

**THE HISTORIC
POLITY
OF THE
PCA**

Robert C. Cannada
and
W. Jack Williamson

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Introduction

We, W. Jack Williamson and Robert C. Cannada, ruling elders in the Presbyterian Church in America, feel that the report of the Ad Interim Committee on Structure presented to and passed on by the 1986 General Assembly is a document with historical value. The 1986 General Assembly, by a vote of 454 to 277, approved "the final recommendations and concluding proposals of the paper 'The Philosophical and Theological Basis for our PCA Structure,' as a basis for future clarification, interpretation and refinement of the Book of Church Order." (14th General Assembly Minutes, p. 103.) The portion of the paper the 1986 General Assembly adopted gave clear illustrations that a higher court can "Act On" or "Act Against" a matter before it from a lower court; but the higher court cannot "Act For" the lower court. We believe these are clear statements that a local church member can understand. The remaining portion of the paper, which was not adopted by the 1986 General Assembly, was received for information and study. Accordingly, we have concluded that it would be desirable to publish that report so as to make it readily available to the teaching and ruling elders in Presbyterian Church in America. We have also concluded that it may be of some value to those who are not familiar with the formation of the denomination to put our thinking and our understanding with reference to the polity of the denomination into a paper or papers that can also be published, along with the report of Ad Interim Committee on Structure. Accordingly, we have caused these papers to be bound and published with the hope and prayer that they will be used as a reference by those attempting to understand the polity of Presbyterian Church in America.

We commend all of these papers to those who are interested in the future course and direction of the Presbyterian Church in America.

Respectfully submitted,
W. Jack Williamson
Robert C. Cannada

Robert C. Cannada and W. Jack Williamson

Treatise on the Polity of the Presbyterian Church in America

BY

ROBERT C. CANNADA AND W. JACK WILLIAMSON

I.

This treatise is being written to set forth our understanding of the polity adopted by the Presbyterian Church in America (PCA). This polity has been under attack almost since its adoption. A clear understanding of and a determination to maintain this polity on the part of those in the denomination will be required if this polity is to be permanently retained.

There is an ever-present tendency to limit or restrict the power of the local church over its internal affairs and vest those powers in the higher church courts. The PCA polity is centered around the right of the local church to control its internal affairs, and any proposed change in the polity of the church should always be examined in the light of that principle.

Illustrative of the type of proposed change with which we are concerned is Overture 7 to the 23rd General Assembly from Potomac Presbytery. That Overture brought into question the *power* of the Session to remove members of the local church—the *power*, insofar as the PCA is concerned, of the Session to control that feature of the internal affairs of the local church. The issue presented was characterized by some as presenting two views which are “mutually incompatible.” We agree with that characterization—either the local church has the *power* to determine its membership, insofar as the PCA is concerned, or it doesn’t. The polity of the PCA was designed to recognize and honor the fact that this power is vested in the local church and any change in that concept constitutes a change in what we consider to be the very basis or foundation of the PCA polity.

II.

An understanding of the polity of any denomination is vital to its stability. It should be understood clearly by all Teaching Elders, all Ruling Elders, all Deacons, and, hopefully, all members within the denomination. To this end the following constitutes a discussion of church polity, in general, and the PCA polity in particular.

A.

The "polity" of a local church and of a denomination is the name applied to the form of government of the local church and of the denomination. The following constitute a short definition of some of the terms that are used in discussing church polity:

Civil Law: The law established by a political entity (a division of the State) which is applicable to all those within its powers or jurisdiction.

Entity: Something or someone with a separate and distinct existence.

Civil or Legal Entity: An entity that is recognized as an entity by the civil law—by the State.

A local church in the PCA should form and control a legal or civil entity which entity is recognized by the State.

The recommendation is that each local church in the PCA form a nonprofit corporation—an entity that is recognized by the State.

A Presbytery in the PCA should form and control a legal or civil entity which is recognized by the State. The recommendation is that each Presbytery in the PCA form a nonprofit corporation.

The General Assembly of the PCA should form and control a legal or civil entity which is recognized by the State.

Accordingly, the General Assembly of the PCA has formed a nonprofit Delaware corporation.

B.

The civil government (the civil courts) recognize only two forms of church government. (1) Hierarchical or Unified and (2) Congregational or Separated. The civil courts do not recognize a

third form of church government, which is sometimes referred to as Presbyterian or Connectional, as a separate or distinct form of church government. The reasoning for this conclusion by the civil courts is obvious. If there is a legal or civil connection between the civil entities within a denomination, then the denomination has, as a matter of fact, a hierarchal government—there is a civil connection between the entities. In that situation the civil courts must analyze this civil connection and interpret the relationships between the entities based upon that civil connection. This is the procedure followed, and which must be followed, with respect to all denominations which have a civil connection between the civil entities. A determination must be made of the civil relationship between the entities which normally leads to one civil entity having, to some extent, control or powers over another civil entity. Thus, the government of a denomination which has civil connections between the civil entities within the denomination is, as a matter of fact, a hierarchal government. The civil courts simply recognize that fact.

On the other hand, if there is no civil connection or relationship between the civil entities within a denomination, then the government of that denomination is classified by the civil courts as congregational or separate. There simply is no civil connection between the civil entities within the denomination and, as a matter of fact, the denomination has a congregational or separated government. The civil courts do nothing more than recognize that fact.

Failure to take into consideration the fact that the civil government only recognizes these two forms of church government has led to many problems in the historic Presbyterian denominations. Regardless of the language used in the Book of Church Order of a denomination, the civil courts have only recognized these two forms of denominational government. This fact has presented problems since there are instances where the civil courts are not certain, from the documents describing the polity of the denomination, as to whether the government of the denomination is hierarchal or congregational. This uncertainty has

led the civil courts to look to the past practices of the civil entities within the denomination. Accordingly, there have been instances where the civil courts have made decisions based upon these past practices of the civil entities within the denomination rather than upon a finding based upon whether there is a written civil connection between the civil entities.)

The argument that the Presbyterian polity is "connectional" rather than hierarchal or congregational has only led to the civil court attempting to determine the nature of that "connection" — whether the connection is between the civil entities or between the ecclesiastical church courts. If the connection is between the civil entities, then the polity is "hierarchal." If the connection is between the church courts then the connection is spiritual and the polity of the denomination, from a civil standpoint, is congregational. It is just that simple and must be understood. Failure to understand this concept has led to litigation in not only the Presbyterian denominations but in many other denominations.

Accordingly, there must be an understanding as to what is meant by the terms "civil connection" and "civil power." Civil powers come from the State (the civil government) and the coercive powers of that government are available to a legal entity recognized by the State. As an illustration, if there is a civil connection between the civil entity formed by the General Assembly and the civil entity formed by the Presbytery so that the civil entity formed by the General Assembly has "civil powers" over the civil entity formed by the Presbytery, then if the General Assembly orders the Presbytery to do a certain thing and the Presbytery refuses to comply with that order, the General Assembly can go to the civil courts and the powers of the civil court are available to the General Assembly to force or coerce the Presbytery to comply with its order. If there is no civil connection between the civil entity formed by the General Assembly and the civil entity formed by the Presbytery, the General Assembly does not have any civil powers over the Presbytery and the General Assembly cannot go to the civil court with the request that the civil court enforce its "order."

Robert C. Cannada and W. Jack Williamson

* In the PCA there is a defined ^{connectional} ~~humanly defined~~ spiritual connection.

With reference to the PCA, it needs to be understood that in the PCA there are three separate levels of legal or civil entities: (1) the legal entity formed by the local congregation, (2) the legal entity formed by the Presbytery and (3) the legal entity formed by the General Assembly. Each entity is freestanding and functions in accordance with its internal rules and procedures as authorized by the civil laws. The PCA is a denomination made up of local congregations, Presbyteries and a General Assembly, and with no civil "connection" between or among the civil entities formed by the local congregations, the Presbyteries or the General Assembly.

The thing that is special about the PCA is that there is a clear and vital spiritual connection between the Congregations, the Presbyteries and the General Assembly. Accordingly, it is entirely proper to designate the polity of the PCA as being "connectional" as long as it is made clear that the connection is a spiritual connection between the Congregations, the Presbyteries and the General Assembly and there is no connection of any kind between the civil entities formed by them. The members of the Congregations, the Presbyteries and the General Assembly make up the membership of the respective civil entities formed by them and are, therefore, in complete control of those civil entities. Accordingly, since there is this vital spiritual connection between the Congregations, the Presbyteries, and the General Assembly in the PCA and each has complete control of the civil entity formed by it, the PCA does not consist of a group of independent local churches that are free to teach and promote whatever they see fit to teach. If the local church is to be a part of the PCA then the local church is to preach, teach and promote the theology of the PCA. Failure to do that should lead to a dismissal of that local church from its Presbytery and thus from the denomination. This is accomplished, from a civil standpoint, by the members of the Presbytery acting through their civil entity and the civil courts will enforce the dismissal, if necessary.

This same concept applies to the relationship between the General Assembly and its presbyteries and between a local church and its members.

C.

Since there is no civil connection in the PCA between the separate civil entities formed by the local church, the Presbytery or the General Assembly, a local church does not lose control over its civil entity by joining a Presbytery. The local congregation is still in control of its civil entity. If it continues to approve of the denomination and values its affiliation with this denomination, then it can stay in the denomination until or unless it is dismissed from membership by the Presbytery. By the same token, the local congregation can withdraw or leave the denomination at any time that it sees fit so to do by simply withdrawing from its Presbytery. Insofar as the PCA is concerned this is set forth in Chapter 25-11 of the BCO. One of the statements setting this forth is as follows, "As long as such action is taken in compliance with such applicable civil laws, then such shall be the action of local congregation or local church."

D.

In the PCA, the congregation, as such, the Presbytery, as such, and the General Assembly, as such, do not constitute and are not separate entities. That is, a congregation, a Presbytery or a General Assembly, as such, are not recognized as entities by the civil courts. They are nothing more than a group of individuals drawn together by a common purpose to be governed by a set of rules and regulations which they prescribe but which rules cannot be enforced by coercion or by the civil courts. The obeying or complying with these rules and regulations depends entirely upon the voluntary action of the people involved. The entities that are recognized by the civil courts are those corporations formed by the congregations, the presbyteries and the General Assembly.

Thus any action taken by the group of people, whether by the Congregation, a Presbytery or the General Assembly, when acting outside of and separate from the legal entity that has been formed by such group of people, carries with it only such "power" as has been agreed to by the people.

In the PCA this "power" is described as "spiritual power." That is, as an illustration, when the General Assembly addresses a

deliverance or resolution to a Presbytery, the message carries with it the spiritual power ascribed to it by the Denomination. It is this "spiritual power" that is to be acknowledged and honored within the PCA. In the PCA a higher court should never send a deliverance or resolution to a lower court that can be interpreted as though the higher court has coercive powers to enforce its message. The Church courts, within the PCA, possess only spiritual powers and the church courts should be conscious of this fact in any and all actions that they take and their actions should clearly reflect this fact. Such actions should be "only ministerial and declarative" and "must be purely moral and spiritual" (Preliminary Principles 7 & 8).

E.

In the PCA polity it is acknowledged that church courts may err. These church courts are to be distinguished from civil courts. As an illustration, the civil courts have the final authority and the final jurisdiction to make a decision which must be obeyed by the parties to whom it is addressed and can be enforced by the police powers of the state. On the other hand, church courts in the PCA not only do not have the powers to physically require obedience to their messages but it is understood that the parties to whom the messages are addressed have the right, in fact they have the duty, to examine their own consciences and draw their own conclusions which may be in conflict with a message from the church court. The church courts do not have the power to bind the conscience of the individual.

Neither an individual nor a church court can ever be coerced through the civil courts into abiding by and obeying a decision of a church court. This principle of polity is clearly illustrated by the language in Chapter 25-11 of the Book of Church Order, as follows:

It is expressly recognized that each local congregation or local church shall be competent to function and to take actions covering the matters set forth herein as long as such action is in compliance with the civil laws with which said local church must comply, and this right shall never be taken from said local congregation

or local church without the express consent of and affirmative action of such local church or congregation.

III.

We now examine the question as to whether this polity is Presbyterian.

A.

In attempting to give an answer to this question, it seems to us that we must go back to the history of the Presbyterian Church as it appears in American history. With that thought in mind we quote from the "Historical Statement" appearing as a Preface to the Book of Church Order of the Presbyterian Church in the United States. This statement was prepared in 1925 and ordered printed by the General Assembly after being approved by that assembly. The quote is as follows:

"While our present Book of Church Order is the result of numerous revisions, it still contains many phrases, sentences, and paragraphs which are found in 'The Form of Government and Discipline of the Presbyterian Church in the United States of America,' which was first adopted in 1788." (emphasis added)

It appears, therefore, that the PCUS Book of Church Order contained only phrases, sentences and paragraphs of the original BCO adopted by the American Presbyterian Church in 1789. Therefore the PCA was proper in going back to the original documents adopted by the Presbyterian Church in 1789 in looking to Presbyterian history for guidance as the PCA polity was being established.

B.

What was adopted in 1789? Attached as Appendix A is a copy of the Preliminary Principles that were adopted in 1788 by the Synods and adopted by the first American General Assembly in 1789. As can be seen they set forth eight (8) basic principles that were to govern the polity of the denomination. *It is important here to note that they were describing the Principles of church polity and not church theology.* This is how the mechanism of the denomination

was to be organized and was to function. The polity was always to be in accordance with these principles. These principles were adopted before a Book of Church Order was written. Accordingly every provision in the Book of Church Order was to be interpreted so as to be consistent with and in accord with those principles.

C.

We next look at the Preface to the Book of Church Order of the Presbyterian Church in the United States (PCUS) that was in effect at the time of the organization of the PCA.

Attached as Appendix B you will find a copy of the Preface to that PCUS Book of Church Order. It is to be noted that this was adopted by the General Assembly in 1961. Particular attention should be given to the section dealing with "The Doctrine of Church Government—Summary." Attention is also directed to the fact that very few remnants of the eight (8) basic principles as originally established by the Presbyterian Church as it was organized in America in 1789 are to be found in that Preface to the 1961 BCO of PCUS.

D.

Next, there is attached as Appendix C a copy of the Preface to the Book of Church Order of the PCA which was first printed in 1976. As can be seen, the PCA went back to the original eight principles adopted by the General Assembly in America in 1789. It is obvious that it was the intent and purpose of the PCA to establish a polity which would be in accord with these eight principles.

E.

Among the eight principles is the principle that God alone is Lord of the conscience—that the right of private judgment is a divine right and in all matters with respect to religion is universal and unalienable. The limitation on the exercise of civil powers within the denomination is carefully set forth. "Church Power" is defined as being "only ministerial and declarative" and