

# **A Response to the ACC's Recommendation regarding Item 05-10: The Pittsburgh Presbytery Overture Amending G-6.0108b to Include a Freedom of Ordaining Bodies "within Certain Bounds"**

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The decision of the PCUSA Advisory Committee on the Constitution (ACC) to recommend disapproval of Pittsburgh Presbytery's Overture 05-10 ("On Amending G-6.0108b Freedom of Conscience 'Within Certain Bounds,' to Include a Freedom of Ordaining Bodies within Certain Bounds") is based on multiple inaccuracies and misunderstandings that suggest systemic advocacy problems with the ACC. (For text of overture and ACC advice see the appendix.)

The overture merely establishes principles that, until recently, have been clearly understood in the Presbyterian Church. Some circles of the PCUSA have "forgotten" that standards in the *Book of Order* singled out from amongst all other confessional standards, or put in ordination vows, or repeated often throughout the *Book of Order* are, by definition, essentials. Simply put, this overture simply requires that texts be read reasonably, with attention paid to such clearly literary indicators of meaning.

## **1. The Clarity of the Three Indicators of Essential Status**

**Contrary to what the ACC claims, there is nothing "unclear" about the overture's three clear indicators in the *Book of Order* for evaluating which "shall" standards are essential.** Even my 7-year-old daughter (albeit a bright 7-year-old) understands that if her teacher singles out for special mention one rule from among a list of rules, or makes the class take a vow (i.e. promise) to obey one rule in particular, or repeatedly mentions the rule throughout the school year, the teacher must really want the rule to be obeyed. If a 7-year-old can grasp the import of these three indicators for determining what is essential, then they are probably clear indicators.

So given that G-6.0106b **singles out from "among" all the "historic confessional standards of the church"** the "requirement" that ordained officers confine sexual relations to "the covenant of marriage between a man

and a woman," is it reasonable to conclude that the *Book of Order* does not treat this requirement as essential for ordained officers? Or given that W-4.4003 **puts in an ordination vow** (and the first, at that) the necessity of acknowledging trust in Christ as one's "Savior" and "Lord of all," is it reasonable for any governing body to ordain someone who does not believe that Jesus is one's Savior and Lord of all? Or is it possible to conclude reasonably that women's ordination is not an essential, given that the *Book of Order* **affirms in many diverse contexts** women's ordination (at least 6 times: G-6.0105, 14.0221, 9.0105a, 13.0111a, 1.0100b, 3.0401b), even going to the point of requiring that governing bodies above the session level establish a committee on representation to insure fair participation by ordained female officers? The answer in all three cases is obvious. Why single out a standard from amongst all others, or put it in an ordination vow, or repeat it often unless the point is to say, "This standard is essential and absolutely must be obeyed"?

**Allowing governing bodies to ignore obvious indicators of essential standards in the *Book of Order* does not build up the peace and unity of the church.**

## **2. Restoring Fundamental Principles of Presbyterian Polity**

**Contrary to what the ACC claims, the addition to G-6.0108b proposed by the overture does not violate "a fundamental principle of Presbyterian polity" enshrined in G-6.0108. It rather restores it by doing three things:**

- 1) It reasserts the national conscience of the church, a conscience that is made clear ultimately through a decision of the majority of the PCUSA presbyteries when amending the constitution, as was done in the case of G-6.0106b.** This is consistent with "the historic principles of church government that "a larger part of the Church ... should govern a smaller, or determine matters of controversy which arise therein," and "that appeals may be carried from a lower or higher governing body" (G-1.0400).
- 2) It helps to prevent local or regional governing bodies from committing "serious departure" from "essentials of Reformed faith and polity" (G-6.0108a).** This happens when they arrive at unreasonable interpretations of the *Book of Order* by ignoring clear indicators of what is essential.
- 3) It helps to prevent local and regional governing bodies from "obstructing the constitutional governance of the church" (G-6.0108a).** The GAPJC in the 2008 *Bush* case was correct in stating: "It would be an obstruction of constitutional governance to permit examining

bodies to ignore or waive a specific standard that has been adopted by the whole church, such as the 'fidelity and chastity' portion of G-6.0106b, or any other similarly specific provision" (p. 7). The GAPJC carries greater authority than the ACC. The latter is only "advisory."

The ACC thus errs when it claims that obstructing the governance of the church involves only "a refusal to carry out duties of office" (see its comment on 05-01). Such obstruction also includes, according to the GAPJC, carrying out duties expressly forbidden to the office, such as ordaining persons who have not met the specific requirements for ordination that the *Book of Order* indicates are essential by singling out from amongst all other standards, placing in ordination vows, or repeating often.

**The ACC need only apply properly its own analogy to women's ordination** (so its comment on 05-01) **to see the distinction between an allowable freedom of conscience** (i.e. a right not to believe in the validity of women's ordination) **and an impermissible obstruction of constitutional governance** (refusing to participate in the ordination of women). Applied analogically to the "fidelity and chastity" clause in G-6.0106b the principle here would suggest that officers of the church may have a limited freedom of conscience to believe that homosexual practice (or adultery, or faithful polyamory, or even pedophilia) is acceptable but officers may not waive the "requirement" singled out from all "the historic confessional standards of the church" that ordained officers "live either in fidelity within the covenant of marriage between a man and a woman ... or chastity in singleness." To ordain those who have not met such a significant requirement—its significance indicated by the singling-out effect, not to mention the historic position of Scripture and two millennia of church history—would be as much an instance of "obstructing the constitutional governance of the church" and a "serious departure from [essential] standards" as refusing to ordain women or ordaining someone who did not demonstrate "love of Jesus Christ as Savior and Lord" (G-6.0106a).

### **3. Improper Appeals to the 1729 Adopting Act and the 1927 Swearingen Commission**

**Contrary to what the ACC claims, appeal to the 1927 Swearingen Commission Report offers little substantive basis for recommending disapproval of Pittsburgh Presbytery's overture (05-10).** The Report's statements that essentials can be ascertained only in the *ad hoc* moment of examining individual candidates (and then must be quickly forgotten before examining the next candidate) and that there are no identifiable churchwide essentials that can be "applied ... to every case without distinction" cannot be

taken literally and absolutely without producing nonsense conclusions that violate Presbyterian heritage and polity.

**First, it is an oxymoron to call a churchwide “essential” something that can only be essential for a particular person at a particular time.** By very definition an essential of Reformed faith and polity is applicable to the whole church and so “to every case without distinction.” Indeed, there could be no higher judicial review of a lowering governing body’s decisions if there were no identifiable churchwide essentials applicable to all cases. For on what basis could a higher court charge error in a lower governing body if only the governing body that is examining a given candidate can determine essentials?

**Second, as we have seen above, even the ACC and the John Knox overture (05-12) admit that governing bodies absolutely cannot ordain anyone to office who will not carry out the duties of that office.** What is this if not a **tacit admission that there are some identifiable churchwide requirements that must be “applied rigidly to every case without distinction,”** i.e., defined as essential prior to, and independent of, the particular examinations of particular candidates (contra Swearingen).

**Third, the Swearingen Commission Report erred in citing the Adopting Act of 1729 as precedent for the view that there are no identifiable churchwide essentials applicable “to every case without distinction” for the Adopting Act addressed only a finer point of Calvinist doctrine, not the basic tenets of Reformed belief or sexual standards.** The Adopting Act proper declared that the Westminster Standards were “the confession of their faith, excepting *only* some clauses in the twentieth and twenty-third chapters” that could be improperly interpreted to mean that the State could control the doings of the Synod or “persecute any for their religion” (emphasis added). In 1736 the same Synod adopted an “Explanation of the [Adopting] Act” in which it reaffirmed that the members of the Synod “*still do adhere to the Westminster Confession, Catechisms, and Directory, without the least variation or alteration, and without any regard to said distinctions*” between essential and nonessential, excepting “*only*” certain interpretations of clauses pertaining to the authority of the state over the church (emphases added). Apart from this exception, a governing body in the midst of examining a candidate had no power to allow candidates for office to deviate from the Westminster Standards.

**Fourth, the church has always operated with many implicit churchwide essentials that are not subject to the whims of individual ordaining bodies.** We won’t ordain persons who believe that God does not exist or is sovereign over nothing. We (hopefully) won’t ordain anyone who believes that Jesus was a charlatan or at least not Savior and Lord. We won’t ordain any card-carrying, active members of the Klu Klux Klan or skinhead Nazi groups. We won’t

ordain any persons who regularly beat their spouse. We won't ordain any candidates having regular sexual intercourse with their parent or sibling, even if the relationship is "committed" and monogamous. On and on one could go. No reasonable person would seriously argue that any of these offenses are not violations of implied churchwide essentials or that candidates who commit them may conceivably have other redeeming qualities that would offset these offenses. The only reason why the PCUSA doesn't explicitly refer to them as essentials in the *Book of Order* is because no one seriously contests them as implied ordination essentials. It has absolutely nothing to do with a reluctance to define them as such.

**Now it is true that the PCUSA has been reluctant to draw up a *comprehensive* list of essentials for ordination ever since the fundamentalist controversy in the early twentieth century. But that is different from having no specific essentials.** Since the time of the fundamentalist controversy **the PCUSA has approached the issue of essentials more on a need-to-know or as-conflict-arises basis. When an historic or newly developed essential comes under attack or questioning, or attempts are made to circumvent it, the PCUSA has acted to assert its status as essential in the *Book of Order*.** This has been true in at least three matters: confession of Christ as Savior and Lord (the first ordination vow), women's ordination (often repeated), and the sexuality standard in G-6.0106b (explicitly singled out from among all confessional standards for the purpose of stressing compliance, approved in 1996-97 and then reaffirmed by ever-increasing margins in 1997-98 and 2001-2002).

**Fifth, the ACC errs in suggesting that no proposed constitutional amendment should ever be approved that conflicts with prior authoritative interpretations (like the badly worded Swearingen Commission Report). This would be a violation of constitutional due process.** A constitutional amendment by definition trumps all prior authoritative interpretations. The ACC itself has been willing to recommend new authoritative interpretations that contradict prior authoritative interpretations (for example, endorsing PUP recommendation 5 in 2006 which contradicted the 2001 GAPJC Londonderry decision; or supporting now the John Knox overture that contradicts the 2008 GAPJC *Bush* decision).

#### **4. Why the GAPJC "Bush" Decision Is Not Enough**

**Contrary to what the ACC suggest, the GAPJC decision in *Bush v. the Presbytery of Pittsburgh* (Remedial Case 218-10) does not adequately answer the concerns of this overture.**

**First, the *Bush* decision does not provide the clear indicators or guidelines for defining essential standards;** namely, "*standards specified in ordination vows in the Book of Order; standards singled out in the Book of Order for compliance from amongst other standards; and standards oft repeated in diverse contexts in the Book of Order.*"

**Second, the *Bush* decision sometimes contradicts itself** as when it claims both that essentials are defined only in the context of examining a candidate for office and that essentials can be predetermined when they are specific and singled out in the *Book of Order*.

**Third, and most importantly, the GAPJC decision in *Bush* offers only an authoritative interpretation of the Constitution that could be easily overruled by a new GA "authoritative interpretation" such as the John Knox overture (Item 05-12)—an overture, incidentally, supported by the ACC.** An amendment to the *Book of Order* is needed in order to make secure the principle that the *Book of Order* provides some indicators of essential standards that cannot be ignored by GA "authoritative interpretations."

## **5. How This Overture Differs from Mandatory "Shall" Overtures**

**Contrary to what the ACC claims, the Pittsburgh Presbytery Overture significantly differs from other overtures (like Item 05-07) that seek to determine essentials solely by the use of "shall" language in the *Book of Order*. It proposes specific clear indicators that distinguish between essential and nonessential "shall" provisions:** standards enshrined in ordination vows (like the confession of Christ as Savior and Lord), standards singled out from among other standards (like the requirement that sexual relations be confined to the covenant of marriage between a man and a woman), and standards frequently repeated in diverse contexts of the *Book of Order* (like women's ordination).

## **6. Why Adding More Specific Clauses to G-6.0106b Won't Work**

**The ACC's suggestion that the GA could replace the Pittsburgh Presbytery overture with a revision of G-6.0106b containing "clear and specific limitations on the conduct of candidates for ordination" would do nothing to address the ACC's claim that it is anti-Presbyterian to formulate essentials applicable "to every case without distinction."** For there already is a "specific limitation" in G-6.0106b that the ACC and the John Knox overture are ignoring: "*the requirement to live either in fidelity within the*

*covenant of marriage between a man and a woman (W-4.9001), or chastity in singleness."* If the ACC and John Knox overture refuse to recognize the enforcement of this "specific limitation" as binding on all ordaining bodies, why would they recognize the binding character of any newly added, specific limitation?

**What is needed is an addition to G-6.0108b that establishes clearly that the responsibility of a governing body to determine whether a candidate has departed from essentials "*does not give the governing body constitutional grounds to define essentials in ways that ignore clear indicators in the Book of Order regarding what is essential*"** (to quote from the wording of the overture).

No organization is without its biases and the ACC is no exception to this rule. It has even gone to the lengths of arguing that the church cannot call to repentance persons who do not regard their behavior as sinful—a stance that would effectively eliminate repentance altogether from the church since few offenders consider their behavior to be wrong, especially as regards sexual offenses. Delegates to the 2008 General Assembly should keep in mind that the ACC is only an advisory body whose advice should be subject to the same critical scrutiny that it gives to overtures.

## Appendix: Text of Pittsburgh Presbytery Overture 05-10 and ACC Advice

### 05-10 On Amending G-6.0108b Freedom of Conscience "Within Certain Bounds," to Include a Freedom of Ordaining Bodies within Certain Bounds.

Sponsor: Pittsburgh Presbytery  
Committee: Church Orders and Ministry  
<http://www.pc-biz.org/Explorer.aspx?id=1477>

#### RECOMMENDATION

The Presbytery of Pittsburgh overtures the 218th General Assembly (2008) to direct the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative vote:

Shall G-6.0108b (Freedom of Conscience "Within Certain Bounds") be amended as follows: [Text to be added is shown as italic.]

"b. It is to be recognized, however, that in becoming a candidate or officer of the Presbyterian Church (U.S.A.) one chooses to exercise freedom of conscience within certain bounds. His or her conscience is captive to the Word of God as interpreted in the standards of the church so long as he or she continues to seek or hold office in that body. The decision as to whether a person has departed from essentials of Reformed faith and polity is made initially by the individual concerned but ultimately becomes the responsibility of the governing body in which he or she serves. (G-1.0301; G-1.0302) *This responsibility does not give the governing body constitutional grounds to define essentials in ways that ignore clear indicators in the Book of Order regarding what is essential. These indicators include standards specified in ordination vows in the Book of Order; standards singled out in the Book of Order for compliance from amongst other standards; and standards oft repeated in diverse contexts in the Book of Order.*"

#### RATIONALE

The controversial, narrowly adopted (57 percent) 2006 Authoritative Interpretation (AI) of G-6.0108b ("Freedom of Conscience within Certain Bounds") encourages local and regional ordaining bodies to ignore clear indicators in the *Book of Order* itself that certain standards are essential for ordained officers.<sup>1</sup>

Three such indicators are when a particular standard is *specified in ordination vows* (the affirmation Christ as Savior and Lord), *singled out from amongst other standards* for special compliance (the standard for sexual purity), or *repeated often in diverse contexts* (acceptance of the ministry of women).<sup>2</sup> These contexts create a reasonable expectation among reasonable readers that the particular standard

must be essential. Otherwise, there would be no reason for including it in an ordination vow, singling it out from amongst other standards, or repeating it in diverse contexts.<sup>3</sup>

Yet the rationale for the 2006 AI states that an ordaining body can judge noncompliance with the sexuality standard in G-6.0106b not to violate essentials,<sup>4</sup> despite the fact that G-6.0106b clearly *singles out* from “among” “the historic confessional standards of the church” the “requirement” that ordained officers confine sexual intercourse to “the covenant of marriage between a man and a woman.”<sup>5</sup>

If an ordaining body can ignore such a clear literary indicator of what is essential,<sup>6</sup> then an ordaining body could just as easily judge a departure from the first ordination vow requiring trust in Christ as one’s “Savior” and “Lord of all” (W-4.4003) or the declaration of a scruple with regard to the acceptance of women’s ordination not to violate the essentials of Reformed faith and polity.<sup>7</sup> This is especially so since the task force rationale cites the Adopting Act of 1729 as establishing a virtual absolute right on the part of local and regional ordaining bodies to determine for themselves what standards are essential.<sup>8</sup>

Inasmuch as the spin given by 2006 AI on G-6.0108b runs counter to the purpose for which it was formulated—namely to protect a *national* standard (i.e. women’s ordination) from candidates who might declare a contrary scruple—it is necessary to reassert the freedom of the collective conscience of the denomination as a whole, especially as enshrined in its constitutional documents.<sup>9</sup>

*As to answering possible objections to the amendment* the following may be noted:

1. Someone might counter that the 217th General Assembly (2006) added to the task force’s AI a safeguard; namely, that higher governing bodies may review “whether the examination and ordination and installation decision comply with the constitution of the PC(USA).” Even so, this addition did not offer the courts themselves any guidelines for determining essentials in the *Book of Order* that would safeguard against excessive judicial activism (as can be seen from the recent decision of the PJC of the Synod of the Trinity; cited in Endnote 7 below).
2. Someone might contend that not all “requirements” or “mandated” practices are essential and that consequently failure to comply with the “mandatory” sexual “requirement” in G-6.0106b is not a necessary bar to ordination. While such contentions regrettably make words mean what they do not normally mean and nullify clear distinctions in the *Book of Order’s* Preface between mandated practices on the one hand and practices merely recommended or permitted on the other hand, they are nevertheless beside the point here. We can all agree that the implicit literary force and effect of *singling out* for compliance a particular requirement from amongst all other standards is to establish the essential status of the requirement. The same holds true for inserting a standard in an ordination vow (so the affirmation of Christ as Savior and Lord) or repeatedly citing a standard in diverse contexts (the validity of women in ministry).
3. Some may fear that this amendment establishes too much certitude in interpreting texts or creates a detailed litmus text of orthodoxy. Such a fear would be misplaced. The purpose of this amendment is *not* to contend that *all* texts are equally obvious or to define what *all* the essentials are as regards ordination

standards. Rather the purpose is to prevent arbitrary or ideologically-based circumventions of some obvious essentials.<sup>10</sup> Put differently, the purpose of this amendment is to establish that *some* standards in the *Book of Order* are clearly presented as essential (i.e. necessary barriers to ordination when not fulfilled by the candidate) even though the precise word “essential” is not used.

A related purpose is to reassert that, despite some radical postmodernist views to the contrary, the communication symbols that constitute the written text of the *Book of Order* and the literary conventions that accompany their use must be given their normal agreed-upon sense if church members are to have any confidence in the process of discernment. Certain literary moves such as placing a given requirement in the context of an ordination vow, singling it out to make a special point about the necessity of compliance, or citing it repeatedly in diverse contexts create an implicit contract of meaning with reasonable readers interpreting reasonably and contextually. Not to draw the obvious conclusion that such contexts establish the ordination requirement as *essential* is to violate that contract of meaning and engender distrust and cynicism regarding process.<sup>11</sup>

In short, there is nothing radical about this amendment. It simply reinstates the practice of reading literary indicators of meaning in the *Book of Order* reasonably—a practice that had generally operated before the passage of the 2006 AI on G-6.0108b.<sup>12</sup>

## Endnotes

<sup>1</sup> The AI states that “ordaining and installing bodies ... have the responsibility to determine ... whether any departure [from standards] constitutes a failure to adhere to the essentials of Reformed faith and polity under G-6.0108 of the *Book of Order*, thus barring the candidate from ordination and/or installation.”

<sup>2</sup> While not an exhaustive list, these three indicators do have great relevance for current debates in the recent history of the PC(USA).

<sup>3</sup> The necessity of accepting women’s ordination is repeated in diverse contexts throughout the Form of Government of the *Book of Order*. Section G-6.0105 makes clear that “Both men and women *shall* be eligible to hold church offices. ...” [emphasis added]. Likewise, G-14.0221 states: “Every congregation shall elect men and women from among its active members . . . to the office of elder and to the office of deacon. ...” Section G-9.0105a (“Committee on Representation”) mandates: “Each governing body above the session shall elect a committee on representation, whose membership shall consist of equal numbers of men and women.” A specific duty of this committee is to “advocate for the representation of ... women” (G-9.0105c). According to G-13.0111a, “Consideration shall be given to the nomination of equal numbers of ministers (both women and men) ... .” Section G-1.0100b (“Christ Calls the Church Into Being”) refers to Christ “exercising his authority by the ministry of women and men ... .” Section G-3.0401b (“Called to Openness”) states: “The Church is called . . . to a new openness” about “becoming in fact as well as in faith a community of women and men ... .”

<sup>4</sup> The text of G-6.0106b is as follows: “Those who are called to office in the church are to lead a life in obedience to Scripture and in conformity to *the historic confessional standards of the church. Among these standards is the requirement to live either in fidelity within the covenant of marriage between a man and a woman (W-4.9001), or chastity in singleness.* Persons refusing to repent of any self-acknowledged practice which the confessions call sin shall not be ordained and/or installed as deacons, elders, or ministers of the Word and Sacrament” [emphasis added].

<sup>5</sup> According to the Final Report of the Theological Task Force on Peace, Unity, and Purity of the Church: “If an ordaining or installing body determines that an officer-elect has departed from G-6.0106b, ... [and judges this departure] not to violate the essentials of Reformed faith and polity.... then there is no barrier to ordination” (*A Season of Discernment*, pp. 40-41, ll. 1222-29).

<sup>6</sup> If a teacher or parent should say, “Among all my requirements I want to point out this particular

requirement as something that must be complied with," then a student or child, respectively, who contended that the requirement was not "essential" would be in obvious, even perverse, error.

<sup>7</sup> An example of how this might happen occurred on May 16, 2007, when the Permanent Judicial Commission of the Synod of the Trinity ruled in case no. 06-09 that the Presbytery of Pittsburgh could not define *any* essentials prior to specific cases and then must redefine essentials for each new ordination examination: "Essentials of the faith . . . cannot be predetermined. . . . [D]epartures from essential tenets, must be determined on a case by case basis within the ordination process." The problem with this reasoning is that if an essential has to be determined on a case-by-case basis, then it is not "essential" as a churchwide standard. It can only be an essential for the particular case of a particular person. By this decision the presbytery could not "predetermine" that believing in Christ as Savior and Lord or accepting the validity of women's ordination is an "essential" for ordination. The ordaining body would have to revisit the question of whether this is an essential at each and every ordination examination.

<sup>8</sup> In point of fact, the Adopting Act of 1729 addressed finer points of Calvinist doctrine contained in a voluminous, undifferentiated document like the Westminster Standards. It was certainly never intended to allow local or regional ordaining bodies the autonomy to ordain someone who denied the lordship of Jesus Christ or who engaged in sexual intercourse outside the covenant of marriage between a man and a woman.

<sup>9</sup> What was the point of the majority of the presbyteries in voting to incorporate this sexuality standard in the *Book of Order* in 1996-97 and then to deny by ever greater margins vigorous attempts to remove it in 1997-98 and 2001-2002 if not to communicate this: "Failure to comply with this singled-out standard would be a *necessary* barrier to ordination"? If the majority of presbyteries had only wanted to have a standard that could be viewed as nonessential, there would have been no reason to single it out for compliance in the Form of Government.

<sup>10</sup> The Presbyterian Church operates on a principle of connectionalism. This includes the right to establish on a national level some minimal beliefs and practices for officers of the church that, when met with noncompliance, become necessary barriers to ordination. For example, the national governing body today could not, and would not, allow the ordination of avowed racists, participants in loving adult-consensual incest or polyamory, persons who declared Jesus to be delusional, or even persons who rejected the validity of women's ordination.

<sup>11</sup> The alternative is a way of reading texts where there are no generally accepted conventions for expected meaning. This would render all texts, including every standard expressed in the *Book of Order*, as meaningless. Then there would be no point to reading, interpreting, citing, adjudicating by means of, or amending the Constitution of the PC(USA) except as an exercise of raw, arbitrary power. And then there would be no point to the existence of the PC(USA) as a denominational entity.

<sup>12</sup> At the time of the writing of this overture, it is unclear whether the proposed extensive revisions of the Form of Government will replace the current version. If it does, then the appropriate adjustments in the proposed amendment are to be made. Based on the draft of the proposed new FOG retrieved from <http://www.pcusa.org/formofgovernment/pdfs/form-of-government.pdf> on 1/7/08, "G-6.0108b" would have to be replaced with "G-2.0104"; "Freedom of Conscience within Certain Bounds" with just "Freedom of Conscience"; and "governing body" with "council."

## COMMENT

### ADVICE FROM THE ACC

Advice on Item 05-10—From the Advisory Committee on the Constitution.

The Advisory Committee on the Constitution advises the 218th General Assembly (2008) to disapprove Item 05-10.

## *Rationale*

The Advisory Committee on the Constitution refers the 218th General Assembly (2008) to its advice concerning Item 05-01, which sets forth the background that the Advisory Committee on the Constitution believes the assembly should consider in addressing each of the items related to ordination and installation of church officers.

Initially, the 218th General Assembly (2008) may wish to consider the application of this authoritative interpretation of G-6.0108 in *Bush v. the Presbytery of Pittsburgh* (Remedial Case 218-10), as discussed in the Advisory Committee on the Constitution's advice with respect to Item 05-01. If the assembly believes that this application answers the concern raised in the rationale to the overture, it may answer the overture by disapproving it with the comment that the *Bush* decision has addressed the concern raised in the overture.

Item 05-10 seeks to amend G-6.0108b to prevent governing bodies from concluding that a departure from certain "clear indicators" are not departures from that which is essential in Reformed faith and polity. The proposed amendment defines these "clear indicators" as including three categories: (1) standards specified in ordination vows in the *Book of Order*; (2) standards singled out in the *Book of Order* for compliance from among other standards; and (3) standards "oft repeated in diverse contexts in the *Book of Order*." In effect, this proposed amendment has an intent similar to the proposed amendment to G-6.0108b proposed in Item 05-07, which seeks to amend G-6.0108b to add a provision that a governing body cannot ordain or install a candidate who is "unwilling to abide by all of the mandatory provisions of the *Book of Order*."

The Advisory Committee on the Constitution advises disapproval of the proposed amendment for three reasons. First, the proposed category of "clear indicators" is less than clear. Unclear standards do not build up the peace and unity of the church.

Second, the Advisory Committee on the Constitution does not believe that modifying the language of a provision that reflects a fundamental principle of Presbyterian polity is an appropriate means of addressing concern with the application of that standard to G-6.0106b. As was stated in the 1927 Report of the Special Commission of 1925 (the "Swearingen Commission Report") *Minutes*, PCUSA, 1927, Part I, pp. 78-79:

One fact often overlooked is that by the Act of 1729, the decision as to essential and necessary articles was to be in specific cases. It was no general authority that might be stated in exact language and applied rigidly to every case without distinction. It was an authority somewhat undefined, to be invoked in each particular instance ... . It was clearly the intention that this decision as to essential and necessary articles was to be made after the candidate had been presented and had declared his [or her] beliefs and stated his [or her] motives personally, and after the examining body...had full opportunity to judge the man himself [or woman, herself] as well as abstract questions of doctrine.

As the Advisory Committee on the Constitution has advised with respect to other matters, if the 218th General Assembly (2008) is concerned with the application of G-6.0108 to G-6.0106b, the appropriate course would be to redraft G-6.0106b to set forth clear and specific limitations on the conduct of candidates for ordination or

installation in place of the current incorporation of confessional references to sinful conduct. Likewise, if the intent is to examine candidates concerning each of the questions for ordination or concerning their beliefs regarding the appropriateness of the ordination of women, amendment to G-6.0106b making such examination questions mandatory is a more appropriate avenue to attain that goal.

Consistent with the Advisory Committee on the Constitution's advice concerning Item 05-10, if the 218th General Assembly (2008) does not believe that *Bush* addresses the concerns raised sufficiently and desires that G-6.0108b not be applied to making such a determination in the context of an examination for ordination or installation, the Advisory Committee on the Constitution advises the assembly to either (1) withdraw the authoritative interpretation of G-6.0108 and approve an authoritative interpretation of G-6.0106b defining which practices the confessions call sin; or (2) submit to the presbyteries an amendment to G-6.0106b that replaces the phrase "practices the confessions call sin" with a list of conduct the assembly believes should bar ordination or installation or some other standard that does not require definition through interpretation of the confessions.

*Impact of the proposed revisions to the proposed revised Form of Government before the assembly: To the extent the 218th General Assembly (2008) wishes to make amendment to the current G-6.0106b, the identical provision in the proposed Form of Government is found at G-2.0103b. To extent the 218th General Assembly (2008) wishes to make amendment to the current G-6.0108, the identical provision (although not divided into two paragraphs) in the proposed Form of Government is found at G-2.0104.*

#### **COMMENT**

Advice and Counsel on Item 05-10—From the Advisory Committee on Social Witness Policy (ACSWP).

The Advisory Committee on Social Witness Policy (ACSWP) advises that Item 05-10 be answered by the action taken on Item 05-12.