

Box Turtle Kincaid Continues to Attack with All Heat, No Light on the New “Authoritative Interpretation”

by Robert A. J. Gagnon, Ph.D.

Pittsburgh Theological Seminary, Pittsburgh, PA 15206-2596

gagnon@pts.edu

Aug. 11, 2008

© 2008 Robert A. J. Gagnon

In his new tirade (“[Gagnon Revisited](#),” Aug. 10, 2008), Box Turtle Timothy Kincaid continues to respond in anger and fear, as evidenced by regular snide and hateful remarks, but with precious little rational thought. He apparently believes that, when it comes to facts, it is better to stick his head in the shell and (here unlike the quiet box turtle) scream from the shell. Apparently I just supplied too many arguments for Kincaid to handle in my response, “[Why Box Turtle Kincaid Continues to Be Logic-Challenged and Now Also Principle-Challenged](#).”

Kincaid’s unprincipled position: Intention counts only when it furthers his homosexualist agenda

How logic-challenged or just plain deceptive Kincaid is becomes obvious when he recasts my point about his unprincipled stance as “You have to agree with me in order to be principled” and claims that I don’t “provide any actual examples” of Kincaid advocating an unprincipled position. The “actual example” is clear:

On the one hand, Kincaid “reasons” that the recent General Assembly “Authoritative Interpretation” (A.I.) of ordination standards should permit ordination of homosexually active candidates because the intent of the commissioners who voted for this confusing A.I. should be respected, even if the actual text of the A.I. doesn’t come close to establishing it and contradicts the *Book of Order* (the polity half of the Constitution), common sense, and even itself in the process.

On the other hand, Kincaid could care less about respecting the original intent of the “fidelity and chastity” clause in G-6.0106b of the *Book of Order*, whose

wording *is* completely clear that no one shall be ordained who engages in sexual intercourse outside of “covenant of marriage between a man and a woman” and whose essential status is obviously indicated by explicitly singling out this “requirement” from “among” all “the historic confessional standards of the church.” *This is a perfect example of an unprincipled position:* adopting a principle when it furthers one’s ideological agenda but dispensing with it when it doesn’t.

The logic is fairly simple, even for someone like Kincaid who is so disposed to deny in knee-jerk fashion anything that disagrees with his homosexualist agenda.

Principle: The intent behind a piece of legislation has priority even in cases where the wording of the text is unclear.

Specific case: The intent behind the sexuality standard in the Constitution (G-6.0106b) is clear; namely, to forbid absolutely the ordination of homosexually active candidates.

Application: Therefore the intent of the sexuality standard in the Constitution, namely, to forbid absolutely the ordination of homosexually active candidates, takes precedence, as a constitutional provision, over any alleged “intent” to ordain homosexually active candidates through a General Assembly “authoritative interpretation” that has no power to change the Constitution apart from an amendment process requiring the approval of a majority of presbyteries.

Instead of arriving at this obvious application, Kincaid says that the intent of the constitutional standard can be disregarded while the intent of a non-constitutional and convoluted “authoritative interpretation” should be privileged. He supplies no rationale for the argument (because none exists). He simply asserts it because, well, he is Box Turtle Kincaid.

Never mind that those who wrote this clear constitutional standard believed that it absolutely forbade the ordination of those engaged in homosexual practice. Never mind that the General Assembly that passed the amendment did so by a 57% majority (compare the lower 54% majority for the new A.I.). Never mind that the constitutional amendment also passed the hurdle of a nationwide vote of the presbyteries (56.4%), something that the new A.I. doesn’t have to do (and couldn’t hope to do). Never mind that the clarity of intent behind the constitutional amendment was established by three nationwide votes of the

presbyteries by ever increasing margins (the last by 73% of presbyteries) over a six-year period, while the A.I. passed only by a small margin in one year at one General Assembly. Never mind that the wording of the sexuality standard is clear while the wording of the A.I. is unclear to the point of being convoluted and contradictory. Never mind that a constitutional provision like the sexuality standard in G-6.0106b carries more weight than an interpretation of an "authoritative interpretation" that contradicts it.

Box Turtle Kincaid says: Never mind about all these things because I don't want the intent behind the constitutional standard to count; I only want the intent behind the new A.I. to count. And then Kincaid wants us to believe that the logic of those who disagree with his tendentious reading is "tortured" while he, allegedly, has shown us what good reasoning is. Kincaid talks about "driving me into a rage" when the only real danger that I face is being driven to uncontrollable laughter by the silliness of his "arguments." Here we have a clear case of projection on Kincaid's part.

Oh yes, he does cite one "authority" to buttress his unprincipled position. He tells us that a reporter from the Presbyterian News Service, Jerry Van Marter, agrees with him (a reporter who, incidentally, in the past has shown a willingness to slant the truth in favor of the homosexualist agenda). Well, in that case the whole matter must be settled! I don't even know why we have a court to decide on acceptable interpretations of the Constitution once Jerry Van Marter has told us what to think. Kincaid conveniently forgets what I told him in my earlier piece: the liberal high court, the General Assembly Permanent Judicial Commission, has disagreed even with the Stated Clerk's Advisory Opinion on a similar 2006 A.I., to say nothing of a PNS reporter. So Jerry Van Marter's opinion carries absolutely no weight here.

Why "apply equally" cannot mean that local and regional ordaining bodies have a right to ordain violators of any or every ordination standard at will

Kincaid makes little effort to represent my arguments accurately and fairly, which is the only way that he can get readers to see the tortured logic and unprincipled stance of his own position. He summarizes one argument as, "When the A.I. says 'apply equally' it doesn't really mean equally because some requirements are essential," and then claims that this doesn't make any sense.

In fact, what doesn't make sense is the claim that the second sentence of the new A.I., namely, that "the requirements of G-6.0108 *apply equally* to all ordination standards of the Presbyterian Church," means that regional and local governing bodies can ordain anyone, no matter *which* requirement or *how many*

requirements of the *Book of Order* are violated by a given candidate. Such a claim is both contradictory and absurd.

- (1) It contradicts the first sentence of the new A.I. which affirms the 2006 A.I. The latter, in turn, affirmed the right of higher governing bodies to overturn the ordination decisions of lower governing bodies when such decisions are found to be in non-compliance with the Constitution. The right of higher review presumes that the right to determine essentials of the Constitution is not solely the domain of sessions or even presbyteries. In short, there are essentials that can be identified as such at the churchwide level, including the specific "fidelity and chastity" clause in G-6.0106b which is singled out for compliance from "among" all "the historic confessions of the church."
- (2) It contradicts the last sentence of the new A.I., which absolutely forbids a governing body the right to ordain anyone who cannot carry out his or her "constitutional functions." "Apply equally" can't mean that there are no ordination requirements that all governing bodies are bound to treat as essential and whose violation would serve as a necessary barrier to ordination. If it did, then the A.I. itself couldn't treat ability to carry out "the constitutional functions of one's office" as an essential. And yet it does.
- (3) It contradicts the very clause of the *Book of Order* that the new A.I. is supposed to "interpret," G-6.0108. According to G.6.0108, some things are absolutely forbidden to all candidates, including "obstructing the constitutional governance of the church" (see below for further discussion).
- (4) It is absurd to argue that a regional or local governing body has the right to deem any requirement of the *Book of Order* nonessential for ordination (i.e., not a necessary barrier to ordination when violated), since it would allow such bodies to ordain even persons who didn't believe in Christ as Savior and Lord (in violation of the first ordination vow) or who engaged in active adultery and polyamory (in violation of the sexuality standard in G-6.0106b).

Given these four points it doesn't make sense to interpret the "apply equally" sentence to mean that all governing bodies can treat, at will, any or all ordination standard as *nonessential*. Now one could interpret the "apply equally" sentence to mean that all the specific requirements of the *Book of Order* are alike in being essential and binding precisely because they are "requirements," not "preferences." Yet that interpretation would mean that the sexuality standard in G-6.0106b remains absolutely binding on all governing bodies, which is precisely what homosexualists don't want the new A.I. to mean.

When Kincaid states that my argument here doesn't make sense, it is hard to decide whether he is being deliberately obtuse or simply doesn't have the capacity to understand any truth that conflicts with his homosexualist grid. Probably Kincaid doesn't even have a clue what G-6.0108 says, the part of the Constitution that the new A.I. is supposed to interpret (though I cited part of it in my last response). If so, he never should have commented on the subject of the new A.I. in the first place.

Why ordaining persons who are homosexually active is a direct violation even of the text that the new A.I. is supposed to interpret

Kincaid also summarizes my argument as: "And because it is the function of ordaining bodies to ordain those in agreement with the Book of Order, ordaining gay candidates would be a violation of the function of the bodies which would invalidate their ability to perform their function. Therefore these ordaining bodies themselves become invalid." This is an extraordinarily convoluted way of expressing a clear point:

1. The new A.I. purports to "interpret" G-6.0108.
2. G-6.0108 expressly forbids the ordination of anyone whose beliefs lead to "obstructing the constitutional governance of the church."
3. Officers who ordained candidates whose ordination the *Book of Order* expressly forbids—such as those who do not confine their sexual relations to "the covenant of marriage between a man and a woman" (G-6.0106b)—would, by definition, be "obstructing the constitutional governance of the church."
4. Therefore, it cannot be a constitutionally valid interpretation of G-6.0108 to permit a governing body to ordain homosexually active candidate.

For example, a candidate or officer can personally believe that women shouldn't be ordained but a candidate or officer cannot declare that he or she will not ordain women. For the latter would "obstruct the constitutional governance of the church" in violation of G-6.0108a. This point is acknowledged by most homosexualist supporters of the new A.I. By the same reasoning, a candidate can personally believe that homosexually active candidates who are otherwise in compliance with the *Book of Order* should be ordained but a candidate or officer cannot declare that he will ordain, or actually ordain, homosexually active candidates. That would be another case of obstructing the church's constitutional governance.

Again, why this is so difficult for Kincaid to understand is difficult to say: is he logic-challenged or principle-challenged, or both?

Kincaid's tortured logic in claiming to divine the intention behind more than 96% of the commissioners who voted on the new A.I.

Kincaid finds it impossible to believe that just 3.5% of all commissioners at General Assembly (or 7% of those commissioners that voted for the new A.I.) might not have understood that the new A.I. was making it possible to ordain homosexually active candidates (even though the text of the A.I. makes no mention of homosexual ordination) and, more, that the new A.I. did so on the manifestly absurd assumption that there are absolutely no ordination essentials applicable "to all times and persons." I believe that there is a good chance, and perhaps a likelihood, that *at least* 1 out of 10 commissioners who voted for the new A.I., and probably more, would not have done so if they realized that the cost of making the ordination of homosexually active candidates possible was that of allowing governing bodies to declare every and any ordination requirement as nonessential, even faith in Christ and fidelity in marriage.

Readers can judge for themselves whether it is conceivable that for every 100 people in a crowded assembly inundated with hundreds of pages of material in a few days it is possible to get a measly 3-4 who don't really understand the implications of an oblique and confusing piece of legislation such as this new A.I. was. I teach at a seminary. I don't know a single colleague who hasn't been regularly stunned by how many students in a given course misunderstand what the professor's perspective is on some of the most basic issues. Given the lack of clarity and multiple internal and external contradictions in the new A.I., a 3-4% figure is very charitable indeed.

Kincaid also conveniently neglects other problems with his intention-argument that I have raised. Most homosexualists in the PCUSA have operated for years with the view that the intent behind the passing and reaffirmation of the "fidelity and chastity" clause in G-6.0106b was either not discernable or not meaningful. It would be hypocritical for the very same people to turn around now and argue that the intent held by pushers of the more oblique and badly worded new A.I. is somehow determinative. Moreover, the GAPJC (i.e., the high court) has typically made decisions in the past regarding G-6.0106b and other constitutional provisions and A.I.'s on the basis of the strict wording of the text, not on the basis of any alleged intent on the part of those who voted for it. This is standard operating procedure for the PCUSA. Finally, the intention behind the sexuality standard in G-6.0106b, approved and reaffirmed by the presbyteries clearly and convincingly over a six-year period, would take precedence over any intention behind a single General Assembly deliberating a confused A.I. (if intention were a decisive consideration). In not commenting on any of these things to his readers, Kincaid shows that he has little interest in a full-orbed presentation of the truth.

It is such a shame that Kincaid even now continues his pattern of misrepresenting arguments and evidence, leaving out crucial information for readers, making logical missteps, taking unprincipled positions, and spewing out angry snide remarks and *ad hominem* attacks. The level of personal culpability for deception and hatred on his part grows as the evidence against his position mounts.