

Opening Statement

A. Introductory:

The case before us today is this, and only this: is the accused, Elder John Kinnaird, guilty of "teaching a doctrine of justification by faith and works, contrary to the Word of God and the Westminster Standards"? That is the precise wording of the Charge as presented to the Session of Bethany, Oxford OPC by Mr. and Mrs. Wilkening, and received by the accused. We would add this question, is he in violation of his ordination subscription wherein he said he believed the Scriptures to be the Word of God and wherein he adopted the Westminster Standards as containing the system of doctrine taught in God's Holy Scriptures? If this trial judicatory does in fact find Mr. Kinnaird guilty as charged, it will have done so because it will have been convinced of two things:

- first, that anyone teaching such a doctrine, so identified in the Charge, is guilty of heresy
- second, that Mr. Kinnaird does in fact teach such a doctrine

The first refers to the Charge; the second refers to the Specifications.

We have interposed objections to the form of the Charge and the relevancy of the Specifications to support the Charge, as permitted by Book of Discipline IV.C.2.a. We intend this morning to show that the Specifications, which we grant are true reproductions of Mr. Kinnaird's words, do not support the Charge as required by BoD III:7.b.(5). We will begin by talking about the Charge and suggesting or requesting clarification of the same and then we will talk about the Specifications in general before we begin to show specifically that each Specification does not support the Charge. It will be our position that the Charge must be formulated in a manner that is informed by Scripture and the Reformed Faith and that the question of whether the Specifications support the Charge must be determined by an intellect and a heart that is likewise informed by Scripture and the Reformed Faith.

B. The Charge

Respecting the Charge, the defense contends that there is a significant and thorny problem here, with respect to the form of the Charge. The exact wording, as we have it in the Charge Document, is as follows: "... charge Ruling Elder John O. Kinnaird with teaching a doctrine of justification by faith and works, contrary to the Word of God and the Westminster Standards." Please pay attention to the comma, because punctuation is important. It sometimes determines meaning, and it does so here. "Teaching a doctrine of justification by faith and works [comma] contrary to the Word of God and the Westminster Standards." That language can only mean that "teaching a doctrine of justification by faith and works *is*, and *always is*, an activity that is contrary to the Word of God and the Westminster Standards. The Charge, as currently worded, says that both the Word of God and the Westminster Standards *disallow* "teaching a doctrine of justification by faith and works" in any manner or form. So, the Charge is not that a *particular version* of the "doctrine of justification by faith and works" taught by the accused is "contrary to the Word of God and the Westminster Standards." Rather, the Charge as formulated, assumes that teaching, by anyone, of "a doctrine of justification by faith and works," is activity always

"contrary to the Word of God and the Westminster Standards."

Now, there *is* a problem here, because the Apostle James says in his Epistle (2:24), "You see that a person is justified by works and not by faith alone" (ESV). Here he clearly implies, and thus teaches, that a person is justified by faith. Now, we believe that we who are present today are all in agreement that justification is "by faith" in the sense of "through faith" as set forth in Ephesians 2:8, "for by grace you have been saved through faith..." And we need also to recognize that the only "justification" that is "through faith" or "by grace through faith" is the justification bestowed on sinners by God by virtue of the imputation of the active and passive obedience of Christ. In other words, James is speaking of the same justification unto salvation as other New Testament writers, and the same justification of which Mr. and Mrs. Wilkening speak, in the Charge. Furthermore, in addition to teaching that justification is "by faith," James also teaches, and that not by implication only, but rather explicitly, that "a person is justified by works." It can not be put down: the Apostle James, in Holy Scripture, teaches a doctrine of justification "by faith" and "by works"! "A person is justified by works and not by faith alone" -- those are his exact words, the words of Holy Scripture, unaltered and unqualified. What he *means* by that teaching (especially *how* justification is "by works") is, of course, of critical importance. And he certainly does not teach what was affirmed, for instance, by the Council of Trent, and what continues to be the heretical doctrine of justification espoused by Rome. So, how to square James' teaching with that of the Apostle Paul (in his Epistles to Rome and Galatia, for instance), is another matter -- one of hermeneutics -- into which subject it is not our intention to enter at this point. We may, nay, probably *will*, need to explore that interesting subject at a later point in this trial if, after we have made our case for the Specifications not supporting the Charge, the judicatory determines that the trial should go forward. The sole point we are making here and now is that the Charge, in its current form, would appear to accuse the Apostle James of teaching "contrary to the Word of God and the Westminster Standards"! That, of course, is not the intention of the persons bringing the Charge; but it *is* the result of the manner in which the Charge has been drawn.

That this is a problem is evident because, if the Charge is allowed to stand as presently worded, it becomes very difficult, if not impossible, for *either* side to argue, in a cogent manner, its case. *This* Charge presents both prosecution and defense with an impossible situation: it accuses Mr. Kinnaird with "teaching a doctrine of justification by faith and works," *which, as everyone knows, is* "contrary to the Word of God and the Westminster Standards." But not everyone accepts that assumption! Not *every* understanding of "a doctrine of justification by faith and works" is contrary to the Word of God and the Westminster Standards. As we have seen, the Bible itself uses such language! No doubt it could very well be the case that somebody, somewhere, teaches a particular *understanding* of the doctrine of justification by faith and works that is in fact contrary to the Word of God and the Westminster Standards. But simply will not do to assume that "a doctrine of justification by faith and works" must always, and everywhere, be seen as "contrary to the Word of God and the Westminster Standards," for the simple reason that James teaches it. But, facing that very assertion, assumed by the Charge as currently formulated, what is the prosecution, for its part, to do? Argue that the accused is guilty for *agreeing* with the Apostle James? Surely not! And, what about the defense? Is it to argue that the accused is innocent for *not agreeing* with the Apostle James? Surely not!

What should we do in the face of this perplexing dilemma? The defense contends that we ought not to proceed with the trial of the accused on *this* Charge--it simply is too vague and undefined. And it certainly will not serve the interests of justice to try to argue either that the accused is guilty of the Charge or that he is not guilty of this Charge. It would seem that the court

might do well to permit such an amendment of the Charge as would not alter its essential nature (BoD IV.C.2.a), but that would remove this impediment to our orderly proceeding. Some wording like the following might accomplish this commendable goal:

"...charge Ruling Elder John O. Kinnaird with teaching, contrary to the Word of God and the Westminster Standards, a doctrine of justification by faith and works that either makes works, as well as faith, an instrument of justification, or makes works a ground of justification."

Alternately we might amend the charge to read thusly:

"...charge Ruling Elder John O. Kinnaird with teaching, contrary to the Word of God and the Westminster Standards, a doctrine of entering, from a state of being under condemnation into an eternal state of being justified, by faith and works."

With such a Charge, we could proceed with some hope of ascertaining guilt or innocence of the accused, as we investigate the Specifications to determine if in fact they support a charge that he does *so* teach. But without some such amendment, we are going to be in a hopeless morass.

It is interesting to note, furthermore, that the current wording of the Charge--"by faith and works," if it remains unqualified, and if it is intended (as we assume) to mean, "on the ground" or "on the basis," of faith and works--could *itself* be based on a heretical understanding, for the simple reason that in fact neither faith *nor* works is the ground, or the basis, of justification! So, for this reason as well, the Charge needs amendment.

We will ask the court, following the conclusion of our opening remarks, to request Mr. and Mrs. Wilkening to put the Charge in proper form; or, if they fail to do so, to do it itself.

C. The Specifications

Now, as to the Specifications, the defense will show, assuming that the Charge is clarified, that the Specifications do not support even that clarified Charge. Whether the Specifications support the Charge in its current form is *moot*. There simply *are* no Specifications that could adequately support the Charge of teaching "a doctrine of justification by faith and works, *being as it is*, contrary to the Word of God and the Westminster Standards," because such a Charge would itself contain an assertion that is contrary to fact. But, if we are presented with a Charge that actually *identifies* the alleged heretical teaching--clearly and unambiguously--then presumably we can proceed to judgment as to whether the Specifications support the Charge that Mr. Kinnaird does in fact teach such identified heresy.

When we get to that point, the defense will show that Mr. Kinnaird, in the Specifications presented, teaches nothing to support such a Charge of heresy. John Kinnaird does not teach that believers move from a state of condemnation to a state of justification through a combination of faith and works, *with works being either instrument or ground*. Further, we will show, if the trial judicatory decides that the trial should proceed after considering our objection to the relevancy of the Specifications a supporting the Charge,

- he teaches, with the Bible and the Westminster Standards, that faith is the sole instrument of justification
- he teaches, with the Bible and the Westminster Standards, that good works of believers form no part whatsoever of the ground of their justification.

- he teaches, with the Bible and the Westminster Standards, that justification is grounded solely upon the atoning sacrifice and imputed righteous active and passive obedience of Christ
- he teaches, with the Bible and the Westminster Standards, that good works are the fruit of faith and stem wholly from the sanctifying work of the Spirit
- he teaches, with the Bible and the Westminster Standards, that faith, while the alone instrument of justification, is "not alone in the person justified, but is ever accompanied with all other saving graces, and is no dead faith, but worketh by love" (WCF XI)
- he teaches, with the Bible and the Westminster Standards, that good works are the necessary and inevitable fruit of saving faith
- he teaches, with the Bible and the Westminster Standards, that we cannot by our good works merit pardon of sin or eternal life
- he teaches, with the Bible and the Westminster Standards, that our good works are defiled and mixed with so much weakness and imperfection; yet they are accepted in Jesus Christ, with whom we are in union

The defense will show, furthermore, that Mr. Kinnaird teaches, with the Bible and the Westminster Standards (in particular, the Confession of Faith, XXXIII, "Of the Last Judgment and the Large Catechism, Q&A 90) that "likewise all persons that have lived upon earth shall appear before the tribunal of Christ, to give an account of their thoughts, words, and deeds; and to receive according to what they have done in the body, whether good or evil" and "At the day of judgment, the righteous, being caught up to Christ in the clouds, shall be set on his right hand, and there openly acknowledged and acquitted," And, if necessary, the defense will demonstrate by the testimony of competent theologians that a careful exegesis of numerous passages in both Old and New Testaments reveals that the acquittal of the elect on that Great Day will be in accordance with their works. The Bible and the Westminster Standards simply say as much. Not because the works of the believer merit everlasting life, but because they evidence the believer's union with Christ, whose active and passive obedience alone grounds the believer's salvation.

Now, it is to be observed that some language in the documents adduced in support of the Specifications (admittedly authored by Mr. Kinnaird, and submitted accurately by the prosecution to the court) relate to the teaching of the accused on the Bible's doctrine of the Last Great Judgment Day. When referring to that doctrine, the Bible, the Westminster Standards, and the accused sometimes use the term "justified" synonymously with "acquitted" or "declared righteous." The defense will show that in such contexts, Scripture, the Westminster Standards, and Mr. Kinnaird are not talking about the initial justification of the sinner upon his conversion, but rather about the acquittal of the sinner upon his standing before the Judgment Seat of Christ.

Judgment, and justice, in this case may very well turn on the exegesis of those biblical passages, and on the manner in which the accused has handled them, as evidenced by the documents adduced. The defense does not contend that Mr. Kinnaird does not teach what the Specifications select, identify and highlight from his writings. He does so teach. The defense will stipulate that Mr. Kinnaird did write those words, and that they accurately reflect his teaching. But what we will not acknowledge is that, in saying what he has said and in teaching what he has taught, the accused demonstrates that his teaching is in fact contrary to the Word of God and the Westminster Standards. The defense will show, rather, that nothing in the Specifications reveal John Kinnaird teaching that in the forensic justification of sinners upon their conversion, their good works (past, present or future) are either instrumental or foundational. Such teaching *would* be contrary to the Word of God and the Westminster Standards, and indeed heretical.

The defense will ask that this trial judicatory find the accused not guilty as charged by virtue of the fact that the Specifications do not support the Charge. We will not ask that the court find that Mr. Kinnaird has, at every point and in every case in his writings and in his preaching, formulated his teaching in the very most felicitous, clear, and unambiguous language possible. No doubt the manner of his teaching is yet imperfect. His understanding (as with us all) of the mysteries of the marvelous gospel needs ever to be refined, clarified and brought into closer conformity with Holy Scripture. Mr. Kinnaird is open, wide open, to just that. In fact, it was in pursuit of that very goal of submission to the Bible, and also of being in conformity to the Westminster Standards, that he presented his theological paper to the Session of Bethany Church, and to theologians and fellow presbyters, for their scrutiny. He stands before you today, not purposing to win his own case, but rather as zealous for the sanctification of his own heart and mind, and of those, of the wider body of believers that make up Bethany Church, the Presbytery of Philadelphia, and the OPC.

D. Conclusion

If that worthy goal is to be achieved, it becomes necessary that we first clear the air and acquit Elder Kinnaird of this Charge. This man believes the eternal gospel of the Son of God. He teaches it. And what he teaches, in conformity with the Word of God and the Westminster Standards, has no truck whatsoever with the heresies of "easy believeism," Arminianism, antinomianism, dispensationalism, legalism, or Romanism. He believes and teaches the gospel of salvation by grace, through faith alone, and based upon the perfect righteous active obedience and atoning sacrifice of Jesus Christ, the only gospel known by the Word of God and the Westminster Standards. It is know, as well, by John Kinnaird.

E. Request

If it please the court, before we proceed to look at the Specifications, may the court now accomplish clarification of the Charge by appropriate rewording, as authorized by BoD III:7.b (last paragraph, p. 108) and d.

Thomas E. Tyson -- 11/21/02