

# STATED CLERK ATTACHMENT 3

## *Overture to the Presbytery of Western North Carolina to Overture the 218<sup>th</sup> General Assembly*

The Session of First Presbyterian Church, Hendersonville, North Carolina overtures the Presbytery of Western North Carolina to concur with the overture of the Presbytery of Cherokee to the 218<sup>th</sup> General Assembly of the PC(USA) to approve the following authoritative interpretation of subsection G-6.0108 of the *Book of Order*:

**A governing body is not permitted to ordain or install a candidate for deacon, elder, or minister of the Word and Sacrament after determining that the candidate has departed, without repentance, from the standards for ordination expressly provided in the *Book of Order*. Such unrepentant departure is a failure to adhere to the essentials of Reformed polity, and is a negative answer to the required constitutional question: Will you be governed by our church's polity? Provisions of the *Book of Order* are signified as being standards by use of the term "shall," "is/are to be," "requirement," or equivalent expression.**

RATIONALE:

### Summary

The 217<sup>th</sup> General Assembly (2006) approved, with amendment, an authoritative interpretation (AI) of G-6.0108 recommended in the report of the Theological Task Force on Peace, Unity, and Purity of the Church. The AI sets forth the manner in which the church establishes ordination standards and the process that governing bodies are to follow in applying those standards. While the AI mentions departures from "essentials of *faith and polity*," the absence of specificity regarding compliance with *Book of Order* requirements leaves considerable confusion. Particularly, the AI is not clear as to whether a governing body may ordain or install a candidate who has departed, without repentance, from standards for ordination expressly provided in the *Book of Order*.

This lack of clarity has created confusion and has led many sessions and presbyteries to adopt resolutions that set their own policies, so further interpretation is needed. The AI proposed in this overture clarifies the question in a manner that is consistent with the *Book of Order*, with previous authoritative interpretations, and with rulings of the General Assembly Permanent Judicial Commission.

The contrary interpretation – that a governing body may ordain or install such a candidate – is not consistent with those authorities, and requires that certain express provisions of the *Book of Order* be ignored. It would be a *de facto* amendment to, rather than an interpretation of, the *Book of Order*, and would require approval of the presbyteries to be valid.

These summary statements are developed more fully, with references, below.

### Lack of clarity in the 2006 AI

The 2006 AI is not clear as to whether ordaining bodies can override the plain meaning of provisions of the *Book of Order* and judicial directives that require compliance with expressed standards<sup>1</sup> for ordination. While the task force's supporting rationale states that an ordaining body can ordain a candidate not compliant with G-6.0106b [lines 1222-30], the AI itself makes no such explicit statement. The Office of

the General Assembly has issued Constitutional Musing #11 and Advisory Opinion #18 to clarify the matter, but they fail to do so, in large part because CM #11 contradicts portions of AO #18.

### **Consistency of the proposed AI with the church's constitution**

Sections G-1.0300, G-1.0400, and G-4.0300 set forth the historic basic principles of church government and polity. Four of these principles, together with express provisions of the *Book of Order* that are based on them, establish church polity related to standards for ordination. They are:

The church's right to establish ordination standards. In its ruling on the Londonderry case, the General Assembly Permanent Judicial Commission stated that G-1.0302 explicitly gives the church the right to make and enforce qualifications for ordination established by the whole church.<sup>ii</sup> Several subsections of the *Book of Order* establish specific requirements for ordination. Among them are those relating to training and education [G-14.0240, G-14.0450], successful completion of an examination [G-14.0240, G-14.0482], affirmative response to the constitutional questions [G-14.0300, G-14.0490, W-4.4000], personal conduct [G-6.0106b], and adherence to the essentials of Reformed faith and polity [G-6.0108a]. As provisions of the *Book of Order*, these requirements are standards adopted by the whole church.

The church's unity. The ordination or installation of an elder, deacon, or minister of the Word and Sacrament by an appropriate governing body is an act of the whole church [G-1.0400, G-9.0103, G-14.0480]. With power to act on behalf of the whole church, a governing body must faithfully apply the ordination standards adopted by the whole church. The failure of governing bodies to do so, without prompt correction by higher governing bodies, would seriously damage the church's unity and diminish the authority of the church's constitution.

The review of governing bodies' actions. Ordination decisions and all other actions of a governing body are subject to review by the next higher governing body [G-4.0301f, 9.0103].

The freedom of conscience. The first sentence of paragraph 6.109 of *The Book of Confessions* (Westminster Confession) proclaims freedom of conscience "in matters of faith or worship." This sentence is the foundation of the principle that the *Book of Order* reaffirms in G-1.0301a. But there are limits placed on this freedom in both *The Book of Confessions* and the *Book of Order*.

In *The Book of Confessions*, immediately following paragraph 6.109, is the warning: "**They who, upon pretense of Christian liberty, do practice any sin, or cherish any lust, do thereby destroy the end of Christian liberty.**" Freedom of conscience is not intended to be a dispensation to continue sinful practices.

In the *Book of Order*, G-6.0108 limits freedom of conscience by providing that it is to be maintained unless there is: (1) a serious departure from "the essentials of Reformed faith and polity as expressed in *The Book of Confessions* and the Form of Government," (2) an infringement on the rights and views of others, or (3) an obstruction of the constitutional governance of the church. The proposed AI is consistent with these limitations, as explained below.

(1) In general, the Form of Government expresses essentials of Reformed polity by establishing requirements or mandates and, in relation to ordination, by adopting ordination standards. Therefore, a candidate's declaration of a scruple with respect to an ordination standard expressed in the *Book of Order* and his or her unrepentant failure to comply with it would be a serious departure from the essentials.

(2) An ordination standard adopted by the whole church necessarily represents the views of many Presbyterians. The ordination of a candidate who deliberately and without repentance refuses to comply with such a standard would be a clear infringement of the rights and views of many others.

(3) The ordination of a candidate who deliberately and without repentance refuses to comply with an ordination standard adopted by the whole church would be an obstruction of the constitutional governance of the church because the ordaining body would have ignored a requirement of the *Book of Order*. It also would indicate that the candidate could not honestly give an affirmative answer to the required constitutional question: Will you be governed by our church's polity?

It should be noted that paragraph c of the 2006 AI, which describes how governing bodies are to apply ordination standards, calls for them only to make a determination relative to (1) above. It does not include the determinations relative to (2) and (3), which are clearly required by G-6.0108a. This is another reason that further interpretation is needed.

In the Londonderry ruling, the GAPJC rejected an assertion that G-1.0301a and G-6.0108 affirm freedom of conscience with respect to matters addressed by G-6.0106b.<sup>iii</sup> The proposed AI is consistent with that ruling.

The interpretation that a governing body may ordain or install a candidate who has departed, without repentance, from standards for ordination expressly provided in the *Book of Order* would permit inconsistent application of standards that could be unfair to some candidates. One governing body may deny ordination to a candidate because it determines a particular manner-of-life practice of the candidate to be a departure from the essentials of Reformed polity, while another governing body may ordain a candidate who engages in that same practice. The question of whether a candidate's engaging in a particular practice is a departure from the essentials should apply to that practice, not to the candidate. Consistent application of the standards adopted by the whole church is required to assure fairness to all candidates.

This interpretation, which is contrary to the proposed AI, also would create a conflict between two parts of the *Book of Order*, the Form of Government and the Rules of Discipline. A candidate's unrepentant declaration that his or her personal conduct does not comply with a manner-of-life mandate of the Form of Government is an admission of guilt of an offense. An offense is defined in the Rules of Discipline [D-2.0203b] as an act contrary to the Scriptures or the church's constitution; it does not have to be a departure from the essentials of Reformed polity. If the ordaining body determines that the conduct is not a departure from the essentials and ordains the candidate, the candidate would be subject to censure and the ordaining body would be subject to correction by a higher body for failing to initiate disciplinary action. It should be noted that, in the Londonderry ruling, the GAPJC stated that tensions and ambiguities between provisions of the church's constitution are to be resolved "in such a way as to give effect to all provisions. It is not within the power of any governing body or judicial commission to declare a properly adopted provision of the *Constitution* to be invalid."

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<sup>i</sup> The word "standard" can have several meanings. In this interpretation, "standard" means "requirement." (See *World Book Dictionary*, 2003, definition 2, and *American Heritage Dictionary*, 4<sup>th</sup> Ed., 2000, definition 6b.) That "requirement" is the proper meaning in this context is clearly shown by the text of the second sentence of G-6.0106b, the focus of this debate. It begins: "Among these standards is *the requirement* to live either...." [Emphasis added.]

<sup>ii</sup> Minutes of the 213<sup>th</sup> General Assembly (2001), part 1, page 579, paragraph 12.1045.

<sup>iii</sup> *Ibid.*, page 578, paragraph 12.1043.

Date: November 19, 2007

Mimi Jamieson, Clerk of Session