

Is there a legitimate way around the “fidelity-chastity” requirement?

by Jim Tony

G-6.0106b remains a constitutional requirement. It has been reaffirmed by a fourth vote of our presbyteries. Yet, some Presbyterians claim that there is another legitimate way to ordain those who are not willing to comply with the “fidelity-chastity” standard of G-6.0106b. Are they correct?

Not according to the General Assembly Permanent Judicial Commission (GA PJC) in *Bush*.¹ No decision of the church courts and no authoritative interpretation, or lack thereof, has changed the requirement.

Bush is clear and definitive: Governing bodies are not free to permit exceptions or exemptions to the explicit requirements of the Constitution, including sexual standards. The decision cites the explicit requirements of G-6.0106b: “...Such determinations [by examining bodies] do not rest on distinguishing ‘belief’ and ‘behavior,’ and do not permit departure from the ‘fidelity and chastity’ requirement found in G-6.0106b.”

The 218th GA, in 2008, made of “no further force of effect” earlier authoritative interpretations, including “Definitive Guidance” of 1978-79, that refer to same-sex relationships. So it’s important to note that, according to the GA PJC, the ongoing authority of G-6.0106b is not dependent on any authoritative interpretation.

***Bush* nullified resolutions by presbyteries but affirmed constitutional authority**

The *Bush* decision has clarified the meaning of constitutional governance in the PC(USA). This article intends to bring that clarification to light. Many of us feared that the original PUP Recommendation 5,² adopted by the G.A. in 2006, had made it possible for presbyteries to grant exceptions or exemptions from compliance with G-6.0106b. As a result, a number of presbyteries passed resolutions stating that they would require compliance to G-6.0106b, notwithstanding their supposed freedom to do otherwise. The GA PJC in *Bush* nullified the resolutions because the resolutions implied that other presbyteries would be free to permit exceptions or exemptions from an express requirement of the Constitution.

¹ (Remedial case 218-10: [<http://www.pcusa.org/gapjc/decisions/pjc21810.pdf>] Randall *Bush*, et al. v Presbytery of Pittsburgh).

² The Task Force on Peace, Unity, and Purity of the Church recommends that the 217th General Assembly (2006) approve the following authoritative interpretation of section G-6.0108 of the Book of Order:

a. The Book of Confessions and the Form of Government of the Book of Order set forth the scriptural and constitutional standards for ordination and installation.

b. These standards are determined by the whole church, after the careful study of Scripture and theology, solely by the constitutional process of approval by the General Assembly with the approval of the presbyteries. These standards may be interpreted by the General Assembly and its Permanent Judicial Commission.

c. Ordaining and installing bodies, acting as corporate expressions of the church, have the responsibility to determine their membership by applying these standards to those elected to office. These determinations include:

(1) Whether a candidate being examined for ordination and/or installation as elder, deacon, or minister of Word and Sacrament has departed from scriptural and constitutional standards for fitness for office,

(2) 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.

d. Whether the examination and ordination and installation decision comply with the constitution of the PCUSA, and whether the ordaining/installing body has conducted its examination reasonably, responsibly, prayerfully, and deliberately in deciding to ordain a candidate for church office is subject to review by higher governing bodies.

e. All parties should endeavor to outdo one another in honoring one another’s decisions, according the presumption of wisdom to ordaining/installing bodies in examining candidates and to the General Assembly, with presbyteries’ approval, in setting standards.

Some, apparently, want to believe that *Bush* was subsequently overturned by the 218th GA (2008) when that body approved an authoritative interpretation proposed by the Presbytery of John Knox. The 2008 AI was basically a repeat of PUP Recommendation 5. But it failed to overcome *Bush*. Nothing in what was adopted even attempts to overturn *Bush*.

The text of the John Knox authoritative interpretation:

“[The 218th General Assembly (2008) affirms the authoritative interpretation of G-6.0108 approved by the 217th General Assembly (2006). Further, the 218th General Assembly (2008), pursuant to G-13.0112, interprets] the requirements of G-6.0108 [to] apply equally to all ordination standards of the Presbyterian Church (U.S.A.). Section G-6.0108 requires examining bodies to give prayerful and careful consideration, on an individual, case-by-case basis, to any departure from an ordination standard in matters of belief or practice that a candidate may declare during examination. However, the examining body is not required to accept a departure from standards, and cannot excuse a candidate’s inability to perform the constitutional functions unique to his or her office (such as administration of the sacraments).” [Underlined is the amendment to the overture that was adopted.]³

Beliefs about behavior are not at issue; compliance is the issue

The issue, according to *Bush*, does not hinge on the difference between belief and behavior. It hinges on the difference between the freedom claims of individual conscience and the right of the whole church to set constitutional boundaries. For example, while a person might object to a locally set speed limit, he is not free to exceed it without the risk of incurring a ticket or some other civil penalty. As long as a person recognizes the legitimacy of the state to compel compliance, he is free to “scruple” or “express a departure” – even if the standard (the speed limit) continues to limit his behavior.

The John Knox AI states that “the requirements of G-6.0108 apply equally to all ordination standards.” This changes nothing that *Bush* asserted. A “scruple,” or “departure” might be from G-6.0106b, or from membership in the medical benefits program of the PC(USA), or from the practice of baptism in the name of the Father, Son and Holy Spirit. What may be “essential” in one presbytery may be “not essential” in another. So a candidate may be permitted his “scruple,” or belief, on one or another of these matters.

But a “scruple” or a “departure”—even when declared “not essential” by an ordaining or installing body—does not grant a license to disregard or disobey. Scrupling a standard—any belief or practice standard—cannot create a power in either the candidate or the governing body to exempt a candidate from compliance. The presbytery’s finding that a particular standard is “non-essential” likewise can not nullify the requirement to comply.

Lower governing bodies may not nullify a constitutional provision adopted by the whole body and maintain a constitutional form of government

The reason is that the Presbyterian form of government is a *constitutional* form of government. If a lower governing body can in effect nullify a constitutional provision adopted by the whole body through a majority vote, the concept of constitutional governance itself will have been frustrated. A constitution that can be ignored or disobeyed by a less inclusive body has the effect of “obstructing constitutional governance.”

³ Knox Authoritative Interpretation adopted by 2008 GA:
[http://index.pcusa.org/NXT/gateway.dll/confessions/title00000.htm/confession00001.htm?f=templates\\$fn=default.htm\\$vid=pcdocs:10.1048/Enu](http://index.pcusa.org/NXT/gateway.dll/confessions/title00000.htm/confession00001.htm?f=templates$fn=default.htm$vid=pcdocs:10.1048/Enu)

Authoritative interpretations cannot trump the express requirements of the constitution

That's why *Bush* says so clearly that express requirements, such as G-6.0106b, may not be waived and may be changed only by the constitutional method of amendment and not by "authoritative interpretation." So even before the John Knox AI was adopted, the means of AUTHORITATIVE INTERPRETATION had been declared powerless to accomplish the purpose of allowing exemptions from or exceptions to compliance with G-6.0106b or any other express requirement in the Constitution.

In a decision rendered after the adoption of the John Knox AI, the GA PJC said in *Bierschwale*, "Having been restored to the exercise of the office of Minister of Word and Sacrament, [the candidate] is fully accountable under all standards and requirements for ministers of Word and Sacrament to abide by the Constitution of the PC(USA), including G-6.0106b."⁴

Again, in the *Sundquist* decision, which also was handed down after the John Knox AI, (Robert Sundquist et al. v Presbytery of the Heartland, 219-3) the GA PJC declared,

Rather than describing freedom of conscience in any absolute way, G-6.0108 declares the manner in which the conscience of an officer of the church is bound. The binding of the conscience of an officer of the church permits freedom of conscience with regard to the interpretation of Scripture only insofar as it 'may be possible without serious departure from these standards, without infringing on the rights and views of others, and without obstructing the constitutional governance of the church.' (G-6.0108a.) *Submission to the current standards of the church may not always be comfortable, but it is not optional.* (emphasis added)⁵

Candidates and governing bodies must comply with explicit BOO requirements

Both candidates and governing bodies must comply. No governing body has been given the right to provide for itself an exemption from the requirements of the Constitution. Because governing bodies (not individuals) ordain, and because governing bodies must comply with all the requirements of the *Book of Order*, they are not free to ordain someone who refuses to comply with explicit standards of the *Book of Order*. Even if governing bodies might be permitted to allow candidates a pass on ordination standards (*Bush* does not countenance that possibility), governing bodies themselves do not have the power to grant themselves an exemption from complying with the plainly stated requirements of the *Book of Order*. G-6.0106b does not address individuals. It addresses governing bodies as those responsible for ordination. This is firmly established church law as in *Maxwell*, *Suwannee* and *Londonderry*.⁶

⁴ Bierschwale, <http://www.pcusa.org/gapjc/decisions/pjc21908.pdf>

⁵ *Sundquist*:
[http://index.pcusa.org/NXT/gateway.dll/confessions/title00000.htm/confession00001.htm?f=templates\\$fn=default.htm\\$vid=pcdocs:10.1048/Enuv](http://index.pcusa.org/NXT/gateway.dll/confessions/title00000.htm/confession00001.htm?f=templates$fn=default.htm$vid=pcdocs:10.1048/Enuv)

⁶ *Londonderry*,
[http://index.pcusa.org/NXT/gateway.dll/confessions/title00000.htm/confession00001.htm?f=templates\\$fn=default.htm\\$vid=pcdocs:10.1048/Enuv](http://index.pcusa.org/NXT/gateway.dll/confessions/title00000.htm/confession00001.htm?f=templates$fn=default.htm$vid=pcdocs:10.1048/Enuv)

Maxwell,
[http://index.pcusa.org/NXT/gateway.dll/confessions/title00000.htm/confession00001.htm?f=templates\\$fn=default.htm\\$vid=pcdocs:10.1048/Enuv](http://index.pcusa.org/NXT/gateway.dll/confessions/title00000.htm/confession00001.htm?f=templates$fn=default.htm$vid=pcdocs:10.1048/Enuv)

Suwannee (Simmons v Suwannee)
[http://index.pcusa.org/NXT/gateway.dll/confessions/title00000.htm/confession00001.htm?f=templates\\$fn=default.htm\\$vid=pcdocs:10.1048/Enuv](http://index.pcusa.org/NXT/gateway.dll/confessions/title00000.htm/confession00001.htm?f=templates$fn=default.htm$vid=pcdocs:10.1048/Enuv)

What follows are clear and forceful sections that show that the behavior standard required by G-6.0106b has not been changed. No governing body has the right, even under the recent AIs related to G-6.0108, to permit any person to fail to comply with the requirements of G-6.0106b. *Bush* says:

No Departures from “Fidelity and Chastity” Requirement: Candidates and examining bodies must follow G-6.0108 in reaching determinations as to whether the candidates for ordination and/or installation have departed from essentials of Reformed faith and polity. **Such determinations do not rest on distinguishing “belief” and “behavior,” and do not permit departure from the “fidelity and chastity” requirement found in G-6.0106b.**

As finally adopted by the General Assembly, the Authoritative Interpretation [of the 216th GA] does not equate “polity” with “behavior.” *Nevertheless*, the church has required those who aspire to ordained office to conform their actions, though not necessarily their beliefs or opinions, to certain standards, in those contexts in which the church has deemed conformity to be necessary or essential. Section G-6.0106b contains a provision where conformity is required by church officers “to live either in fidelity within the covenant of marriage between a man and a woman (W-4.9001), or in chastity in singleness.” The church has decided to single out this particular manner of life standard and require churchwide conformity to it for all ordained church officers. Therefore, the specific “fidelity and chastity” standard in G-6.0106b stands in contrast to the provisions of G-6.0106a, including those concerning faith, discipleship, belief and manner of life in the church and the world, and also the remainder of G-6.0106b. The candidate and examining body must follow G-6.0108 in reaching a determination as to whether the candidate for office has departed from essentials of Reformed faith and polity, but that determination **does not rest on distinguishing “belief” and “behavior,” and does not permit departure from the “fidelity and chastity” requirement found in G-6.0106b.** Accordingly that portion of SPJC [the Synod of the Trinity court] decision that stated: **“no presbytery may grant an exception to any mandatory church wide behavioral ordination standard,” was correct.** We agree with the SPJC that, **“Under our polity, violations of behavioral standards are to be addressed through repentance and reconciliation, not by exception or exemption.** The freedom of conscience granted in G-6.0108 allows candidates to express disagreement with the wording or meaning of provisions of the constitution, but does not permit disobedience to those behavioral standards.”

The fidelity and chastity provision may only be changed by a constitutional amendment. Until that occurs, individual candidates, officers, examining and governing bodies must adhere to it.

The constitutional process for amending ordination standards (or any other provision of the Constitution) is defined in Chapter 18 of the Form of Government. While the General Assembly and the GAPJC may interpret these standards, the Authoritative Interpretation did not (and constitutionally could not) change any ordination standard, including the requirements set forth in G-6.0106b. Similarly, no lower governing body can constitutionally define, diminish, augment or modify standards for ordination and installation of church officers

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. *Emphasis above is mine.*

No authoritative interpretation has supplanted *Bush*. The *Bush* decision could not be clearer or more emphatic: our Constitution does not permit governing bodies to provide exceptions to its express requirements. Of course, those who stand for the removal of biblical sexual standards will test the court. Cases are in the pipeline. But G-6.0106b must be obeyed because it’s in the Constitution—the GA PJC makes this crystal clear.

James R. Tony is Senior Pastor of Palos Park Presbyterian Community Church in Chicago Presbytery