

REPORT OF THE PERMANENT JUDICIAL COMMISSION

The Ad-Interim Committee on Same-Sex Attraction and Ordination Standards (the “AIC”) has submitted to the 46th General Assembly certain proposed amendments to Sections 9-3A, 9-3B, 12-2.B, 12-3A, 12-3B.1, and 12-6 of the *Book of Government* (collectively, the “AIC Amendments”). The Permanent Judicial Commission of the Evangelical Presbyterian Church (the “PJC”) subsequently examined the AIC Amendments for clarity and consistency of language and for compatibility with other provisions of the Constitution of the Evangelical Presbyterian Church, in each case as required by Section G.21-3D.2.a.

The PJC understands the categories “clarity,” “consistency,” and “compatibility” to have particular meanings. *Clarity* asks whether the language of the amendment is sufficiently precise that a reasonably informed reader of the Constitution could determine what the provision requires, permits, or forbids without reference to the debate that produced it.¹ *Consistency* examines whether the amendment employs language in a manner consistent with the vocabulary, terminology, and logic used in the Constitution and within the amendment itself. *Compatibility* asks whether the amendment integrates coherently into the broader constitutional framework without creating conflict with other provisions or with the structure of the Constitution as a whole.

After due consideration, the PJC determined as follows regarding the AIC Amendments:

Question Presented	PJC Determination
Does the amendment satisfy the requirement of clarity of language?	Yes. Vote: 7-2.
Does the amendment satisfy the requirement of consistency of language?	Yes. Vote: 8-1. ²
Does the amendment satisfy the requirement of compatibility with other provisions of the EPC Constitution?	Yes. Vote: 8-1.

The PJC’s task was limited. We did not determine the wisdom, necessity, or pastoral desirability of the AIC Amendments, but rather evaluated whether the proposed language is prepared for integration into the Constitution. Our evaluation of the “three-C” criteria helps the General Assembly determine whether the AIC Amendments are constitutionally serviceable in their present form, apart from the merits of the proposals themselves.

¹ In many instances, constitutional language is designed to confer discretion on church courts. In such cases, a provision does not fail the clarity test merely because it allows a range of outcomes, since the granting of discretion is the very function the text is intended to serve. The clarity concern arises only where the language does not make clear, in the mind of a reasonably informed reader, the scope or object of that discretion.

² The PJC vote on “consistency of language” was contingent on certain non-substantive conforming changes being made to the text, which changes were subsequently approved and incorporated by the AIC in its final report.

This constitutes our report and recommendation to the General Assembly.³

I. Clarity

The AIC Amendments address the life and character of church officers and the examination of candidates for office. In doing so, they employ language drawn from familiar biblical and confessional categories, including chastity, sexual purity, repentance, mortification of sin, and progressive sanctification, as reflected in the Westminster Standards.

Some members of the PJC noted that certain phrasing in the proposal may allow for differing interpretations if read in isolation. Moreover, the requirement that officers conform to biblical standards “*in their descriptions of themselves, their convictions, character, and conduct*” is not presently used elsewhere in the Constitution. Similarly, expressions such as “*faithful conformity to his character*” and “*steady progress in spiritual growth*” are not reducible to precise measurement.

The question, however, is not whether each phrase could be further refined, but whether the language, taken as a whole, provides sufficient guidance for those charged with its application. The proposal operates primarily as a framework for examination rather than as a bright-line qualifying or disqualifying rule.

The AIC Amendments direct attention to categories already familiar within the Constitution and the church’s confessional standards. The Constitution itself requires that candidates for office be examined and approved prior to installation (G.12). This reflects an established process in which presbyteries evaluate doctrine, manner of life, and fitness for office.

It is also significant that the AIC Amendments direct attention to how a candidate speaks of himself or herself (“*officers must conform to the biblical requirement of chastity and sexual purity... in their descriptions of themselves*”) and of his or her beliefs (“*they must affirm the sinfulness of fallen desires, the reality and hope of progressive sanctification, and be committed to the pursuit of Spirit-empowered victory over their sinful temptations, inclinations, and actions*”). The AIC language largely avoids the difficulty of discerning internal or subjective states by focusing on matters that are outwardly expressed and capable of examination.

To the extent questions may arise in application, the PJC believes those questions fall within the ordinary exercise of ecclesiastical judgment rather than indicating a failure of clarity in the text itself. Read as a whole, the proposal provides sufficient guidance for evaluating candidates for office.

The AIC Amendments therefore satisfy the requirement of “clarity of language.”

II. Consistency

The AIC Amendments introduce phrasing not presently found in the Constitution, including references to “*descriptions of themselves,*” “*faithful conformity to his character,*”

³ See G.21-3D.2.b.

“obedience to him as Lord,” and “steady progress in spiritual growth.” However, the introduction of new language is not itself a defect. The General Assembly is entitled to develop and refine the Constitution over time.

The AIC Amendments also fit neatly within the Constitution’s established framework for the examination of candidates. That framework focuses on doctrine, manner of life, and fitness for office. Those provisions already require the applicable court to “*assure itself of the competency of the individual being ordained to serve*” and to examine the candidate not only in doctrine but also in the “*Christian experience of the saving grace of God*,” prior to approval and installation.⁴

In addition, the AIC Amendments are appropriately distributed across the sections of the *Book of Government* corresponding to the offices and processes addressed, rather than concentrated in a single provision. This approach is consistent with the structure and logic of the Constitution.

Finally, the AIC Amendments do not appear to create internal inconsistency within their provisions.

For the reasons stated above, the AIC Amendments satisfy the requirement of “consistency of language.”

III. Compatibility

The AIC Amendments integrate the church’s teaching on human sexuality within the framework of the Westminster Standards, including the doctrine of sanctification and the teaching of the Larger Catechism on the Seventh Commandment, which identifies both conduct and desires contrary to biblical sexual ethics as sinful.

At the same time, the proposal reflects the confessional teaching regarding the ongoing presence of sin in the life of the believer. *Westminster Confession of Faith* 13.2 teaches that sanctification “*works in the whole person, but not completely or perfectly in this life*,” and that “*the old sinful nature retains some of its control in body, mind, and spirit*,” even as it is progressively weakened and mortified. The *Westminster Larger Catechism* similarly teaches that believers “*retain some remnants of sin throughout their whole being*” and are “*continually plagued with desires of their old sinful nature that are contrary to the spirit*.”⁵

This pairing of a normative standard (i.e., the requirement of holiness) with the recognition of continuing sin is not a contradiction, but the ordinary Reformed articulation of sanctification: the law establishes the rule, while the doctrine of sanctification recognizes that believers do not attain that standard perfectly in this life.⁶

⁴ G.12-1; G.12-2B.

⁵ Westminster Larger Catechism 78.

⁶ The confessional standards do not present these teachings in tension. Rather, they hold together both the requirement of purity in body, mind, and inclination (*Westminster Larger Catechism* 138 & 139) and the continuing presence of sinful corruption and disordered desires in the believer (*Westminster Confession of Faith* 13.2 & *Westminster Larger Catechism* 77 & 78), which are to be repented of and mortified. (See also, e.g., Colossians 3:5.)

Within that framework, the AIC Amendments do not treat the mere presence of a sinful desire, without more, as disqualifying for office. Rather, they direct attention to the candidate's acknowledgment of sin, commitment to repentance, and manner of life in pursuing holiness. This approach aligns the evaluation of candidates with the confessional understanding.

The AIC Amendments do not conflict with other constitutional provisions governing the examination and qualification of officers, but supplement them by identifying areas of inquiry within the established doctrinal structure.

For these reasons, the majority concluded that the AIC Amendments satisfy the requirement of "compatibility with other provisions of the Constitution."

IV. Conclusion

The AIC Amendments satisfy the "three-C" requirements of clarity and consistency of language and compatibility with other provisions of the Constitution of the Evangelical Presbyterian Church.

The Permanent Judicial Commission respectfully and prayerfully recommends that the General Assembly consider these conclusions in determining whether to accept or decline the AIC Amendments.