

The Presbytery and Resolution 84

Peter Bentley

Introduction

This is an excerpt from a paper considering the future of Presbyteries within the Uniting Church. To illustrate some of the contemporary confusion, I discussed two specific issues. These highlighted the difficulties I had with a certain view of the role of the Presbytery. The most significant issue I raised was concerned with the approval of, and application of Resolution 84.

Uniting Church Minister (and past Moderator in Queensland), Revd Doug Brandon has an interesting paper on the Assembly website: 'Reverence for the Scriptures': October 13, 2003. (Referred to following as Brandon: 2003). While the title implies a discussion about Scripture, the article is mainly a sustained and sometimes passionate account from a minister who clearly feels very stirred by some of the reported comments and statements mainly from EMU members (especially in the context of the establishment of the Reforming Alliance).

It is important to refer to some of his comments, because they highlight a very public position that the Assembly has taken as well.

From Doug Brandon's paper

I believe much of the more stimulating debate concerns the role of the Presbytery. Some of the misunderstanding was due to poor drafting of the Proposal. In August, the Assembly Standing Committee re-worded the resolution to clarify its meaning and intent. This removed some of the sources of controversy, but there remains a strong belief that Resolution 84 has opened the door to the ordination of homosexual people. Another source of misunderstanding has been the belief that the Assembly has the power to prevent Presbyteries from accepting homosexual people as candidates for the ministry. The Assembly has never had this power. (Brandon: 2003, 1)

Those words [the words removed by the ASC] should not have been included in the proposal in the first place. They were intended to illustrate a point, but they took on a life of their own. Illustrations have no place in the wording of resolutions, and these words confused the issue. ... Some people might think we wanted the Assembly to issue a prohibition that it is not competent to issue. That might suggest to some people that our theology was about prohibitions. The nearest Biblical parallel to that is the Pharisees. They imagined that by controlling people's behaviour they could make them good. Some might suspect that we have the same motivation. And it was the Pharisees who engineered the crucifixion to silence Jesus. (Brandon: 2003, 6)

Doug Brandon also states that:

The Presbyteries will go on making the decisions as they have always done, without Assembly interference. (Brandon: 2003, 5)

Certainly the President of the Assembly (2003-2006) has a similar viewpoint:

The Assembly did not pass a proposal that the Uniting Church ordains homosexual people. It did acknowledge that it is and has been possible for a Presbytery, on a case by case basis, to accept that a homosexual person could be called by God to ministry, noting that it is appropriate for a Presbytery to take into account the way in which all applicants express their sexuality, and noting that Presbyteries may choose to take into account the expectation that its ministers will adhere to the standards of celibacy in singleness and faithfulness in marriage. This is the tension that is acknowledged by Proposal 84. The responsibility for discernment remains with the Presbytery. (<http://nat.uca.org.au/ASC/presiletter08-03.htm>)

Doug Brandon clearly states that “The majority of church members believe that a homosexual lifestyle is contrary to the will of God.” (Brandon: 2003,1), but goes on to say:

While I understand the deep concern of many of our people, I am sure that we are not being deceived by our Assembly. Resolution 84 means just what it says, no more and no less. We are not about to be overrun by gay ministers, although there will be some.

However, the issues of sexuality and the Gospel will remain with us. Our world is in the midst of a massive change in cultural values, and these include radically changing sexual values. We will need to affirm and celebrate the blessing of Christian marriage. We will need to get beyond prohibitions when we encounter people for whom marriage is no longer a realistic option, and we will need to discern the mind of Christ about that.” (Brandon, 2003: 7)

Doug Brandon further argues that:

In the present case this applies specifically to Presbyteries. And the track record of Presbyteries in this matter is very good. Of the 2797 Uniting Church ministers in this nation, I challenge anyone to name even 0.2% who are active homosexuals. Some might think that we are knowingly using a falsehood to divide Christ’s church over a tiny minority of ministers. We must be careful! (Brandon: 2003, 3)

The National Consultant for the Assembly agency Theology and Discipleship, Revd Dr Robert Bos made similar comments in the context of a personal reflection on the subject of homosexuality and the Uniting Church.

It is not the Assembly's role to interfere in the right of Presbyteries to undertake prayerful and responsible discernment about the selection of candidates and the placement of Ministers and others. There are many who would like the Assembly to interfere in the responsibilities of other Councils when it suits them. *The Basis of Union*, Constitution and Regulations are quite clear. We are committed to "inter-related Councils". The Presbytery is a Council with its own rights and responsibilities through which we seek to discern the will of God. (Bos, Point 21, 2003)

While I know that these commentators are not in anyway suggesting that Presbyteries can do what they like, I am still left slightly perplexed about what I understand to be the basis of decision-making in a conciliar church. I am also left wondering about the place of doctrine in the Uniting Church today. I am aware that 'doing theology' has become the centre for some people in the Uniting Church, but where does doctrine fit in the Uniting Church today? Why are some issues seen as doctrinal and others not?

Why are some issues credited with a doctrinal foundation during some debates and in other debates relegated to the seemingly secondary category of ethics, without even considering the broader matter of doctrinal issues in ethics?

Many people in the past have explored the place of doctrine in the Uniting Church. Again I believe there are important issues here, which have been raised before by theologians such as Christiaan Mostert and Michael Owen.

Chris Mostert, in the article 'Is the Uniting Church Serious about Doctrine?', explores the significant implications of the move from having a Commission on Doctrine to a Working Group.

Michael Owen's reasoned practical consideration in the same volume provides the wider context for the Uniting Church (see Mostert and Owen: 1997).

I well remember a significant point during the debate regarding the proposed changes for the Commission on Doctrine in the 1990s. [Note: today the doctrine advisory group is The National Working Group on Doctrine].

One Assembly member informed me that doctrine was not determined by a group, it was the Assembly's responsibility. Certainly this is a technically true, but the way the point was made, seems to me to have unwittingly relegated the consideration of doctrine to the lowest of priorities. The Assembly meeting as a council every three years, cannot adequately address the issues which need to be addressed today.

Perhaps the status of doctrine as a working group today, provides a link to some of the reasoning behind a view that I have heard articulated elsewhere, namely that the issues related to sexuality are only ethical, and do not involve doctrine.

Certainly there are other papers which could be written on this important debate in the church, but in the Australian and New Zealand theological context I refer readers to the excellent publication: *More than a Single Issue* (Rae and Redding: 2000), and to the Reforming Alliance website for other considered reflections.

I am completing another article on the search for community, a personal reflection on the church today and the search for community, which many of you will be relieved to know is much shorter. This topic is however relevant in the discussion here as it could be perceived that the action of the Assembly is merely a confirmation of the important role of the community (in this case the Presbytery), in decision-making.

What is the role of the Presbytery with regard to ordination? What can a Presbytery do? Are there any restrictions? Has the Assembly ‘interfered’ with Presbyteries before?

I have elaborated before in my article: ‘The Assembly Can and Must Make a Decision’ (Bentley (2): 2005), that the Assembly has made many decisions related to sexuality, and other aspects of ministry, including mutuality of ministry (though the issue of the ordination of women was decided by the antecedent churches), ordination, and of course major [confirming] decisions on issues related to baptism. The Assembly can clearly give a guiding decision for Presbyteries, and in my opinion this is not meddling, but faithfully fulfilling its role as the National Council.

I remember one person, who in commenting on my presentation of the above paper at the RA meeting held at the Victorian and Tasmanian Synod in 2005, agreed that the Assembly could make a decision, but said it had simply chosen not to make a decision at this time. Did this person mean the Uniting Church had made a decision previously and now had agreed not to make a decision, or was the person saying the Uniting Church had always been in a “theological vacuum”, and that Resolution 84 merely confirmed this position?

There is another dimension to this debate and that is the personal and public nature of ministry. Some people I have spoken to have questioned the right of the church to interfere in what is seen as the private business of its ministers. Ministers are of course not free to do what they like. They are accountable, and many areas of sexuality are commonly assumed to be the church’s business, and there is usually no apology given in this regard, even if the church fails to follow its own regulations.

Revd Dr Rob Bos, provided a reasoned and yet passionate summary of the issues as he saw them following the 2003 Assembly, touching on some of the issues I am considering here as well. At one point he states:

I am hesitant about the Councils of the church laying down rules about issues which affect other Christians deeply, but with which we have not had to wrestle personally and about which the church (ecumenically) has not achieved a common mind. It is usually unhelpful to deal with matters of relationships by making rules. Such matters are best left in the area of pastoral conversation. In the case of those for whom it is appropriate, this is best left to Presbyteries and their Pastoral Relations Committees. (Bos, Point 19, 2003)

I believe it is clear even from a permissive reading of *The Basis of Union* that one should conclude that a Presbytery should not act unilaterally, even though Resolution 84 now allows a Presbytery to act unilaterally.

I also believe that a conservative viewpoint on the role of the Presbytery is confirmed by the Uniting Church Constitution, which links polity with the requirements and procedures for an ordination (Section 14), exercise of ministry and accordingly any discipline resulting (Section 15), and standards for the education, acceptance and oversight of ministers (Section 16), including ministers from other denominations (Section 17). **(See Appendix A for the references).**

The Assembly has determining authority for matters of doctrine, and there are doctrinal implications for each of the points outlined above. Section 17 also raises significant ecumenical questions, because they also touch on the doctrine of ministry and ordination in other denominations.

I believe it is important to note the foundational reference in *The Basis of Union*.

The Basis of Union Paragraph 14 (a)

... The Presbytery will ordain by prayer and the laying on of hands in the presence of a worshipping congregation. In this act of ordination the Church praises the ascended Christ for conferring gifts upon men and women. It recognises Christ's call of the individual to be his minister; it prays for the enabling power of the Holy Spirit to equip the minister for that service. By the participation in the act of ordination of those already ordained, the Church bears witness to God's faithfulness and declares the hope by which it lives. In company with other Christians the Uniting Church will seek for a renewed understanding of the way in which the congregation participates in ordination and of the significance of ordination in the life of the Church.

The Basis of Union makes it very clear that ordination is not an action which the Uniting Church undertakes in a vacuum, or for purely local circumstances, though the call to a local congregation or ministry is central. There is a wider reference to the Church, and in this context the Uniting Church.

While there is a wealth of material from Uniting Church and other church dialogues, there are also important Synod and local agreements which provide a foundation for co-operation in presbyteries and dioceses. One example, is an ecumenical document approved by the Victorian Synod, *The Trinity Declaration and Code of Practice*. This agreement for local co-operation clearly places the Uniting Church ordination in a broader context.

Ordination

10. Ordination by a bishop or by the presbytery is the respective sign by which in our two churches a person receives the gift of the Holy Spirit for his/her office and ministry, and a general authority to exercise it within that church. Authority for the particular exercise of ministry, lay and ordained, is given by the Diocesan Bishop or the Presbytery. (Synod of Victoria: 1999)

This also illustrates another reason why the decision known as Resolution 84 is so disturbing. I believe that our dialogue partners, dialogue documents and agreements were not given due consideration in the debate in 2003, and the implications of the decision for the Uniting Church's focus on unity appears to have also not been considered. I have stated several times now, this is so astounding for a 'uniting church', that one can only assume that ecumenical considerations in the Uniting Church have been sidelined.

I believe there is still more official agreement on matters of sexuality in the wider Church than on many other matters, and that the most reasonable approach for a Uniting Church would have been to maintain the status quo until there was at least substantial agreement to change.

A final note needs to be considered in all the discussions of the supposed power of Presbyteries with regard to decisions about sexual practice. As Owen Davis has asked; 'when was the decision made to move away from the traditional understanding and basis of our antecedent churches and the adopted heritage of the Uniting Church'? Owen Davis has clearly explained many of the decisions of the Uniting Church and the context of the decision making and the permissive orientation to shift the original context of the decision concerning 'orientation' to include 'practice'. (Davis: 2004)

On a practical level, I suggest it is unreasonable to suggest that Presbyteries could always ordain a practising homosexual person, because I do not believe that the Uniting Church would have knowingly allowed a Presbytery to oppose civil legal obligations of the time. South Australia was the only state to decriminalise homosexual relations before the time of union. Queensland for example was 1990. (Brash: 1995, 59)

From my reading, the discussions around the first report on homosexuality and the report on the responses clearly had the broader legal and conservative social context of the time in mind as well as biblical and theological issues (Dicker: 1985, 1988).

There are matters which are the responsibility of the Presbytery, but I believe the Presbytery needs authoritative guidance from the Assembly on the matter of the basis for sexual practice for its leaders. Without a foundation, different Presbyteries will indeed eventually make vastly different decisions. Some Presbyteries could ordain members who are in de facto relationships, or practising homosexual relationships and yet these ministers will not be welcome in other Presbyteries.

This is where I believe that Resolution 84 undermines the polity and foundation of the whole church. As I have noted, a Presbytery can now act unilaterally. The Assembly has given the green light to a new polity without proper reference to the council of the church which will deal with the bumps, bings and fatal crashes.

The possibility of diverse responses from Presbyteries will make a mockery of the constant call for a commitment to unity in the church. Notwithstanding the level of theological discussions over twenty years on this matter, I believe that the level of argument at the 10th Assembly actually reveals the paucity of the theological basis of the actual decision of the 10th Assembly.

I believe that Resolution 84 has effectively broken the Uniting Church into quasi denominations. Denominations come into being when parts of the one denomination are unable to maintain a sufficient basis for being part of the one denomination, or increasingly where there is insufficient common identity to continue a common cause. I am not suggesting that the Uniting Church has necessarily reached this latter point, but when one removes the rhetoric what is revealed is an even greater difference of belief and practice than people had realised. This is very different to other denominations where the members understand what it means to belong to the denomination, and possibly even sympathise with its ethos and practice.

At this point I need to comment on the nature of decision making in the Uniting Church.

There are some who think the church should be a democracy and that controversial issues should be decided by plebiscite. The church is not a democracy and is not governed by majority votes. The church strives to be a theocracy (ruled by God) and is governed by Councils (Church Council, Presbytery, Synod and Assembly) who aim to discern the guidance of the Spirit. (Bos, Point 22, 2003)

I believe Rob Bos has raised an important area for discussion. While it is a contemporary issue, the matter should receive consideration in terms of the foundation of the Uniting Church – the historical framework provided by the antecedent denominations. I agree with Rob Bos on the first point he makes. I have stated many times, that I do not believe the Uniting Church should decide issues by plebiscite. However, this should not stop the Uniting Church and its councils hearing the voice of its members through the much used practice of responding to reports, and then responding in reasonable ways. My question here has been why was there such a different response to the responses to the Interim Report on Sexuality? (Bentley, 2004).

I am certainly aware that the Uniting Church is not a theocracy, but whether it strives to be a theocracy in the way Rob Bos has outlined is also a matter for serious discussion. I state, quite sadly from my experience, that while the church in many of its councils has the ideal of being ruled by God, the Uniting Church's dominant focus on society and an ironic development of oligarchy, unwittingly creates a context for decision-making that could become increasingly narrow, individualistic and even humanist.

I also do not believe the Uniting Church is a democracy, and its methods of electing people to the national council of the church should make it clear that there is little connection with classical democracy.

Lastly, when 'we' use the term 'we' and talk about councils discerning the Spirit, I believe it is also helpful to admit that councils can make mistakes, and call for an openness from the Assembly in considering that it could have made a mistake with Resolution 84. (Bentley (1): 2005)

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Acknowledgements

Several members of the Uniting Church read and commented on earlier drafts of the full paper. I have made some adjustments, though I must still claim the more polemical comments as my own. I especially appreciated the careful consideration of Revd Dr Rob Bos and his willingness to engage with the broader issues raised.

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APPENDIX A: Relevant parts of the Constitution

ORDINATION

14. Ordination (being the setting apart of persons for ministry as Ministers of the Word or Deacons) shall be conducted by the Presbytery by prayer and laying on of hands, and in accordance with requirements and procedures determined by the Assembly.

RESPONSIBILITY TO PRESBYTERY

15. Ministers and Lay Pastors will be responsible to a Presbytery and Synod in matters of faith and discipline and to the Presbytery or other appointing body for the exercise of their ministry.

REQUIREMENTS AND PROCEDURES FOR ACCEPTANCE AND OVERSIGHT OF MINISTERS

16. The Assembly shall determine the requirements, standards and procedures for:

- (a) acceptance and education of persons as Ministers;
- (b) acceptance and education of persons for other specified ministries;
- (c) appointment, maintenance, general direction, oversight and discipline of Ministers and of persons exercising other specified ministries.

TRANSFERS FROM OTHER DENOMINATIONS

17. The Assembly shall prescribe the conditions upon which a Minister of another denomination may be admitted as a Minister of the Word or Deacon in the Church, and the conditions upon which a Deaconess or other person recognised by another denomination for the exercise of another specific ministry may be admitted to exercise a ministry in the Church.