

Item: 06-03

On Amending G-6.0108b, “Freedom of Conscience - Within Certain Bounds” to Safeguard the Amendment Process

From: Presbytery of Pittsburgh

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Comments: 1

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Recommendation

The Presbytery of Pittsburgh overtures the 217th General Assembly (2006) 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. *A specific standard for officers of the church (deacons, elders, or ministers) that the Form of Government of the Book of Order singles out from amongst other confessional standards, explicitly labels a requirement, or associates with mandatory practice by the use of “shall” language or its equivalent shall be deemed by ordaining and installing bodies to be an essential of Reformed faith and polity for officers of the church.*”

Rationale

The purpose of this proposed amendment to the Form of Government of the *Book of Order* is to protect the system of checks and balances in the Presbyterian Church (U.S.A.) that reinforces the connectional unity of the individual churches comprising the PC(USA). At stake is the amendment process itself, whereby a majority vote by the presbyteries can amend the Form of Government to establish a binding standard or practice for all officers and governing bodies of the PC(USA).

The Theological Task Force on Peace, Unity, and Purity of the Church has proposed in its final report an authoritative interpretation (A.I.) of G-6.0108b (Recommendation 5, pp. 35-43) that would eliminate the right of a majority of the presbyteries to establish binding standards through the amendment process. The task force’s A.I. would give to other governing bodies the right to determine which explicit provisions of the Form of Government are binding: first to local ordaining and installing bodies and ultimately to the General Assembly and the General Assembly Permanent Judicial Commission.

In its rationale, the task force specifically singles out the sexuality standard in G-6.0106b as a standard that could be deemed nonessential, and thus nonbinding (pp. 40-41). It does so in spite of the fact that G-6.0106b (a) was passed specifically to create a mandatory or binding (i.e., essential) polity standard for the ordination and installation of officers of the church, (b) singles out from amongst “the historic confessional standards of the church . . . 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,” and (c) declares emphatically, using the language for mandatory practices prescribed in the preface of the *Book of Order*, that persons engaged in contrary practices and “refusing to repent . . . *shall not* be ordained and/or installed as deacons, elders, or ministers” [emphases added]. In effect, the task force’s A.I. would convert this constitutionally mandated, explicit provision of the *Book of Order* into an optional, merely recommended provision.

The task force's A.I. misinterprets G-6.0108b. The third and final sentence of G-6.0108b does not say that the local governing body in which a candidate or officer serves decides what the essentials of Reformed faith and polity are. It says that the governing body decides whether the candidate or officer "has departed from essentials of Reformed faith and polity." There is a difference. "Essentials" are those matters of faith and polity that the *Constitution* itself indicates are indispensable for ordained service, which the governing body is bound and obligated to apply when the candidate or officer is unwilling to recognize that his or her beliefs or behavior are in violation. No governing body has the right to demote explicitly mandated constitutional prohibitions involving ordination and installation to merely recommended prohibitions.

The General Assembly Permanent Judicial Commission understood this in its 2001 *Londonderry* decision. It ruled, with reference to the sexuality standard in G-6.0106b, that "there are no constitutional grounds for a governing body to fail to comply with an express provision of the *Constitution*" (*Minutes*, 2001, Part I, pp. 580-81, paragraph 12.1069). Governing bodies must "comply with the express corporate judgment of the Church in an explicit constitutional provision"; failure to do so "exceeds the constitutional bounds of freedom of conscience" (*Ibid*, citing G-6.0108a; paragraphs 12.1065-.1066).

The task force's A.I. would effectively mean, for example, that a local ordaining or installing body could deem as nonessential and thus nonbinding any of the mandated practices for officers in the *Book of Order*, including the first of the Constitutional Questions in G-14.0405b about officers needing to express trust in Christ as one's Savior and to acknowledge him as Lord of all. According to the task force's A.I., the standard could be ruled as essential, and thus binding, on officers nationally but only if the General Assembly or General Assembly Permanent Judicial Commission explicitly ruled it to be essential. The mere fact that mandatory "shall" language in the *Book of Order* is used ("... shall then ask the candidate to answer. . . The candidate, having answered the questions in the affirmative, shall kneel. . .") will no longer be sufficient to ensure a nationally mandated practice. A majority of the presbyteries, through the amendment process, will no longer decide what the binding polity requirements are, no matter how clear the wording of the amendment as regards its binding character. Only the General Assembly or the General Assembly Permanent Judicial Commission will have that authority. This will make the government in the PC(USA) much less representative on a national level, destroy an important check-and-balance on decisions rendered by the General Assembly or the General Assembly Permanent Judicial Commission, and undermine the authority of the *Constitution*.

That the General Assembly decisions on sexuality issues in recent years have not fairly represented the views of Presbyterians nationwide is evident from votes on sexuality in 2001-2002. In 2001, the General Assembly voted for an amendment to delete the sexuality standard in G-6.0106b by a landslide 60.4 percent vote. However, when the amendment was sent to the presbyteries for ratification an even greater landslide in the opposite direction, 72.7 percent of the presbyteries, rejected the proposed amendment. When nearly two-thirds of the voting delegates to the General Assembly votes for something that nearly three-quarters of the presbyteries later reject, something has gone wrong at the national General Assembly level.

While the task force's A.I. has not yet been approved, it is important to make explicit in G-6.0108b what has always been implicit and to do so before any authoritative interpretation is passed at the General Assembly level that would overturn the plain sense of the text of the *Constitution* with a mere majority vote of General Assembly delegates. Once an authoritative interpretation goes into force, it would take an additional two to three years to turn back a misinterpretation—two years until the next General Assembly vote and an additional year to ratify any proposed amendment. By that time, inertia and new precedent will make it very difficult to restore the *Constitution* to its rightful place within a connectional church. The PC(USA) will benefit from stabilizing the historic practice of the church through constitutional amendment. It will thereby protect itself from shifting fads that masquerade as "authoritative interpretations" of the *Constitution* but are in fact new readings against the plain sense of the *Constitution's* own wording. The presbyteries should not so quickly give up their right to determine, through majority national vote, binding national standards for ordination to the General Assembly.