6.9.33–6.10.12, emphasis added).

13 The Father’s verdict is *based on* the Son’s law-keeping, and so by sharing in the Son’s verdict the
14 believer shares indirectly in the Son’s active and passive obedience. This is what I meant by
15 saying we need not posit an “independent” act of imputation. We need not posit *both* that the
16 Father imputes Christ’s law-keeping to us *and* that the Father reckons us righteous (Defense
17 Brief, p. 6).

18 Here Dr. Leithart inextricably connects the actual obedience of Christ in life and death to the verdict of
19 God, and so necessarily to the justification of the elect through imputation. The Court cannot imagine
20 what else we could ask of a minister. No just verdict is ultimately distinct from its grounds. In the context
21 of our redemption through our covenant head, there is no “value” to his obedience if that obedience is not
22 judicially applied to us according to the laws of the covenant. Without the obedience somehow included
23 in the verdict, that verdict is unrighteous. Without the verdict the obedience lays fallow and does us no
24 good. What’s more, the word “imputation” itself seems to necessarily involve the idea of verdict along
25 with its grounds. Consequently, in Dr. Leithart’s view we see a necessary connection between the life and
26 death of Christ and the righteousness imputed to us through God’s verdict. With these considerations, the
27 necessary connection between verdict, obedience and the elect that is created by the act of imputation
28 places his “verdict view” in line satisfactorily with the Standards.

29 Fourth, in line with the governing principles stated earlier in our report, the Court rightly distinguishes
30 between the necessary meaning of the Standards and possible—even if plausible—interpretations of the
31 Standards. To say that a position is possible or that it has been prominent is not to say that it is necessary.
32 Prosecution witness Dr. Horton referred to WCF 11.1; 11.3; 8.5. In each instance, he equated the
33 confessional language of “obedience” with the language of “active obedience,” and the confessional
34 language of “satisfaction,” “death,” or “sacrifice” with the language of “passive obedience.” He stated:
35 “In my view, there is no reason to employ both those clauses except as an affirmation of both the active
36 and passive obedience of Christ.” (Trial Transcript, 1.53.19–20) “I don’t think there would be anyone at
37 the Westminster Assembly who would not have recognized those phrases as referring to the active and
38 passive obedience” (Trial Transcript, 1.55.5–7).

39 We are sure that when Dr. Horton employs the phrase “obedience of Christ,” he means “active obedience
40 of Christ.” And the Court can accept that many, but by no means all, of the Divines themselves would
41 have meant the same. However, those realities do not change the fact that the Standards do not include the
42 formula “active obedience.” Therefore, “obedience and satisfaction” do not necessarily describe a two-
43 fold classification of the obedience of Christ, as Dr. Horton believes. That formula may simply be a way
44 to speak of the whole “righteousness” of Christ, which Dr. Leithart affirms is imputed to the believer
45 (Trial Transcript, 6.9.23–25). In any event, the Divines did not see fit to answer that question more
46 definitively, and we should not either.

47

1 III. Conclusion

2 In summary, the Court was not compelled by the prosecution’s insistence that the Standards require a
3 minister to profess the imputation of active obedience strictly understood with regard to the imputation of
4 Christ’s righteousness. Indeed, at times the Court was confused by the prosecution’s own statements on
5 the subject.

6 For example,

7 I just want the record to show that nowhere has the prosecution faulted Dr. Leithart for quote
8 unquote denying the imputation of the active obedience of Christ (Trial Transcript, 9.22.3). I want
9 to make the point [that although] over and over again testimony [was] given on behalf of the
10 defense that the Divines never required anyone to subscribe to the idea that the active obedience
11 of Christ is imputed [...], my point is that is not our accusation... I never made that
12 accusation... That is not our charge (Trial Transcript, 12.13.11–19).

13 Nevertheless, in spite of these words, this is the essence of the prosecution’s argument. It seems that the
14 prosecution assumes that the Standards can only mean that it is the *actions* or *deeds* of Christ that are
15 imputed (i.e., active obedience), rather than the *verdict* or *judgment* of his righteousness being imputed, as
16 Dr. Leithart professes. There is no other way to understand the prosecution’s argument than that he
17 believes WCF 11.1 must necessarily be understood to mean that God justifies by imputing the active and
18 passive obedience of Christ.

19 If the Standards do indeed allow for “the imputation of the obedience and satisfaction of Christ” (WCF
20 11.1) to be interpreted in some way other than “the imputation of the active and passive obedience of
21 Christ,” then Dr. Leithart is not out of accord with the Standards when he affirms the imputation of the
22 righteousness of Christ while doubting the imputation of the active obedience of Christ.

23 In the end, the Court is unconvinced that WCF 11.1, when it says that God justifies “by imputing the
24 obedience and satisfaction of Christ,” requires belief in the imputation of the active obedience of Christ.
25 Therefore it is our opinion that Dr. Leithart is not out of accord with the Standards with respect to his
26 views on imputation.

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28 **Findings of Fact Related to Charge 3, Imputation**

- 29
- 30 1. Dr. Leithart is “entirely certain” that the concept of imputation is Biblical (Defense Brief, p. 6;
31 Trial Transcript, 6.9.30).
 - 32 2. Dr. Leithart believes that imputation is a wholly gracious gift (Defense Brief, p. 7).
 - 33 3. Dr. Leithart has “never denied” that imputation is a biblical concept (Defense Brief, p. 6).
 - 34 4. Dr. Leithart believes that Jesus was perfectly obedient, and that he had to be in order to justify
35 sinners (Defense Brief, p. 7; Trial Transcript, 6.9.33).
 - 36 5. Dr. Leithart believes that Christ’s righteousness is imputed to us (Trial Transcript, 6.9.23–25).
 - 37 6. Dr. Leithart believes that God the Father’s verdict of righteousness rests on the Son because of
38 the Son’s law-keeping, or active and passive obedience (Defense Brief, p. 6; Trial Transcript,
39 6.10.3–5).
 - 40 7. Dr. Leithart believes that professing the imputation of active obedience “is not confessionally
41 required” (Defense Brief, p. 6; Trial Transcript, 6.10.16–19).
 - 42 8. Dr. Leithart believes that one who, by imputation, shares in Christ’s verdict has positive righteous
43 status before God equal to the status of the resurrected Christ (Defense Brief, p. 6).

- 1 9. Dr. Leithart believes that one who, by imputation, shares in Christ’s verdict also shares,
2 indirectly, in the Son’s active and passive obedience, but that not in an independent act of
3 imputation. (Defense Brief, p. 6)
- 4 10. Dr. Leithart believes that the imputation of righteousness is equivalent to the act of justification or
5 “reckoning righteous” (Defense Brief, p. 6, 7).
- 6 11. Dr. Leithart does not believe that God imputes Christ’s obedience, and then in a separate act
7 declares sinners righteous on the basis of that imputed obedience (Defense Brief 6).
- 8 12. Dr. Leithart believes that the Bible and the Standards (WLC 69) teach that imputation is grounded
9 in union with Christ in his resurrection (Defense Brief, p. 7).
- 10 13. Dr. Leithart does not believe that imputation is redundant because imputation is grounded in
11 union with Christ (Defense Brief, p. 7).
- 12 14. Dr. Leithart affirms each of the passages from the Scriptures and the Standards that were cited in
13 the indictment (Trial Transcript, 6.10.27–6.11.3).

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16 **4. Reasoning for Not Guilty Verdict on Charge 4 — Regarding Justification and Sanctification**

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I. The Charge

19 The charge is that Dr. Leithart fails, contrary to Scripture and the Westminster Standards, to properly
20 distinguish justification from sanctification.

21 The Court finds Dr. Leithart’s views on the distinction between justification and sanctification to be in
22 accord with the Standards, on the following grounds.

23

24 II. Discussion

25 First, in accordance with the governing principles stated earlier in our report, it is important to note that
26 Dr. Leithart affirms that there *is* a distinction between justification and sanctification.

27 [Defense Examiner] Do you think that justification and sanctification are distinguishable?

28 [Dr. Leithart] Yes. In theology and in the Confession and in Reformed systematics there’s a
29 distinction. The distinction is typically between [a] once-for-all judicial act and a
30 process of growth and holiness. And I agree that that’s a distinction that the
31 Scriptures make (Trial Transcript, 6.11.21–25).

32

33 This demonstrates Dr. Leithart’s continued belief that the Westminster Standards are accurate as they
34 describe justification and sanctification, and the difference between the two (WLC 70, 75, 77) in our
35 traditional, theological understanding of the terms.

36 Secondly, also in accord with our governing principles, the Court rightly allows for the use of
37 confessional terms in ways that reflect the Scriptures’ own usage, even if that usage does not comport
38 precisely with the systematic formulations of our tradition, as valuable as those are. For example, the
39 Westminster Standards, in their systematic treatment of the theological topic of justification, do not
40 incorporate the meaning of justification from every lexical instance of *dikaioo* and its cognates in the
41 Bible. It appears to Dr. Leithart and others that the usage of *dikaioo* in Romans 6:7, for example (where
42 the Greek underlying the ESV’s “set free” is *dikaioo*), is not reflected in the Westminster theological

1 understanding of justification. So Dr. Leithart has sought, in some of his work, to develop a fuller
2 Biblical-lexical understanding of justification that incorporates these uses of *dikaioo* which might seem
3 foreign to the traditional, Westminster theological understanding.

4 Thereby, Dr. Leithart distinguishes between:

- 5 1. the Westminster understanding of justification and the Westminster understanding of
6 [progressive] sanctification (per WLC 70, 75, 77, with which Dr. Leithart explicitly agrees),
7 and
- 8 2. the distinction between the full Biblical-lexical range of meanings of the “justification” word-
9 group and the more modern understanding of definitive sanctification (which it seems Dr.
10 Leithart is exploring in some of his work).

11 This distinction is legitimate, especially since it is grounded in the Bible’s own use of the language in
12 question. Dr. Leithart believes that when the Westminster Standards address the theological topic of
13 sanctification they are largely, if not exclusively, referring to what many modern theologians understand
14 as “progressive sanctification,” as distinct from “definitive sanctification.” He fully accepts the Standards
15 in what they actually teach, but he adds, “I agree... with John Murray’s view that most of the New
16 Testament language about sanctification actually refers to definitive sanctification rather than
17 progressive” (Trial Transcript, 6.11.25–26).

18 Third, the Court finds that Dr. Leithart sufficiently, although not always clearly, distinguishes justification
19 from sanctification. The prosecution argued that Dr. Leithart failed to *properly* distinguish between
20 justification and sanctification, because of statements made to the effect that justification and *definitive*
21 *sanctification* are, at least in some respect, the same act.

22 Justification and definitive sanctification are not merely simultaneous, nor merely twin effects of the
23 single event of union with Christ (though I believe that is the case). Rather, they are the same act
24 (“Judge Me, O God,” quoted in Amended Indictment, p. 4).

25 In answer to that charge, the Court notes that its force would be compelling if Dr. Leithart were
26 discussing justification and sanctification in terms strictly limited to the Confession’s technical usage (#1
27 above). If that were the case, he would be found to be out of accord with the Westminster Standards as
28 they distinguish between justification and sanctification. But it is clear to the Court that Dr. Leithart is
29 addressing these issues from the broader perspective of definitive sanctification along lines made familiar
30 by Murray (#2 above). It seems to the Court that the Standards do not forbid such a distinction. Nor can
31 the Court accept that the Standards were written with the intention of enforcing the reading of their
32 technical theological vocabulary back into every single Bible verse that employs its terms.

33 The Court accepts that Dr. Leithart’s language can lend itself to various pejorative interpretations, but a
34 careful and charitable examination of his writings reveals that he does, indeed, accept crucial distinctions
35 between justification and definitive sanctification. Dr. Leithart does indeed see a distinction between
36 them:

37 [Defense Examiner] Do you believe that justification and definitive sanctification are
38 distinguishable?

39 [Dr. Leithart] Yes... Justification is a judicial declaration. Sanctification, when it’s used
40 definitively, typically has to do with our standing before God as worshipers of
41 God. You think of the holiness language of the Old Testament, we are saints in
42 the sense that we are claimed by God and have access to him (Trial Transcript,
43 6.29–36).

44 When asked directly, first by one of the defense’s witnesses prior to the trial, and then by one of the
45 members of the Court during the trial, whether he would be willing to say that justification and definitive

1 sanctification were two *dimensions* of one act, Dr. Leithart responded affirmatively, as shown by the
2 following extracts:

3 Defense witness Dr. Letham on his interaction with Dr. Leithart:

4 I always tell my students, one of the keys to theology is remembering three words, just three words:
5 “distinct but inseparable” ... In my estimation, there was... probably something careless here in Dr.
6 Leithart saying that they were the same act. And in response to my questioning, and asking whether
7 or not he intended to emphasize or say that they were distinct elements of the same act, he found that
8 acceptable (Trial Transcript, 12.2.34–12.3.4).

9 And Dr. Leithart himself:

10 I would be happy with saying that they [i.e. definitive sanctification and justification] are two
11 dimensions of a single act (Trial Transcript, 8.14.1).

12 Again, if you wanted to parse it out as two dimensions of a single act, I’d be happy with that (Trial
13 Transcript, 8.14.14–15).

14 Fourth, the Court does not find that Dr. Leithart’s views jeopardize the doctrine of justification by faith.
15 The prosecution asserted that

16 the WCF is clear that our justification is irrespective of “anything wrought in or done by us,” which
17 explicitly excludes the process by which indwelling sin is internally subdued (11.1). Paul teaches that
18 the sinner’s justification takes place apart from works (Prosecution Brief, p. 11).

19 Were Dr. Leithart’s strong connection of justification and definitive sanctification a *causal* one, then he
20 would be found to be out of accord with the Standards. Anyone who would base our justification upon
21 our sanctification strikes at the heart of the Gospel, robs us of our peace, and, according to Paul in his
22 Letter to the Galatians, should be anathematized. The Standards teach that

23 Those whom God effectually calleth, he also freely justifieth: not by infusing righteousness into them,
24 but by pardoning their sins, and by accounting and accepting their persons as righteous; *not for any*
25 *thing wrought in them*, or done by them, but for Christ’s sake alone” (WCF 11.1, emphasis added; cf.
26 WLC 70).

27 This clearly means that “any thing wrought in” us is not the *basis* for our justification. Sanctification,
28 whether definitive or progressive, is not the basis for justification. But this is not what Dr. Leithart is
29 asserting. In his words:

30 The statement of the Confession which [the prosecution] cited... says that it’s “not for anything
31 wrought in us,” which I take as a statement of basis. The basis of our justification is not by virtue of
32 anything that we have achieved (Trial Transcript, 7.13.23–25).

33 I affirm with all vigor the confessional view that justification is not based on “anything wrought in or
34 done by us” (11.1), and in fact I affirm *the very same thing* about definitive sanctification: It too is an
35 act of God’s free grace... I completely agree, and have always taught, that our justification is not
36 based on “anything wrought in us or done by us” but only on the work of Christ and our union with
37 Him in His death and resurrection. I affirm that justification is only by faith (Defense Brief, p. 9,
38 emphasis original).

39

40 III. Conclusion

41 In the Court’s estimation, Dr. Leithart is not saying that our justification is based upon our definitive
42 sanctification, but that the two happen simultaneously, as two dimensions of a single act of God’s free
43 grace.

1 In our judgment, Dr. Leithart should define his terms more clearly, so as to avoid serious
2 misunderstandings with regard to such crucial doctrines. A potentially injudicious use of language
3 notwithstanding, it is our opinion that Dr. Leithart’s differences with the Standards are, at most, “merely
4 semantic.” He therefore is not out of accord with the Standards with respect to his ability to distinguish
5 between justification and sanctification.

6
7 **Findings of Fact Related to Charge 4, Justification and Sanctification**
8

- 9 1. Dr. Leithart believes that justification and sanctification are distinguishable (Trial Transcript,
10 6.11.21–23).
- 11 2. Dr. Leithart believes that, though justification and sanctification are distinct, they are inseparable
12 (Defense Brief, p. 8).
- 13 3. Dr. Leithart believes that definitive sanctification and progressive sanctification are
14 distinguishable (Trial Transcript, 6.11.25–27).
- 15 4. Dr. Leithart believes that justification and definitive sanctification are distinguishable (Trial
16 Transcript, 6.11.29–30).
- 17 5. Dr. Leithart believes that justification and definitive sanctification are “two dimensions of a
18 single act” (Trial Transcript, 8.14.1).
- 19 6. Dr. Leithart believes that definitive sanctification is as much a monergistic divine act as
20 justification (Defense Brief, p. 9).
- 21 7. Dr. Leithart affirms “with all vigor the confessional view that justification is not based on
22 ‘anything wrought in or done by us’” (Defense Brief, p. 9).
- 23 8. Dr. Leithart believes that neither definitive nor progressive sanctification is the ground or basis of
24 our justification, but faith alone (Defense Brief, p. 9).
- 25 9. Dr. Leithart affirms each of the passages from the Scriptures and the Standards that were cited in
26 the indictment (Trial Transcript, 6.12.39–6.13.20).

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29 **5. Reasoning for Not Guilty Verdict on Charge 5 — Regarding Union and Apostasy**
30

31 **I. The Charge**

32 The indictment states that Dr. Leithart contradicts the Standards by teaching that people may be united
33 with Christ and receive saving benefits from him, and yet fall away from Christ and lose those saving
34 benefits. The prosecution notes that:

- 35 1. The Confession only uses “union” language to describe Christ’s relationship with the elect;
36 2. LC 65–66 say that union with Christ is a special benefit that “the members of the invisible
37 church enjoy”;
38 3. LC 68 must forbid using “union” language in respect to the reprobate because those “who have
39 some common operations of the Spirit,” but later apostatize “do never truly come to Jesus
40 Christ.”

1 The Court finds Dr. Leithart's views on union with Christ and apostasy to be in accord with the
2 Standards, on the following grounds.

3

4 II. Discussion

5 1. The Court notes that scriptural categories are more expansive than the systematic categories that have
6 arisen in our theological tradition and that the Confession nowhere demands that we use its rubrics or
7 definitions of terms all the time.

8 According to Dr. Collins, we ought to take into account the wider range of language employed in the
9 Scripture regarding union with Christ:

10 When we speak of union with Christ, our Standards refer to the union that the elect have with
11 Christ. But generally speaking it looks to me like in the Bible that being in Christ is a broader
12 term than that, [meaning] those who are members of the body of Christ, members of the church.
13 And they receive benefits by being in Christ...There is a representative who embodies that
14 corporate entity. So the people of God are called God's son in Exodus 4, and the heir of David in
15 2 Samuel 7 is also called God's son because he embodies the people. He can be called the first-
16 born. He can be called the servant of the Lord. The whole people is the servant of the Lord and
17 the specific representative is the servant of the Lord...what's true of the representative is counted
18 as being true of the members of the people. The idea of union with Christ or being in Christ is a
19 very, very helpful notion to appreciate what's going on in the biblical description (Trial
20 Transcript, 10.7).

21 Dr. Leithart believes that reprobate people "for a time in a certain sense have a personal relation with
22 Jesus" (Trial Transcript, 6.14). This, he maintains, is what the Scriptures speak about in John 15. It is a
23 covenantal union with Christ—i.e., some are united to Christ through their membership in the church, the
24 covenant community. Nevertheless, an apostate may experience and then forsake covenantal blessings.
25 These can include: hearing the word with joy (Mark 4:12), enlightenment, a taste of the heavenly gift,
26 partaking in the Holy Spirit, tasting the word of God, tasting the power of the age to come (all from
27 Hebrews 6:4-5), sanctification by the blood of the covenant (Hebrews 10:29), being grafted as a branch
28 into the Vine (John 15:1-5), baptism, spiritual food and drink (both 1 Corinthians 10:2-4), knowledge of
29 the way of righteousness (2 Peter 2:21), escape from the defilements of the world, and knowledge of
30 Christ (2 Peter 2:20). (Defense Brief, p. 10).

31 2. Dr. Leithart agrees that the Confession uses union language almost exclusively in terms of the elect
32 (Defense Exhibit 7, p. 12). He explicitly affirms that only the elect are certainly saved (Trial Transcript,
33 6.14). He also explicitly affirms that the elect enjoy "a permanent union with Christ as a special benefit of
34 the elect or the invisible church enjoy such a union. The Father chooses us in Christ from the foundation
35 of the world, so that the Father never regards the elect except in union with Christ" (*ibid.*).

36 While Dr. Leithart affirms the Confession's use of "union" language, he also notes that there is biblical
37 precedent for using "union" language in a broader sense (Trial Transcript, 8.3). Saul and Judas are
38 biblical examples of men "who have some common operations of the Spirit," but "do never truly come to
39 Jesus Christ." The Scriptures themselves use very intimate language to describe the son of perdition and
40 the "saving" benefits that he forfeited, as Dr. Leithart explains:

41 Judas' was not merely an "external" and "official" call, since Mark says that Judas was called
42 according to the will of Jesus to be "with Him" (Mark 3:14). Until he went to the priests to betray
43 Jesus, he stood on Jesus' side in the various conflicts with Pharisees and scribes that wracked
44 Jesus' ministry. Did Judas have a "personal relationship" with Jesus? Yes, of course, he did. He
45 was "with Him" not only in proximity but in intimate personal relationship. Judas heard Jesus
46 speak in public and heard His private explanations of parables (Mark 4:10). Judas was one who

1 was “given the mystery of the kingdom of God” (Mark 4:11). He was an “insider,” not an
2 “outsider” (Mark 4:11), one of the few to whom Jesus revealed His coming suffering and death
3 (Mark 10:32–34). He ate with Jesus (Matthew 26:20) and traveled with Jesus. He was among
4 those for whom Peter spoke when he said, “we have believed and have come to know that You
5 are the Holy One of God” (John 6:69). Even when he came to Jesus in Gethsemane, Jesus greeted
6 him as “friend” (Matthew 26:50). He wasn’t kidding: Judas had been a chosen friend, a fact that
7 made the pain of betrayal all the more agonizing (*The Baptized Body*, 95–6).

8 John Murray describes the relationship between Christ and the reprobate church member in terms far
9 more personal and intimate than a legal and external arrangement would suggest:

10 We have spoken of this experience on the part of unregenerate men as that of the power and glory
11 of the gospel. In the parable of the sower those who are compared to the rocky ground are those
12 who hear the word and immediately with joy receive it. This implies some experience of its
13 beauty and power. Yet they have no root and endure but for a while. When tribulation and
14 persecution arise they just as immediately stumble and bring forth no fruit to perfection. The
15 passages in Hebrews 6:4–8; 10:26–29 refer to experience that apparently surpasses that spoken of
16 in the parable of the sower. At least, the portraiture is very much more elaborate in its details and
17 the issue much more tragic in its consequences. The persons concerned are described as “those
18 who were once enlightened and tasted of the heavenly gift, and were made partakers of the Holy
19 Spirit, and tasted the good word of God and the powers of the age to come” (Heb. 6:4, 5), as those
20 who had received the knowledge of the truth and had been sanctified by the blood of the covenant
21 (Heb. 10:26, 29). We shudder at the terms in which the experience delineated is defined. Yet we
22 cannot avoid its import, nor can we evade the acceptance of the inspired testimony that from such
23 enlightenment, from such participation of the Holy Spirit and from such experience of the good
24 word of God and the powers of the age to come men may fall away, crucify to themselves the Son
25 of God afresh, put him to an open shame, tread the Son of God under foot, count the sanctifying
26 blood of the covenant an unholy thing and do despite to the Spirit of grace. Here is apostasy from
27 which there is no repentance and for which there is nought but “a fearful looking for of judgment
28 and fiery indignation which shall devour the adversaries”.

29 It is here that we find non-saving grace at its very apex. We cannot conceive of anything, that
30 falls short of salvation, more exalted in its character. And we must not make void the reality of
31 the blessing enjoyed and of the grace bestowed out of consideration for the awful doom resultant
32 upon renunciation and apostasy. As was pointed out already in other respects, it is precisely the
33 grace bestowed in all its rich connotation as manifestation of the loving-kindness and goodness of
34 God that gives ground for, and meaning to, the direful judgment that despite and rejection entail
35 (John Murray, “Common Grace,” in *Collected Writings of John Murray: Volume Two: Select
36 Lectures in Systematic Theology* (Banner of Truth, 1975), pp. 109ff. Cited incorrectly as “The
37 Free Offer of the Gospel” in Defense Exhibit 5, p. 12.).

38 3. The Court notes that one of the special benefits of membership in the visible church (LC 63) is the
39 “communion of saints,” which is defined by the Confession (26.1) in this way: “All saints, that are united
40 to Jesus Christ their Head, by His Spirit, and by faith, have fellowship with Him in His grace, sufferings,
41 death, resurrection, and glory: and, being united to one another in love, they have communion in each
42 other’s gifts and graces.” Thus, enjoying the communion of saints in the visible church includes being
43 united to Christ the Head as well as to one another (Defense Exhibit 7, p. 12).

44 Finally, Dr. Leithart recognizes that the difference between the elect’s union with Christ and the
45 reprobate’s is not only a difference in duration but a difference in quality, as this exchange during the trial
46 demonstrates:

47 [Commissioner] What about in Matthew 13, Jesus explaining the parable of the Sower. [Jesus] talks
48 about receiving, and some hearing but it falls away. The one for him who bears fruit

1 understands. So Jesus makes a distinction about *syniemi*, I think is the word, makes a
2 distinction about that person’s relationship to the seed. Do you think that’s a helpful
3 distinguishing characteristic from a biblical word that demarks besides duration the elect
4 and the reprobate’s union with Christ as you understand them?

5 [Dr. Leithart] Yeah. Yes.

6 [Commissioner] Okay, so you, in that respect would acknowledge [the existence of] a qualitative
7 difference. That would be a qualitative difference not just a difference of duration. And
8 you’re acknowledging that?

9 [Dr. Leithart] Yes (Trial Transcript, 8.16).

10 Is Dr. Leithart’s belief that the reprobate may experience a temporary union with Christ, a real personal
11 relationship with the Savior, a difference with the Standards? The Court believes it is not. Dr. Leithart
12 potentially goes beyond the Standards, but does not disagree with them as far as they go.

13 Even if the Court were to rule that there is a difference, we believe that this difference is merely
14 “semantic” and certainly not hostile to our system of doctrine or striking at the vitals of religion.

15 There is an allowable range of views on this topic, according to Dr. Collins:

16 If somebody thinks, for example, that Romans 6 is about union with Christ in the technical sense,
17 the very specific sense, then, I mean if somebody thinks that, I think that that person has made a
18 mistake. But if a person thinks that and decides that, okay, well, baptism the sign is being put for
19 the signified, okay fine. In terms—I think he’s made, that he’s made a mistake; but I don’t think
20 he has violated his ordination vow. If likewise, someone says, look, union with Christ is a broader
21 category and therefore baptism can be said to, you know, when properly administered, can be said
22 to bring somebody into this broader sense of union. If somebody says that, I don’t think that
23 person has violated his ordination vow either. And so it becomes a question of there’s, there’s an
24 allowable range of possibilities within faithfulness to one’s ordination vows (Trial Transcript,
25 11.12).

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27 III. Conclusion

28 The 2006 Report of the Missouri Presbytery includes the statement: “We affirm that all members of the
29 visible church are in covenant relationship to Jesus Christ and thereby participate in the privileges and
30 responsibilities of that relationship; we deny that it is prudent to use the terminology of ‘union with
31 Christ’ to describe the relationship of all those in the covenant community (elect and non-elect alike)
32 without carefully clarifying the difference between the specific sense the terms have come to have in our
33 theological tradition, and the other senses they may have in the Bible.”

34 The Court believes that Dr. Leithart should have been more judicious in clarifying the differences
35 between his use of covenantal union with that traditionally employed by the Standards. In our judgment
36 though, this sometimes infelicitous use of language does not constitute anything hostile to the system of
37 doctrine, but is, at most, a “merely semantic” difference from Standards. It serves as a supplement to the
38 Confession, is reasoned from a Reformed paradigm of thought, and is consistent with many other
39 Reformed writings on this issue.

40

41 **Findings of Fact Related to Charge 5, Union with Christ**

- 42
- 43 1. Dr. Leithart believes that in the Reformed tradition the phrase “union with Christ” has been
44 applied more broadly than just in reference to the elect’s relationship with Jesus (Trial Transcript,
45 6.14, 8.3).

- 1 2. Dr. Leithart believes that baptism effects a covenantal union with Christ (Trial Transcript, 6.18).
- 2 3. Dr. Leithart affirms LC 63, that one of the benefits of the visible church is the communion of
- 3 saints which WCF 26.1 describes in terms of being “united to Jesus Christ their Head” (Defense
- 4 Exhibit 7, p. 12).
- 5 4. Dr. Leithart affirms LC 65: “the members of the invisible church by Christ enjoy union and
- 6 communion with him in grace and glory.” He denies that LC 95 implies that those who are
- 7 members only of the visible church do not enjoy any benefits from Christ (Trial Transcript, 6.16).
- 8 5. Dr. Leithart affirms LC 66, “the union which the elect have with Christ is the work of God’s
- 9 grace, whereby they are spiritually and mystically, yet really and inseparably, joined to Christ as
- 10 their head and husband; which is done in their effectual calling” (Trial Transcript, 6.16).
- 11 6. Dr. Leithart affirms LC 69, “the communion in grace which the members of the invisible church
- 12 have with Christ, is their partaking of the virtue of his mediation, in their justification, adoption,
- 13 sanctification, and whatever else, in this life, manifests their union with him.” He denies that LC
- 14 69 implies that those who are members of only the visible church does not enjoy any communion
- 15 in grace in any sense (Trial Transcript, 6.14).
- 16 7. Dr. Leithart affirms LC 79, “true believers, by reason of the unchangeable love of God,...can
- 17 neither totally nor finally fall away from the state of grace, but are kept by the power of God
- 18 through faith unto salvation” (Trial Transcript, 6.16).
- 19 8. Dr. Leithart affirms WCF 10.4, the reprobate who share in the works of the Spirit “never truly
- 20 come to Christ, and therefore cannot be saved.” He denies that WCF 10.4 implies that no
- 21 reprobate has ever had any real connection or communion with Christ” (Defense Exhibit 7, p. 5).
- 22 9. Dr. Leithart believes that the Reformed tradition has regularly recognized the reality of temporary
- 23 faith, and there is nothing unusual in his teaching that some people only believe for a time but
- 24 nevertheless enjoy genuine blessings in Christ (Trial Transcript, 6.16).
- 25 10. Dr. Leithart believes that there are many qualitative differences between the reprobate’s union
- 26 with Christ and that of the elect (Trial Transcript, 6.15).
- 27 11. Dr. Leithart believes that there is also a difference in duration between the reprobate’s union with
- 28 Christ and the elect’s; one is temporary, the other eternal (Trial Transcript, 6.15–16, 8.15).
- 29 12. Dr. Leithart believes that Christians can possess an assurance of salvation. Those who respond in
- 30 faith to God’s promises can be sure that they will be saved. They are called simply to believe and
- 31 keep believing (Trial Transcript, 6.16).
- 32 13. Dr. Leithart denies that there is a parallel soteriological system to the decretal system of the WCF
- 33 (Trial Transcript, 6.18–19).
- 34 14. Dr. Leithart does believe that some who are united with Christ will not persevere in faith and so
- 35 will not be saved (Trial Transcript, 6.19).

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VI. Conclusion

40 Dr. Leithart has declared his agreement with the Standards of our Church, in general and with respect to
41 the passages he is alleged to have denied. The prosecution and its witnesses have, of their own accord,
42 testified to Dr. Leithart’s scholarship and good character. The Court itself sees no reason to doubt Dr.
43 Leithart’s subscription to our Standards, and, after a close examination of his teaching, finds that his
44 teachings are in accord with our Standards, and indeed are often restatements of positions stated by
45 respected authorities in our tradition.

1 The Court went about its work fully conscious of its responsibility to ensure the purity of the doctrine
2 held by her ministers. The Court was convinced that that standard of purity is the Constitution of our
3 Church — the Westminster Standards and the binding chapters of the Book of Church Order — rather
4 than the more highly developed (and at points, mutually contradictory) systematic theologies espoused by
5 respected Reformed theologians over the years since the Westminster Assembly met.

6 With respect to baptism, it is clear that Dr. Leithart denies *ex opere operato* regeneration, if regeneration
7 is understood as it is in modern systematic theology as the monergistic act of God in giving new life
8 (WCF 10.1; John 1.12f.). Dr. Leithart, in the passages in question, is speaking of baptism's role in
9 bringing the baptized into the membership of the visible church, and the benefits and obligations that
10 entails. In so doing, he echoes John Calvin, Charles Hodge, and our own WLC 167. Dr. Leithart affirms
11 the absolute necessity of faith for salvation.

12 With respect to the covenant of works and the covenant of grace, Dr. Leithart agrees that Adam before the
13 fall was required to perform perfect, personal, and perpetual obedience. He agrees that since the fall, that
14 route to favor with God is not open to us, and that we can be right with God only by means of the
15 shedding of sacrificial blood and our trust in the work of Christ for us. He agrees that there are significant
16 differences between the covenant of works and the covenant of grace, and that those differences are
17 central to the Bible's theology.

18 With respect to imputation, Dr. Leithart agrees that Christ's righteousness is imputed to the believer. He
19 believes that Christ had to obey perfectly, and that "his active obedience is essential to our salvation." The
20 Westminster Standards do not require, in so many words, belief that the "active obedience of Christ" is
21 imputed to believers, and Dr. Leithart prefers not to say that. However, the Court believes that when Dr.
22 Leithart says Christ's active obedience is essential to our salvation, and that such obedience has resulted
23 in a righteous verdict that is applied to us, it amounts to the same thing.

24 With respect to sanctification and justification, it is clear to the Court that the misunderstanding largely
25 centers on the fact that Dr. Leithart is speaking of definitive sanctification (a monergistic work of God),
26 when others interpret him to be referring to progressive sanctification (a cooperative work of God and the
27 believer). Definitive sanctification is not a controversial belief in current Reformed theological reflection.
28 Dr. Leithart views justification (God's declaration that the sinner is just in the divine eye) and definitive
29 sanctification (God's declaration that the sinner has been set apart and placed in a new standing before
30 God) as two sides of the same coin. They are distinguishable but part of the same act of God, and based
31 totally on the work of Christ, and not upon anything done in or by us. Both are very different from the
32 life-long work of progressive sanctification.

33 With respect to union with Christ and apostasy, Dr. Leithart is using the term "union with Christ" in a
34 wider sense than that of the Confession. Where the Confession uses the term almost exclusively to refer to
35 the relationship that the elect have with Christ, Dr. Leithart, in the writings under consideration, is
36 exploring the fact, made clear in the Bible, that some non-elect people have some kind of identification
37 with Christ that results in considerable benefits (hearing the word with joy, enlightenment, a taste of the
38 heavenly gift, partaking in the Holy Spirit, tasting Christ, escape from the defilements of the world, and
39 so on).

40 The record of the case, indeed the entire controversy, finds almost its entire focus on Dr. Leithart's
41 exploration of the biblical witness and pastoral implications of baptism into the visible (or, as he prefers,
42 historic) Church. That much is obvious. What is perhaps less apparent to many is that Dr. Leithart
43 approaches this exploration from a covenantal framework within the discipline of biblical theology as
44 both a pastor and a theologian. Consequently, he commonly speaks in terms of the covenant of grace and
45 its unfolding in time and space and the working out of God's eternal plan among sinners not yet glorified;
46 indeed among men and woman whose status as elect or reprobate is ultimately hidden to all but God. In
47 contrast, many of those who charge Dr. Leithart with deviation from our Standards often speak, and
48 expect him to speak, almost exclusively in decretal terms that are more in line with the venerable tradition

1 of Reformed systematics. The Court recognizes that the Westminster Standards speak mostly from this
2 latter perspective, which the Court and Dr. Leithart fully accept. However, neither our Standards nor their
3 final authority, the Scriptures, demand that the Church’s ministers speak in exclusively systematic terms
4 when using the terms found in our Constitution. Indeed, we must keep in mind that these were Bible
5 words before they were confessional words. Surely, each perspective has inherent dangers and needs the
6 other. The former can lose its moorings in an over-zealous effort to reflect one part of Scripture without
7 conforming to the whole counsel of God. The latter can import systematic developments into documents
8 and debates that occurred centuries earlier and force technical definitions on passages and the preachers
9 who exegete them when the biblical usage of the term is often more broad. The Court is convinced that
10 this tension is unavoidable and, in fact, provides an invaluable service to the Church. In this case, Dr.
11 Leithart would be well served to take care to speak more clearly at points with a view to the historic and
12 important usage of theological language about matters so central to the peace and purity of the Church as
13 those examined in this trial. However, the broader Church must also take care to listen to its ministers and
14 members with charity and thoughtfulness. The Court is convinced that a covenantal perspective, such as
15 the defendant’s, which does not contradict the Standards of this Church or their foundation in the Word of
16 God is a legitimate and edifying way of looking at the life of faith, and a very helpful complement to the
17 Westminster Assembly’s largely decretal perspective on our salvation.
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20 **VII. Boise Motion C**

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22 The Commission made no changes to the procedural Motion C adopted in Boise.
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25 **Attachments:**

- 26 Attachment A: Boise Motion C
- 27 Attachment B: Chronology
- 28 Attachment C: Indictment (with specifications, and citations from Standards and Scripture)

29
30 **Note:** The Record of the Case (BCO 32-18) includes the following:
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- 32 1. Minutes of Judicial Commission Meetings and Trial
- 33 2. Chronology
- 34 3. Indictment
- 35 4. Digital audio recording of the two-day trial.
- 36 5. Transcript of Trial
- 37 6. Report of the Judicial Commission to Presbytery (this document)
- 38 7. Defense Initial Disclosure and Letter Regarding Scripture in a Trial (Feb 17)
- 39 8. Prosecution and Defense Briefs
- 40 9. Defense Brief on Two Questions from the Court
- 41 10. Defense Exhibits 1 through 12
- 42 11. Prosecution Exhibit 1 (written testimony of Mr. Keister)

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Recommendations

46 A. That Presbytery adopt the Judicial Commission’s judgment of not guilty on charge 1, concerning
47 baptism.

- 1 B. That Presbytery adopt the Judicial Commission’s judgment of not guilty on charge 2, concerning the
2 covenant of works and the covenant of grace.
- 3 C. That Presbytery adopt the Judicial Commission’s judgment of not guilty on charge 3, concerning
4 imputation.
- 5 D. That Presbytery adopt the Judicial Commission’s judgment of not guilty on charge 4, concerning
6 justification and sanctification.
- 7 E. That Presbytery adopt the Judicial Commission’s judgment of not guilty on charge 5, concerning
8 union with Christ and apostasy.
- 9 F. That Presbytery authorizes the Chairman of the Judicial Commission (or the members of the
10 prevailing side) to appoint a Respondent for Presbytery in the event Presbytery’s action later becomes
11 the subject of higher court review. (This is a slight revision to Boise Motion C.14 which only
12 referenced an appeal.)
- 13 G. That the Presbytery of the Pacific Northwest commend the Prosecutor, Rev. Jason Stellman, and the
14 Defense, Dr. Robert Rayburn and Ruling Elder Mr. Howie Donahue, for their service to the Church in
15 this difficult matter, which they conducted with integrity and in a spirit of service to the truth of
16 Scripture, the prosperity of God’s people and the magnification of his glory.