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## *MEMORANDUM*

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TO: Commissioners of the 35<sup>th</sup> General Assembly  
of the Presbyterian Church in America

FROM: Jordan Mark Siverd, Esq.<sup>1</sup>

DATE: June 9, 2007

RE: FV Report inconsistent with PCA church order

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### Overview

Because the Presbyterian Church in America (PCA) believes that “there is an inseparable connection between faith and practice, truth and duty,”<sup>2</sup> the 34<sup>th</sup> General Assembly erected a Study Committee to examine issues arising out of Federal Vision, New Perspective, and Auburn Avenue Theologies.<sup>3</sup> After a year of hard work by good men, the Study Committee has released its Report.<sup>4</sup>

The Report is a good first step in corporately working through these issues, but as currently drafted, it is inconsistent with the church order of the PCA in that

- (1) it fails to provide sufficient biblical analysis of the issues, and
- (2) it fails to address *issues* rather than *persons*.

While these problems do not relate to the theological conclusions of the Report, they are nevertheless substantive in nature and implicate important principles of the PCA’s church order. The Study Committee should be thanked for its hard work thus far, but the Report should not be adopted until it is revised to conform to the PCA constitution.

### Discussion

The General Assembly has power to “bear testimony against error in doctrine,”<sup>5</sup> to “decide all controversies respecting doctrine,”<sup>6</sup> to “suppress schismatical contentions and disputations, according to the

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<sup>1</sup> Member, Redeemer Presbyterian Church (PCA), New Orleans, Louisiana. I hope that this memorandum commends itself to the men leading our church, and I pray that it reflects not only a concern for external forms but even more so for the weightier matters of the law, “justice and the love of God.” *Luke* 11:42 (ESV).

<sup>2</sup> PRESBYTERIAN CHURCH IN AM., THE BOOK OF CHURCH ORDER preface, § II, ¶ 4 (6th ed. 2006) [hereinafter PCA, BCO], available at <http://www.pcanet.org/bco/>.

<sup>3</sup> 34 PRESBYTERIAN CHURCH IN AM., MINUTES OF THE GENERAL ASSEMBLY 229–35 (2006) [hereinafter PCA, MINUTES (year)]. The Assembly erected the Study Committee to study the soteriology of the Federal Vision, New Perspective, and Auburn Avenue Theologies, which are causing confusion among our churches. Further, to determine whether these viewpoints and formulations are at conformity with the system of doctrine taught in the Westminster Standards, whether they are hostile to or strike at the vitals of religion, and to present a declaration or statement regarding the issues raised by these viewpoints in light of our Confessional Standards.  
*Id.* at 229.

<sup>4</sup> Study Comm. on Fed. Vision, etc., *Report of the Study Comm. on Federal Vision, New Perspective, and Auburn Avenue Theology*, in PRESBYTERIAN CHURCH IN AM., COMMISSIONER HANDBOOK FOR THE THIRTY-FIFTH GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN AMERICA 2201–36 (Supp. 2007) [hereinafter *FV Report*], available at <http://pcaac.org/2007GeneralAssembly/07index.htm>.

<sup>5</sup> PCA, BCO, *supra* note 2, at ¶ 14-6(a).

<sup>6</sup> *Id.*

rules provided therefor,”<sup>7</sup> and to “superintend the affairs of the whole church.”<sup>8</sup> There can be no question that the General Assembly acted lawfully<sup>9</sup> in deciding to erect a Study Committee to “clarify the concern”<sup>10</sup> raised by Federal Vision, New Perspective, and Auburn Avenue theologies. That several PCA presbyteries and other churches in NAPARC had taken similar action underscores the wisdom and urgency of the General Assembly’s decision.<sup>11</sup>

Now that the Study Committee has issued its Report, it is important to ask not only whether the Report lives up to its mandate in terms of its theological analysis and conclusions but also whether it does so in a way that is consistent with the PCA’s church order. Many have already published reviews regarding the Report’s theological analysis; I hope the following evaluation from a church order perspective will also prove helpful.

1. “Sola... Confessio Fidei Westmonasteriensis”: Insufficient biblical analysis

*“Now the only way to build up the church is for the ministers themselves to endeavor to preserve Christ’s authority for himself; this can only be secured if what he has received from his Father be left to him, namely, that he alone is the schoolmaster of the church. For it is written not of any other but of him alone, ‘Hear him’ [Matt. 17:5].”*

— John Calvin<sup>12</sup>

The Study Committee’s Report evaluates personal viewpoints associated with the movements of concern in terms of our doctrinal standards with only limited reference to the Scriptures. By taking this approach, the Report derogates from the PCA’s constitutional order, which is established and governed by God’s Word above all.

a. “The only rule of faith”: Scripture in the PCA’s church order

In defining itself as consisting of the PCA’s “doctrinal standards set forth in the *Westminster Confession of Faith*, together with the *Larger and Shorter Catechisms*, and the *Book of Church Order*,”<sup>13</sup> the PCA constitution expressly states that it is “subject to and subordinate to the Scriptures of the Old and New Testaments, the inerrant Word of God.”<sup>14</sup> This is but an ecclesiological application of the doctrinal standards’ own repeated confession of the unique authority of God’s Word as “[t]he supreme judge by which all controversies of religion are to be determined,”<sup>15</sup> as “the only rule of faith and obedience,”<sup>16</sup> as “the rule of faith and life.”<sup>17</sup>

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<sup>7</sup> *Id.* at ¶ 14-6(g). In addition to judicial process, the “rules” of assembly operation provide that “[t]he Assembly may elect or appoint ad interim or study committees of a temporary character to handle particular matters of business as designated by the Assembly.” *Rules of Assembly Operations* ¶ 9-1 [hereinafter PCA, *RAO*], in PCA, BCO, *supra* note 2.

<sup>8</sup> PCA, BCO, *supra* note 2, at ¶ 14-6(i).

<sup>9</sup> *See also id.* at ¶ 11-4 (“Every court has the right to resolve questions of doctrine and discipline seriously and reasonably proposed, and in general to maintain truth and righteousness, condemning erroneous opinions and practices which tend to the injury of the peace, purity, or progress of the Church.”).

<sup>10</sup> Windows Media File: Report of the Committee of Commissioners on Bills & Overture, at 1:35 (2006 GA Webcast June 22, 2006 2:00 P.M.) (statement of Rev. Zachary W. Eswine), at <http://www.pcaga.com/schedule.asp> (last visited June 9, 2006).

<sup>11</sup> *See, e.g.*, Missouri Presbytery (PCA), *Report of the ad hoc Committee on Federal Vision Theology* (2006), at [http://www.prpc-stl.org/auto\\_images/1137614345MOPresFVreport2006.pdf](http://www.prpc-stl.org/auto_images/1137614345MOPresFVreport2006.pdf); Louisiana Presbytery (PCA), *Ad Hoc Committee on Federal Vision Theology Final Report and Recommendations* (2005), at [http://www.louisianapresbytery.com/AAT-FV\\_final.htm](http://www.louisianapresbytery.com/AAT-FV_final.htm); Mississippi Valley Presbytery (PCA), *Ad Hoc Study Committee Report* (2005), at <http://www.fpcjackson.org/resources/apologetics/index.htm>; Orthodox Presbyterian Church, *Report of the Committee to Study the Doctrine of Justification: Committed for Study by the Seventy-third General Assembly* (2006), at <http://opc.org/GA/JustificationBook.pdf>; Orthodox Presbyterian Church, *The 71st General Assembly Statement on Justification* (2004), at <http://opc.org/GA/justification2004.pdf>; Reformed Church in the United States, *Report of the Special Committee to Study New Perspective on Paul* (2005), at <http://www.rcus.org/main/pdfs/NPP%20Report.pdf>; Reformed Church in the United States, *Report of the Special Committee to Study Justification in Light of the Current Justification Controversy* (2004), at <http://www.rcus.org/main/pdfs/SynodreportShep3.pdf>.

<sup>12</sup> 2 JOHN CALVIN, *INSTITUTES OF THE CHRISTIAN RELIGION*, bk. IV, ch. VIII, § 1, p. 1150 (John T. McNeil ed. & Ford Lewis Battles trans. 1960).

<sup>13</sup> PCA, BCO, *supra* note 2, at ¶ 26-1; *id.* at preface, § III (same).

<sup>14</sup> PCA, BCO, *supra* note 2, at ¶ 26-1; *id.* at preface, § III (same).

<sup>15</sup> *The Westminster Confession of Faith*, ch. I, § 10, in PRESBYTERIAN CHURCH IN AM., *THE [WESTMINSTER] CONFESSION OF FAITH TOGETHER WITH THE LARGER CATECHISM AND THE SHORTER CATECHISM WITH SCRIPTURE*

This doctrine of Scripture in our standards is so high because the standards recognize that the Scripture “is the Word of God.”<sup>18</sup> As “the Word of God written”<sup>19</sup> that is “given by inspiration of God,”<sup>20</sup> the “authority of the Holy Scripture, for which it is to be believed, and obeyed, dependeth . . . wholly upon God (who is truth itself) the author thereof.”<sup>21</sup> In other words, the standards recognize the supreme and unique authority of the Bible because they recognize the supreme and unique authority of God.

So comprehensive is this authority, that not even the church that ministers that very Word and “out of which there is no ordinary possibility of salvation”<sup>22</sup> can lawfully place itself on a par with it. The authority of the church is limited precisely because God in Christ governs it through his own laws, his own Word. As the Preface to the *Book of Church Order* states, “It belongs to His Majesty from His throne of glory to rule and teach the Church through His Word and Spirit by the ministry of men; thus mediately exercising His own authority and enforcing His own laws, unto the edification and establishment of His Kingdom.”<sup>23</sup> In framing its constitution, the PCA seeks to do nothing more than order herself under the authority of Christ himself, to obey his laws that he has written for his kingdom.<sup>24</sup>

The space created by this limitation on the authority of the church can, from a certain perspective, be described as a right for the individuals in the church. Because the authority of the church is limited by the Word, the liberty of individual conscience is established by the Word. Thus, the *Confession* states that “God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men, which are, in any thing, contrary to His Word; or **beside it, if matters of faith**, or worship.”<sup>25</sup>

This freedom of individuals over against the church is also limited by the Word.<sup>26</sup> Moreover, officers in the PCA willingly choose to place themselves under the authority of the church in a special way when they take their ordination vows. By promising “subjection” to their brethren in the Lord,<sup>27</sup> the officers promise to conduct themselves in accordance with the laws enacted by their brethren in the Lord, including the PCA constitution.<sup>28</sup> Yet so concerned is the PCA to respect the liberty of conscience that she has enshrined in her law the practice of “good faith” subscription.<sup>29</sup> Because the rights of individual conscience over against the

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PROOFS (3d ed. 1990) [hereinafter PCA, WCF for *Confession of Faith*, WLC for *Larger Catechism*, WSC for *Shorter Catechism*].

<sup>16</sup> PCA, WLC, *supra* note 15, at Q. 3.

<sup>17</sup> PCA, WCF, *supra* note 15, at ch. I, § 2.

<sup>18</sup> *Id.* at ch. I, § 4.

<sup>19</sup> *Id.* at ch. I, § 2.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at ch. I, § 4.

<sup>22</sup> *Id.* at ch. XXV, § 2.

<sup>23</sup> PCA, BCO, *supra* note 2, at preface, § I.

<sup>24</sup> *See also id.* at ¶ 3-3 (stating that the “sole functions” of the church are “to proclaim, to administer, and to enforce the law of Christ revealed in the Scriptures”); *id.* at ¶ 3-6 (stating that “[t]he exercise of ecclesiastical power . . . has the divine sanction when in conformity with the statutes enacted by Christ, the Lawgiver, and when put forth by courts or by officers appointed thereunto in His Word”).

<sup>25</sup> PCA, WCF, *supra* note 15, at ch. XX, § 2 (emphasis added). It is surprising that some who have been ardent defenders of the regulative principle of *worship* seem to have forgotten that the *Confession* mentions a regulative principle of *doctrine*. Would the committee members evaluate the liturgical conduct of those associated with the movements of concern solely in terms of the Directory for Worship and standards? If recourse to Scripture must be had to evaluate questions of worship without impugning the authority of God, how much more so questions of faith!

<sup>26</sup> *Id.* at ch. XX, § 4 (“[T]hey who, upon pretence of Christian liberty, shall oppose any lawful power, or the lawful exercise of it, whether it be civil or *ecclesiastical*, resist the ordinance of God.” (emphasis added)); *see also* PCA, WLC, *supra* note 15, at Q. 124 (“By *father* and *mother*, in the fifth commandment, are meant, not only natural parents, but all superiors . . . and especially such as, by God’s ordinance, are over us in place of authority, whether in family, *church*, or commonwealth.” (third emphasis added)).

<sup>27</sup> PCA, BCO, *supra* note 2, at ¶¶ 21-5(4), 24-6(5); *see also id.* at ¶¶ 13-7, 18-3(2), 19-3(4); *cf. id.* at ¶ 57-5(5) (members promise to “submit . . . to the government and discipline of the church”).

<sup>28</sup> Presbyterian Church in America, *Report of the Ad Interim Committee on Judicial Procedure*, in 24 PCA, MINUTES (1996), *supra* note 3, at 66, 122 (“Submission to the Church (vowed at ordination) requires a practical willingness to govern ourselves by the Church’s expressed law.”).

<sup>29</sup> *See* PCA, BCO, *supra* note 2, at ¶ 21-4. Subscription to doctrinal standards is only one of several things that a candidate does at his ordination and is a shorthand form of a solemn profession of faith. *See id.*; 10 PCA, MINUTES (1982), *supra* note 3, at 103 (“When an officer of the Presbyterian Church in America subscribes to the Confessional Standards, he is declaring them to be the confession of his faith with reference to doctrine, worship, and government,

church are absolute under the Word of God, the church cannot require assent to any doctrine on a basis other than its being revealed in Scripture itself.<sup>30</sup> Presbyters' consciences remain free because they are not required to assent to any doctrine *simply* because it is taught by the church—"to believe such doctrines . . . out of conscience, is to betray true liberty of conscience: and the requiring of an implicit faith, and an absolute blind obedience, is to destroy liberty of conscience, and reason also."<sup>31</sup>

Just as God's Word is the only rule for faith and obedience in terms of admission to office, likewise it governs discipline of those in office.<sup>32</sup> Offenses against the faith are defined as "anything in the doctrines . . . of a Church member professing faith in Christ which is contrary to the Word of God."<sup>33</sup> The *Book of Church Order* goes on to state that

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. Nothing, therefore, ought to be considered by any court as an offense, or admitted as a matter of accusation, *which cannot be proved to be such from Scripture*.<sup>34</sup>

Even the suggested form for charging offenses advises that with the naming of the alleged offense the court "give references to applicable portions of the Word of God, and, *where pertinent*, to relevant provisions of the Constitution."<sup>35</sup>

Furthermore, the standards state that when "synods and councils" act to "determine controversies of faith," they are to do so "ministerially."<sup>36</sup> Dr. Jack Delivuk recently observed regarding the word "ministerially" in this passage that

Americans will tend to read this word as meaning "pastorally." The historical and linguistic context of the Confession supports the traditional meaning of "Pertaining to, or entrusted with, the execution of the law, or of the commands of a superior; pertains to or possessing delegated executive authority." Thus, ministerial refers to the church's God given authority to execute His will as revealed in His Word. The role of the church is comparable with the kings of Israel in the sense that they were not to legislate laws, but to execute the law God had already revealed.<sup>37</sup>

If synods thus function "ministerially," how much more so do study committees erected by synods.

As the foregoing discussion has established, it is a premise of our constitutional order that any evaluation of theological views, whether in an ordination exam, in a disciplinary proceeding, or in a study committee report—i.e., "all controversies of religion"<sup>38</sup>—must take place in subjection to the Word. To be sure, the standards are often the starting point for the inquiry (particularly in an ordination exam), and the importance

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recognizing that the Word of God written is the only infallible, inerrant, unamendable rule of faith and practice."). Prior to this profession, the candidate solemnly professes faith in "the inerrant Word of God, the **only** infallible rule of faith and practice." *Id.* (emphasis added). Promises, including a promise of subjection to fellow PCA elders, follow these professions of faith. *Id.*; see also discussion *supra* notes 27–28 and accompanying text.

<sup>30</sup> This includes, of course, "things necessary for . . . faith and life" that "by good and necessary consequence may be deduced from Scripture." PCA, WCF, *supra* note 15, at ch. I, § 6. The church can "inquire into" a candidate or presbyter's views, "require" him to state his own differences from the standards, and "determine" if he is "out of accord with any of the fundamentals" of the standards as part of the examination process for ordination. PCA, BCO, *supra* note 2, at ¶ 21-4.

<sup>31</sup> PCA, WCF, *supra* note 15, at ch. XX, § 2; see also *id.* at ch. XXII, § 7 ("[V]ows of . . . regular obedience, are so far from being degrees of higher perfection, that they are superstitious and sinful snares, in which no Christian may entangle himself.").

<sup>32</sup> See PCA, BCO, *supra* note 2, at ¶ 29-1. The same rule applies, of course, for members who do not hold office. See *id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* (fourth emphasis and extra emphasis added).

<sup>35</sup> *Id.* at app. G (emphasis added).

<sup>36</sup> PCA, WCF, *supra* note 15, at ch. XXXI, § 3.

<sup>37</sup> John (Jack) Allen Delivuk, *Liberty of Conscience in the Westminster Confession and Its Application to Modern "Worship Wars"*, 2 THE CONFESSATIONAL PRESBYTERIAN 43, 49 (2006) (quoting 6 THE OXFORD ENGLISH DICTIONARY 474 (1933)).

<sup>38</sup> PCA, WCF, *supra* note 15, at ch. I, § 10 (emphasis added).

of a doctrine in the “system” set forth by the standards can be crucial.<sup>39</sup> But given the constitution’s confession of God’s unique authority in governing his church, the standards’ confession that the Bible is the “**only** rule of faith and obedience”<sup>40</sup> and that synods such as the Westminster Assembly “are **not** to be made the rule of faith, or practice; but to be used as a help in both,”<sup>41</sup> the standards’ recognition of liberty of conscience,<sup>42</sup> and the *Book of Church Order’s* own explanation of good faith subscription,<sup>43</sup> an evaluation of any theological view must be set forth in terms of Scripture.<sup>44</sup>

b. The Report derogates from this norm

In this respect, the Federal Vision Study Committee’s Report<sup>45</sup> is sadly deficient. Instead of a robust, thorough analysis of the issues grounded in detailed exegesis of the relevant biblical material, the Report attempts to evaluate the theological concerns in terms of the standards alone, detached from the living Word.

The Report begins with a misreading of a constitutional text—the claim that the standards, though not on a par with the Word of God technically, can function as the rule of faith for the Study Committee’s analysis.<sup>46</sup> Called upon to study and clarify issues of concern,<sup>47</sup> the committee begins its analysis not with God’s Word but with this misreading of the paragraph in the *Book of Church Order’s* Rules of Discipline defining “offenses” as the warrant for refusing to examine relevant biblical data.<sup>48</sup> The text of the paragraph (quoted above<sup>49</sup>) that the Report here mangles is itself the rejoinder: “Nothing, therefore, ought to be

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<sup>39</sup> Cf. discussion *supra* note 30. As the 10<sup>th</sup> General Assembly stated, “A system of doctrine is made up of constituent parts, so that a variation in one of these parts may logically effect a change in the system as a whole.” 10 PCA, MINUTES, *supra* note 3, at 103. Hence, exceptions to limited atonement and infant baptism are not allowed despite the fact that many evangelical Protestants do not reach the same conclusions as the standards on these issues. *Bowen v. E. Carolina Presbytery*, No. 90-8 (Standing Jud. Comm’n 1991), *in* 19 PCA, MINUTES (1991), *supra* note 3, at 84 (GA adoption of judgment) (holding “that Infant Baptism (WCF 28-4) and Limited Atonement (WCF 3-3, 8-5 and 11-4) are to be considered fundamentals of the system of doctrine and that there can be no exceptions given in the case of officers in the church”), 537–56 (SJC opinions).

<sup>40</sup> PCA, WLC, *supra* note 15, at Q. 3 (emphasis added).

<sup>41</sup> PCA, WCF, *supra* note 15, at ch. XXXI, § 3 (emphasis added).

<sup>42</sup> See discussion *supra* text accompanying notes 25–31.

<sup>43</sup> PCA, BCO, *supra* note 2, at ¶ 21-4.

<sup>44</sup> Indeed, the danger of denying this cuts both ways. Of course, liberty of conscience would be impinged where God “hath left it free,” but the church would also be crippled by being anchored idolotrously to a false “integration point,” as Schaeffer called it. While the Scriptures are God-breathed and therefore sufficient and perspicuous to answer any and every issue of faith that could possibly arise, churches that have restricted themselves to act only pursuant to positive warrant of canon law have been met with problems that their canons simply are not capable of answering. The Anglicans, though currently working toward a covenant that acknowledges the final authority of the Word of God, have thus far been at a loss to deal effectively with the current crisis. See, e.g., Norman Doe, *Communion and Autonomy in Anglicanism* (n.d.), at <http://www.anglicancommunion.org/commission/documents/autonomy.pdf>. (“At the institutional level, ecclesial communion is founded on agreement between churches: this has been the Anglican understanding in the ecumenical context.”). The Methodists have just allowed a transgender minister to take a pulpit—do our standards address this issue or would we be wiser to rest in the sentence of Scripture? See Liz F. Kay, *Legal Ruling Sought on Church Post; Methodists Seek to Address Issue of Transgender Clergy*, BALTIMORE SUN, May 26, 2007, at Local p. 1B (“Under church law, [the bishop] could not deny [the transgender minister] a position . . .”). Even the Evangelical Presbyterian Church has painted itself into a corner by adopting “essentials of the faith” that have, for all that commends them, been allowed to supplant the Word of God as the rule for the church’s life. See Evangelical Presbyterian Church, *Position Paper on the Ordination of Women* (1984), at <http://www.epc.org/about-epc/documents/OrdinationofWomen.pdf> (holding that impurity re women’s ordination is acceptable because the issue is not “essential to the existence of the church”). In short, although some opposed to the movements of concern might be tempted to find a quick fix by appealing to our doctrinal standards to close the case, that approach violates the standards themselves, supplants the Word of God as the only rule of faith, betrays a lack of faith in the sufficiency of the Holy Spirit speaking in Scripture, and ultimately cuts the church off from the life-giving Word.

<sup>45</sup> *FV Report*, *supra* note 4.

<sup>46</sup> *Id.* at 2202 ll. 29–43.

<sup>47</sup> See discussion *supra* notes 2–3 and accompanying text.

<sup>48</sup> *FV Report*, *supra* note 4, at 2202 ll. 34–38 (quoting PCA, BCO, *supra* note 2, at ¶ 29-1). Another problem with this approach—the evaluation of *persons* rather than *issues*—is discussed below. See discussion *infra* notes 54–76 and accompanying text.

<sup>49</sup> See *supra* text accompanying notes 33–34.

considered by any court as an offense, or admitted as a matter of accusation, *which cannot be proved to be such from Scripture.*<sup>50</sup>

The Report lacks detailed exegesis of the issues. Instead, the Report simply pits quotations from authors associated with the movements of concern over against our doctrinal standards. The Report includes some 230 citations to our doctrinal standards but less than 30 citations to the Bible. This is not consistent with the subordinate nature of our doctrinal standards or the standards' own confession of the Scripture as "the only rule of faith."

The Report's explications of the confessional material do not explain the how the original context of the standards (the controversies of the time, etc.) might have shaped the teaching the divines chose to set forth therein—or, in turn, how those considerations might make the standards' teaching especially poignant in evaluating the current issues or, perhaps, might give us reason to take special care in reading them today.<sup>51</sup>

Whether these deficiencies are due to a poorly worded mandate from the 34<sup>th</sup> General Assembly,<sup>52</sup> to confusion regarding the relationship between confessional subscription and biblical normativity, or to some perceived methodological, rhetorical, or political advantage in framing the issues not as questions of biblical truth but of standardized dogma is beside the point.<sup>53</sup> The remedy in any case is clear: to recommit the Report until it can be revised consistent with the important principle of our faith that God's Word is the only rule of faith.

## 2. "Trial by Study Committee": Failure to study *issues* rather than *persons*

*"The rule of law is about form. . . . A murderer has been caught with blood on his hands, bending over the body of his victim; a neighbor with a video camera has filmed the crime; and the murderer has confessed in writing and on videotape. We nonetheless insist that before the state can punish this miscreant, it must conduct a full-dress criminal trial that results in a verdict of guilty. Is that not formalism? Long live formalism. It is what makes a government a government of laws and not of men."*

— Antonin Scalia<sup>54</sup>

As previously stated, there is no question that the 34<sup>th</sup> General Assembly acted lawfully in erecting the Federal Vision Study Committee.<sup>55</sup> However, the Study Committee's Report describes, analyzes, and judges the viewpoints of named *persons* associated with the movements of concern rather than framing and analyzing the *issues* arising out of those movements. This is incongruous with our constitutional order. It is unfair to the named individuals and to the church which has corporately enacted in law—often pursuant to divine mandate<sup>56</sup>—judicial processes to judge persons. Moreover, it has manifestly weakened the Report's effective

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<sup>50</sup> PCA, BCO, *supra* note 2, at ¶ 29-1 (emphasis and extra emphasis added).

<sup>51</sup> (I am not a theologian and have not studied the issues in detail, so I can't say which is the case, but the point is that the Committee should.)

<sup>52</sup> See discussion *supra* note 3. The 10<sup>th</sup> General Assembly stated that

It would be unwise, improper, and unconstitutional for the General Assembly to determine abstractly apart from the proper processes afforded by our constitutional standards what would disqualify a man from holding office in the Presbyterian Church in America. The constitution provides that the standards of our church may be modified if it should be proved from the Word of God, our only inerrant and unalterable guide to faith and practice, that the standards are in any way not in agreement with that Word. Also, as the result of proper judicial processes, judgments may be made which determinately interpret what may or may not be in accord with our standards. Any other procedure of setting forth or compiling a list of essential or nonessential doctrines would, in effect, amend the standards by an unconstitutional method.

10 PCA, MINUTES (1982), *supra* note 3, at 103. The same concern was expressed during the debate regarding erecting the Federal Vision Study Committee. Windows Media File, *supra* note 10, at 2:04 (statement of Rev. David F. Coffin, Jr.).

<sup>53</sup> Sociologists might suggest yet other possible motivations. See, e.g., Robert J. Antonio, *After Postmodernism: Reactionary Tribalism*, 106:2 AM. J. SOC. 40 (2000).

<sup>54</sup> Antonin Scalia, *Common-Law Courts in a Civil-Law System: The Role of United States Federal Courts in Interpreting the Constitution and Laws*, in ANTONIN SCALIA, A MATTER OF INTERPRETATION: FEDERAL COURTS AND THE LAW 3, 25 (Amy Gutmann ed. 1997).

<sup>55</sup> See *supra* notes 5–11.

<sup>56</sup> See, e.g., Matthew 18, cited in PCA, BCO, *supra* note 2, at ¶ 27-5.

reception by opening it to sniping about who said what and what they meant. Instead, the Report should focus on what God has told us in his Word regarding the issues at hand.

a. “Presbyters in courts”: Ecclesiastical jurisdiction in the PCA’s church order

The PCA constitution describes a variety of settings and processes for the exercise of “ecclesiastical power.”<sup>57</sup> First, there is the “power of order” that is exercised by church officers individually (“severally”) through preaching the Word, administering the sacraments, reproofing the erring, visiting the sick, and so forth.<sup>58</sup> Secondly, there is the “power of jurisdiction” that is “jointly”<sup>59</sup> exercised “by presbyters in courts.”<sup>60</sup> These powers do overlap,<sup>61</sup> and the PCA constitution should not be read as setting forth hermetically sealed categories of ecclesiastical power and/or function.<sup>62</sup>

Nevertheless, the constitution thoroughly regulates the power of jurisdiction over individual persons, setting forth principles, defining offenses and censures, providing rules of trial, evidentiary, and appellate procedure, and so on.<sup>63</sup> These rules are meant to realize biblical principles of conflict resolution. Jesus himself addressed this important topic, and the teaching set forth in other biblical passages has also been deliberately incorporated into PCA law. The rules for cases both with and without judicial process are binding on church courts—even the General Assembly.<sup>64</sup>

b. The Report derogates from these principles

Instead of circumspectly framing the issues for study as issues, the Report addresses the “viewpoints” of named individuals.<sup>65</sup> Far from showing deference and respect to the courts of original jurisdiction and to the established rules governing the exercise of ecclesiastical jurisdiction, the *Study Committee* Report frames its analysis with a misreading of the paragraph of the *Book of Church Order* that defines offenses amenable to ecclesiastical jurisdiction.<sup>66</sup> Indeed entire sections of the report are organized around the names of individuals, which are used as headings.<sup>67</sup>

Although the unfortunate use of the word “viewpoint” in the Study Committee’s mandate might be partly to blame, the overture, mandate, and minority report that were adopted can just as easily be read as mentioning “viewpoints” of concern as motivations to erect a committee and as proof that such action was urgently needed.<sup>68</sup> Moreover, the commissioners who spoke in favor of erecting the Study Committee on the General Assembly floor—to a man—all mentioned “issues” as the proposed subject of the Committee’s work,<sup>69</sup> while other commissioners, including the majority of the Bills & Overtures Committee, expressed

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<sup>57</sup> PCA, BCO, *supra* note 2, at ¶ 3-2.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.* at ¶ 1-5.

<sup>61</sup> For example, judgments of church courts often preach the Word and reprove the erring while individual officers exercise a kind of “judgment” in the simple act of reproofing a member, etc.

<sup>62</sup> As one jurist famously put it, “[W]e must never forget that it is a constitution we are expounding.” *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 407 (1819) (Marshall, C.J.).

<sup>63</sup> See PCA, BCO, *supra* note 2, at chs. 27–46.

<sup>64</sup> The General Assembly cannot set aside provisions of PCA constitution unilaterally, but must receive the advice and consent of the presbyteries and also the approval of a subsequent General Assembly. *Id.* at ¶¶ 26-2, 26-3.

<sup>65</sup> See *FV Report*, *supra* note 4.

<sup>66</sup> See discussion *supra* notes 46–50 and accompanying text.

<sup>67</sup> See, e.g., *id.* at 2216–24.

<sup>68</sup> 34 PCA, MINUTES (2006), *supra* note 3, at 229–35.

<sup>69</sup> Windows Media File, *supra* note 10, at 1:35 (statement of Rev. Zachary W. Eswine) (“clarify the concern”); *id.* at 1:45 (statement of Rev. Sean Lucas) (“I think it is right and good for us to study the *issues* before us.” (emphasis added)); *id.* at 1:51 (statement of Rev. George Robertson) (“These *issues* are newer to us, and the reason we could split is not because we understand the *issues* but because we don’t understand the *issues* and we caricature each others’ questions with a lack of care.” (emphasis added)); *id.* at 2:00 (statement of Rev. Howard Davis III) (“I think that we need to have the wisest scholars of our denomination wrestle with these *issues*, especially regarding the soteriological *issues* because those are the questions that are most controversial.” (emphasis added)); *id.* at 2:06 (statement of Mr. Robert Mattes) (“I think this study will clarify the *issues*.” (emphasis added)). The sole possible exception was the statement of Mr. Robert Mattes, who stated that “it has been alleged that there are views within us, within our group, that are not in conformity with the

concerns about encroaching upon the integrity of the judicial process.<sup>70</sup> In fact, a member of the Standing Judicial Commission was invited to the floor to give assurances that the judicial process would remain inviolate.<sup>71</sup> In short, the mandate of the 34<sup>th</sup> General Assembly, far from requiring examination of the viewpoints of named individuals, called for a robust analysis of the *issues* raised (especially respecting “soteriology”<sup>72</sup>) by the movements of concern.

In addition, the ordered distribution of ecclesiastical power in the PCA constitution suggests that Study Committees should be loathe to pass judgment on the views of individual persons.<sup>73</sup> No previous study committee of the PCA has done this, with a sole exception being the Creation Committee.<sup>74</sup> The one case where an individual’s views were evaluated involved unique facts and the man whose views were discussed sat on the study committee as a voting member.<sup>75</sup> And in any case, previous failures to observe our constitutional obligations should not be used as a warrant to repeat such a mistake.

There is no reason for the Federal Vision Committee Report to mention anyone by name. The Missouri Presbytery produced a report on Federal Vision theology that framed the issues, evaluated different approaches, identified confessional boundaries, included affirmations and denials, and even suggested questions for ordination exams—all without getting bogged down in the dubious, extra-judicial enterprise of determining who said what.<sup>76</sup> While that report might not be perfect, it demonstrates that the approach of the Federal Vision Study Committee is unnecessary and unjustifiable.

Finally, I note that the men whose views have been judged by the Federal Vision Study Committee have not generally objected to this process. This is not surprising, as they have been just as eager to vindicate themselves as others have been to prosecute them. But the parties to this controversy must not be allowed to draw our ecclesiastical institutions into lawlessness. We have an orderly process for courts to deal with persons according to the norm of law, and it should be given room to work rather than undermined.

The extensive discussion of who said what and what they meant and what that means in light of the standards—all of this is off the mark. The task of a study committee is to define the issues of concern, to consider them in light of Scripture, and to make recommendations for the church ministerially to determine the issues based on God’s Word.

### Conclusion and Recommendation

Good men worked on the Federal Vision Study Committee with integrity. They should be thanked and commended for their time and effort and for moving our church closer to resolution of these issues. As an “*in thesi* deliverance,” the Report, if adopted, would not be binding.<sup>77</sup> But the Report’s incongruity with the PCA constitution weighs heavily against its adoption. To the extent the Report’s theological conclusions, as such, are problematic (if at all), this would also weigh against its adoption, but even the strengths of the Report theologically would be yet stronger if the Report were revised to place its theological analysis on a

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standards.” *Id.* at 2:05 (statement of Mr. Robert Mattes). However, Mr. Mattes also stated that “I think this study will clarify the *issues*.” *Id.* at 2:06 (emphasis added).

<sup>70</sup> See 34 PCA, MINUTES (2006), *supra* note 3, at 229 (majority report).

<sup>71</sup> Windows Media File, *supra* note 10, at 1:56 (statement of Mr. John B. White, Jr.).

<sup>72</sup> 34 PCA, MINUTES (2006), *supra* note 3, at 230.

<sup>73</sup> See, e.g., Stuart R. Jones, *Presbyterian Due Process: A Scottish and American Recovery of Procedural Canons*, 2 THE CONFESSONAL PRESBYTERIAN 28 (2006).

<sup>74</sup> Presbyterian Church in America, *Report of the Creation Study Committee*, in 28 PCA, MINUTES (2000), *supra* note 3, at 119–212, available at <http://pcahistory.org/creation/report.pdf> [hereinafter *Creation Report*]. Of all of the previous study committees that have been called in the PCA’s history, none except this one have so much as mentioned the views of named individuals (except for figures such as Calvin, long dead) in any kind of evaluative manner. For a collection of PCA study committee reports, see PCA Historical Center, *Index to the Position Papers of the Presbyterian Church in America*, at <http://www.pcahistory.org/pca/index.html> (last visited June 9, 2007).

<sup>75</sup> The sole exception to this otherwise constant rule, the Creation Study Committee, presented a situation sui generis. The Creation Report mentioned Dr. C. John (Jack) Collins’ views and even gave some cursory evaluation of their orthodoxy and agreeability to the standards, but apparently only because Dr. Collins holds a rather unique position on the length of the days of creation: the “anthropomorphic” view. See *Creation Report*, *supra* note 74.

<sup>76</sup> See Missouri Presbytery (PCA), *Report of the ad hoc Committee on Federal Vision Theology* (2006), at [http://www.prpc-stl.org/auto\\_images/1137614345MOPresFVreport2006.pdf](http://www.prpc-stl.org/auto_images/1137614345MOPresFVreport2006.pdf).

<sup>77</sup> See generally C. N. Willborn, *The “Ministerial and Declarative” Powers of the Church and In Thesi Deliverances*, 1 THE CONFESSONAL PRESBYTERIAN 94 (2005).

more sure Scriptural and constitutional footing.<sup>78</sup> Without prejudice to its theological content and, indeed, with a heart thankful for the work of the current Committee members, I urge the Commissioners to recommit the Report.

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<sup>78</sup> *Robert's Rules of Order* provide that such committee reports can be recommitted with further instructions, and that a motion to recommit can specify the manner of nomination and election of new committee members. SARAH CORBIN ROBERT ET AL., *ROBERT'S RULES OF ORDER: NEWLY REVISED* §§ 13, 46, 50 (10th ed. 2000).

**NOTICE:**

**If you are so inclined, feel free to sign the on-line petition humbly asking the General Assembly to recommit the FV Study Committee Report. The text and link are below. Thank you.**

Dear Commissioners of the 35th PCA General Assembly,

With thanks to God, who rules and teaches us through his Word and Spirit by the ministry of men, we humbly and respectfully ask the 35th General Assembly of the PCA to recommit the Federal Vision Study Report to a study committee nominated from the GA floor and elected by ballot.

Whatever each of us may think of the strengths of the FV Report as currently drafted, we all believe that more detailed exegetical analysis of relevant biblical material will make for a stronger Report and that a Report better focused on issues rather than persons will more faithfully reflect our constitutional structure.

We make this request not in spite of but because of the deep concern raised by FV, NPP, and AAT, and we make this request with sincere gratitude and appreciation for the seven current committee members who have diligently worked thus far on the Report.

Finally, we acknowledge that God has, by his providence, placed you, the Commissioners to the 35th General Assembly, in authority over us, and we promise to receive your decrees and determinations with reverence and submission.

Sincerely,  
THE UNDERSIGNED

<http://www.ipetitions.com/petition/RecommitFVReport/index.html>

(Signatories will be required to provide their e-mail address to sign, but the e-mail addresses are not visible to anyone else, including THE UNDERSIGNED.)