

## CHAPTER 6      **Summary, Alternatives, Conclusions, and Recommendations**

### 6.1      **Summary of the Gay and Lesbian Ordination and/or Installation Policy in the Presbyterian Church (U.S.A.)**

The partnered gay and lesbian ordination and/or installation debate started in the 1960s in the UPCUSA and PCUS - the predecessor churches of the PC(USA). Up to that point in time, no polity decisions had been made by either denomination regarding the eligibility of gay and lesbian Christians to serve as officers. In 1978, the UPCUSA, and in 1979, the PCUS, followed the principle set in 1927 by the PCUSA, i.e. to use polity to solve theological issues; thus, the first polity decision regarding same-gender ordination occurred when both denominations issued the same “definitive guidance” statements. Throughout the next three decades, polity would be set, for deacons and elders; and inquirers, candidates, and ministers, both separately and/or in combination, through: 1) The “definitive guidance” statements; 2) Affirmations of the “definitive guidance” statements in the form of Authoritative Interpretations; 3) The introduction of W-4.9001 in 1983 and G-6.0106b in 1997 respectively in the *Book of Order*; and 4) affirmations of G-6.0106b in the form of Authoritative Interpretations by the General Assembly and the GAPJC.

G-6.0106b, introduced into the *Book of Order* in 1997, states:

Those who are called to office in the church are to lead a life in obedience to Scripture and in conformity to the historic confessional standards of the church. These standards require fidelity within the covenant of marriage between one man and one woman (W-4.9001), or chastity in singleness. Persons engaging in conduct not consistent with these standards shall not be ordained and/or installed as deacons, elders, or ministers of the Word and Sacrament.

The current PC(USA) polity is that a gay or lesbian sexual orientation is not a bar to ordination and/or installation, but same-gender sexual practice is. Thus, celibate gay and lesbian candidates can be ordained and/or installed. If they no longer remain celibate, and when clear, palpable evidence or even hearsay of a same-gender relationship is presented, a disciplinary complaint could be filed against them.

The 2008 General Assembly issued an Authoritative Interpretation stating that the 1978 and 1979 “definitive guidance” statements and affirmations thereof in the form of Authoritative Interpretations have no more force and affect. Thus, the denomination is left with G-6.0106b and Authoritative Interpretations thereof by the General Assembly and GAPJC. Yet, both the General Assembly and GAPJC have stated that the key to understanding G-6.0106b is “self-acknowledgment of sin.”

The 2006 and 2008 General Assemblies issued Authoritative Interpretations which permitted scrupling of G-6.0106b. Currently, a partnered gay or lesbian person who becomes an inquirer, whether or not their relationship is common knowledge to the CPM, is exempt from questions regarding their sexual activity. Thus, an inquirer does not have to declare a scruple. When a partnered gay or lesbian inquirer advances to candidate, a candidate advances to “ready for examination” and “ready to receive call,” a minister is called or a minister applies for minister-at-large or validated ministry status within a presbytery, they could choose not to declare a scruple and keep silent if they are in a same-gender relationship. They might believe that they have nothing to self-acknowledge as sin, and it becomes an issue of one’s conscience.

If, however, the CPM has plain, palpable, and obvious evidence of a person’s relationship status, according to the Wier II standard, it has the positive obligation to make further inquiry of an inquirer and candidate requesting to advance to the next phase. The same procedures apply to a COM when a partnered gay or lesbian minister receives a call, or applies for minister-at-large or validated ministry status within a presbytery.

Partnered gay and lesbian inquirers, candidates, and ministers, when questioned about their sexual activity or relationship, have the following options: 1) Decline to answer the question; 2) Decline to answer the question and declare that they have no self-acknowledged sin to confess, since they believe their committed same-gender relationship is not sinful; 3) Answer the question and declare that they have no self-acknowledged sin to confess; 4) Answer the question and declare a scruple regarding G-6.0106b.

The CPM and COM, respectively, vote on inquirers and candidates, and ministers, and if the majority votes “yes” to advance them or approve a call, it makes a motion to the presbytery. If the inquirer, candidate or minister declares a scruple, the presbytery votes whether to accept them under a scruple. If it votes “yes,” the inquirer and candidate advances, and the minister is enrolled. Complaints could still be filed with the PJC of the local synod, and, ultimately, with the GAPJC. The 2009 GAPJC, in *Bierschwale, et al. v. Presbytery of the Twin Cities Area*, re-affirmed the restoration of Capetz under a scruple, but “. . . Capetz is fully accountable under all standards and requirements for Ministers of [sic - the] Word and Sacrament to abide by the Constitution of the PC(USA), including G.6.0106b” (PC(USA) GAPJC 2009: 6).

The same principle mentioned earlier applies to a session when a deacon-elect or elder-elect declares a scruple to a session during examination. Out of nearly 11,000 congregations, this writer is not aware of any complaint that has been filed regarding a deacon or elder who declared a scruple and was ordained and/or installed.

However, this writer is aware of CPMs, COMs, and sessions, which make an inquiry of every inquirer, candidate, minister, deacon and elder’s sexual activity, whatever their sexual orientation. This practice became favourable after the February 2008 GAPJC ruling in the Bush decision. However, the June 2008 General Assembly’s Authoritative Interpretation replaced the February 2008 Bush decision. Such practices disregard the 2002 Wier II ruling that an ordaining and/or installing body should not ask questions relating to sexual activity, unless they have direct and specific knowledge; self-acknowledgment must be plain, palpable, and obvious, and if reasonable cause exists regarding a candidate, then all candidates must undergo the same inquiry.

These committees of presbyteries and sessions ignore the constitutional standards set by the General Assembly and GAPJC, and act no differently than progressive sessions and presbyteries, which they accuse of ignoring the constitutional standards. This practice, in turn, could lead to inquirers, candidates, and ministers filing complaints against a CPM or COM for not following constitutional procedures.

The 2006 and 2008 Authoritative Interpretations, based on the 2005 *Peace, Unity, and Purity* Report, are still in effect. A partnered gay or lesbian inquirer and candidate could acknowledge it and declare a scruple on G-6.0106b to the ordaining and installing body, which cannot waive the constitutional requirements for ordination and/or installation, and could ask to advance to the next phase.

Similarly, a partnered gay or lesbian minister, minister-elect, deacon-elect or elder-elect could declare a scruple of G-6.0106b, and be ordained and/or installed. The particular session or presbytery would have to vote whether the candidate's scruple is permissible under the 2006 and 2008 Authoritative Interpretations and does not violate an essential of the Reformed faith. Thus, sessions and presbyteries have to determine whether the candidate's scruple is a non-essential article. This has been, and always will be, a subjective judgment in the absence of defined essentials and necessary articles of the Reformed faith.

It is important to note that declaring a scruple does not mean one will be ordained and/or installed. Some presbyteries or sessions will view sex within the heterosexual marriage between a man and a woman as an essential. However, a candidate accepted under a scruple regarding G-6.0106b is open to a disciplinary complaint. The 2009 GAPJC, in *Bierschwale, et al. v. Presbytery of the Twin Cities Area*, stated that “. . . Capetz still may be subject to disciplinary action based on his conduct” (PC(USA) GAPJC 2009:6).

Currently, G-6.0106b remains in the *Book of Order*, but it is a certainty that overtures, commissioners' resolutions, and communications will continue to request General Assemblies to delete and/or amend it, and amendments will be sent to the presbyteries to ratify it. Remedial and disciplinary complaints against sessions and presbyteries for ordaining and/or installing partnered gay and lesbian candidates, and presbyteries for advancing partnered gay and lesbian inquirers and candidates, will continue. Conservative congregations will continue to leave for the EPC over gay and lesbian ordination and/or installation, same-gender blessings and marriages, scriptural interpretation, and other theological issues.

Some sessions and presbyteries might not accept the current or future ordination standards and continue to enforce old standards; for example, the Presbytery of Central Washington approved a resolution in October 2008:

2. . . . Thus, we declare that actions taken to make mandatory ordination standards optional will have no force or effect in Central Washington Presbytery. . . .
3. . . . We proclaim this guidance [1978 definitive guidance] continues to hold authority. . . in all standards of belief and practice at the congregational and Presbytery level (The Layman Online 2008d:2).
4. . . . Thus, we reject any ordination done by any body that does so in violation of the Constitution, including G-6.0106b, and proclaim that such ordinations will have no force or effect in Central Washington Presbytery.
5. . . . shall direct that all ordained members of any Presbyteries determined by the COM to be in violation of our ordination standards shall not be allowed to labor within our bounds. . .
6. . . . including options whereby our Presbytery may functionally withdraw from the PCUSA [sic] (:3).

This defiance by conservative congregations and presbyteries will lead to complaints, charges, and PJC rulings up to the GAPJC level; thus, increasing the level of tension in the denomination.

## 6.2 Summary of the Same-Gender Blessing and Marriage Policy in the Presbyterian Church (U.S.A.)

The debate regarding same-gender blessings and marriages started in the 1980s in the PC(USA). The 1883 General Assembly of the new PC(USA) added a new statement regarding marriage to the Directory for Worship in the *Book of Order*:

Marriage is a gift God has given to all humankind for the well-being of the entire human family. Marriage is a civil contract between a woman and a man. For Christians marriage is a covenant through which a man and a woman are called to live out together before God their lives of discipleship. In a service of Christian marriage a lifelong commitment is made by a woman and a man to each other, publicly witnessed and acknowledged by the community of faith (W-4.9001).

This is still the current PC(USA) polity: only heterosexual marriages are recognised.

However, the 1991 General Assembly's Authoritative Interpretation and reaffirmation thereof in the 2000 GAPJC ruling in the Benton case permits ministers to perform and officers to participate in same-gender blessings, as long as they were not considered the same as marriage ceremonies. However, liturgical marriages are not forbidden, but ". . . it would not be proper for a minister . . ." Additionally, the meaning of "should" and "should not" in the 2008 GAPJC ruling in the Benton

decision – rather than SHALL - does not specify if it is a flat-out requirement or prohibition, which conservatives contend, or if “SHOULD signifies practice that is strongly recommended” (Preface to the *Book of Order*).

Yet, ministers who officiate and officers who participate in same-gender blessings need to be mindful that complaints can still be filed with the PJC of the presbytery and charges brought against them. The current polity is unclear; thus, leaving it open to subjective interpretation whether the blessing approximated a marriage ceremony. Additionally, the 2008 GAPJC in the Spahr ruling found that although Spahr had performed a liturgical same-gender marriage, she could not be guilty of something which W-4.9001, by definition, did not allow her to do and which is not recognised by the PC(USA).

The denomination currently has no polity on a minister performing or an officer participating in a civil same-gender marriage, since the General Assembly has refused to deal with the issue or to set a policy, and no charge has been ruled upon by a PJC on any level. The PJC of the Presbytery of Boston will soon deal with the charge brought against Rev. Southward, and an appeal to the GAPJC will certainly follow.

### **6.3 Alternatives**

The UPCUSA, PCUS, and PC(USA) had alternatives available to them to deal with the partnered gay and lesbian ordination and/or installation, and same-gender marriage debates. The most obvious was to use theology and theological discourse to address the debates, and not solely rely on polity. A less obvious alternative was to change the way in which the polity is voted on and amended, especially on the presbytery level.

#### **6.3.1 Theology versus Polity**

The current polity of the PC(USA) was shaped by the history of the United States and its predecessor churches. The Presbyterian Church has a unique governing

system, as its name implies. It is governed by presbyters or elders, both ruling and teaching (ministers) elders on both the congregational and presbytery level. The Presbyterian form of polity is a middle position between congregationalism, where the power is in the congregation, and episcopalianism, where the power is with the bishop. Weston (2003:5) calls it “connectional polity.”

In this system, there are different levels of government. Local congregations are governed by sessions, consisting of ruling elders and teaching elders (ministers). The higher governing bodies are the presbytery, the synod, and the General Assembly. The presbytery is the central institution in Presbyterianism. It ordains and/or installs ministers, but also has oversight of the ordination and/or installation of deacons and elders by local sessions. In the ordination and/or installation and same-gender marriage debate, the presbytery’s role is vital. The General Assembly, and through its GAPJC, might set the policy and polity, but the presbytery ensures constitutional compliance.

Both polity and theology are found in the Constitution of the PC(USA), which consists of *The Book of Confessions*, containing the faith, and the *Book of Order*, directing the practice. Thus, the focus in the debates has been on the polity aspect of the Constitution through changes and/or additions to the Book of Order and Authoritative Interpretations of the *Book of Order*.

McCarthy (1992:280) asserts that the decline from confessionalism (abiding by the Westminster Standards) has led to a legitimisation of theological pluralism in both the UPCUSA and PCUS. He sees this in the relaxation of the questions in the ordination vows about confessional subscription. Weston (1997:xiii) in his book, *Presbyterian Pluralism*, also contends that competitive pluralism has become the policy of the Presbyterian Church.

The result of the increasing theological pluralism and diversity is that the polity has become more important to the church’s self-identity than its theology, which earlier distinguished the Presbyterian Church from other denominations. “Rather, the distinctiveness of the Presbyterian Church today lies in its polity” (McCarthy 1992: 280). Thus, as theological diversity increases, so, too, the role of polity increases in

mediating those differences (ibid). Chapters 3 and 5 in this study have provided ample evidence of how polity, rather than theology, has been used by both the General Assembly and GAPJC to decide issues of a theological nature (cf. :281-306 for cases not related to ordination issues). Wuthnow (1988:69 in McCarthy 1992: 281) argues that religious authority has shifted from doctrinal validation to procedural validation.

Proof of the above is found in 1983, when the UPCUSA adopted the Report of the Special Committee on Historic Principles, Conscience, and Church Governance. Shortly afterwards, the re-uniting PC(USA) adopted the document; it has not been replaced by any other document. Regarding the relationship between polity and theology, it states:

The basis of Presbyterian polity is theological. Our polity is not just a convenient way of getting things done; it is rather the ordering of our corporate life which expresses what we believe. The connection between faith and order is inseparable. At its heart, the polity of the church expresses our Reformed theology. What we do and the way we do it is an expression of how we understand our faith (PC(USA) Minutes 1983:145).

Polity has become the way through which Presbyterians adjudicate their theological differences; therefore, polity has become more important than theology in the light of religious pluralism (McCarthy 1992:302-303).

McCarthy (1992:305-306) believes that the theological pluralism and diversity of Presbyterianism has led to the ascendance of polity, and that it is no longer possible to identify one Presbyterian theology. This writer argues that the void has been filled by polity. Proof is found in Conclusion 4 of the Historic Principles:

The fact that the church permits diversity of theological beliefs but in many areas requires uniformity of practice does not exalt polity over theology. It is simply a recognition that in at least some areas practice must be uniform in order to define the church's identity (PC(USA) Minutes 1983:156).

The shift from orthodoxy (right belief) to orthopraxis (right action) is seen in the same paragraph:

Church officers must conform their actions, though not necessarily their personal beliefs or opinions, to the practice of the church in areas which the church has determined to be necessary or essential (PC(USA) Minutes 1983:157 Conclusion 4).

This is evident in the GAPJC rulings regarding the ordination of women; namely, the 1974 Maxwell case regarding Kenyon, the 1977 Huie case regarding Ellis, the 1982 Hambrick case regarding Mark, and the 1985 Simmons case regarding Ellis (see

Chapters 3.4, 3.9, 3.21, and 5.5 respectively). Both Ellis and Mark had to conform their actions, but not their beliefs, to what the church had determined to be essential. Since Kenyon could not do this, he was not ordained. These cases and others, such as Kaseman (see Chapter 3.18), all pertaining to theological issues, were solved through polity, despite the theological nature of the discussion.

The aim of this study has been to provide historical proof that the ordination and/or installation of partnered gay and lesbian Christians, and same-gender blessings and marriages, which are also theological issues, have not been addressed through theological discussion, but through polity alone. The Church's theology has not shaped its polity, rather, polity and polity fixes have dominated the debates.

Beuttler (1999:240) believes the conflict over polity and theology re-emerged in the 1990s, since the resolution of the 1920s did not resolve the relationship between "unity" and "truth." The question in the ordination debate is whether unity should be based on "polity" or "theology." Rogers (1995:33) points out that the 1927 General Assembly decision did not address theological or worldview issues. The church moved to become a centralised bureaucratic form of administration; a corporate denomination. The result, according to Rogers, is that polity, rather than theology, became the mechanism for solving controversies in the church. Loetscher (1957:135 in Rogers 1995:33), a Princeton historian of Presbyterianism, notes:

If the Church has no means of authoritatively defining its faith short of the amending process –which could hardly function in the midst of sharp controversy– ecclesiastical power is seriously hindered for the future from preventing more radical theological innovations than those discussed in the "five points."

Rogers (1995:33) states that Loetscher hoped the "group mind" would provide a consensus when controversy arose. By the 1960s, this group mind had eroded, and the events from the 1970s to 1990s caused further fragmentation (Coalter *et al* 1992:125 in Rogers 1995:33). After the 1927 decision, people assumed differing, localised interpretations of the Confessions and Scripture were possible if sanctioned by local polity (:126 in *ibid*). Rogers (1995:33) comments that the neo-orthodoxy consensus from the 1930s until the 1960s obscured the difficulty of localised decision-making. When neo-orthodoxy lost its dominance, the problems of the 1927 decision became apparent.

Beuttler (1999:241), one of the architects behind the wording and passing of G-6.0106b in 1996, sees it as an attempt to return the denomination to a position of theological and confessional unity. He opposes the polity method, which shifts the locus of theological definition to the governing bodies of the church (:242), and believes that every time polity was used to resolve a question of theology, the result was a schism (:246). Is this not exactly what Beuttler and others did when G-6.0106b became polity in the *Book of Order*? Beuttler and other conservatives used the polity process to put what they believed to be “an essential and necessary article” in the Constitution, to prohibit partnered gay and lesbian Christians from being ordained.

Rogers (1995:52-53) brilliantly discerns how two opposing groups both appealed to the Constitution for their views. First, *The Book of Confessions* contained varied views on the nature of the church. The Confessions from the sixteenth- and seventeenth century depicted the church as an ark of salvation, while the twentieth century Confessions emphasised the church as God’s agent of change in society. Since Presbyterians do not have one unified view of the nature of the church, the two groups appealed to the Confessions for support of their views.

Second, this conflict was also built into the *Book of Order*, which mentioned the true marks of the church from the Scots Confession; namely, the true preaching of the Word of God; the right administration of the sacraments; and ecclesiastical discipline. The 1983 reunion, which resulted in a new *Book of Order*, added two additional marks of the church: 1) The church is called to undertake mission (G-3.0100-.0400); and 2) The church is called to a new openness and to provide inclusiveness of all people (G-3.0401). Thus, conservatives appealed to the sixteenth century definition of the church, while governing body leaders (mostly progressives) appealed to the newer additions in the *Book of Order* (Rogers 1995:53).

Rogers (1995:60, 63-64), due to his vast experience in the denomination system, is able to point out another reason for the mistrust regarding polity. A tension existed between ministers and members of congregations and governing bodies, who were elected to their position, versus staff and ministers of the General Assembly and its committees, task forces, ministry teams, etc., who were selected by nominating committees and special interest groups, but were not elected by any governing body.

Thus, they did not represent or were not accountable to a governing body. Their commitment was to the polity of the church or to their special interest group.

Weeks & Fogelman (1990:8-10 in Rogers 1995:60-61) also name this dichotomy. They see two denominations in the PC(USA): the Local Congregational Presbyterian Church (LCPC) and the Governing Body Presbyterian Church (GBPC). In the twentieth century, the GBPC has been dominant with its focus on mission and inclusiveness, while the LCPC has focused on evangelism and the nurture of members.

To summarise, one needs to take note of the various periods in the recent history of the United States, all relating to sexual issues; namely, marriage and divorce after World War II; the sexual revolution of the 1960s; the liberation of women in the 1970s; and homosexuality since the late 1970s (Rogers 1999:1). The Presbyterian Church, in all fairness, has tried to address these issues relating to sexual expression through theological means, as made evident by the many studies from the 1960s till today. But, specifically in regard to same-gender relationships (homosexuality), it has, by and large, used a polity approach to address two particular dimensions of the debate: gay and lesbian ordination and/or installation, and same-gender blessings and marriages.

This debate will soon be forty years old, and the Presbyterian Church is no closer to solving it through polity alone. One wonders where the denomination might have found itself, if it had employed theological discussion to supplement its polity. This writer, after completing this exhaustive study, believes that the PC(USA) will, unfortunately, continue to try to solve the same-gender relationship debate through polity, since the structure of the PC(USA) has been set up to deal with theological matters only in a polity manner since the 1927 General Assembly of the PCUSA accepted the Report of the *Special Commission of 1925*. Even if theological discussion were to enter the picture, it might be too late. Tens of thousands of Presbyterians and tens of congregations have already left for the EPC, and the numbers which might leave, if an amendment to G-6.0106b and/or W-4.9001 passes in the future will far exceed those who have already left. The denomination's inability to solve its theological differences over same-gender relationships, through

means other than polity, will lead to its greatest schism in its more than 300-year history. Yet, there is also hope: tens of presbyteries had meetings in 2008-2009 to discuss the theology and polity behind Amendment 08-B and to listen to one-another, before voting on the polity.

### **6.3.2 Imbalance of Voting Members and Representation at Presbytery**

This writer has shown how the UPCUSA, PCUS, and PC(USA) tried to solve the theological issues regarding ordination and/or installation, and same-gender blessings and marriages, through polity. There are various ways through which polity can be changed or amended. The Presbyterian polity system works from the presbytery level through the General Assembly, and back to the presbyteries. Thus, the thirteen synods do not play any part in the polity-making process of the denomination. A presbytery can send an overture, elected commissioners to the General Assembly can send a Commissioners' Resolution, or individuals can send Requests, all to the General Assembly. Once these are delegated to the appropriate General Assembly Committee, its recommendations, both majority and minority reports, are voted on by the full General Assembly. Any amendment to the Constitution is sent back to the presbyteries for their vote. The majority of the 173 presbyteries plus one - 87 presbyteries - is needed to change the *Book of Order*, and a two-thirds affirmative vote is needed to change *The Book of Confessions*.

This writer believes that the voting system at General Assembly is a fair representative system, since all 173 presbyteries have representation through their commissioners, albeit that bigger presbyteries can send up to fourteen commissioners and smaller ones up to two (G-13.0102b). This writer, however, has an issue with the representative system at presbytery level. The issue is twofold: 1) Who votes at presbytery level? and 2) Who represents the congregations at presbytery level? These two questions relate to the reality which contradicts the representative system; an imbalance exists between the number of minister members and elders in a given presbytery. The minister members consist of all ministers serving congregations, as well as ministers-at-large, ministers in validated ministry, and honourably retired ministers. Yet, all ministers hold membership in the presbytery, not in local

congregations. As a result of the excess of ministers, the amount of elders is determined by a formula, which keeps evolving, according to the size of the congregation (G-11.0101a), and to balance out the number of ministers (G-11.0101b).

A brief overview is required of the history of how the imbalance was addressed. The 1986 General Assembly responded to Overture 100-86 by having the TWMU establish the Task Force on Theology and Practice of Ordination to Office in the Presbyterian Church (U.S.A.) (PC(USA) Minutes 1986:813). The report was received in 2002. It noted that “[o]riginally, nearly all ministers of the Gospel were pastors and thus representatives of local congregations” (PC(USA) Minutes 1992:1052), but the number of pastors in other contexts grows yearly (:1053). “The question of who ought to have the vote in presbytery is a serious one in the church in 1991” (:1059).

The report addressed the imbalance or parity of ministers, who all held membership in presbyteries, not congregations. The report offered five responses (suggestions) from their thirty-month long study. One response was to give only ministers serving in congregations both voice and vote. Other ministers would be enrolled as associate members. Another was to have all ministers and elders vote separately, and require a majority from both to approve a vote (PC(USA) Minutes 1992:1059-1060).

Rogers, a Presbyterian polity professor, served as staff person on the Task Force, and shared with this writer that the Task Force had recommendations that were too radical for the church to accept, and they never submitted a full report. Their view was that people should be ordained to a ministry, and when that ministry was over, their ordination would lapse. This would solve the issue of retired ministers who currently have voice and vote on presbytery level. The Task Force realised that such a recommendation would cause tremendous controversy.

Throughout the 1990s, the issue of imbalance and representation would continue through overtures, which all failed. Finally, amended Overture 00-10 in 2000 was approved to delete G-11.0101b and insert new language to provide flexibility to redress the imbalance of ministers and elders:

When the number of resident ministers entitled to vote in the presbytery is greater than the number of elders so entitled, it shall address this imbalance annually by providing for the election, appointment, or selection of additional elders, paying special attention to the concerns of G-9.0104 (PC(USA) Minutes 2000:369, 62).

The presbyteries approved Amendment 00-C by an overwhelming 168-5 vote (PC(USA) Minutes 2001:135).

The imbalance was corrected through polity means, while refusing to address the theological reason behind the imbalance. Thus, the question remains unanswered: why do minister members, who are not serving in congregations and do not represent a congregation or session, have membership and voting status in presbyteries? Again, the Presbyterian Church continued its tradition, since 1927, of not addressing the tough theological issues, but, instead, using polity to solve the problem.

Request 01-2 in 2001 was approved to edit G-11.0412b, regarding ministers, by deleting:

If they are active in presbytery, additional elders may be elected to keep a proper balance between ministers and lay persons at the presbytery meetings (G-11.0101b) (PC(USA) Minutes 2001:151).

A new section was to be added at the end of the previously amended G-11.010b:

Presbyteries facing an imbalance due to a large number of resident honorably retired minister members may, by presbytery rule, use active participation of honorably retired members as a criterion in determining balance (ibid).

The presbyteries approved Amendment 01-E, by a 132-38 vote, with two no actions (PC(USA) Minutes 2002:321).

Again, a polity decision was used to address a theological issue: why do honourably retired ministers retain membership and voting rights in presbyteries? Does this not go against the grain of being Reformed; namely, the ordination of all officers are the same, only the office differs? Is the ordination of ministers not treated differently?

Thus, since 2002, the imbalance between ministers and elders is corrected annually. The issue that this writer raises is about the policy of who is allowed to vote at presbytery meetings and who they represent. How fair is this policy that all minister members are automatically voting members of a presbytery, while elders are either elected as commissioners to presbytery for a one, two, or three year period (G-10.0102p(1)), only for a single meeting (cf. *Fair-Booth v. National Capital*

*Presbytery* in PC(USA) Minutes 2008:300-303) or through presbytery approval can vote when they serve as a member or the chair of a committee or as presbytery staff (see G-11.0101c)?

Presbyterian governance is, after all, built on a representational system. Active ministers and elders are held accountable by their congregations and sessions, and represent them at the presbytery. Who do honourably retired ministers, ministers-at-large, and ministers in validated ministries represent? Although it is true that they are accountable to the presbytery in which their membership belongs, they do not represent any constituents; yet, they make decisions for constituents who they do not represent and who did not elect them. This writer believes the PC(USA) now has a hierarchical system in which ministers (teaching elders) are elevated above ruling elders.

This view is affirmed by Small (2008), from the PC(USA) Office of Theology and Worship, who points out several changes which have occurred in the denomination. First, the UPCUSA changed the term limits for elders in 1955 to two consecutive three-year long terms, thus six years in total, before having to rotate off for at least one year. This policy became mandatory for the PCUS congregations with reunion in 1983 (PC(USA) Minutes 1992:1085). One has to note that G-14.0222 also allows a congregation to limit the term to only one term of three years. This led to a loss of the understanding that elders are called to one of the ordered ministries in the church, and to the situation “. . . in presbyteries where well-informed pastors were accompanied by revolving elders who knew less and less about matters before the assembly” (Small 2008:6).

Second, since unification in 1983, the terms “ruling elder” and “teaching elder” were abandoned for “minister of the Word and Sacrament” and “elder.” This led to what Small calls “. . . the clericalization of the Presbyterian Church: pastors are seen as the real ministers, while elders are relegated to minor supporting roles” (Small 2008:6). Third, also in 1983, the term “judicatories,” assemblies for the exercise of discerning judgment, was replaced with “governing bodies,” to direct, regulate and manage the affairs of the institution through managerial and legislative meetings (:5). The net result of the loss of elders’ ministry, clericalism of the church, and

bureaucratisation of presbyteries “was that presbyteries become divorced from the lives of elders and ministers and remote from the lives of congregations” (:8).

Therefore, yearly rectifying of the imbalance is merely a “band-aid” to fix a greater imbalance. Presbyterians proclaim that ordination sets persons apart for a ministry function, and that the ordination of ministers is not more special than the ordination of elders, who are ordained for life. This writer, in the past seven years, has witnessed how ministers who are not active in congregations, and do not attend the bi-monthly presbytery meetings, show up *en mass* when controversial issues and amendments are discussed and voted on. One merely has to track the attendance of retired ministers, ministers-at-large, and ministers in validated ministries to see the spike in their attendance at the meetings where amendments are voted on.

One should also add to this the reality that only 7% of ministers in the PC(USA) are younger than 40 years of age. We have older active ministers, and even much older retired ministers, making decisions for a younger generation, who might not share their theology or polity. The age group under 40 years of age in the PC(USA) does not form the polity or vote on the current policy on ordination and/or installation and same-gender blessings and marriages. One Young Adult Delegate from every presbytery and one Seminary delegate from each of the ten seminaries participate at the General Assembly. They vote on all the recommendations in the committees, their vote is shown before the General Assembly commissioners’ vote on the recommendations, but their votes do not count; they are only advisory.

Congregations are leaving the denomination over ordination and/or installation, and same-gender blessings and marriages; yet, these are not the issues that the younger members are struggling with. The younger generation has a more inclusive worldview, which allows for exceptions, fluidity, and ambivalence. However, the older generation, with their worldview, controls and formulates the polity of the PC(USA). Their legacy will be a crippled denomination which has lost 50% of its members, nearly 2 million persons, since the 1960s.

The only solution is for theological discourse to be promoted across the entire denomination. Young and old should come together to hear and learn from one

another. Based on that insight, commissioners at presbytery and General Assembly should make decisions which not only represent their views, but also the views of those that are not represented. One option would be to elect Young Adult Advisers from every congregation to have a voice and/or vote at presbytery meetings. A second option would be to give the 173 Young Adult Advisers from each of the presbyteries both voice and full vote, not merely an advisory vote, at the General Assembly level. The church is simply not listening to what the current generation thinks and what creative ways they might have to live within the current tension or, even, how they might move the church past polity solutions to find a theological solution for the current impasse.

#### **6.4 Conclusions**

The 1927 General Assembly of the PCUSA, through accepting the Report of the *Special Commission of 1925*, decided to solve its theological problems through polity. This resulted in the predecessor churches of the PC(USA) - the UPCUSA and PCUS - both putting policy statements in place, i.e. the 1978 and 1979 “definitive guidance” statements, rather than deal with the biblical and theological discussion of gay and lesbian ordination. The absence of theological discussion and the preponderance of solving issues through polity are evident at presbytery and General Assembly level, where commissioners discuss overtures and amendments on polity. Commissioners do not engage in theological discussion or biblical exegesis of the texts regarding same-gender relationships.

Thus, Presbyterians’ view of ordination has become stagnant and polity-driven, without fresh theological input as to whether God could and does call committed and monogamous gay and lesbian Christians to ordained service through the voice of a nominating committee, the congregation, and the presbytery. The church needs to re-examine its teachings about both the vocation of gay and lesbian Christians as ministers, and same-gender relationships in light of biblical, theological, and confessional standards. In fact, the meaning of ordination needs to re-examined.

The church's biggest mistake in more than forty years has been to focus solely on same-gender relationships. The sexual dimension of Christian life has been elevated over other aspects that receive equal or greater emphasis in Scripture (Wheeler 2008:1) and the Confessions. The PC(USA) has not developed a theology of sexuality, sexual expression, and relationships of all people. Rogers (1995:134-135) affirms this view:

Only after dealing with the moral question of appropriate sexual relationships can we deal with the issue of ordination of homosexuals. Then we would have to deal with gay and lesbian persons not as a class of people but individually according to the same standards of knowledge, competence, and personal morality by which we judge other candidates for ordination.

The Presbyterian Church also requires an ethos which focuses on the key principle of monogamy and fidelity. Although "fidelity and integrity in marriage or singleness" in Amendment A from 1997 failed, this writer believes that the concept of monogamy and fidelity in all sexual relationships has the best chance of convincing the centrists that such language is more theologically appropriate language than "fidelity and chastity" (or celibacy).

Rogers' second statement came true when the 1998 General Assembly issued an Authoritative Interpretation on G-6.0106b:

Standing in the tradition of breaking down the barriers erected to exclude people based on their condition, such as age, race, class, gender, and sexual orientation, the Presbyterian Church (U.S.A.) commits itself not to exclude anyone categorically in considering those called to ordained service in the church, but to consider the lives and behaviors of candidates as individuals (PC(USA) Minutes 1998:68).

Unfortunately, the sexual orientation (and practice) of gays and lesbians is far more under scrutiny than the sexual orientation (and practice) of heterosexual candidates.

Therefore, this writer firmly holds the view that G-6.0106b is nothing less than subscription to a doctrine that elevates the sexual activity of officers above every other doctrine in Scripture, the Confessions, and the *Book of Order*. Since 1997, the PC(USA) repeated what it did in the Modernist-Fundamentalist controversy: it required subscription from its officers to either sexual fidelity in heterosexual marriage or sexual abstinence of unmarried heterosexuals, gays, and lesbians and married gays and lesbians. The PC(USA), through its General Assemblies and GAPJCs, has elevated sexual sin above all other sins and made it the sole yardstick

for determining candidates' fitness for ordination and/or installation. Additionally, the GAPJC in the 2008 Bush and 2009 Bierschwale rulings have introduced subscription again, through holding that G-6.0106b is an essential.

The partnered gay and lesbian ordination and/or installation, and same-gender blessings and marriage, debates have not just polarised the PC(USA) and its members, but they have also played out in the public realm. Presbyterians are frequently described as a liberal denomination, which is only true for a small portion. Presbyterians are perceived as constantly fighting with each other, and viewed as too inclusive to the point where biblical and theological standards are waived to include gays and lesbians as officers.

What lies ahead? Since June 2008, one discussion has been dominant in the denomination: Amendment 08-B to amend and delete G-6.0106b. However, it failed to pass. If a similar worded amendment passes in the future, the question arises: will there be a need for anyone to declare a scruple regarding sexual orientation and/or practice? Rogers, in a private conversation with this writer, shared that no person would need to declare a scruple regarding their sexual orientation and/or practice, because it would no longer be assumed to be sinful, in the absence of the wording of G-6.0106b.

This writer, however, disagrees and believes that some presbyteries might view sex between a man and a woman within marriage as an essential article; thus, they would require a candidate to declare a scruple, and vote whether to accept the candidate or not. Each local ordaining body decides their standard for ordination and/or installation. Some presbyteries and sessions might have either looser or stricter standards than others. Also, complaints against partnered same-gender officers could still be filed in accordance with sections of *The Book of Confessions*, which mention "sodomy" and "homosexual perversion," or claims that the candidate will not uphold an essential of Reformed faith, which some view to be sex within heterosexual marriage. Additionally, G-6.0106a's "their manner of life should be a demonstration of the Christian gospel" and the new G-6.0106b's "pledge themselves to live lives obedient to Jesus Christ," could be used to question candidates on their sexual practice.

Similarly, overtures, commissioners' resolutions, and communications could continue to request General Assemblies to insert a standard regarding sexual activity into the *Book of Order*, and, if approved, amendments will be sent to presbyteries to ratify. Overtures regarding the formation of "non-geographical" presbyteries and synods - a key word for like-minded congregations or presbyteries - will become a secondary issue. The Presbyterians for Renewal have already confirmed that they will come with such overtures to the 2010 General Assembly. This writer is opposed to such an idea, since it would mean that conservatives would not allow any scruple over ordination standards, and progressives, with the support of centrists, might have too loose standards. The minority on the presbytery and synod levels need to be heard. Officers are, after all, ordained for the whole church.

Ultimately, whether G-6.0106b is amended and/or deleted, or retained, the debate will continue to drag on in the PC(USA), and polity, in the absence of theological debate and broad consensus, will continue to polarise the church. The denomination is in a "Catch-22" situation, and the internal strife will continue to drive the conservatives and liberals further apart. Both extremes will continue to vie for the vote of the centrists at the General Assembly level and in presbyteries to either retain or delete G-6.0106b.

The same-gender blessings and marriages debate only emerged in the late 1980s. As was the case with gay and lesbian ordination and/or installation, the PC(USA) dealt with the issue through polity means, and not through biblical exegesis and/or theological discussion. The denomination formulated its polity through Authoritative Interpretations issued by General Assemblies and GAPJCs, and by sending amendments to the presbyteries to vote on.

The current policy is that ministers are permitted to perform same-gender blessings, but ministers "should" not call them marriages or confuse them with heterosexual marriages. However, if this does occur, the PC(USA) does not recognise liturgical same-gender marriages. The *Book of Order* W-4.9001 only recognises the civil marriage between a man and a woman. The question remains whether "should" and "should not" from the 2000 Benton decision is a flat-out prohibition, or if "SHOULD signifies practice that is strongly recommended" (Preface to the *Book of Order*).

Liturgical same-gender marriages are impermissible, but there is no clear negative prohibition, since “shall” and “shall not” were not used in either the 2000 Benton or 2008 Spahr decisions.

Additionally, neither the General Assembly, nor any PJC, has made a ruling or set any policy on the legality of civil same-gender marriages in; whether ministers can perform them, or if sessions can allow them to take place on church property. Several disciplinary complaints are being investigated against ministers for performing, and officers for entering into, civil same-gender marriages. If complaints become charges (cf. Southard in Chapter 5.66), Presbytery PJC's will have the first opportunity to clarify whether W-4.9001 applies. One can state with certainty that all rulings will be appealed, by either the complainants or defendants, and, ultimately, the GAPJC will be forced to give a precedent-setting ruling. This, in turn, will lead to conservatives and progressives sending overtures and commissioners' resolutions to future General Assemblies to have the GAPJC's decisions set aside by issuing new Authoritative Interpretations. Again, in the absence of a theological discussion, polity will, unfortunately, have to settle a theological issue.

Nor has the denomination clarified whether a minister can perform a blessing for an already civilly married same-gender couple, and if sessions can permit such a blessing to occur on church property. This, however, could be answered by the 2010 ACC through communication which is directed to the 2010 General Assembly.

Ultimately, one set of standards applies to heterosexual officers and members, and another set to gay and lesbian officers and members of the PC(USA). W-4.9001 and G-6.0106b in the *Book of Order* reflect the changes made in the Westminster Confession of Faith in the 1950s, allowing for the divorce and remarriage of officers: marriage is between a man and a woman, no longer between one man and one woman. Yet, the same provisions are used to exclude partnered gay and lesbian Christians from ordination and/or installation, and from participating in same-gender liturgical marriages.

In summary, the Presbyterian Church, through its General Assemblies, the 2008 GAPJC in the Spahr ruling, and W-4.9001, does not recognise same-gender

marriages; its view is that they do not exist. Marriage can only be between a man and a woman, despite the fact that soon in six states, gays and lesbians can legally marry.

The debates are complicated by the fact that the Presbyterian Church is, unfortunately, both leaderless and lacks vision. The denomination does not have trusted centrist leaders which are able to bring all groups to the table. Additionally, it is impossible to turn to the General Assembly staff, since they are generally viewed as too liberal, having been appointed, not elected, to their positions (except the Moderator and Stated Clerk).

Finally, the cracks in the “marriage” between the UPCUSA and PCUS in 1983 have been showing for a while, and, although it is a broad statement, the disagreement seems to be occurring along these former denominational lines. The PC(USA) will split over polity issues, but at the heart of the matter is a deep disagreement over the interpretation of Scripture and theological interpretation, which existed prior to unification. Polity, in the absence of theology, has pushed the denomination to breaking point, and does not allow for opposing sides to hear each other.

## 6.5 Recommendations

How does the PC(USA) move its partnered gay and lesbian ordination and/or installation, and same-gender blessing and marriage debates forward in a denomination which is already polarised and threatening to split apart over these issues? This writer offers some brief recommendations.

First, the General Assembly will have to take the lead in discussing the issue of same-gender marriages and relationships, and the reality and relevance of same-gender partnerships within the church and society. Hopefully, the study by the Special Committee of Civil Union and Christian Marriage, appointed by the 2008 General Assembly and which will report to the 2010 General Assembly, will be all the more relevant, since same-gender marriages will be legal in six states. By ignoring the fact that gay and lesbian couples can civilly marry, and merely insisting that the *Book of Order* does not recognise anything other than the civil heterosexual

marriage between a man and a woman, the church will not move the debate along. The decisions by the 2008 GAPJC, in the Spahr decision, and the 2008 PJC of the Pittsburgh Presbytery, in the Edwards decision, ignored same-gender relationships and marriages; the denomination does not recognise them, therefore, they simply do not exist.

Johnson (2006a:6) points out that in the 1970s, the issue for society was civil rights for gay (and lesbian) individuals; today, it is about civil rights for gay (and lesbian) relationships. The church's focus, however, has been on the legitimacy of gay (and lesbian) relationships, and only then on gay (and lesbian) leadership. ". . . if the church were to create an appropriate context and standards for same-gender relationships, then the question of gay [and lesbian] leadership would quickly fall into place" (ibid).

Thus, the wrong questions have been asked since 1978. The church has focused solely on ordination and/or installation, and not on the bigger issues, such as: contemporary sexuality and sexual expression for the twenty-first century; committed and monogamous relationships of all people; the meaning of vocation and ordination; the input of other sciences along with the Scriptures to understand the existence of both heterosexuality and same-gender sexuality; and reading Scripture as a whole within its socio-political, -economical, and -historical contexts.

Second, Presbyterians need to theologise and enter into discussion with each other, and solve their issues through discussion and consensus. Congregations and presbyteries need to actually engage theologically by promoting all the academic, exegetical, and theological material available, and not promoting a particular view as the correct one. All the research results show congregations and presbyteries are simply not engaging Scripture or studying denominational material. Over forty years, the Presbyterian Church has spent countless amounts of money, time, and resources to produce documents and studies, none of which are Authoritative Interpretations or have any official standing, except the 2005 *Peace, Unity, and Purity* Report. Even then, some conservative presbyteries and sessions have refused to abide by the 2005 *Peace, Unity, and Purity* Report and subsequent 2006 and 2008 Authoritative Interpretations.

The denomination needs to recognise that the polity approach has created a “winner and loser” approach, and that the church is hurting as a result.

Church order and discipline without their confessional and theological complement quickly lose direction and authority and can deteriorate into political machinations (Coalter, Wheeler & Wilkinson 2005:7). The Presbyterian church’s [sic] history in the nineteenth century illustrates that when a spirit of division has dominated the church, the controversial issues have been rooted in theological differences. But the controversies have manifested themselves in battles over how the government of a Presbyterian church [sic] should be structured and particularly what authority resides at different levels of the church’s polity (:12). From the first, our church has married its polity to its theology by fusing its Form of Government and its Confessions into a single constitution. The church did this because it recognized that how we order our lives together is as much a profession of our faith as our most eloquent statements of belief (:17). Polity must provide ways for church conflicts to be addressed theologically. Technical and political solutions to serious controversies that are rooted in theological differences rarely hold for long. The integral relationship of theology and polity has been strained in the church’s recent history (:18).

. . . several questions . . . were decided on polity concerns rather than on their theological merits, despite the apparent theological nature of those questions (McCarthy 1992:281).

Third, in these debates, the centrist majority need to be engaged and allowed to move the debates along. The centrists also, on their part, need to take the lead in initiating discussions with both conservatives and liberals, and bringing the denomination into a conversation in which all parties will hear and learn from each other.

Fourth, more centrists need to be appointed on Task Forces and Special Committees. Their findings and recommendations will have more credibility than those of conservatives and liberals, which polarise the group and the denomination. This writer believes the good centrist balance was a key factor in the approval of the Report of the *Special Commission of 1925* and the 2005 *Peace, Unity, and Purity* Report of the TTF. When G-6.0106b is finally deleted and/or amended, the voice of the centrists will be essential in proclaiming that the denomination still has ordination standards.

Fifth, special organisations need to again be held accountable again, or both conservatives and liberals will continue to polarise the denomination. G-9.0600, or another form of accountability, needs to be re-introduced into the *Book of Order*. Since 1991, groups such as the Presbyterian Lay Committee, Presbyterians for Renewal, and the Presbyterian Coalition have focused on the purity at the cost of the

peace and unity of the church. The open and blatant advocating for not paying per capita dues; giving advice and writing booklets on how to retain and sue for your church building when leaving the denomination; the vitriolic criticism of the General Assembly, the Stated Clerk, Moderators, the denominational structures, and various PJC decisions; negative, false and over-exaggerated reporting; support for the EPC and congregations leaving for the EPC; all these have disturbed the peace, unity, and purity of the PC(USA).

Sixth, the church needs to defuse the current tension and be honest about how widespread and prevalent the issues are. In a denomination with over 20,000 clergy and hundreds of thousands of elders and deacons, the ordination and/or installation of partnered gay and lesbian Christians have occurred only in a fraction of all ordinations and/or installations; yet, it has become the single most divisive and all-consuming issue. Also, same-gender liturgical and civil marriages have occurred in only a fraction of the church population. Conservatives have created the image that the ordination and/or installations of partnered gay and lesbian Christians, as well as same-gender marriages, are rampant.

Seventh, Presbyterians need to affirm that during their entire history, except from 1910-1927, they have rejected subscriptionism. The 1981 Rankin case disapproved of prescribed interpretations of Scripture or the Constitution. The fifth principle of the Historic Principles of Church Order under G-1.0305, Differences of Views, in the *Book of Order*, states:

... we also believe there are truths and forms with respect to which men [and women] of good characters and principles may differ. And in all these we think it the duty both of private Christians and societies to exercise mutual forbearance toward each other.

Yet, through the GAPJC in the 2008 Bush and 2009 Bierschwale rulings, subscription, this time to G-6.0106b, is once again an issue.

Eighth, G-6.0106a - the gifts and requirements for ordained office - should receive equal focus if G-6.0106b is retained. G-6.0106a recognises that God gives the suitable gifts for ministry, and officers, through the voice and vote of the congregation and concurring judgment of the governing body, are called to service.

The focus has been on what happens in the privacy of one's bedroom, not on God's calling on one's life to leadership.

Ninth, connected to the above, the meaning of ordination and calling must be re-examined. Should ordination and a specific calling be for life or for a specific ministry or period? Would limiting the call of candidates to a specific congregation and presbytery belay the fears of conservatives that they would have to accept ordained gays and lesbians? Which creative solutions exist for clergy in specialised ministry, who do not serve congregations but are members of a given presbytery? The denomination needs a theological foundation, not a polity rationale, as to why clergy retain membership and voting rights in presbytery after their retirement. It flies in the face of Presbyterian understanding that all ordinations are the same, only the offices to which persons are ordained are different.

Tenth, scruples or principled objections have fallen out of favour since 1729, when they were first established through the *Adopting Act of 1729*. The 2006 and 2008 General Assemblies, through accepting the recommendation of the 2005 *Peace, Unity, and Purity* Report of the TTF, reaffirmed the practice that scrupling and departure from the essential and necessary articles, as well as G-6.0106b, on matters of belief and conduct are permissible. Sessions and presbyteries must rule, by majority vote, on a case-by-case basis what the consequence is of a declaration of conscience, and whether the point of disagreement is an essential. If it is an essential, then an ordaining body may not ordain and/or install the candidate; if the ordaining body determines it is a non-essential, the candidate may be ordained and/or installed.

Eleventh, the principles set in the 1974 Maxwell case regarding Kenyon, the 1977 Huie case regarding Ellis, the 1982 Hambrick case regarding Mark, and the 1985 Simmons case regarding Ellis, must be adhered to. These cases were decided not on the beliefs of the candidates, but whether they were prepared to carry out the function of their office, i.e. practice. Ordaining and/or installing bodies must, according to the 2006 and 2008 Authoritative Interpretations, consider the candidate's belief and practice, and freedom of conscience, to determine fitness for office. This also applies to those who would refuse to ordain and/or install a gay or lesbian candidate which a session or presbytery has approved under a scruple.

Twelfth, sessions and presbyteries need to consistently differentiate between sexual orientation and sexual practice. A gay or lesbian sexual orientation is not a bar to ordination and/or installation. The 1992 LeTourneau ruling, requiring sessions and presbyteries to ask about sexual practice when a candidate declared a same-gender orientation, was replaced by the 2002 Wier II ruling. Both the 2003 GAPJC, in the San Joaquin ruling, and the 2006 GAPJC, in the Colonial ruling, respectively, affirmed the Wier II ruling. The standards guiding examination of sexual practice are: 1) If a question is asked about sexual practice, all candidates must be asked; 2) “Direct and specific knowledge,” not “a hunch, gossip or stereotype” is required to ask a candidate who did not offer any information; 3) A candidate can refuse to answer the question regarding sexual practice.; 4) Wier II defined that self-acknowledgment must be plain, palpable, and obvious.

Thirteenth, it is not automatic that same-gender sexual practice bars one from office. The 1978 and 1979 “definitive guidance” statements, and reaffirmations thereof in the form of Authoritative Interpretations by General Assemblies or GAPJCs, that “unrepentant homosexual practice does not accord with the requirements for ordination,” have been declared null and void by the Authoritative Interpretation of the 2008 General Assembly. Additionally, G-6.0106b has been interpreted to mean that “self-acknowledgement of sin” regarding a relationship is the key requirement since 1997. All rulings before 1997, not based on G-6.0106b, no longer have any force or effect.

Fourteenth, the denomination needs to examine whether the majority-plus-one vote on the presbytery level creates an atmosphere where changes to the *Book of Order* occur too easily, while *The Book of Confessions* require a two-thirds majority vote to amend. Several leading Presbyterians, such as Bullock, TeSelle, and Haberer, have advocated this view (Smith 2001b:2-3), but the practicality of it is questionable. If you are a proponent of retaining G-6.0106b, then you would vote to change the majority vote required to change the *Book of Order*, which would make it virtually impossible to amend any article. If G-6.0106b is ever deleted, then its opponents would want to vote that such a prohibition is not easily put into the *Book of Order* again. Thus, time will tell which side will push for an overture and amendment to change the majority vote to two-thirds for changes to the *Book of Order*.

Fifteenth, in the life of the presbyteries, where the battle over ordination has played out, the minority, whether conservative or progressive, must be heard.

Morally, we must always find a way both to affirm the rights of individuals *and* [original emphasis] to assure the integrity of the community. These must not be set in opposition to each other. In Presbyterianism the rights of the minority must be preserved while the majority is allowed to set policy. In this matter, as in all substantive questions, it is the majority in the middle who bear the representative responsibility for developing an acceptable approach (Rogers 1995:173).

Presbytery meetings have changed over the decades to become business meetings where theological discussion no longer takes place. Presbyteries need to develop practices in which the majority and minority can hear and learn from one another. Allowing two-minute statements to speak for or against an amendment when presbyteries vote, is not theological debate.

Sixteenth, Presbyterians need to lift up all three aspects of the peace, unity, and purity of the church at all times. Conservatives have monopolised the judicial system in bringing countless complaints to preserve the purity aspect, at the cost of the peace and unity. Liberals have found creative ways through semantics and open defiance of ordination standards to ordain and/or install partnered gay and lesbian Christians to preserve the peace, at the cost of the unity and purity. Centrists have tried to preserve the unity by consistently stating that homosexual practice and same-gender marriages for church officers are unacceptable, but acceptable to those outside the church, at the cost of the peace and purity.

Seventeenth, Presbyterians need to affirm that they have always held divergent views and that tension will continue to exist regarding issues of conscience. Since 1753, Presbyterians acknowledge:

What is plain sin and plain duty in one's account, is not so in another's . . . . [W]e must not make terms of communion which Christ has not made, and we are convinced that he has not made every truth and every duty a term. Minutes of the Presbyterian Church in America 1708-1788, p. 287 (Synod of New York, Oct. 5, 1753) (quoted in PJC of the Synod of the Pacific [s a]:36).

Since 1788, the Principles of Church Order regarding Differences of Views states: . . . we also believe that there are truths and forms with respect to which men [and women] of good characters and principles may differ (*Book of Order* G-1.0305).

Eighteenth, an imbalance exists regarding who votes on presbytery level. Most young adults - who have a much more inclusive view of sexuality, sexual orientation, and

sexual practice - and LGBT persons do not serve as ministers or elders; thus, they do not vote on the presbytery level. They are not part of changing the polity and the church does not hear their voice. In a denomination where the average member is 54-years old, and only 7% of ministers are younger than 40 years of age, the church desperately needs to hear new and minority voices, but also needs to find a process which will include younger members in the decision-making process.

Nineteenth, since 1973, the GAPJC decisions are not reviewable by the General Assembly. In 1988, G-13.0103r became part of the *Book of Order*, on recommendation of the ACC. It means both a General Assembly can issue an Authoritative Interpretation, currently every two years, and the eighteen-member GAPJC can issue an Authoritative Interpretation with every decision it makes between General Assembly meetings. The problem is that GAPJC decisions are not reviewable, nor can the ACC comment on a decision that is clearly made in error! Only a new Authoritative Interpretation by either a General Assembly or future GAPJC can replace a GAPJC ruling.

The denomination has seen an escalation of charges regarding either gay or lesbian ordination and/or installation, or same-gender marriages, from the 1990s which, inevitably, after years of appeals, end up with the GAPJC. Yet, these decisions are solely based on the polity of the church, not on Scripture or the Confessions; thus, creating an impasse not furthering the debate. This is of particular concern since the General Assembly only meets every two years, and since the 2008 GAPJC, for the first time ever, issued an Authoritative Interpretation which overruled an Authoritative Interpretation of the General Assembly, which was based on five years of study; namely, the 2005 *Peace, Unity, and Purity* Report. The 2009 GAPJC in the Bierschwale ruling again stated that it was uncertain whether the 2008 Bush ruling has been replaced. The denomination will have to re-examine whether the decision of eighteen GAPJC members is representative of the whole denomination, unlike the votes of the commissioners at the General Assembly. Some form of review of GAPJC decisions needs to be implemented again.

Twentieth, the PC(USA) desperately needs a solution that includes both polity and theology. This writer would argue that Presbyterians have, over three decades,

exhausted the church through polity procedures. Even if theological discussions over partnered gay and lesbian ordination, and same-gender blessings and marriages, existed, they are not likely to result in overall participation, since a resistance has been built up over these issues. The call by the Moderator and/or a General Assembly to enter into conversation will not result in action. The Presbyterian Church's decision in 1927 to solve its theological disagreements through polity means has resulted in a denomination which, since the 1970s, has not been able to solve its theological issues over partnered gays and lesbians through polity. Rather, leaders from the conservative, centrist, and progressive sections of the church need to engage in debate, and, in turn, invite all sides to enter into a conversation of listening and discernment. The solution to the Presbyterian Church's greatest divide and conflict lies in theological study and debate of the issues supplemented by polity, not in polity solutions alone.