

SESSION OF CROSSROADS COMMUNITY CHURCH
SJC 2008-01
RE MARK GRASSO ET AL
SJC 2008-10
VS.
PHILADELPHIA PRESBYTERY

I. SUMMARY OF THE FACTS

1. September 12, 2007-At the stated meeting of Philadelphia Presbytery (PP), Mr. Jason Hsu, a ministerial candidate, was examined for licensure. Mr. Hsu stated several possible differences as to the *Westminster Confession of Faith* and the *BCO* including a difference regarding the office of deacon (*BCO 7.2*). Mr. Hsu stated as follows:

I affirm that only men should be ordained as elders and deacons.

However, I believe that the office of deacon can also be held by women. My reasons for this:

- (1) The biblical injunctions against women are with regard to authority and teaching, and since the office of deacon is not one of authority or teaching, but of service, (*BCO 7.2*) these biblical injunctions do not apply to women holding the office of deacon.
- (2) I believe that there are two biblically faithful interpretations of 1 Timothy 3. One interpretation sees verse 11 as referring to wives of deacons, and the second interpretation sees verse 11 as referring to women deacons. I hold to the second interpretation, which then creates space for women to hold the office of deacon. My exegetical reasons for this interpretation are as follows:
 - (2a) Gunaikas is accusative and not genitive, and is more literally translated “women” than “their wives.”
 - (2b) The word “likewise,” which appears in verse 8 to modify “deacons,” also appears in verse 11 to modify “women.” In verse 8, the “likewise” is used to show that the office of deacon is to be like the office of elder in that they both have certain requirements. So in verse 11, it follow that the “likewise” is used to show that the office of women deacons is to be like the offices of elder and men deacons in that they all have certain requirements. Other reasons for this interpretation of 1 Timothy 3:
 - (2c) Given that the office of the elder is a more foundational office than deacon, it doesn’t make sense to base the qualification of a deacon partially on the conduct of his

wife when no such requirement is made for an elder, though both elders and deacons are required to be good parents. It makes more sense to read the verse separately as a requirement for women deacons.

- (2d) Romans 16:1-2 identifies Phoebe as a deaconess, suggesting that the early church did in fact have women deacons. Again, I believe that there are two biblically faithful interpretations of 1 Timothy 3, but I hold to the interpretation that allows women to hold the office of deacon. I do not, however, believe that women should be ordained to the office of deacon. The reason for this is because ordination is about calling someone to a position that is recognized on a denomination-wide level. And since the PCA denomination does not ordain women deacons, in order to keep the unity of the church, I affirm that women should not be ordained as deacons. (ROC, p. 36-B).³
2. October 11, 2007-The Session of Crossroads Community Church PCA (CCCPCA) filed a complaint against PP for its action to approve the licensure of Mr. Hsu, taking exception to his view regarding women and the office of deacon. (ROC, pp. 20, 41, 48, 61).
 3. November 10, 2007-PP referred the complaint to a study committee to address four separate issues pertaining to the role of women and the office of deacon. (ROC p. 41) *Note:* Only issues 2 & 4 as presented by the Stated Clerk's summary and item 2 as referred to a special committee are germane to the Complaint as filed with the GA by the Session of CCCPCA.

PP proceeded to examine and to approve Licentiate Hsu for ordination on all parts except to delay final action to deal with his stated difference regarding the role of women and the office of deacon (ROC 47). During the examination the Leadership Development Team (LDT) classified the stated difference of Mr. Hsu to the *BCO* as "not to be considered 'technically' as 'an exception to

³ All references to the ROC referred to herein are from the *Revised* Record of the Case dated Jan 27, 2009.

MINUTES OF THE GENERAL ASSEMBLY

our confessional standards,' since it is an exception to our principles of Church Government." (ROC 45)

4. January 26, 2008-PP held a called meeting to hear the report of its study committee (ROC 22) and to act on the complaint filed by the Session of CCCPCA. In addition to hearing the report from the committee, the Session of CCCPCA presented an argument to PP supporting the complaint. (ROC p. 20). The Presbytery proceeded to act on the matter by approving the recommendation of the committee to answer the complaint in the negative. (ROC p. 26, 28).

The committee report notes a 1984 GA judicial case supporting the position of the committee's recommendation. The committee report also contains the statement that Mr. Hsu vowed to practice only what is consistent with the principles of the *BCO* and not his own personal view in this matter. (ROC p. 30)

5. February 20, 2008 - PP held a called meeting to complete Mr. Hsu's ordination examination. The minutes of that meeting at paragraph 08-02-04 (ROC p. 79) include the following:

During the course of the examination, Mr. Hsu gave these answers:

- The candidate affirmed that he would not ordain women to the office of deacon.
 - The candidate stated that he would feel more comfortable with a diaconal team ("Mercy Team") comprised of men and women, who are not ordained.
 - As the candidate understands the *BCO*, in the absence of deacons, the role of deacons falls upon the elders, and a ministry team composed of men and women are permitted to assist the deacons in their ministry (9-7)
 - The candidate stated that if the session of the church that the candidate is called to ordains men deacons, he would submit to this.
 - The candidate takes no exception to the *BCO* for women to be ordained to the office of either Teaching or Ruling elder.
6. February 20, 2008 - At the called meeting of PP the ordination examination of Mr. Hsu's was sustained. His call as a TE was approved, and Mr. Hsu's stated difference regarding women and the office of deacon was classified as an exception of substance not

striking at the vitals of religion. A commission was appointed for his ordination service (ROC 79).

7. February 20, 2008-The Session of CCCPCA filed a complaint with the PCA against PP in its action to answer in the negative the complaint of CCCPCA. (ROC pp. 10-19) (SJC No. 2008-1).
8. March 21, 2008-RE Mark A. Grasso, RE Dudley Reese, IV, and TE David A. Van Meerbeke filed a Complaint with PP against the action of PP in approving for ordination Mr. Jason Hsu at its February 20, 2008 called meeting.
9. May 10, 2008 - PP at its stated meeting heard the complaint (ROC, p. 82). While there are draft minutes indicating that Presbytery denied the complaint (ROC pp. 3-4), there is no evidence in the approved minutes of Presbytery that Presbytery acted on the complaint. At the hearing, both parties clearly stipulated that the complaint had been denied by Presbytery.”
10. June 8, 2008-RE Mark Grasso, et al filed a Complaint against Philadelphia Presbytery with the Stated Clerk of the PCA. (SJC 2008-10).

II. STATEMENT OF THE ISSUES

- A. Did Philadelphia Presbytery err when it approved for licensure a candidate who
 - (1) stated a difference with the *Book of Church Order* as to a woman’s eligibility to serve in the office of deacon, but who
 - (2) affirmed that he would conduct his ministry in accordance with the form of government established by the *Book of Church Order*?
- B. Did Philadelphia Presbytery err when it approved for ordination as a teaching elder, a candidate who
 - (1) stated a difference with the *Book of Church Order* as to a woman’s eligibility to serve in the office of deacon, but who
 - (2) while stating some qualifications, affirmed that he would conduct his ministry in accordance with the form of government established by the *Book of Church Order*?

III. JUDGMENT

- A. No.
- B. No.

IV. REASONING AND OPINION

The *Book of Church Order* defines our church Constitution as follows:

The Constitution of the Presbyterian Church in America, which is subject to the Scriptures of the Old and New Testaments, the inerrant Word of God, consists of its doctrinal standards set forth in the *Westminster Confession of Faith*, together with the *Larger and Shorter Catechisms*, and the *Book of Church Order*, comprising the Form of Government, the Rules of Discipline and the Directory of Worship; all as adopted by the Church. (Preface, Article III; *BCO* 26-1).

This definition articulates two aspects of our Constitution – the *doctrinal standards* established by the WCF and its catechisms and the *Book of Church Order*, comprising the Form of Government, the Rules of Discipline and the Directory of Worship. These two aspects – the doctrinal standards and the *Book of Church Order* – each have authoritative standing as parts of the Constitution. However, the authority exerted under each of these two aspects of our Constitution is not identical. The doctrinal standards are the authoritative exposition of the Scriptures for our denomination as to the matters addressed in them. The *Book of Church Order* is the authoritative statement of our practices as to the matters contained therein.

In a similar manner, the standard by which conformity to these two separate aspects of our Constitution is to be judged differs. Our doctrinal standards establish the Biblical/theological system of doctrine to which we subscribe. Adherence to this system of doctrine is judged by whether a position held by a candidate for ordination strikes at “any fundamentals of our system of doctrine.” (*BCO* 21-4). If the position is judged to “strike at a fundamental” and to be either “hostile to the system” or to “strike at the vitals of religion,” that difference is judged to be a reason to deny ordination.

Our *Book of Church Order* delineates *practices* arising out of those Biblical/theological convictions. However, candidates for ordination are not required to “subscribe” to these practices, nor are they required to alert their presbyteries in the event that they find themselves out of accord with any of these practices. Instead, a candidate is asked to “approve the form of government and discipline of the Presbyterian Church in America, in conformity with the general principles of Biblical polity.” (*BCO* 21-5, vow 3).

This variation exists because the standard of “subscription” to our doctrinal standards is a different, and higher, standard than the standard of “approval” of the practices of our *Book of Church Order*. This difference is illustrated by the distinct affirmations made by candidates and officers as to the doctrinal standards and the *Book of Church Order* as well as the method by which these two aspects of our Constitution are amended.

As stated earlier, candidates for licensure and for ordination as teaching elders, ruling elders, and deacons must “receive and adopt” the doctrinal standards set forth in the WCF and its catechisms. (*BCO* 19-3, Q.2; *BCO* 21-5, Vow 2; *BCO* 24-6, Vow 2). In addition, officers ordained to office must further promise, of their own initiative, to inform their Presbytery (TEs) or session (REs and Deacons) if at any time they find themselves “out of accord with any of the fundamentals of this system of doctrine.”

In contrast, the vow taken by those assuming ordained office only requires that the candidate “approve” the form of government. (*BCO* 21-5, Vow 3; *BCO* 24-6, Vow 3). Further, although candidates for licensure are examined as to their basic knowledge of church government as established by the *Book of Church Order* (*BCO* 19-2.b.3), the questions posed to them for licensure make no mention of the form of government at all. (*BCO* 19-3).

This distinction between the two aspects of our Constitution is also recognized in the standards by which each may be amended. The doctrinal standards may only be amended by approval of a proposed amendment by:

- (1) $\frac{3}{4}$ majority vote of the General Assembly,
 - (2) advice and consent of $\frac{3}{4}$ of the presbyteries, and
 - (3) $\frac{3}{4}$ majority vote of the subsequent meeting of the General Assembly.
- (*BCO* 26-3).

In contrast, the *Book of Church Order* may be amended by:

- (1) majority vote at a General Assembly,
- (2) advice and consent of $\frac{2}{3}$ of the presbyteries, and
- (3) majority vote at the subsequent General Assembly.

The practical effect of this distinction may be seen in the fact that the *Book of Church Order* is amended in some facet at almost every General Assembly, while the doctrinal standards have not been amended since their adoption at the inception of our denomination.

The Complainants in these cases argue that differences with any aspect of our Constitution must be handled and judged in the same manner. The

language of our Constitution and its own treatment of these two aspects – doctrinal standards and the *Book of Church Order* – require a different view.

Differences with our doctrinal standards are judged as to whether the difference strikes at a fundamental of our system of doctrine and, if it does, whether the difference is hostile to the system of doctrine or strikes at the vitals of religion. When a stated difference violates this standard, it is reason to deny ordination or to institute process aimed at removing his ordination. (*BCO* 21-4).

In contrast, our Constitution does not contain any explicit standard by which differences with our *Book of Church Order* are to be judged. The *BCO*, however, does imply a three-part inquiry by which such differences should be judged. The first is whether the candidate expresses willingness to operate in accordance with the prescriptions and limitations imposed by the *Book of Church Order*. The second is whether the difference stated with the *Book of Church Order* arises out of a matter of theology addressed by our doctrinal standards. The third, in cases of ordination, is whether the Presbytery is satisfied that a candidate's stated difference with the *Book of Church Order* does not compromise the credibility of his affirmation of the third ordination vow, "Do you approve of the form of government and discipline of the Presbyterian Church in America, in conformity with the general principles of Biblical polity?" (*BCO* 21-5).

During a *Book of Church Order* examination, the first inquiry is satisfied by a candidate's stated willingness to conduct his ministry in accordance with the *Book of Church Order*. The second inquiry, since it actually raises an issue of doctrine arising out of a *BCO* difference, should be judged according to *BCO* 21-4. The final inquiry, whether a candidate can credibly affirm the third ordination vow, is a matter of judgment reserved to the Presbytery itself. The fact that a candidate has reservations or differences as to the practices established by our *Book of Church Order* is not a reason to deny ordination so long as this three-part inquiry is satisfied.

Presbytery did not err in licensing the candidate in this case

A candidate for licensure is required to demonstrate basic knowledge of the *Book of Church Order*. (*BCO* 19-2, b-3). He is not, however, required to make any personal affirmations regarding his approval of it. Nevertheless, the licensure examination in this matter included specific questioning concerning the candidate's views as to the office of deacon

and whether there was Biblical support for the idea that a woman could serve as a deacon. At the conclusion of the examination, the candidate clearly affirmed his willingness to operate within the parameters required by the *Book of Church Order*.

So long as a candidate for licensure expresses a willingness to operate in accordance with the parameters established by our *Book of Church Order*, he does not violate the standards of our Constitution by questioning whether the provisions of the *Book of Church Order* are contrary to Scripture or sound judgment. Our *Book of Church Order* is conclusive on the question of whether women may be ordained to the office of deacon. They may not. (*BCO* 7-2, 9-3). Since the candidate expressed his willingness to operate in accordance with that form of government, the Presbytery did not err in its decision to license him.

Presbytery did not err in ordaining the candidate in this case

Complainants in this case argue that the *Book of Church Order* establishes more than the practices which we agree to operate under as a church body. They claim that the provisions of the *Book of Church Order* are doctrinal in nature and that differences with that doctrine must be judged by the same standard as differences with our confessional standards. To do so would seriously undermine both.

As stated above, our Constitution does not treat the doctrinal standards and the *Book of Church Order* as identical in the authority they exert or in the standards by which conformity to each is to be determined. The relative ease with which the *Book of Church Order* may be amended, in comparison to the doctrinal standards, is evidence that the provisions of the *Book of Church Order* are open to debate and discussion in a manner that differs from our doctrinal standards. That some provisions of the *Book of Church Order* (office, ordination, the Sacraments, etc.) may appear more “doctrinal” than others (calling of congregational meetings, disposal of property, process by which trial are conducted) does not change the way in which our Constitution addresses all aspects of the *Book of Church Order*.

Where a candidate for ordination asserts a difference with the *Book of Church Order*, our Constitutional standards implicitly require the Presbytery to consider that difference under a three-part inquiry arising out of the third ordination vow, “Do you approve of the form of government and discipline of the Presbyterian Church in America, in conformity with the general principles of Biblical polity?” (*BCO* 21-5,

vow 3). The first part of the inquiry, whether the candidate “approves” of the *Book of Church Order*, is satisfied by a candidate’s stated willingness to conduct his ministry within the parameters established by the *Book of Church Order*.⁴ The second part of the inquiry is whether the stated difference with the *BCO* is, in fact, a difference with our doctrinal standards. Finally, the third inquiry is whether the differences indicate views held by the candidate that fail to conform to the general principles of Biblical polity.

Thus, while a candidate may express his willingness to conduct his ministry in accordance with the *Book of Church Order* (satisfying the first inquiry), the difference he expresses should also be examined as to whether it raises an issue addressed by our doctrinal standards (the second inquiry) and/or whether the stated difference may be so offensive to general principles of Biblical polity that a Presbytery may rightly conclude that he cannot credibly affirm the third ordination vow (the third inquiry).

Further, a candidate’s stated differences with the *Book of Church Order* may give rise to other reasons to challenge his ordination. For example, if a member of a Presbytery, who during his examination for ordination promised to follow the *BCO* in spite of a personal reservation, subsequently acts in contradiction to the requirement of the *BCO* in this or related provisions, the Presbytery is required to act to bring that member’s practices into conformity with our Constitution. A promise to act in accordance with the Constitution is obviously undermined by subsequent activity that violates the Constitution. Similarly, where a candidate asserts a view that differs with the *Book of Church Order*, the

⁴ F.P. Ramsay explains the common Southern Presbyterian understanding of the word “approve” in the 3rd ordination vow as follows: “A gradation is noticeable: the Scriptures are said to *be* the word of God; the standards of doctrine are *adopted as containing the scriptural system* of doctrine; but the governmental standards are not thus adopted, but the government and discipline are *approved*. In view of this evidently intended difference, while the principles of doctrine underlying the government and discipline, so far as set forth in the doctrinal standards, are covered by the preceding question, yet the application of these principles, as set forth in the *Book of Church Order*, are here only approved in the sense of agreed to as regulations to be observed. But unless one can thus sincerely approve, being willing to assume covenant obligations to carry out these provisions, he ought not to answer this question affirmatively.” *An Exposition of the Form of Government and the Rules of Discipline of the Presbyterian Church in the United States* (Richmond: The Presbyterian Committee of Publication, 1898), pp. 136-37.

Presbytery is free to challenge that candidate as to whether the candidate's view of Scripture is in accord with our system of doctrine.

Applying these standards to the case at hand, the candidate plainly asserted his willingness to conduct his ministry in conformity with the *Book of Church Order*. We are required to give great deference to the judgment of Presbytery on matters of discretion and judgment best addressed by the court with familiar acquaintance with the events and parties (*BCO* 39-3.3). In the absence of clear evidence that the candidate intends to ordain women to the office of deacon, or that he does not intend to encourage his congregation to nominate qualified men to the office, or that he will refuse to ordain qualified men to the office of deacon when women may not also be ordained, we are required to defer to Presbytery's judgment on this area of inquiry. Thus, the first part of the required inquiry is satisfied.

We also find that the third inquiry, the credibility of his affirmation of the third ordination vow has been satisfied on the basis of the record before us. The candidate's stated difference as to whether the Scriptures might allow a woman to hold the office of deacon, in light of his asserted willingness to conform to the practices required by the *BCO*, provides sufficient evidence from which a Presbytery may rightly conclude that he may credibly affirm the third ordination vow. In the absence of clear evidence to the contrary, we are required to give great deference to the judgment of Presbytery on matters of discretion and judgment best addressed by the court with familiar acquaintance with the events and the parties (*BCO* 39-3.3).

The final consideration is whether the candidate's stated difference with the *BCO* raises an issue arising under our doctrinal standards. In the case before us, the record shows that the candidate's expressed difference arose from exegetical concerns as to the proper interpretation of I Timothy 3 and other Biblical texts. Although the Complainants note an issue of Biblical fidelity in their brief, they have argued this matter entirely under the presumption that a candidate's difference with the *BCO* with regard to matters of church office is and of itself, fatal. As we have demonstrated, that position is mistaken. If the complainants wished to argue that the candidate's position violated our doctrinal standards, they should have articulated to the Presbytery the provisions of our doctrinal standards allegedly violated by the candidate's views and demonstrated the ways in which the candidate's views violated those doctrinal

MINUTES OF THE GENERAL ASSEMBLY

standards. They did not do so, and we therefore find that the Presbytery did not err by approving the candidate for ordination.

Our *Book of Church Order* is conclusive on the question of whether women may be ordained to the office of deacon. They may not (*BCO* 7-2, 9-3). The candidate in this case expressed his willingness to operate in accordance with that form of government, and we find no reason in the record of the case not to defer to the Presbytery's judgment that his affirmation of Ordination Vow Three was credible.

For these reasons, we affirm the Presbytery's actions and the Complaints are denied.

A vote on SJC 2008-1 and 2008-10 was:

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| TE Dominic A. Aquila, Dissent | TE William R. Lyle, Absent |
| TE Howell A. Burkhalter, Concur | TE John M. McArthur, Jr., Concur |
| RE E. C. Burnett, Concur | RE J. Grant McCabe, Absent |
| TE David F. Coffin Jr., Concur | TE Charles E. McGowan, Absent |
| RE Marvin C. Culbertson, Concur | TE D. Steven Meyerhoff, Absent |
| RE J. Howard Donahoe, Concur | RE Frederick Neikirk, Absent |
| RE Samuel J. Duncan, Absent | RE Steven T. O'Ban, Absent |
| TE Paul B. Fowler, Absent | RE Calvin Poole, Concur |
| TE Grover E. Gunn III, Dissent | TE G. Dewey Roberts, Concur |
| TE William W. Harrell Jr., Concur | RE Olin L. Stubbs, Dissent |
| RE Terry L. Jones, Absent | RE John B. White, Jr., Absent |
| RE Thomas F. Leopard, Concur | |

10 concur, 3 dissent, and 10 absent.

CONCURRING OPINION
COMPLAINT OF CROSSROADS COMMUNITY CHURCH SESSION
AND
COMPLAINTS OF RE MARK A. GRASSO, ET AL
VS
PHILADELPHIA PRESBYTERY
SJC 2008-01 AND 2008-10

We concur in the result reached by the majority and believe that the following reasoning further clarifies the decision.

The fourth vow that members of the Standing Judicial Commission take is "I will judge according to the Constitution of the Presbyterian Church in America,

through my best efforts applied to nothing other than the record of the case and other documents properly before me.”

BCO 39-3 states:

. . . To insure that this Constitution is not amended, violated or disregarded in judicial process, any review of the judicial proceedings of a lower court by a higher court shall be guided by the following principles:

1. A higher court, reviewing a lower court, should limit itself to the issues raised by the parties to the case in the original (lower) court. Further, the higher court should resolve such issues by applying the Constitution of the church, as previously established through the constitutional process.

It is within the framework of this vow and principle that the Standing Judicial Commission decided this case. In making our decisions, we are limited by what the Constitution states and what it does not state, not on our wishes or desires. This decision should not be construed or interpreted in any way as a weakening of or deviation from *BCO 7-2*, which states “[i]n accord with Scripture, these offices [elder and deacon] are open to men only.”

Since the Constitution is silent as to some of the issues, views, beliefs, and practices raised in the Complaint, the PCA would be served by amendments to the Constitution being proposed that carefully and specifically address many of beliefs and practices that are raised in the Complaint and that are of concern to many throughout the PCA.

The Dissent in this case raises several points that are worthy of consideration, i.e. the Candidate believes that women should be ordained as deacons, that qualified men do not need to be ordained as deacons, and that women can be “commissioned” as deacons and serve with men on the diaconate. Much of the Majority Decision and the Dissent analyze how the Candidate would conform his practices to the express terms of the Constitution and how that would, or would not, be proper.

The Complainants and the Dissent argue that it is not clear in the Record what some of the candidate’s views, beliefs, and practices are in regard to who may, and may not, serve on a diaconate and how they would serve.

In this case, there were concerns about what was, and was not, in the Record. It is this Record, upon which the Standing Judicial Commission must decide the case.

One of the drawbacks of an ordination exam, such as the Candidate went through in this case, is that it is difficult for the Clerk to accurately record all

of the questions and answers. Invariably, a critical question and answer will be omitted from the Minutes, and thus not become a part of the Record. Sometimes there might be a concern that questions and answers were not correctly recorded in the Minutes. When this happens, the Standing Judicial Commission cannot consider arguments that are not supported by the Record.

Otherwise stated, perhaps a complaint about a candidate's ordination exam may not be the most practical way to raise certain issues. This is especially true when there is some uncertainty as to exactly what the views, beliefs, and practices of the candidate are.

What would be the effect of the complaint being sustained? Would the man suddenly be "unordained?" What would be the effect of any ecclesiastical functions, such as baptisms or marriages, that he performed during this time?

It is within this context that we would suggest that the better way in this case, and other cases where the views, beliefs, and practices of men are called into question, would be for the party who is concerned about these views, beliefs, and practices to make such inquiries as are necessary and practical to ascertain exactly what these views, beliefs, and practices are; then, assuming they are contrary to Scripture or our Constitution, formally file a Charge, pursuant to *BCO* 32-2 and 32-3. This procedure not only removes the question of whether or not a strong presumption of guilt exists (*BCO* 31-2), but allows a court to directly try the issue raised in the Charge. (*BCO* 32-3) Furthermore, this procedure will require an accurate record of the questions and answers, in that all testimony shall be recorded and become a part of the Record. (*BCO* 35-7) This will eliminate the problem of not having a complete or accurate Record upon which to judge and decide the case.

/s/ RE Samuel J. Duncan.

/s/ TE William W. Harrell, Jr.

DISSENT
COMPLAINT OF RE MARK GRASSO, ET AL
VS
PHILADELPHIA PRESBYTERY
SJC 2008-10

SJC 2008-10 is a complaint alleging error on the part of Philadelphia Presbytery in approving a candidate's ordination examination with the following stated differences: his view that women should be ordained as deacons, that qualified men do not need to be ordained as deacons, and that

women can be “commissioned” as deacons and serve with men on the diaconate.

The Record shows that the candidate would acquiesce to the *BCO* provision that only men can be ordained to the office of deacon. Further, while the candidate believes that women should be allowed to be ordained as deacons, he also stated that he would not practice ordaining women as deacons since the *PCA Book of Church Order* clearly prohibits this. However, the Record is not clear that he would proactively seek out qualified men to be ordained to that office. Under Summary of Facts #5 in the majority opinion, the following is stated, in part, from the Record:

February 20, 2008 - PP held a called meeting to complete Mr. Hsu’s ordination examination. The minutes of that meeting at paragraph 08-02-04 (ROC p. 79) include the following:

During the course of the examination, Mr. Hsu gave these answers:

- The candidate affirmed that he would not ordain women to the office of deacon.
- The candidate stated that he would feel more comfortable with a diaconal team (“Mercy Team”) comprised of men and women, who are not ordained.
- As the candidate understands the *BCO*, in the absence of deacons, the role of deacons falls upon the elders, and a ministry team composed of men and women are permitted to assist the deacons in their ministry (9-7)
- The candidate stated that if the session of the church that the candidate is called to ordains men deacons, he would submit to this.

What complainants alleged is that conducting one's ministry under the provisions of the *BCO* and affirming the third ordination vow do not only require a refusal to ordain women as deacons but also require an affirmative willingness to seek the nomination of qualified men, to train these men, and, if elected by the congregation, to ordain them to the office of deacon (“Those who have been called to office in the Church are to be inducted by the ordination of a court,” *BCO* 17-1).

A critical question in the complaint is not simply the candidate's promise not to ordain women as deacons, but whether he also will ordain men, and whether he will lead a session and congregation to understand the importance of ordaining men to the office of deacon. A willingness to operate in accordance with the prescriptions and limitations imposed by the *BCO* means that one will ordain men to the office of deacon and will lead the congregation

in seeking to recognize such men. A PCA officer who affirms that he will not ordain women to the office of deacon, but then also stipulates that he would not ordain men to the office of deacon until he is free to ordain women to that office as well, or does so only if compelled to do so by his session, or who would not encourage his congregation to seek qualified men for the office, is not operating in accordance with the prescriptions and limitations imposed by the *BCO*.

The complainants argued in their brief that the candidate was less than clear that he would proactively ordain qualified men as deacons. Their perspective regarding the ordination examination at the Presbytery meeting and the written Record raise sufficient questions that the SJC had the right to rule that operating in accordance with the prescriptions and limitations imposed by the *BCO* involves ordaining male deacons if qualified men are available. It is not enough to say that all a candidate has to do is promise not to ordain women; he also has to promise to practice the provisions of the *BCO*. At the very least, subjection to the brethren requires that he follow and maintain this promise. We agree with the majority opinion that the candidate's view on women serving as ordained deacons is a rejection of a general principle of biblical polity to which certain *BCO* requirements conform but that this particular denial does not necessarily strike at the vitals of religion.

There are two important questions regarding the complaint. The first is the third ordination vow as it relates to the candidate's agreement with the general principles of biblical polity with which the provisions of the *BCO* conform. A presbytery should not approve a candidate's ordination examination if the presbytery judges that the candidate has a stated difference with the *BCO* which is a rejection of either (1) a fundamental of our system of doctrine which is also addressed in the Westminster Standards or (2) a general principle of biblical polity, the denial of which strikes at the vitals of religion. We agree with the majority opinion's acknowledgement of the right and the means by which a Presbytery is to judge stated differences with the *BCO*. The majority opinion stated a three-part inquiry twice:

The Book of Church Order, however, does imply a three-part inquiry by which such differences should be judged. The first is whether the candidate expresses willingness to operate in accordance with the prescriptions and limitations imposed by the *Book of Church Order*. The second is whether the difference stated with the *Book of Church Order* arises out of a matter of theology addressed by our doctrinal standards. The third, in cases of ordination, is whether

the Presbytery is satisfied that a candidate's stated difference with the *Book of Church Order* does not compromise the credibility of his affirmation of the third ordination vow. . . .

And later in the Reasoning and Opinion the majority states again:

Where a candidate for ordination asserts a difference with the *Book of Church Order*, our Constitutional standards implicitly require the Presbytery to consider that difference under a three-part inquiry arising out of the third ordination vow, "Do you approve of the form of government and discipline of the Presbyterian Church in America, in conformity with the general principles of Biblical polity?" (*BCO* 21-5, vow 3). The first part of the inquiry, whether the candidate "approves" of the *Book of Church Order*, is satisfied by a candidate's stated willingness to conduct his ministry within the parameters established by the *Book of Church Order*. The second part of the inquiry is whether the stated difference with the *BCO* is, in fact, a difference with our doctrinal standards. Finally, the third inquiry is whether the differences indicate views held by the candidate that fail to conform to the general principles of Biblical polity.

The third ordination vow focuses on a candidate's position on the form of government and discipline of the PCA. The corresponding ordination vow in the PCUS asked only if the candidate approved the government and discipline of the PCUS. This appears to have been only a commitment to abide by that form of government and discipline in practice.

However, when the PCA adopted its *BCO* it added a further stipulation to this vow: "Do you approve of the form of government and discipline of the PCA, *in conformity with the general principles of Biblical polity?*" (emphasis added). This form of the vow requires more than a willingness to follow the form of government and discipline in practice, it also requires an acknowledgment that this form of government and discipline is an application of certain general principles taught in the Bible. If a candidate for ordination has answered the first ordination vow regarding the Scriptures in the affirmative, then he is acknowledging that these general principles of polity are taught in the Bible, and implies that he agrees with them. A Presbytery is to judge agreement with these general principles just as it judges agreement with the system of doctrine contained in the Westminster Confession of Faith and Catechisms. Disagreement with some of these principles may strike at the vitals of religion, and disagreement with others may not; this is what a Presbytery must judge.

This understanding of the third ordination vow is consistent with the declaration made in the PCA Constitution: “The *Confession of Faith* and the *Larger* and *Shorter Catechisms* of the Westminster Assembly, together with the formularies of government, discipline, and worship are accepted by the Presbyterian Church in America as standard expositions of the teachings of Scripture in relation to both faith and practice” (*BCO* 29-1). Both the formulations in the Confession and Catechisms as well as those in the *BCO* are defined “as standard expositions of the teachings of Scripture.” Thus, a Presbytery has the right and duty to evaluate a candidate's views in light of the PCA's exposition of Scripture as expressed in the *BCO* as well as in the Westminster Standards.

A Presbytery should hold a candidate to his ordination vow that he acknowledges that the requirements of the *BCO* are applications of certain biblical principles of polity and that some of these biblical principles of polity are fundamentals of our system. The candidate does not have to agree that all of the applications of these principles in the *BCO* are the best possible applications in every particular; he only has to agree to abide by them. He is free, if he desires, to propose amendments to the *BCO* seeking to implement other applications. But a candidate for ordination is not free to disagree with every single general principle of biblical polity to which the requirements and provisions of the *BCO* conform.

This dissent is also concerned with a second important question: The willingness of both the candidate for licensure and the candidate for ordination to operate in accordance with the prescriptions and limitations imposed by the *Book of Church Order*. This is the first of the three inquiries mentioned in the majority opinion related to the *BCO* and the third ordination vow. This second critical question also relates to the third and fourth licensure vows.

With regard to the case at hand, the candidate asserted his willingness to conduct his ministry in conformity with the *Book of Church Order*, although the Record does not indicate all the specifics implied by this general assertion. In this general assertion, and from some of the statements in the Record, the candidate seemed to indicate that he preferred not to ordain men as deacons, unless compelled by his Session, even while stating that he would not ordain women as deacons. The Record seems to indicate that the candidate affirmed that he interprets relevant *BCO* provisions to allow for the establishing of a gender egalitarian, quasi-ordained, quasi-diaconate elected by the congregation as a deliberate and permanent substitute for the diaconate as defined by the *BCO*. Further, the candidate's affirmation did not stipulate that he would not practice “commissioning” women as deacons and allow them to serve on a diaconate along with ordained male deacons.

This dissent acknowledges that if the issue in this case had been framed differently we and the majority in this decision would concur that a candidate for ordination would be found out of accord with the third ordination vow if he did not affirm the following: (1) that the office of deacon is an “ordinary and perpetual office of the church” (e.g., BCO 1-4, 4-2, 7-2); (2) that he would proactively and exclusively train, nominate and ordain qualified men as deacons; (3) that only men can be elected by the congregation and be ordained to serve on the Board of Deacons; and (4) that women are not eligible to be elected as deacons, they are not to be commissioned as deacons, and they are not to serve on the Board of Deacons with men.

This dissent believes the SJC ruled incorrectly on this complaint and it should have been sustained.

/s/ TE Dominic Aquila /s/ TE Grover E. Gunn III /s/ RE Olin Stubbs

**COMPLAINT OF THE SESSION OF RED MOUNTAIN
PRESBYTERIAN CHURCH
VS.
EVANGEL PRESBYTERY
SJC 2008-09**

I. SUMMARY OF THE FACTS

On January 18, 2007 Dr. Carl Walker, a ruling elder member of the Session of Red Mountain Presbyterian Church repeatedly struck his wife, Melanie Walker. On the same date RE Walker appeared before his Session, informed them of the incident and resigned as an active ruling elder in that church.

On February 15, 2007 the Session of Red Mountain Church determined that it was not convinced that Melanie Walker, who was pursuing divorce, had adequate grounds for divorce and asked her to cease her divorce proceedings and to engage in a process designed to bring a positive resolution to the marital conflict. In the following months, the Session dealt with Dr. and Mrs. Walker pastorally with intention of restoring some measure of trust and reconciliation between the Walkers. However, the Session determined that Dr. Walker’s lack of repentance was a substantial barrier to reconciliation. For example, on one occasion Dr. Walker requested and the Session agreed to permit Dr. Walker to meet with Mrs. Walker in a public place. During the meeting, Mrs. Walker discovered that Dr. Walker was secretly audio-taping their discussion.