

Trial of John O. Kinnaird
11-23-02, Second Day, First Session
Opening Statement for the Defense
Bethany Orthodox Presbyterian Church
Oxford, PA

Winward: Mr. Tyson, your opening statement.

TT: Mr. Moderator, about what time would we be breaking?

Winward: Twelve-thirty.

TT: We ask for a five minute break now.

Winward: Sure. Ten minutes.

Winward: Mr. Tyson

TT: I need a larger desk here.

Mr. Moderator and members of the panel, we do not have a prepared opening statement at this point. The opening statement that we gave you earlier was prepared because we believed that was the chief and overriding issue facing the court. Namely, do the specifications, even if true, support *the charge as written*. And we are at a decided disadvantage now because we have to proceed with what we believe is a defective charge. And so it is going to be very difficult for us to defend Mr. Kinnaird against the charge and its alleged specifications. The charge does not *say what* about the doctrine of justification by faith and works that Mr. Kinnaird teaches is contrary to the Word of God. Let me repeat that. The charge does not state *what about* the doctrine of justification by faith and works as taught by Elder Kinnaird is contrary to the Confession of Faith and the Word of God and the Westminster Standards. And consequently, we don't know what's wrong with Mr. Kinnaird's views from the charge. The charge says there's something rotten in Denmark. There's something crook about Mr. Kinnaird's teaching in this area. And we will gather and select, collect and identify statements, paragraphs, sentences, from his writings and his sermon that will show you error. That's a very interesting approach, but that's not the approach that the Book of Discipline mandates. The Book of Discipline does not say - say in the charge that erroneous teaching contrary to the Word of God is bad. Erroneous teaching contrary to the subordinate Standards is bad. We know that. But we need to be told *what* exactly is wrong.

This brings us back to our argumentation earlier why we felt that the charge needed to be amended. And it will not down. That charge is going to continue to haunt us throughout the remainder of this trial because the prosecution is going to say time and again that Mr. Kinnaird's views as expressed in the specifications support the charge that he has a bad view of the doctrine of justification by faith and works. I trust that no one in this room will suggest, let alone seek to defend, that *any* and *all* understandings of a doctrine of justification by faith and works is contrary to the Word of God and the Confession of Faith and Catechisms. I trust that.

So we're not sure. We're going to have to go forward with the assumption or the guesswork that

something like the proposed new charges that we gave in our opening statement is really what's before us. Something like this, that the prosecution is seeking to demonstrate that Mr. Kinnaird teaches a *doctrine* of justification by faith and works that has works either as an instrument of justification or worse, as a ground for that justification. Or to put it another way, that Mr. Kinnaird teaches that in justification when the sinner is brought from a state of condemnation into a state of being acquitted and right before God, he is brought thus by a combination of faith and works. Pick one. You can take either one of those charges which are not before us, but which we, on the defense are going to assume is what's before us because we have to have something that we can defend. Pick one of those, either one, we will show by testimony from competent theologians that Mr. Kinnaird's statements and preaching and writings in no way, or in no shape, or in no form, so teach.

The charge, if I could summarize, simply does not state what it is about John Kinnaird's doctrine of justification by faith and works that is contrary to the Scriptures and the subordinate Standards.

We will show through testimony drawing your attention to the very specified words and teachings and preachings of Mr. Kinnaird that his doctrine, his teaching, his preaching, his statements are in accord with the subordinate Standards, as well as the Scripture. Both are needed. We stipulate that. In a sense, you have to show, as a prosecution, that his views are out of accord with the subordinate Standards because it is those subordinate Standards that Mr. Kinnaird has said that he hears the Scripture teaching. But it won't due for us to just say, he's O.K. with the subordinate Standards, but you have to demonstrate - or we are willing to demonstrate - that those subordinate Standards are themselves in accord with Scripture. So Scripture is our *final* authority. But you just can't say, Mr. Kinnaird is out of accord with Scripture and then proceed to exegete the Scripture and say that's not Mr. Kinnaird's exegesis. You have to show that where we have agreed together as to what the Scripture teaches about justification and the relation of faith to justification and the relation of good works to our salvation, to sanctification and to glorification. You have to show that his views are out of accord with the *Confession* because it is in the Confession and the Catechisms that we tell the world *this* is what we hear the Bible teaching.

We are also stipulating, and we thank the accusers for their well formulated and godly reminder that it is the peace ... the purity, the peace, and the unity of the church - all three that are at stake here. Mr. Kinnaird is more concerned than that he win this case, that his own heart be purified, his own mind be corrected, if it needs any correction, and more so, that the glory of Jesus Christ will be enhanced and the blessedness of Bethany Church and the whole Orthodox Presbyterian Church will be increased and promoted through this process.

The matter *is* extremely important. When Mr. Kinnaird asked me if I would stand for him in this trial and serve as defense counsel, I, of course, did not want to do that. Who would? But I was willing to do it primarily because this is a case about something that matters. I don't know what I would do if someone asked me to defend him on a charge that he holds the wrong view about why Cain's sacrifice was unaccepted by God, or whether alcoholic wine should always be used in communion, or something like that. I think I would probably say no. But I said yes now, not only because he deserves to be treated justly - and we assume he will be and I'm not suggesting

that he won't be - but part of my job is to be a watch-dog. But also because it *matters*. The very Gospel is at stake here. What we believe our standing before God and our eternal salvation is what we are talking about. That's worth some sweat and some sleepless nights. The defense will contend, with the Reformers or their followers, that the works that Paul condemns are not the works that James commends. And the works that James commends are not the works that Paul condemns. And so we don't agree with Luther that James is an epistle of straw. We believe that Paul and James are friends. We believe also that the Gospel is the mystery of Christ. How could it be that on the one hand Yahweh Tsidkenu - 'The Lord is our righteousness' - and He is. And we find out in Romans how that passage in Jeremiah is fulfilled by the imputed righteousness of Jesus Christ who is God. How can it be that that is so and at the same time, the goal of salvation is that we not only be blameworthy, but that we also be holy in Christ? Pick one it would seem. Scripture ... Either we are saved by Christ alone and so then it doesn't really matter whether that ever shows in this life or in the life to come. So that some can even write such a strange remark as that we remain eternally both sinner and justified sinner. That's beyond us. How can it be that that is the case and at the same time the goal of salvation is the glory of God through Christ becoming the firstborn of many brethren? How can it be that John would write, **A**He that is born of God does not sin?@ The only way that you can put those two together logically is by changing the meaning of one or the other. And you can go with Rome and say: well, we're not really justified by the work of Christ alone imputed to us and through his active ... his passive obedience on the Cross. He gets us half-way there and we get us the rest of the way through our good works. You can do that and then you don't have any trouble anymore. James and Paul come into nice conformity according to them. Or you can the other route and you can diminish sanctification and glorification. You can diminish the goal of the glory of God as He sees sinners, not only forgiven and justified, but also cleansed so that Revelation 1:3-5 is true that glory is to be given to God who has freed us from our sins by His blood. There's justification. And made us to be priests unto our God. There we have people who are changed - a priesthood, a holy people. There's tension there, brothers and sisters. We never be able to answer fully all questions of how these two things can be together - kind of like the sovereignty of God and the responsibility of man - but they are both true.

And Mr. Kinnaird's remarks and statements are taken ... we're going to try to show in a way that he does not intend them to be taken, nor in a way that they should be taken. Mr. Kinnaird is very careful in his writing. Perhaps he has not been perfect, and in fact, I can guarantee that he hasn't been and you can probably find a place where he slipped and said something that he would want to change. But when he's talking about that acquittal on the Day of Judgment, when he is reflecting those passages of Scripture such as: I Thessalonians 1:3, II Thessalonians 1:3, Ephesians 2:8-10, Galatians 5:6, James 2:17, 18, Titus 3:4-8; and many other passages from the Old Testament: Psalms 62:12, Proverbs 24:12, Ecclesiastes 12:14; Isaiah 3:10, Jeremiah 17:10; not to mention the words of our Lord Jesus when he says that in that day they will say, when did we *do* those things? Jesus will say, depart from me you who work iniquity. And those whom He registers as being His own and says, come and enjoy the blessedness that is promised you. They will say, when did we do *anything*? On that Day of Judgment, not one of us will be able to say, **A**Lord, I found one or two good works which I want you to have a note of... note please.@ We will all disagree with the Judge and say we did not do anything. And He will shush us and He will say, according to the words of Jesus, **A**In as much as you *did* it, you *did* it unto me.@

Those passages together with many others, including those in Revelation and the rest of the epistles, that talk about the Judgment Day, an acquittal on that Day, always say, that that acquittal, that that verdict will be according to works. Never on the basis of, never grounded by, or never even received by those works. Just that - as Madame Prego says about her spaghetti sauce - it's in there! They're there. They're simply there. God, who could have said to us in His Word, on that great Day, 'I'm going to observe your faith.' And we would have said, 'Thank you, God.' But He doesn't. He says I'm going to weigh and acknowledge and identify and look at and see the fruit of your faith. And I'm going to make a verdict. And that verdict is not going to be: these ones of you get higher rooms in Heaven because you did more good works than these others ones of you who did less good works. He's going to say - all of you who show what John was talking about, what James was talking about, and what Paul was talking about when he said, 'Not of works lest any man should boast - for we are His workmanship created unto Christ Jesus ... created in Christ Jesus unto to good works which God has before ordained that you should walk in them. God is going to say, 'All of you - you're mine!' I'm not going to look at your baptism, important as that badge might be. I'm not going to look at your faith, indispensable as that will be and you will all have it, except I guess, elect infants who died in infancy. But God's going to say, I see what I have done in your lives and the glory of his grace in a full salvation which began in election, continued in calling, progressed in justification, and was finalized in a sanctification that was perfected in glorification, will be only to the praise of His glorious grace. This is what that man believes! And if he doesn't, he'll have an opportunity to correct me.

And it is the responsibility of the accusers to believe him when he tells you in many places that this is what he believes. That he does not believe that justification is contingent, that it has to await the Judgment Day. That by faith we are maybe justified, but we'll see. He does not believe that. He's just a man who's trying to read his Bible and let what God says, stand - logic, tension, mystery, not withstanding. And we're going to show as we go through the specifications, passage by passage, that Mr. Kinnaird says *no such things* as are alleged in both of the papers that have been presented, which contain much that is true, most that is true, and which Mr. Kinnaird believes.

But let me look at just a couple of those remarks, in the paper that was most just recently mentioned, I don't know how far I'll get on this, but I'll just start at the beginning. In the first paragraph, it's the paper entitled, 'Doctrinal Statement by Arthur Kuschke,' I'm sorry if that was wrong for me to refer to his name. I'm just identifying the paper. We read,

Elder Kinnaird teaches a doctrine of justification by faith and works. He does not use the phrase, 'justification by faith and works.' He says that believers are justified by faith at their conversion. He also says that it is those who obey the law who will be declared righteous at the Day of Judgment.

Oh? He wasn't the first to say that. A fellow named Paul of Tarsus beat him to it. And Romans 2:13 may not be understood - in Mr. Kinnaird's opinion and in the opinion of many responsible Reformed theologians - may not be understood and dismissed as describing in the whole context a theoretical impossibility. Theoretically, if anybody could keep the law of God perfectly, they would be justified by that keeping of the law, but since there are none, why do we even bother to tell you that? Unless it be to just answer some Jews who thought that just having the law was

good enough. We agree. Doing the law is necessary if you're going to try to be saved by the law. But that simply is not all, or only, or at all, what the words that are quoted mean when we read in Romans 2:13, **A**it is those who obey the law who will be declared righteous.@ It's telling us that sanctified Christians - Christians who possess good works - will be on the Day of Judgment, which is the contextual identification or venue of these verses. If you'll look at verse sixteen which says, **A**on that day@when Jesus Christ will judge. What day could that be other than the great Day of Judgment? It's surely not the day of a person's conversion. It's the Day of Final Judgment and on that day, those who obey the law will be declared righteous, **A**according to what they have done in the body,@as another passage puts it.

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.... righteousness, and impute that to them - only then at the last day, to say, well, actually, that wasn't quite good enough. And I'm sure glad that some of you folks have done some good works. So I guess I have to let you in Heaven. Come on, now! What this passage is saying is there is a class of law-keepers. And there is a class of people who will be acquitted on that Day of Judgment. And there are going to be people who belong to both classes.

If you ask the question, can they have kept that law perfectly? Did they make it in this life? Well, the Bible has something to say about that and what the Bible says is to that, no. But they're started. There is a seed of righteousness, a seed of obedience that is in them, that is why John writes, **A**He that is born of God does not sin.@ He does not mean, does not sin a lot, as some versions incorrectly translate it. He means that God starts something in those whom he regenerates that will not down and it will persist. And that's why Paul says, I don't want to sin - that's because of that seed, but I do. And God says, hang in there. I'm going to get you there. Not before your death, or not before the coming of Christ, but I'm going to get you there.

And when He gets us there on that Day of Judgment, He's going to say, I see the seed and I see the beginnings. Yes, they're imperfect. They're like the little girl who writes, who makes a picture of her dad. She says, **A**Dad, I drew a picture for you.@ And it looks for all the world like a sweet potato with toothpicks sticking out of it. But Dad says, **A**Sweetheart, that's beautiful and I accept it. It's good. You've worked well. And I thank you for the most beautiful picture I've ever seen.@ That's what God is going to do on that Day of Judgment! And that's what this man is concerned to protect. God's way.

How much time do we have left, Mr. ...?

Winward: Twenty minutes, if you ...

TT: Twenty minutes. How much time would you like to have, John? How much time? We have...

JK: I would prefer to be put on the witness stand.

TT: O.K. I'll just continue then. Thank you. I apologize if that was out of order for me to request.

Third paragraph. [Mr. Kuschke's paper.]

A Elder Kinnaird has suggested two reasons why the imputed righteousness of Christ cannot suffice. The first is that sanctification is also given us and that obedience wrought by sanctification does provide the real and personal righteousness and holiness required. We reply that even our best sanctification and obedience in this life cannot suffice for that purpose as we will show later.@

We agree. That only the imputed righteousness of Christ alone and only and all together can suffice for that righteousness we need by which we are justified. Period. Full stop.

But at the same time, when John talks about the believer not sinning, he's not talking about Christ's imputed righteousness. He's talking about the sinner. He's talking about the believer. And when the New Testament speaks about us being conformed to the image of Christ, it's not talking about us being conformed by virtue of the imputation of the righteousness of Christ. He's talking about our real and personal conformity as the Confession states - chapter 13, paragraph one -we are sanctified **A**really and personally.@

Sanctification is not a further imputation of the righteousness of Christ. Sanctification is the outworking of the imputation of the righteousness of Christ in the life, in the real and personal life of the believer. That's to take nothing away from Christ's righteousness, but it is to say, that God gets what brings Him glory. Not sinners dragged kicking and screaming and still sinning presumably into Heaven. But sinners whom He has brought there solely because they are united to Christ by grace through faith alone. But sinners who He said, Guess what? I'm going to start My stuff in their life *here* on this side of the grave and I'm going to complete it in glory.

Second page. The paper says:

AJustification at conversion is complete justification, not limited justification, not partial justification.@

Mr. Kinnaird believes that and agrees with that.

Page three. At the top.

ASo sanctification imperfect in this life cannot be relied upon to provide a real and personal righteousness which is in full conformity to the image of Christ.@

Agreed! But sanctification is not a process that starts in this life and stops in this life. Sanctification is a process by which God starts with His saved sinner, His elected, called, justified, sinner - who is now a saint - and He begins to make him like the Son of God, Jesus Christ. And it begins more and more to destroy the works of the flesh and disobedience and more and more to incorporate obedience to that law and that process will be completed in glorification. What a jump that will be! Think of it, brothers and sisters, we won't sin anymore in Heaven. And it is *us* who will not sin anymore in Heaven. And it won't just be we'll be in Heaven because Jesus didn't sin. We are there because Jesus didn't sin, but when we get there, God will complete His sanctifying process in glorification. And glorification does not simply mean we get new bodies. Glorification means we get new *life*. We get new bodies and new

spirits that are made perfect in holiness. That's what this man believes! And that's what - if you think he doesn't believe it - you have to demonstrate.

In the middle of that page we read,

AThe Apostle John plainly says that true believers do sin. If we say that we have no sin, we deceive ourselves and the truth is not in us. If we say we have no sin we make Christ a liar. If we sin we have an Advocate with the Father, Jesus Christ the righteous.@

This is true. But if you'll notice in that very passage, sin is described as breaking the law. Keep that in mind.

AIt appears that Elder Kinnaird does not take into account the completeness of justification.@

He does.

Page four. Calvin was not perfect either. And when he writes in his Institutes,

AImagine that righteousness is composed of faith and works ...@¹

I hope he is talking about somebody who erroneously says that and if he isn't, he's wrong. Because righteousness is not composed either of faith or works. Righteousness is by faith. It is composed of the grace of God, based on the righteousness of Christ and His passive obedience and received by faith alone without any contribution on our part. That is what this man believes.

Now we get to Romans 2:13 and that is a thorny passage and there is not agreement among all commentaries. I've checked them all - Cranfield, Murray, Hodge, Ridderbos. The one says the one thing and the one says the other and there are some theologians that say, there's nothing here that's actual, it's all theoretical. It's all theoretical impossibility. It doesn't describe anything that really ever happens anywhere in the world or nor will it. And there are others that say, now wait a minute, look at the words. On the Day of Judgment the doers of the law *will be* justified. What does that mean? Well, that's a hermeneutical question. It's a question of exegesis. But if Mr. Kinnaird happens to in his sermon to have quoted that verse, don't complain that he's viewpoint is heretical. He's just bringing you the Bible.

On the last page,

AIt appears to be a flaw in Elder Kinnaird's teaching that he fails to related the great central doctrines of the Biblical system *in the same way* than our Scriptures and Standards relate them.@

That's begging the question. That's exactly the point that needs to be proven. If Mr. Kinnaird

¹ Kuschke, Arthur. *Doctrinal Statement*. **A**A great part of men,@says Calvin, **A**Imagine that righteousness is composed of faith and works.@ (Institutes III, 11, 13), p. 4.

arranges things differently than you do, you have to show that his arrangement is not the arrangement of the Confession. Not just that he understands the system slightly differently than you do.

ATo sum up, Elder Kinnaird has redefined justification by faith.@

Prove it!

AHe has tried to combine both faith and the works of the law for justification.@

Prove it! We stipulate and agree that anyone who

A redefines justification to limit its fullness, completeness, and efficacious character, so that after justification we do not have yet enough righteousness, or even the right kind of righteousness that is required at the judgment.@

Such a person would be a heretic. *I* would be a heretic, if I believed that. But I don't and Mr. Kinnaird does not teach it.

Sanctification is the beginning of conformity to Christ that is climaxed in glorification. In between that sanctification of our life here on earth and its final perfection in glory - in between is the Day of Judgment. And God says, 'In that Day, I will have a look at what I've done thus far and according to how I find My work, My fingerprints, My handiwork, in these ones in accordance with that finding, I will say to them, You're mine. Come and be with Me forever. And guess what? In the instant that you come to be with Me, you will never sin at all - again - or ever.' And we will say, 'O Lord, you are too much. Please look at Christ. Don't look at us. We only trust Him. We don't trust our works.@ And He will say, 'I know.@

Winward: Thank you, Mr. Tyson. Having heard both opening statements, we are at the point in these proceedings where the accusers will make a presentation on the first specification.

AW: Just a point ... a question?

Winward: Mr. Wilkening.

AW: Is it the intent of the court to break in the middle of the specification for lunch, given the time we are at now? Is it better we do that, or is it better we arrange a lunch break either earlier or later? Just a question I have for the procedure, for the orderly process of the court.

Winward: Right. It had occurred to me as well. It is ten of twelve. This is a natural breaking point and I indicated at the very beginning that I wasn't going to stick hard and fast to the twelve-thirty. Is there some agreement to break for lunch now so that we can ... so that the continuity of the proceedings to come...O.K. Let's do that now. Let's be back here at ten of one. One hour. Do we need an hour? Forty-five? Forty-five minutes. All right. Do I hear fifty? (Laughter.) All right. Forty-five minutes that would bring us back here at 12:35. Twelve-thirty five. We'll recess until then.
