General Assembly Court Scraps Scruples on G-6.0106b But Constitutional Amendments Still Needed

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The General Assembly Permanent Judicial Commission (GAPJC) unanimously rendered three court decisions on Feb. 11, 2008 (released Feb. 13) that initial commentators on all sides of the theological divide believe make it impossible to ordain candidates who refuse to comply with the requirement in G-6.0106b to limit sexual relations to "the covenant of marriage between a man and a woman . . . or chastity in singleness."[1] The main GAPJC decision is Remedial Case 218-10, *Bush, et al. vs. the Presbytery of Pittsburgh*.[2]

In my first half dozen or so readings of these decisions I was much less certain that the GAPJC had prohibited absolutely the ordination of those found to be in noncompliance with the "fidelity and chastity" requirement in G-6.0106b. I wrote an article that I showed around to renewal leaders that argued strongly that we should not "jump the gun" by assuming this to be the case. I had come to the conclusion that the GAPJC had very possibly prohibited only a "permission to depart" from the specific sexuality standard in G-6.0106b but not the actual ordination of those who so departed. I had begun to think it possible that the GAPJC had arrived at this splitting of hairs by making the tired and misleading distinction between (1) "standards" that remain "binding" and from which departures are not "permitted" on the one hand and (2) "essentials of Reformed faith and polity" from which alone departures would constitute a necessary "bar to ordination and/or installation."

This also appears to be the implied view reached by the Stated Clerk's office in its rushed release of Advisory Opinion 21, consistent with the previous Advisory Opinion 18.[3] One wonders whether certain personnel in the Stated Clerk's office were so concerned about the possible negative impact of these decisions on allowing the ordination of self-acknowledged "gays" and lesbians that they took the highly unusual step of releasing an advisory opinion on the GAPJC decisions instantaneous with the public release of the decisions.

After several more re-readings of the GAPJC's decisions, I no longer subscribe to the view that the GAPJC was very possibly distinguishing between not permitting departures from G-6.0106b and ordaining those who so depart. I don't even think that it is necessary to refer to a "cautious hope" that the GAPJC has done the right thing. I believe that the GAPJC has, in fact, effectively prohibited the candidacy and ordination of any persons found to be noncompliant with the "fidelity and chastity" requirement in G-6.0106b. While upholding the letter of the 2006 Authoritative Interpretation of G-6.0108b proposed by the "Peace, Unity, and Purity" Task Force, it has gutted what at least many have perceived as the *raison d'être* for the A.I. given in the Rationale of PUP's *Final Report*; namely, making possible the ordination of persons not in compliance with the sexuality requirement in G-6.0106b.

At the same time I believe that there are enough inconsistencies, ambiguities, and understatements in these decisions to warrant further efforts at amending the *Book of Order*, with the aim of restoring more fully theological sanity and constitutional honesty to the PCUSA. Yet we can be grateful that the GAPJC appears to have gotten correct the main point about the "fidelity and chastity" requirement in G-6.0106b.

First the Good News: Scrap the Scruples on G-6.0106b

The GAPJC has prohibited any attempts at scrupling the "fidelity and chastity" requirement found in G-6.0106b. It apparently arrived at an implicit predetermination, based on the wording of the *Book of Order*, that this requirement is an "essential of Reformed faith and polity," though it is a failing of the GAPJC not to explicitly call it an "essential." The precise wording of the GAPJC in "headnote" 1 is:

> 1. **No Departures from "Fidelity and Chastity" Requirement**: . . . [D]eterminations as to whether the candidates for ordination and/or installation have departed from essentials of Reformed faith and polity. . . . do not permit departure from the "fidelity and chastity" requirement found in G-6.0106b. (p. 1; repeated nearly verbatim on p. 5)

Since G-6.0108b, as interpreted by the 2006 Authoritative Interpretation, permits departures from *nonessential* standards, the GAPJC's ruling of absolutely "no departures" constitutes a tacit admission that the "fidelity and chastity" portion of G-6.0106b is an *essential* of Reformed faith and polity. Apparently, only the GAPJC's skittishness about the scare word "subscriptionism" prevented it from using the word "essential." The GAPJC adds, quoting from the May 2007 decision of the Synod of the Trinity PJC, that "no presbytery may *grant an exception* to any mandatory church wide *behavioral* ordination standard" (p. 5; emphases added). So, says the GAPJC: "Until [the fidelity and chastity provision is changed by a constitutional amendment], individual candidates, officers, [and] examining and governing bodies must adhere to it" (ibid).

The GAPJC even made partial use of the singling-out principle that I have been stressing ever since the PUP Final Report was released but until now have not heard being used elsewhere: "The church has decided to *single out this particular manner of life standard* [in G-6.0106b] and require churchwide conformity to it for all ordained church officers" (ibid., emphasis added).[4] The GAPJC could have stressed more fully the unique import of G-6.0106b's explicitly singling out the "fidelity and chastity" requirement from amongst "the historic confessional standards of the church." Yet at least the GAPJC made a start.

The GAPJC also helpfully notes: "The [2006 PUP] Authoritative Interpretation includes a rationale section which was not adopted by the General Assembly" (p. 4). In asserting this the GAPJC reminds us that the church is in no way bound by *anything* found in the Rationale section of the PUP *Final Report* that was not *explicitly* carried over into the Authoritative Interpretation subsequently amended and approved by the 2006 General Assembly. The GAPJC makes this comment in the context of asserting, against the PUP Rationale, that candidates do not have the same degree of freedom of conscience in "manner of life standards" (i.e., conduct standards) that they do in matters of belief in

opinion. Freedom of conscience and freedom of behavior are two different things. At the same time the GAPJC's comment implies a contrast between the GAPJC's prohibition of departures from the sexuality standard in G-6.0106b and the following statement in the rationale of PUP *Final Report*:

> If an ordaining or installing body determines that an officer-elect has departed from G-6.0106b, … [and judges this] 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)

The PUP Rationale offered G-6.0106b as the prime example of a standard that could reasonably be construed as nonessential and thus not a necessary bar to ordination for those who depart from it. Unlike the GAPJC's decision in *Bush*, the PUP Rationale did not distinguish between (1) "the 'fidelity and chastity' portion of G-6.0106b" (i.e., the "specific," singled-out requirement to confine sexual relations to "the covenant of marriage between a man and a woman," found in the second sentence) and (2) the "the broad reference in [the third and final sentence of] G-6.0106b to 'any [self-acknowledged] practice which the confessions call sin'" (p. 7). The GAPJC allows departures from the latter but not from the former. The PUP Rationale allows departures from both. We shall return to this distinction later in this article.

Indeed, it is clear from the PUP Rationale that the PUP Task Force was specifically targeting the "fidelity and chastity" portion of G-6.0106b as a requirement that would not necessarily bar violators from ordination. To this extent the GAPJC decisions may be rightly viewed as a rebuff to the PUP Rationale. In my view it makes the passage of the 2006 A.I. for all intents and purposes virtually superfluous.

The Ongoing Need for Amendments: **The GAPJC Perpetuates the Myth of Exclusively Ad Hoc Essentials**

In spite of this wonderful result of the GAPJC decisions, there remain enough residual flaws in these decisions to justify ongoing efforts at amending the *Book of Order* on the question of ordination essentials. The key need is to establish explicitly in the *Book of Order* the should-be-obvious-but-apparently-isn't point that there are some clear churchwide ordination essentials established in the *Book of Order* that are *prior to, independent of, and controlling for* any determination of ordination essentials by an examining body (i.e., presbytery or session). Not *every* determination of an ordination essential, particularly as regards manner of life or behavioral standards, is made *solely* by an ordaining or installing body in the precise act of examining or installing candidates for ordination. The GAPJC decision, it seems to me, ultimately concurs with this point but confuses the matter considerably by logically inconsistent rulings and rationales.

All three decisions by the GAPJC strike down resolutions by presbyteries declaring any departure from mandated "shall" standards in the *Book of Order* to be a bar to ordination. "Headnotes" 2 and 3 in the *Bush* decision (p. 1; expounded in pp. 5-7) state:

2. **Examinations of Candidates**: Ordaining and installing bodies must examine candidates for ordination and/or installation individually. The examining body is best suited to make decisions about the candidate's fitness for office, and factual determinations by examining bodies are entitled to deference by higher governing bodies in any review process.

3. **Statements of "Essentials of Reformed Faith and Polity"**: Attempts by governing bodies that ordain and install officers to adopt resolutions, statements or policies that paraphrase or restate provisions of the *Book of Order* and/or declare them as "essentials of Reformed faith and polity" are confusing and unnecessary; and are themselves an obstruction to constitutional governance in violation of G-6.0108a.

I see here three main problems.

1. ***Are presbyteries that affirm ordination essentials obstructing the Constitution or resisting attempts to obstruct the Constitution?*** One reason that the GAPJC gives for declaring unconstitutional presbytery resolutions defining ordination essentials is:

> Adopting statements about mandatory provisions of the *Book of Order* for ordination and installation of officers *falsely implies that other governing bodies might not be similarly bound*; that is, that they might choose to restate or interpret the provisions differently, fail to adopt such statements, or possess some flexibility with respect to such provisions. (p. 6, emphasis added)

In other words, the GAPJC rejected these resolutions in part because it did not want to imply that any presbytery or session had a right to do anything other than comply with specific mandatory provisions in *Book of Order*, particularly the "fidelity and chastity" requirement in G-6.0106b. These presbytery resolutions were adopted in the first instance only because it was widely *perceived* that 2006 PUP Authoritative Interpretation of G-6.0108b had given to presbyteries and sessions license to declare the "fidelity and chastity" requirement in G-6.0106b nonessential and thus not a necessary bar to ordination when violated by a candidate. In fact, this was precisely the view of things that members of the PUP Task Force had promoted in their Rationale and in their public speaking about the new A.I. Since the GAPJC has now declared this perception to be invalid, the resolutions by these presbyteries are no longer needed.

Even so, the GAPJC considerably overstated the matter when it claimed:

> Restatements of the *Book of Order*, in whatever form they are adopted, are themselves an obstruction to the same standard of constitutional governance *no less than* attempts to depart from mandatory provisions. (p. 6, emphasis added)

After all, the GAPJC *itself* has restated that departures from the "fidelity and chastity" standard are not to be permitted. Surely they have not, in so doing, obstructed "constitutional governance no less than attempts to depart from mandatory provisions." Furthermore, if allowing a presbytery to determine essentials prior to examining an individual candidate "falsely implies that other governing bodies might not be similarly bound" to ordination standards "or possess some flexibility with respect to such provisions" (p. 6), then this would be even more true if presbyteries were allowed to make such determinations *only* in the context of a specific ordination examination. For

the latter would imply not only that "other governing bodies might not be similarly bound" but, worse, that even other examinations by the *same* governing body might not be similarly bound by the decisions made at previous examinations.

At most it could be argued only that the presbyteries were correct in mandating observance of the "fidelity and chastity" provision of G-6.0106b but incorrect in assuming that they had the constitutional right to *reaffirm* its mandatory character. This is hardly as "obstructionist" as an attempt by some presbyteries to allow unconstitutional departures from the mandatory sexuality standard in G-6.0106b (currently the San Francisco and Twin Cities presbyteries). In addition, as we shall see, the GAPJC was incorrect in ruling that the resolutions in question were unconstitutional.

2. ***Are essentials defined <u>only</u> at the regional or local level in the context of examining individual candidates or are there some identifiable, predetermined churchwide essentials?*** Much more problematic is the other main reason that the GAPJC gives for striking down the presbytery resolutions defining essentials; namely, that the "only" context for defining essentials is in the midst of *ad hoc* examinations of individual candidates. This is dealt with on pp. 6-7 of the *Bush* decision:

> At the same time, *declaring "essentials" outside of the context of the examination of a candidate for ordained office is inappropriate* [quoting then from the 1927 Swearingen Commission Report, pp. 78-79]. . . .
>
> For these reasons, the Resolution is unconstitutional and in error. It is not permissible for a presbytery or a session to define "essentials of Reformed faith and polity" outside of the examination of any candidate for office. Such a determination must be made *only in the context of a specific examination of an individual candidate.*
>
> 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. On the other hand, the broad reference in G-6.0106b to "any practice which the confessions call sin" puts the responsibility first on the candidate and then on the examining body to determine whether a departure is a failure to adhere to the essentials* of Reformed faith and polity and the remainder of G-6.0108(a) with respect to freedom of conscience. The ordaining body must examine the candidate individually. [The GAPJC then reiterates "headnote" 2, cited above.] (emphases added)

Here the GAPJC insists that determination of "essentials of Reformed faith and polity" "must be made *only* in the context of a specific examination of an individual candidate" and that it is "inappropriate" to declare essentials "outside of" such a context. If this statement were taken at face value and not within the broader context of the rest of the GAPJC's decision it would void the GAPJC's ruling that determinations of essentials "do not permit departure from the 'fidelity and chastity' requirement found in G-6.0106b" (p. 5). As noted above, the action of ruling out *any* departures from this requirement necessitates a premise that the requirement is an identifiable, predetermined churchwide *essential*. Otherwise, a departure could be permitted if the examining body ruled it to be over a nonessential standard. So the GAPJC has tacitly acknowledged a determination of essentials, already in the *Book of Order*, that is *prior to, independent of, and controlling for* any determination made by an examining body. Had the GAPJC followed its own

logic it could not have limited the determination of essentials to "the context of a specific examination of an individual candidate."

It was this somewhat unguarded description by the GAPJC that caused me to wonder for a couple of days whether the GAPJC had in fact prohibited all departures from the sexuality provision of G-6.0106b. Finally I noticed a point that the GAPJC mentioned but understated in the block quotation above; that is, the crucial distinction between (1) "the 'fidelity and chastity' portion of G-6.0106b, or any other similarly *specific* provision," from which the examining body has no leeway to permit departures, and (2) "the *broad* reference" in the last part of G-6.0106b "to 'any practice which the confessions call sin,'" whose vagueness "puts the responsibility . . . on the examining body to determine whether a departure is a failure to adhere to the essentials" (emphases added).

In other words, when the standard is "specific" and singled out (p. 5) the examining body *cannot* grant any departures; but when the standard is "broad" and ambiguous the examining body may grant departures. The examining body's "responsibility" to determine whether a candidate has departed from an "essential" kicks in precisely at the point when clarity is lacking in the *Book of Order* itself. Yet the "fidelity and chastity" portion of G-6.0106b is quite clear, says the GAPJC. Therefore the examining body has no constitutional latitude to rule the standard nonessential and thereby to permit both a departure from the standard and ordination of the candidate who departs.

Partly this is a distinction between *national prerogatives and regional/local prerogatives*, for the national church through the process of amending the *Book of Order* has a right to define specific essentials of ordained office over any objections by presbyteries, sessions, or even erring "authoritative interpretations" by the General Assembly or GAPJC (p. 5). G-6.0108b does *not* state that the examining body in the act of examining is the *sole* determiner of essentials even when the *Book of Order* clearly presents a given standard as essential. That would be nonsense for a connectional church such as the PCUSA. It rather states that "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." The "ultimately" is stated in relation to the candidate's self-determination of essentials, not the national body's predetermination through the *Book of Order*.

Technically, G-6.0108b doesn't even say that the examining body can *determine essentials*. Rather, it affirms only that the examining body has a responsibility to decide "whether a person had departed from essentials." The determination of an essential could already be given in various ways by the *Book of Order* itself. In that event, the examining body's job would not be the determination of essentials but rather more a fact-finding exploration as to whether the particular candidate has by words or actions demonstrated noncompliance with the essential.

Moreover, not even the 2006 Authoritative Interpretation of G-6.0108b, strictly speaking, prohibits a predetermination of essentials when it states:

> Ordaining and installing bodies . . . have the responsibility to determine . . . whether any departure 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. Whether the examination and ordination and installation decision comply with the constitution of the PCUSA . . . is subject to review by higher governing bodies.

That last sentence assumes that a prior determination of essentials is already self-evident in the *Book of Order*; otherwise, there would be no way of assessing whether the lower governing body acted in compliance with the Constitution. In other words, it is mutually contradictory to assert both that determination of essentials must be made *only* in the context of examining an individual candidate *and* that such a determination can be overturned by "higher governing bodies" if found to be in noncompliance with the Constitution. For the latter presupposes that the determination of essentials can be, and has been, made "outside of the context of the examination of a candidate."

Having affirmed that the distinction that the GAPJC is making is partly along national versus regional/local lines, I must stress the word "partly." For one thing, the GAPJC insists that regional/local governing bodies *do* have a right to determine essentials in a specific context. For another thing, there is a second distinction involved here, mentioned above; namely, *"specific" provisions in the Book of Order versus "broad" provisions*. In instances where the *Book of Order* has not clarified which "self-acknowledged practice[s] . . . the confessions call sin" are in view, it becomes the "responsibility" of the lower examining bodies to determine which ones are essential for ordination (p. 7).

Obviously, this responsibility does not give the governing body constitutional grounds to define essentials in ways that ignore clear indicators of essential status in the *Book of Order*. These indicators are not limited to, but certainly include, standards specified in ordination vows in the *Book of Order* (i.e., the acknowledgement of Jesus as one's Savior and Lord of all); standards explicitly singled out in the *Book of Order* for compliance from amongst other standards (i.e., G-6.0106b's confinement of sexual relations to covenant of marriage between a man and a woman); and standards oft repeated in diverse contexts in the *Book of Order* (i.e., affirmation of women's ordination).[5]

Given the GAPJC's lengthy quotation from the 1927 Swearingen Commission Report, it is obvious why the GAPJC worded their reference to "a specific examination of an individual candidate" for ordained office as the "only" context within which essentials could be determined. The wording was a knee-jerk response to residual fears of the scare word "subscriptionism" stemming from the "fundamentalist controversy" of the 1920s. (By the way, in today's parlance one "subscribes" to magazines, not doctrine. One "adheres faithfully" to the church's doctrine. Replace "subscriptionism" with "doctrinal fidelity" and, *voilà*, the demon disappears.) Hopefully, we have reached a point in our denominational life where we have outgrown the absurdity and deception of claiming that there are *no* identifiable, predetermined churchwide essentials for ordination.

No denomination can long survive that disallows any essentials that are *identifiable as such to the entire denomination*. To hold in abstract that there are churchwide essentials while denying that any of these are identifiable to the entire church is dumber than a

doorknob. It is like an anti-slavery society refusing to make opposition to slavery an "essential" for leadership in the society; or a hospital hiring as its chief surgeon a practicing member of the "Christian Science" religion, on the grounds that there are no identifiable essentials for the job. In the PCUSA we require those to be ordained to respond with a "yes" to the third constitutional question of the ordination vows: "Do you sincerely receive and adopt the essential tenets of the Reformed faith?" (W-4.4003c). If there are no *identifiable* "essential tenets of the Reformed faith" the question becomes ludicrous.

Obviously if a candidate for ministry cannot acknowledge the existence of God or Christ's status as one's Savior and as Lord of all, is a self-avowed racist or ax-murderer, or is a self-acknowledged, serial-unrepentant participant in adultery, polyamory, incest (even adult-consensual forms), or homosexual practice, that person can have no offsetting virtues that would justify ordination in the PCUSA. In such cases, it is simply not necessary for an examining body to get a "fuller picture" of the candidate's other qualities before it can determine that such a candidate is not fit for ordained office. That determination has already been effectively made, either explicitly or implicitly, by the Constitution of the PCUSA well before any examination of the individual candidate.

As noted above, the GAPJC never explicitly calls the "fidelity and chastity" requirement in G-6.0106b an essential, even though this is implicit in their decision. The implicit now needs to be made explicit, and not only for the sexuality standard in G-6.0106b but also, minimally, for the confession of Christ as one's Savior and Lord of all and for the affirmation of women's ordination.

3. ***Can presbyteries affirm essentials only in the context of examining individual candidates or can they affirm such essentials also <u>in advance</u>?*** This leads to a third problem in the GAPJC's ruling. It unconstitutionally limits the venue by which regional and local governing bodies can affirm essentials to the immediate moments when individual candidates for ordination are being examined. According to the GAPJC in the *Buescher* decision:

> By declaring in advance the mandates to be "essentials," and by establishing in advance the mandates to be an absolute bar to ordination and installation, the Presbytery violated G-6.0108 and the Authoritative Interpretation. (p. 5)

The GAPJC is flat-out wrong about this. *Neither* G-6.0108b *nor* the 2006 Authoritative Interpretation is violated when presbyteries affirm "in advance" essentials in the *Book of Order*. G-6.0108b states only that "the decision as to whether a person has departed from essentials . . . ultimately becomes the responsibility of the governing body in which he or she serves." It does *not* say: The decision becomes the responsibility of the governing body *only at the time of the examination process and without reference to any prior determination of essentials by that governing body*. Nor does the Authoritative Interpretation of G-6.0106b add this emphasized clause or anything like it. As noted above, the fact that the Authoritative Interpretation contains a proviso saying that the examining body's decision can be "reviewed by higher governing bodies" to assess

compliance “with the constitution of the PCUSA” already establishes that the particular examination of an individual candidate is not the only venue for defining essentials.

This takes precedence over the outdated 1927 Swearingen Commission Report, which served as a key element in the GAPJC’s argument (p. 6). To the extent that the Swearingen Commission Report restricts the process of defining essentials *solely* to the *ad hoc* occasions when individual candidates for ordination are examined, it is in conflict both with the presumption of higher review in 2006 A.I. and with the several clear indicators in the *Book of Order* itself as to essential ordination standards (i.e., placement in vows, singling out, and repetition).

Not even the Adopting Act of 1729 (cited in full in the *Washington* decision, p. 7 n. 3), on which Swearingen is in part predicated, confined the determination of *all* essentials to *ad hoc* occasions when any minister or candidate for the ministry declared a scruple with respect to some part of the Westminster Confession of Faith or the Larger and Shorter Catechisms. Shall we assume that in 1729 Presbyterians held that determinations as to “articles essential and necessary in doctrine, worship or government” were *always* held in abeyance by “the Synod or Presbytery” for each and every new case of scrupling, even over such matters as believing in Christ as Savior and Lord or in his bodily resurrection and second coming, or believing in the necessity of abstaining from sexual intercourse outside the covenant of marriage between a man and a woman? The Adopting Act of 1729 concerned finer points of Calvinist doctrine contained in voluminous, undifferentiated confessions. It was certainly never intended to allow local or regional ordaining bodies absolute autonomy to ordain persons who violated the kinds of elementary doctrine mentioned above.

Thus when the Swearingen Commission Report claimed that “by the act of 1729, the decision as to essential and necessary articles was to be [only and always] in specific cases” and inferred that no such decision could *ever* be “applied rigidly to every case without distinction”—as if the necessity of believing in Christ as Savior and Lord could possibly at some time be waived for ministers of the gospel of Jesus Christ—it was taking an historically preposterous position. Not even the authors of Swearingen could have held this position absolutely in their own day, as if believing in God and Christ remained for them indeterminate as regards essential status until each and every new examination of a candidate arose.

Indeed, the very idea that an “essential” *of the church* can be determined as such only for a single individual in the church at a specific time (i.e., the examination of the individual for ordination) and under specific circumstances (taking into consideration possible ‘offsetting’ features of the is person’s life) is nonsensical. An essential of the church that could be judged nonessential for select persons in the church is, by definition, not an essential *of the church*. If the church can determine “essentials of Reformed faith and polity” only on a case-by-case basis, then the very phrase is little more than a cruel joke. And what if several examinations were conducted in the same day? Should the examining body do its best to forget whatever it determined as essentials in the immediately preceding examination? Should it give up the assumption that failing to believe in Jesus

or committing serial adultery would violate essentials because now it is dealing with the special circumstances of a new candidate? How would it induce such memory loss, to say nothing of theological and intellectual suicide, so that the new candidate could be dealt with in a non-prejudicial fashion?

Thus there was no legitimate constitutional or logical basis for the GAPJC to strike down presbytery resolutions affirming essentials. There are, of course, limitations as to what a presbytery can do. A distinction is in order between (1) presbyteries and sessions affirming in advance certain standards in the Constitution of the PCUSA as essential whose essential status in the Constitution is ambiguous and (2) presbyteries and sessions declaring to be nonessential those standards in the *Book of Order* that are clearly presented as essential (e.g., through placement in an ordination vow, explicit singling out for compliance from amongst other standards, or repeated mention in diverse contexts). Presbyteries and sessions have a constitutional right to do the former but not the latter.

Conclusion

The GAPJC has rendered a great service to the church in declaring the obvious; namely, that the *Book of Order* prohibits to candidates for ordained office any departures from the specific and singled-out requirement in G-6.0106b that "those who are called to office in the church" are "to live either in fidelity within the covenant of marriage between a man and a woman (W-4.9001), or chastity in singleness." Scrupling the "fidelity and chastity" provision of G-6.0106b is dead. We shall see in the next year how synod courts apply the GAPJC rulings in the San Francisco Presbytery and Twin Cities Area Presbytery in cases where persons who have declared a scruple with regard to the "fidelity and chastity" requirement in G-6.0106b have been approved for examination or restored to ordained office. If the synod courts act responsibly by following the GAPJC's decision in *Bush, et al. vs. the Pittsburgh Presbytery,* they will overturn these actions.

At the same time there remains a need to correct, through the amendment process or authoritative interpretations, ongoing distortions or ambiguities of the *Book of Order* still present in the GAPJC's rulings. These distortions or ambiguities breed unhealthy denominational confusion. Chief among them is the false and inconsistent belief that essentials of the faith can be determined only on a case by case basis by ordaining and installing bodies, that is, at the precise moment of examining individual candidates.

In particular, two things need to be affirmed explicitly:

- The *Book of Order* effectively establishes that *there are some <u>identifiable</u> and <u>predetermined</u> <u>churchwide</u> ordination essentials.* Among these are those specific standards that are highlighted for compliance by being placed in ordination vows (i.e., the affirmation of Christ as Savior and Lord), explicitly singled out from amongst other standards (i.e., the "fidelity and chastity" clause in G-6.0106b),[6] or oft-repeated in diverse contexts (i.e., the affirmation of women's ordination). Presbyteries and sessions cannot declare such standards to be nonessential when

examining a candidate for ordination or at any other moment. It is time to recognize as absurd the idea that, though there are churchwide essentials, none are identifiable as such to the whole church. It is time to bury the fear that recognizing *any* specific standards as churchwide essentials invariably leads to minute "subscriptionism." It is time to stop using ambiguous circumlocutions for essentials and to do the obvious and denominationally healthy thing of declaring explicitly that the *Book of Order* clearly establishes some standards as essential on the basis of certain common principles of interpretation.

- In instances where there is reasonable ambiguity about whether the Constitution of the PCUSA establishes a given standard as essential, *presbyteries and sessions have a constitutional right to affirm in advance which constitutional standards are to be treated as essential* within that jurisdiction. It is neither constitutional nor reasonable to insist that such determinations can be made only in the *ad hoc* moments when individual candidates for ordained office are examined. The rigid assumption that for every given standard exceptions may be made on the basis of offsetting virtues possessed by a particular candidate is simply erroneous. Anyone who puts his or her mind to it can think of examples where this is not the case.

May God use the recent decisions of the GAPJC to give hope to many that we are now on a road to theological sanity and constitutional honesty in the Presbyterian Church (U.S.A.).

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[1] These commentators include, on the renewal side, the Presbyterian Coalition, Presbyterians for Renewal, the Presbyterian Layman, Bob Davis (see his Feb. 13 blog here), and Michael Walker (interviewed for the *Christian Post* here); and, on the homosexualist side, Michael Adee of "More Light" Presbyterians and Jon M. Walton and Deborah A. Block, co-moderators of the Covenant Network. The *Presbyterian Outlook* offered the headline, "Top court prohibits scrupling fidelity-chastity standard" (2/13/2008).

[2] The two other related cases are Remedial Case 218-09, *Buescher, et al. vs. the Presbytery of Olympia* (which quotes extensively from *Bush vs. Pittsburgh*) and Remedial Case 218-15, *Session of First Presbyterian Church of Washington, et al. vs. Presbytery of Washington*. Quotations of the GAPJC's decisions below are from the *Bush vs. Pittsburgh Presbytery* case unless otherwise noted.

[3] For a critique of the latter see my Presbyweb.com Viewpoint piece: "The Stated Clerk Gets It Wrong" here.

[4] I first referred to the singling-out effect back in Aug. 2005 in response to the release of the PUP *Final Report*, here, pp. 1, 14; most recently two weeks ago, here, pp. 3-4.

[5] On Feb. 7 the Pittsburgh Presbytery passed an overture by a 63% margin to forward to the 2008 General Assembly a proposed amendment to G-6.0108b that would make this self-evident point explicit in the Constitution and thus prevent any distorted "interpretations" of the *Book of Order* by future GAs or GAPJCs that make end-runs around a majority vote of the presbyteries nationally. The overture, "On Amending G-6.0108b, 'Freedom of Conscience within Certain Bounds,' to Include a Freedom of Ordaining Bodies within Certain Bounds," has not yet been posted on the PCUSA website here but a copy can be viewed in the interim here. For a further defense of these points, see my "Three Clear Indicators in the Book of Order Regarding Essentials: A Plea for Theological Sanity and Constitutional Honesty," here.

[6] The essential character of a male-female prerequisite for sexual relations is not only apparent in the *Book of Order*. It is also, and more importantly, apparent in Scripture. See my article, "How Bad Is Homosexual Practice According to Scripture and Does Scripture's Indictment Apply to Committed Homosexual Unions?" here.