

APPENDICES

EXHIBIT "F"

STANDING JUDICIAL COMMISSION PRESBYTERIAN CHURCH IN AMERICA

T.E. DAVID E. BOWEN
VS.
EASTERN CAROLINA PRESBYTERY

CASE NUMBER 90-8

I. Summary of the Facts

- A. 1/9/88. The Session of The Church of the Good Shepherd, Chapel Hill, North Carolina (hereafter referred to as TCGS) examined congregational nominees for Church Office according to *BCO* 24-1 and unanimously agreed that three nominees could still "sincerely receive and adopt the Confession of Faith and Catechisms of this church as containing the system of doctrine taught in the Holy Scriptures" while taking exception personally to WCF 28-4 (and WLC 166B, WSC 95B) concerning the baptism of infants and believers. (These three men had been previously examined in April, 1987 by a Commission of Eastern Carolina Presbytery (hereafter referred to as ECP) and not approved to stand for election.)
- B. 1/17/88. The congregation of TCGS had the opportunity to question the officer candidates in a special Sunday evening meeting.
- C. 1/24/88. By a majority vote, the congregation elected the three men in question to the office of Elder or Deacon. Eighteen members of the congregation of TCGS signed a complaint against the Session's action in allowing the exceptions of the three men who had personal reservations about the scriptural basis for infant baptism. The complaint also alleged that four men should have been disqualified from officer candidacy because they were out of conformity with the standards concerning the extent of the atonement.
- D. 2/12/88. The Session of TCGS responded to the complainant, defending its action.
- E. 2/24/88. Thirteen members of the Congregation of TCGS signed a complaint against the Session's action and sent to ECP.
- F. 4/16/88. At its spring Stated Meeting, ECP heard the complaint against the Session of TCGS according to *BCO* 43-8,9 and rendered the following judgment.

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1. The action of the Session of TCGS in approving the men named in the complaint to stand for election as church officers was sustained.
 2. The pastor and Session of TCGS were requested to spend a year of intensive training of the men named in the complaint.
 3. Infant baptism and limited atonement are necessarily fundamentals of the "system of doctrine" (*BCO* 254-5-2), and it is not appropriate for Sessions to require a stricter standard of subscription for ruling elder candidates than for diaconal candidates and for teaching elders than for ruling elders. These declarations were then phrased as questions and sent by way of reference to the General Assembly's Committee on Judicial Business.
- G. 6/9/88. The General Assembly ratified the following advice of the Committee on Judicial Business: "Declined to answer the request for advice, because there is no matter pending before the lower court (*BCO* 41-1). Notation: If there has (sic) been a matter before the court, this commission (sic) would have instructed ECP that 'limited atonement'....and 'infant baptism'....are required doctrinal standards for all church officers."
- H. 7/16/88. At its Summer Stated Meeting ECP declared that after the one-year training period called for by Presbytery, the men named in the complaint adjudicated by Presbytery on 4/16/88 should be examined by the Candidates and Examinations Committee of Presbytery concerning their views. Further, "if any of the men be found to be not in conformity with the constitutional standards of the PCA, at that time, that they be required by ECP to resign their office."
- I. August, 1988 - May, 1989. The pastor and Session of TCGS hosted a course for those named in the complaint concerning the distinctives of Reformed Theology.
- J. 4/19/89. Presbytery decided to defer the report of its Candidates and Examinations Committee concerning the men named in the complaint adjudicated by ECP on 4/16/88 until the Summer Stated Meeting.
- K. 7/15/89. At its Summer Stated Meeting ECP requested that RE Robert Byrd (one of the men named in the complaint of 4/16/88) write out his views on infant baptism and present them to the Candidates and Examinations Committee within three months. They Presbytery suspended him from office "due to his neglect in having his children baptized," such suspension to remain in effect "until Presbytery is satisfied that his views are in conformity with the constitutional standards of the PCA." Presbytery also declared that Deacon Bruce Harrod (another man named in the original complaint) "may not be reinstalled as a Deacon of the church until his views on infant baptism and particular atonement conform to the constitutional standards of the PCA."

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(Mr. Harrod had rotated off of active service according to the rotation system adopted by the church when its first deacons were elected in January, 1988.)

- L. 10/21/89. At its Fall Stated Meeting ECP asked the Session of TCGS (rather than ECP's Candidates and Examinations Committee) to examine Mr. Byrd's written views on baptism and to report to the Winter Stated Meeting of Presbytery its action with regard to Mr. Byrd, together with the rationale for this action.
- M. 12/4/89. The Session of TCGS voted unanimously to reconfirm its confidence in Mr. Byrd's suitability for the office of Ruling Elder in the PCA.
- N. 1/8/90. The Session of TCGS adopted reports from one of its Teaching Elders and one of its ruling Elders explaining the reasoning of the court in its judgment concerning Mr. Byrd and sent them to ECP.
- O. 1/20/90. At its Winter Stated Meeting, prior to any discussion of the Session of TCGS's judgment or rational concerning Mr. Byrd or any action on that judgment, ECP Presbytery by a simple majority of those present and voting, rescinded and expunged from its minutes, its action of 4/16/88 sustaining the Session of TCGS in the complaint brought against it. The moderator's rulings that this motion to rescind and expunge was in order and that it would pass by a simple majority of those present and voting were challenged from the floor, but upheld by vote of Presbytery. Additionally, Presbytery annulled the elections and ordinations of the men named in the 4/16/88 complaint.
- P. 2/16/90. TE David Bowen, Pastor of TCGS, complained against Presbytery's actions of 1/20/90.
- Q. 4/21/90. In its Spring Stated Meeting, ECP sustained certain procedural irregularities cited in TE Bowen's complaint but then acted again to rescind its action of 4/16/88 and to reverse its judgment on the complaint made at that time. Presbytery again annulled the election and ordination of those named in that complaint, with one possible exception which it referred to its Candidates and Examinations Committee for evaluation. Further, Presbytery accused the Session of TCGS of "an inadequate view of submission to the brethren in a creedal and connectional church." Finally, ECP requested the Session to invite a committee of Presbytery to address the congregation of TCGS the next day.
- R. 4/21/90. In a meeting called for the purpose, the Session of TCGS invited Presbytery to send a committee to address the congregation.
- S. 4/22/90. ECP's committee came to the congregational meeting already scheduled for the purpose of calling two new ministers to the church, but elected not to address the congregation at that time. They were invited back for 5/6/90.

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- T. 5/6/90. ECP's committee explained its actions concerning TCGS and its rationale for those actions to the congregation at a meeting called for that purpose and for the purpose of electing new officers.
- U. 5/17/90. TE Bowen complained against Presbytery's action in annulling the ordinations of local church officers two years after the fact without a trial.

II. A Statement of the Issues

- A. Does *Book Of Church Order* 43-10 give a higher court the right to annul the election, ordination and installation of officers after they have assumed and have functioned in their office?
- B. Is Infant Baptism properly considered a 'fundamental of the system of doctrine' of the Presbyterian Church in America (*BCO* 21-5-2 and 24-5-2)?
- C. Is Limited Atonement properly considered a 'fundamental of the system of doctrine' of the Presbyterian Church in America (*BCO* 21-5-2 and 24-5-2)?

III. Judgment of the Case

- A. The Commission sustains the complaint that Eastern Carolina Presbytery erred in its actions of January 20, 1990, (ROC p.31-32) and of April 21, 1990, (ROC p. 50) wherein the Presbytery acted to rescind its action of April 16, 1988. This April 16, 1988, action of Presbytery denied a complaint from local church members against the Session for approving nominees for elder and deacon. The January 20, 1990, and April 21, 1990, actions of Presbytery sought to rescind this former action of Presbytery, to sustain the Complaint of the local church members, and to annul the election, ordination and installation of these church officers.
- B. The Commission affirms the judgment of Eastern Carolina Presbytery in 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.

IV. Reasoning and Opinion of the Court

- A. The Commission recognizes that the above judgment means that the men in question in the case are still in fact officers of the Church of the Good Shepherd, while at the same time they are out of accord with fundamentals of the system of doctrine of the PCA. Accordingly, we give the following advice to Eastern Carolina Presbytery:

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1. That Eastern Carolina Presbytery consider giving the following advice to the Church of the Good Shepherd:
 - a) Since it has been affirmed that Infant Baptism and Limited Atonement are fundamentals of the system of doctrine, any officers out of accord with either of these doctrines should be allowed to voluntarily resign and demit their office without censure, or
 - b) Failing (a) above, the Session may consider initiating process as provided in *BCO* Chapters 29-32.
 2. That if the actions advised in (1) above are not satisfactorily completed, then the Presbytery could consider a multitude of options, among them being:
 - a) Seeking to deal with these issues in the Church of the Good Shepherd and among its officers in a pastoral manner by offering training, counsel, and pastoral advice in a multitude of ways; or,
 - b) Assuming original jurisdiction and authority in the matter provided process is begun against those officers as provided in *BCO* 33-1; or,
 - c) In the event all these matters fail and the Presbytery feels that the issue is one of such magnitude that it cannot continue fellowship with this church, then taking action in accordance with *BCO* 13-9(f) to dissolve the relationship of the Church with Eastern Carolina Presbytery.
- B. In addition to the above advice, the Commission also offers the following words of encouragement:
1. To the men in The Church of the Good Shepherd whose views are in question, to continue to study the doctrines of the Church so that they may eventually be able to receive and adopt all the fundamentals of the system of doctrine.
 2. To the Session of The Church of the Good Shepherd, to remain as open as possible to allow those not in accord with all of the fundamentals of the system of doctrine to utilize their gifts in every appropriate way, short of serving in office.
 3. To Eastern Carolina Presbytery, to continue in their desire to maintain the standards of the church and in continuing to grow in their efforts to conform to proper practice.
- C. The Commission sets forth the following reasons and opinions in support of the judgments.

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1. That *BCO* 43-10 does not give a higher court the right to annul the actions of election, ordination and installation of officers in a church after the fact:

On January 9, 1988 certain congregational nominees were examined by the Session and unanimously approved as qualified to be elected as Elders and Deacons. On January 17, 1988 the congregation questioned the nominees. On January 24, 1988 the congregation, by majority vote, elected these men to such offices.

On January 24, 1988 some members filed a Complaint against the Session for approving these men as qualified nominees.

On February 12, 1988 the Session took an action which amounted to denial of the members' Complaint.

Sometime shortly thereafter these men were ordained and installed as Elders and Deacons of TCGS.

On February 24, 1988 some members complained to ECP against the Session's action of February 12th in denying their Complaint.

At its meeting on April 16, 1988 ECP heard the members' Complaint and took the following action:

"The action of the Session of TCGS in approving the men named in the Complaint to stand for election as church officers was sustained" (ROC, page 21, item 18a).

The effect of this presbytery action was to deny the Complaint of the local church members against their Session. These Elders and Deacons took upon themselves the duties of their offices after their election, ordination and installation. After this April 16, 1988 action by ECP, there was no pending judicial procedure and no pending administrative or judicial process against these Elders and Deacons in any church court.

On April 21, 1990 ECP took an action to rescind its actions of April 16, 1988 (over 2 years previous) to sustain the action of the Session in approving the nominees and denying the Complaint of some members of the local congregation. The Presbytery then took affirmative action to:

- (1) Sustain the Complaint against the Session; and,
- (2) Annul the officers' elections, ordinations and installations.

We hold that in taking these actions on April 21, 1990, ECP erred. *BCO* 24-6 provides in part: "Ordination to the offices of ruling elder or deacon is

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perpetual....nor can any person be degraded from either office but by deposition after regular trial...."

The latter portion of *BCO* 24-6 and *BCO* 24-7, 24-8, 24-9 deal with matters by which "the official relationship" of a ruling elder or deacon with a particular congregation may be dissolved. In each of such cases under these *BCO* provisions, the ruling elder or deacon remains in such office but his active relationship with that particular Session or Diaconate is dissolved. The only method for deposing a ruling elder or deacon from his office is by process under the Rules of Discipline of the *BCO*. In the instant case these men had been ordained and serving for over 2 years without any administrative or judicial proceedings pending against them. Thus the only method by which they could have been deposed was by judicial process.

In addition, we hold that ECP erred in its parliamentary procedure of attempting to "rescind and expunge from the records" an action taken 2 years previously. Roberts Rules of Order Section 34 provides that a motion to rescind is not permissible when:

"....the action involved has been carried out in a way which it is too late to undo...." and,

"....something has been done, as a result on the main motion, that it is impossible to undo" and, "...a person has been elected to office, and the person was present or has been officially notified of the action...."

It is our judgment that these rules are applicable to this case. Thus, at the presbytery meetings of January 10, 1990 and April 21, 1990, the motions "to rescind" the presbytery's action of April 16, 1988 were out of order under the above quoted Roberts Rules of Order.

Finally, we note an action of ECP taken at its July 15, 1989 meeting (ROC p. 29, item 26). Here an action was taken that "Ruling Elder Robert Byrd, Good Shepherd Church....be suspended from office...." We point out that "suspension" is a Church Censure under *BCO* Chapter 30, Rules of Discipline. This instant case is not a case without process under *BCO* Chapter 38. No Church Censure under the *BCO* Chapter 30 can be imposed without due process. *BCO* Chapter 33 provides process against a church member must be instituted before the Session. Thus, we conclude that ECP erred in taking this action to suspend a ruling elder of a local church. This and related issues were more fully discussed in our opinion in the case of Charles E. Chappel vs. Eastern Carolina Presbytery, docket number 90-4. We adopt and reaffirm the applicable principles enunciated in the opinion in that case.

2. That Infant Baptism (WCF 28-4) and Limited Atonement (WCF 8-5 and 11-4) are to be considered as 'fundamentals of the system of doctrine':

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- a) **General Discussion:** Before entering the specific discussions concerning Infant Baptism and Limited Atonement, some general discussion of the reasons and opinions is in order. To begin with it must be recognized that while all doctrines are true, not all doctrines are alike. The Westminster Confession of Faith, Chapter I, Section VII states: "All things in Scripture are not alike plain in themselves, nor alike clear unto all: yet those things which are necessary to be known, believed, and observed for salvation, are so clearly propounded; and opened in some place of Scripture or other, that not only the learned, but the unlearned, in a due use of the ordinary means, may attain unto a sufficient understanding of them."

This statement makes the first division of doctrines for us: those doctrines 'necessary to be known, believed, and observed for salvation,' and those other doctrines 'not necessary....for salvation.' Clearly everyone who professes to be a Christian and seeks to join the Church should be in agreement with these 'necessary to salvation' doctrines.

All other doctrines taught in the Bible, while not 'necessary to salvation,' are still true. It must be recognized, however, that evangelical Christians in different denominations and faith groups would differ as to which doctrines are in fact taught. Each of these denominations and faith group, some in a formal way and others in a less formal way, but nevertheless real, have produced 'systems of doctrines.' These are systematized formulations of the various doctrines taught which more often than not in history have taken on clear identities.

For instance: There is a system of doctrine taught in the Westminster Confession of Faith. It is sometimes referred to as 'Calvinism,' but more correctly should be referred to as 'the Reformed Faith' or 'Reformed doctrine.' Other systems of doctrine would be those of Roman Catholicism, Lutheranism, , Arminianism, Dispensationalism, etc. Each denomination and faith group will have a system of doctrine to which it adheres.

The question then arises: does every officer in the Presbyterian Church in America have to adhere to every doctrine which makes up the 'system of doctrine' taught in the Westminster Confession of Faith. There has been a clear practice and understanding in the PCA from its inception, based on historical precedence in other Presbyterian denominations, that some of these doctrines which are 'not necessary for salvation' are 'fundamentals of the system of doctrine' and others are not such 'fundamentals.'

For instance, there has always been great leeway in approving men for office in the PCA who hold differing views of eschatology. Surely the Westminster Standards teach a view of the end times, and not all Pre-

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millennialists and Amillennialists and Post-millennialists are in accord with what is taught. However, the church has allowed men to become officers and remain in good standing even though they hold differing views.

The same thing could be said for the subject of divorce. The Westminster Confession of Faith, XXIV-6 states that 'nothing but adultery, or such willful desertion as can no way be remedied by the Church, or civil magistrate, is cause sufficient of dissolving the bond of marriage.' It has been recognized that some may differ with the teaching of the standards and believe that only adultery is 'cause sufficient' for a divorce. The church has always allowed both points of view to be held without prejudice.

Other doctrines in which the PCA has granted a measure of freedom are: in the area of creation, where some may hold to a literal six, 24-hour day for God's creative acts, and others may hold to a form of 'age-day' creation; in the area of worship, where some would hold that WCF XXI-5 of the Confession lists those elements of worship which God has instituted and believe that other elements are improper, including the singing of anything but psalms, while others would allow for the singing of hymns and spiritual songs in worship; and others.

Having examined these illustrations of doctrines that are in fact taught in the Scriptures and contained in the system we are calling 'the Reformed faith,' it should now be clear that there are some doctrines in the system of doctrine in which men may hold differing opinions. However, there are also some doctrines which are 'fundamental' to the system of doctrine. This is what is in view in the Second Ordination Vow (*BCO* 21-5,2 and 24-5,2). What is in view here is the fact that among those doctrines that constitute the 'system of doctrine,' some are deemed to be so crucial and important to the system that to deny or be out of accord in any of these 'fundamental' doctrines is tantamount to denying or being out of accord with the entire system.

Nowhere does the constitution of the church define specifically which doctrines are to be considered 'fundamental.' That judgment is left to the individual courts of the church. It is in cases such as the one before the commission that decisions are reached as to which doctrines must be considered by the church to be 'fundamentals.'

This leaves us with the following understanding that we can divide all doctrines into three different categories:

Category I: Doctrines that are 'necessary for salvation.'

Category II: Doctrines that are a part of the 'system of doctrine' and are 'fundamental' to that system.

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Category III: Doctrines that are a part of the 'system of doctrine' but are NOT 'fundamental' to that system.

In order to be a member of a PCA church, one must be in accord with all doctrines that fall into Category I; which is to say, one must be a Christian. To be out of accord with any of these doctrines makes one ineligible for church membership.

In order to be an officer in a PCA church, one must be in accord with all doctrines that are fundamental to the system of doctrine we are calling 'the Reformed Faith.' To be out of accord with any of these doctrines makes one ineligible for church office, although still in good standing as a member of the church.

With this background we are now ready to proceed to the sections of the decision which support the judgment that both Infant Baptism and Limited Atonement are to be considered as 'fundamentals of the system of doctrine' (e.g., Category II doctrines).

- b) **Infant Baptism:** The baptism of infants has historically been the practice of the church since the days of the Apostles. Clearly it was the practice of the early church which continued into the Roman Catholic church. But it was also the consistent view of the Reformers, 'unanimously and without exception,' according to Herman Bavinck, the celebrated Dutch theologian. It has only been in relatively more recent years that part of the church has broken from this practice in any great numbers.

The essential argument for infant baptism, presented in a very brief, summary form, goes as follows: Children of believers are heirs of the promises of God and are to be considered as part of the church, the covenant family (Matthew 19:13ff, Acts 2:39, 1 Corinthians 7:14). There is but one covenant of grace, administered differently in the Old Testament and the New Testament (Galatians 3:6-18). In the Old Testament, the sign and seal of admission to the covenant family was circumcision, which was given to both adults and children (Genesis 17, Romans 4:11). In the New Testament, baptism replaces circumcision as the sign and seal of entrance into the covenant family (Matthew 28:18-20, Galatians 3:26-29, Colossians 2:11-12). Therefore baptism is rightly administered to both adults and children.

Of primary importance to the present case is not so much whether the doctrine of Infant Baptism is taught in the Scriptures or not, but rather should it be considered a 'fundamental of the system of doctrine' (Category II) or can it be left to ones conscience (Category III). It is the opinion of the Commission that it must be considered a fundamental.

While many people refer to the doctrinal position of the Presbyterian Church in America, as spelled out in the Westminster standards, as 'Reformed Theology' or 'the Reformed faith' (which will be discussed in the section on Limited Atonement), it is also proper, and may in fact be best, to refer to our system of doctrine as 'Covenant Theology.' M. E. Osterhaven is the author of the article on Covenant Theology in the Evangelical Dictionary of Theology, Walter Elwell, Editor (Baker, 1984), from which the following quotation is taken: "The doctrine of the covenant was one of the theological contributions that came to the church through the Reformation of the sixteenth century. Undeveloped earlier, it made its appearance in the writings of Zwingli and Bullinger, who were driven to the subject by Anabaptists in and around Zurich. From them it passed to Calvin and other Reformers, and was further developed by their successors, and played a dominant role in much Reformed theology of the seventeenth century when it came to be known as covenant, or federal, theology....

"The Covenant of Grace has been made by God with mankind. In it he offers life and salvation through Christ to all who believe....From eternity the Father has given a people to the Son; to them was given the promised Holy Spirit so that they might live in fellowship with God. Christ is the mediator of the covenant of grace inasmuch as he has borne the guilt of sinners and restored them to a saving relationship to God. He is mediator....in the sense of having fulfilled all the conditions necessary for procuring eternal salvation for his people. Thus Hebrews 7:22 calls Jesus the 'surety' or 'guarantee' of the new covenant, which is better than that which came through Moses....

"Although the covenant of grace includes various dispensations of history, it is essentially one. From the promise in the garden (Genesis 3:15), through the covenant made with Noah (Genesis 6-9), to the day that the covenant was established with Abraham, there is abundant evidence of God's grace. With Abraham a new beginning is made which the later, Sinaitic covenant implements and strengthens. At Sinai the covenant assumes a national form and stress is laid on the law of God. This is not intended to alter the gracious character of the covenant, however (Galatians 3:17-18), but it is to serve to train Israel until the time would come when God himself would appear in its midst. In Jesus the new form of the covenant that had been promised by the prophets is manifest, and that which was of a temporary nature in the old form of the covenant disappears (Jeremiah 31:31-34, Hebrews 8)."

This brief description of Covenant Theology shows us that the theme of the Covenant of Grace is to be recognized as the essential unifying theme of all of Scripture. Each system of doctrine finds some theme around which to understand the Scriptures. Lutherans use the theme of the tension between Law and Grace. Roman Catholics use the theme sacrament. Dispensationalists use the theme of various, different

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dispensations by which they divide the scriptures, not only into time periods but also into varieties of application and authority.

In Covenant Theology, the Scriptures are seen as one unified revelation of God to man, with the principles of the Covenant being the same in both the Old and New Testament. This is why Reformed churches have placed so much importance on the sign and seal of entrance into the special covenant relationship that the Lord's people have with their Covenant God. Since there is no 'breaking' or 'division' of the revelation into separate parts, but rather there is a unity of the Covenant of Grace, what one therefore looks for is the continuity of the sign and seal. While the sign and seal of admission to the covenant is changed from circumcision to baptism, there is no reason to believe or accept any understanding that the recipients of this sign should be changed. Children are still understood, by Jesus and by Paul, to be recipients of the promises of the covenant and therefore to be recipients of the sign and seal.

Chapter VII of the Westminster Confession of Faith is the section of the church standards that spells out the significance of the Covenant of Grace to the entire system of doctrine. This chapter follows immediately the chapters on creation and the fall, and precedes everything concerning the person and work of Christ and the application of redemption. It thus stands as an essential part of the system of doctrine. So much so that it is proper, and as stated previously, perhaps even helpful, to refer to Reformed Theology as Covenant Theology.

Since the theme of the Covenant is so essential to the entire system of doctrine, it follows that the doctrines pertaining to Baptism as the sign and seal of admission to the covenant is also an essential doctrine. To seek to separate the issue of the baptism of infants from the remainder of the doctrines of baptism and of the covenant would have the effect of removing the place of children from being in the church and from being heirs of the promises of God. This would, of course, be inappropriate and un-Biblical. It is for these reasons that Infant Baptism must be considered as a 'fundamental of the system of doctrine.'

- c) **Limited Atonement:** The term 'Limited Atonement' arises from the historical context of the decisions made by a synod meeting of representatives of the Reformed Church of the Netherlands held at the town of Dort, with the final judgment being made on April 22, 1619. This synod was called to deal with a number of theological issues that had been raised by followers of a then-deceased minister in the Reformed Church of the Netherlands named Jacob Arminius. These followers of Arminius, known as 'Remonstrants' held to five particular doctrinal views which were believed by many in the church to be out of accord with the system of doctrine known as the Reformed Faith. The

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Synod of Dort confirmed that all five of these doctrinal positions were in fact contrary to the confessional standards of the church.

Through the years these five doctrines (the ones affirmed by the Synod of Dort, in opposition to the ones presented by the Remonstrants) have taken on several un-official names. They are frequently referred to as the 'Five Points of Calvinism.' It must be noted that 'Calvinism' is another name for the system of doctrine we have been referring to as the Reformed Faith. However, it must also be noted that 'Calvinism' contains many more than just these five points--these were simply the five points at dispute in the Synod of Dort.

Because of the setting of this particular controversy in the Netherlands, a tradition soon developed which gave titles to these five doctrines which would form the acronym 'T-U-L-I-P.' The five titles which make up this acronym are:

- T - Total Depravity
- U - Unconditional Election
- L - Limited Atonement
- I - Irresistible Grace
- P - Perseverance of the Saints

It is the "L" in "TULIP" that is under discussion in this particular judicial case; thus the judgment refers to it by the title 'Limited Atonement.'

When examining the doctrine in question, both in its historical and Biblical context, it soon becomes clear that the word 'Limited' is not the best title for the doctrine. In brief summary, it was the position of the Remonstrants that Christ's atonement was not only 'in itself and by itself sufficient for the redemption of the whole human race, but has also been paid for all men and for every man....' In other words, the Remonstrants held to a view that could properly categorized as a 'universal atonement'- 'for all men and for every man....'

In denying the view of the Remonstrants, the Synod of Dort affirmed that while 'the death of the Son of God....is of infinite worth and value, abundantly sufficient to expiate the sins of the whole world,' yet it was the '....most gracious will and purpose of God the Father that the quickening and saving efficacy of the most precious death of His son should extend to all the elect....; that is, it was the will of God that Christ by the blood of the cross....should effectually redeem out of every people, tribe, nation, and language, all those, and those only, who were from eternity chosen to salvation....' (emphasis added.)

The Synod of Dort did not use the word 'limited' in its decisions, but rather used words such as 'certain' and 'definite.' It would probably be most helpful to think of the doctrine under discussion as that of 'definite

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'atonement' or 'particular atonement,' but historically the popularity of the acronym 'TULIP' has made this re-titling very difficult.

It was the position of the Remonstrants at the Synod of Dort that all five of these doctrinal issues were bound together. They referred to these doctrines as "concerning predestination, and the points annexed to it." This is important to note historically, because the Biblical arguments in support of 'particular atonement' are closely tied to the other four points at dispute at Dort.

The question at stake in this issue, simply put, is "For whom did Christ die?" Some would look at verses such as 1 John 2:2, which reads: "He (Jesus) is the atoning sacrifice for our sins, and not only for ours but also for the sins of the whole world.", and come to the conclusion that Christ died for all men. But clearly in Romans 11:12, Paul uses the word 'world', speaking of Israel in this way: "But if their transgression means riches for the world, and their loss means riches for the Gentiles, how much greater riches will their fullness bring?" In this verse Paul uses 'world' and 'Gentiles' synonymously, in contrast to Israel. Certainly when we come upon the word 'world' in the Bible, we cannot assume that it always, necessarily means every person in the world.

The question is not whether God deals with every person in the world in some special way. Unbelievers in this world enjoy benefits that flow from the fact that Christ died and was raised from the dead. Christ has dominion over all the world. The question is more narrow than that. It is "On whose behalf did Christ offer himself a sacrifice?" It is "Whom did He reconcile to God?" It is "In whose place did He suffer death?" At stake in this question is the nature of what Christ set out to accomplish. Some may say that His death made the salvation of all men possible. And there is nothing wrong with saying that. But that is not the question. What we cannot say is that he came to actually save all the world. Rather, he came to secure the salvation of all those whom God the Father had eternally chosen.

Those who would teach that there is a 'universal atonement' (i.e., the extent of the atonement applies to everyone in the world) would, to be completely logical, come to the conclusion that all men finally will be saved. Otherwise, if some people for whom the atonement was intended to apply were not saved, then the atonement is to that degree ineffective.

There are at least two essential arguments from Scripture supporting the doctrine of definite atonement. The first comes from Romans 8:31-39. It is clear in verse 31 that Paul, by the use of the pronoun 'us,' is speaking of Christians, of those who have been redeemed. We see this from the preceding context of verses 28-30. Then in verse 32 he adds the word 'all.' "He who did not spare his own Son, but gave him up for us all....." (emphasis added). The 'all' here is no broader than the 'us;' it is still

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referring to those who are indeed Christians. In fact, in verse 33 Paul parallels the term 'those whom God has chosen' with 'us all.' Throughout this passage it is clear that Paul is applying the benefits of the atonement to those who have been unconditionally elected by God.

The second argument is based on the fact that those for whom Christ died have themselves also died in Christ. Not only does the Bible speak to the fact that Christ died for believers, but in many places it speaks to the fact that believers have died in Christ. We find this in Romans 6:3-11, 2 Corinthians 5:14-15, Ephesians 2:4-7, and Colossians 3:3. Looking briefly just at 2 Corinthians 5:14, we see: "...we are convinced that one died for all, and therefore all died." Paul's proposition is clear: all for whom Christ died, also died in Christ.

This becomes significant for our current issue because Paul also says that all who died in Christ are also raised to life with Him. Romans 6:4-5: "We were therefore buried with him through baptism into death in order that, just as Christ was raised from the dead through the glory of the Father, we too may live a new life. If we have been united with him like this in his death, we will certainly also be united with him in his resurrection."

The point here is this: Those for whom Christ died are those who die in Christ. Those who die in Christ are those who are raised in Christ. Therefore those for whom Christ died are those who are raised in Christ. This means that only those who are raised in Christ are those for whom Christ died. And certainly not everyone in the world is raised in Christ. It logically follows then that not everyone in the world can be called someone for whom Christ died.

The above discussion is, by necessity, quite brief. For those who would like to gain more detailed exegetical and logical argument are encouraged to read John Murray's *Redemption Accomplished and Applied* and Benjamin B. Warfield's *The Plan of Salvation*. Also, the volume edited by Peter Y. DeJong, *Crisis In The Reformed Churches*, gives an excellent historical overview of these issues.

Having briefly set forth the Biblical evidence in support of the doctrine we have been calling 'Limited Atonement' or 'Definite Atonement' we must now turn our attention to why it is fundamental to the system of doctrine. Why should this doctrine not be considered as a Category III doctrine for which there is room for a variety of views and beliefs.

This takes us back to the very point that there are 'systems of doctrines.' One of those systems is known by the name 'Arminianism,' taken from the name of the original theologian in the Netherlands whose views were brought to the Synod of Dort by the Remonstrants, Jacob Arminius. The Armenian system and the Reformed system of doctrine are mutually

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exclusive. One views the application of redemption from the human point of view, understanding that man is able to assist in his own salvation, rejecting the fact that God has deliberately chosen those who should be saved, and teaching that the atonement was intended for all men.

In contradistinction to this, the Reformed faith views the application of redemption from God's point of view, affirming that man is dead in the trespasses of his sins and is totally incapable of even cooperating in his own salvation, and that, apart from God's gracious and effectual calling, he would be totally lost. The Remonstrants, those who initially presented the arguments of Arminianism to the church court know as the Synod of Dort, saw how totally connected these doctrines were.

They form a system. One either adheres to the system of the Reformed Faith; or one adheres to the system of Arminianism. Thus Limited Atonement (as well as the other four points of T-U-L-I-P) must be considered fundamental to the system of doctrine. While many godly Christian people do not accept these doctrines, it does not necessarily diminish their essential faith in Christ nor their ability to worship and serve, to a limited degree, in the church. However, since officers in the PCA must take a vow to receive and adopt a system of doctrine, only those who can affirm the doctrines of Infant Baptism and Limited Atonement should be found eligible for office upon examination of their views.

V. VOTING ON PROPOSED JUDGMENT

All members concurred in this judgment and decision with the exception of Rev. Dewey Roberts, who abstained as he was serving as a chaplain in Saudi Arabia. Members Robert D. Stuart and Dominic A. Aquila filed a joint concurring opinion, and Dr. Morton H. Smith and Stanley D. Wells filed a joint concurring opinion. These concurring opinions follows:

CONCURRING OPINION 1

CONCURRING OPINION
CASE 90-8
T.E. DAVID E. BOWEN
EASTERN CAROLINA PRESBYTERY

We concur in the judgment and opinion of Case 90-8 and offer the following as a concurring opinion.

I. Infant Baptism

Infant Baptism is not an isolated issue. It is integrally tied to the definition of covenant and church.

Baptism is a sign and seal of the Covenant of Grace. It points to and signifies the essence of God's covenant provisions. While the sign has no efficacy in and of itself, it does have significance because of what it represents. God gave an external sign as a perpetual indicator of His covenant; we are obligated to use it and acknowledge its significance.

Covenant theology has understood the scripture to teach that there is one covenant of grace spanning both testaments. The initiatory sign of the covenant was circumcision in the old covenant and baptism in the new covenant (Gen. 17:9ff.; Col. 2:9-12). Covenant theology has also understood the scripture to teach that the proper subjects for the initiatory sign were of two classes: (1) adults who grew up outside of the covenant promises, come to faith, and then receive the sign of the covenant (as Abraham); and (2) children of parents in the covenant, who receive the sign of the covenant in infancy and then are called to faith (like the children of Abraham) (Rom. 4:9-12).

In the old covenant both classes of subjects were circumcised. In the new covenant both classes are baptized. While the form of the sign administered is different, the significance and subjects remain the same in both covenant administrations.

Flowing out of this view of the covenant is the definition of the visible church with regard to membership. The visible church is comprised of all who profess Jesus Christ along with their children (Confession of Faith XXV.2). By virtue of their parents' profession children of believers come under the provisions of the covenant with its attendant blessings and curses. Children of believing parents are, in a sense, minority members of the church; citizens of it but without the full privileges of majority status (Robert L. Dabney, Lectures in Systematic Theology, page 794). These children are to be called to remember their unique status so that they can by faith appropriate the promises and blessings of the covenant. In essence, they are to be led to Christ as they are being led in Christ.

The covenant and the church, by definition, include professing Christians and their children. To deny the sign of baptism to children of believers contradicts this definition and is contrary to the system of doctrine taught in the Westminster Confession of Faith. Because this understanding of the covenant and the church is as essential part of the system of doctrine taught in the Confession, ordained officers in the Presbyterian Church In America must receive and adopt this understanding. No exception to infant baptism should be allowed since it is a part of a greater whole.

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II. Limited Atonement

The doctrine of Limited Atonement is tied not only to the nature and extent of the atonement but also to the definition of the nature and extent of the fall. The effect of the fall on man's nature and ability is an important determinant in understanding the atonement.

The fall left man either healthy, sick or dead with regard to his nature and ability. If he is healthy, then man can respond to God on his own merit because he is basically healthy in spirit. Christ's atonement is more an example of selflessness than propitiation. If he is sick, then man needs help but he can also help himself. Christ's atonement makes salvation possible, but man can accept it or reject it. If man is dead, then he is totally incapable of doing anything in himself to save himself. Christ's atonement is the means of securing salvation for the sinner, who left to himself would have no hope.

The Confession understands the scripture to teach the latter - the fall left all people spiritually dead, separated from God, and totally unable to come to God on their own (Confession of Faith VI. 2). Because of sinners' condition, salvation is completely of God's purpose of grace - from election to glorification. At no time is the will of man a determinant to salvation; his will is tied to his nature which is disposed to sin and not God (Confession of Faith (VI. 4, 5; IX. 3).

Having elected sinners to salvation in Christ (Rom. 8:29-30; Eph. 1:4-6), God fulfills this electing plan with a definite atonement. Christ's death on the cross is a part of God's plan for redeeming a people to Himself. Christ died for the elect, an innumerable host of sinners, who left to themselves would never make a choice for salvation. Christ's death secures salvation for the elect; apart from this work of grace there would be no salvation (Confession of Faith III. 6; X. 1).

Because of the Confession's view of sin and its effect in sinners, electing grace, of which limited or definite atonement is a part, is a necessary part of the system of doctrine taught in the Confession. Ordained officers in the Presbyterian Church In America must receive and adopt definite atonement as an essential part of the system of doctrine taught in the Confession. This is not a teaching to which an exception can be made.

Dated this 1st day of March, 1991.

/s/ Robert D. Stuart
/s/ Dominic A. Aquila

CONCURRING OPINION 2

The undersigned members of the Permanent Judicial Commission submit this concurring opinion to the Case of TE David E. Bowen versus Eastern Carolina Presbytery. They are totally in agreement with the judgment of the Commission that

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the doctrines of Infant Baptism and of Limited Atonement are "to be considered fundamentals of the system of doctrine and that there can be no exception given in the case of officers in the church," but they believe the section of reasoning and opinion regarding subscription may serve to weaken the Church's understanding of the meaning of subscription to the Standards, and thus submit the following reasoning and opinion regarding subscription.

The Tenth General Assembly of the Presbyterian Church in America stated, "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, recognizing that the Word of God written is the only infallible, inerrant, unamendable rule of faith and practice." (*M10GA*, 10-75, III, 25, p. 103) The vow reads, "Do you sincerely receive and adopt the Confession of Faith and the Catechisms of this Church, as containing the system of doctrine taught in the Holy Scripture . . ." (*BCO* 21-5, 24-5). We thus receive and adopt the Confession and Catechisms, which define the system of doctrine that we believe is taught in Scripture. We are not subscribing to an undefined system of doctrine to be determined by the individual, or by the session or presbytery. It is true that we allow for the possibility of "scruples" or "exceptions" that the individual ordinand is required to declare to the ordaining court. It is the duty of the court to determine whether this scruple or exception strikes at the "fundamentals of the system of doctrine." If it does, then the court must judge the candidate ineligible for ordination in this Church.

In response to a question as to whether a man may "be lawfully received/ordained/installed within the Presbyterian Church in America who rejects either implicitly or explicitly any of the following doctrines, and if so, which?"

- a. Any of the so-called 'five points of Calvinism.'
- b. Sabbath observance as set forth in the Confession.
- c. Baptizing only once."

the Assembly wisely answered, "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." (*M10GA*, p. 103)

What we have in this case is the application of the proper judicial processes, and the judgment that the doctrines of infant baptism and of the limited atonement are necessary for every officer (teaching elders, ruling elders and deacons) to hold in order to be able to serve as officers in the PCA. The general argumentation of the Commission showing that both of these doctrines are an essential part of the system of doctrine taught in the Confessional standards of the Church is valid.

The argumentation of the Commission regarding subscription, however, goes beyond what the Church has previously done when it defines the system of doctrine as the Reformed Faith. The designation "Reformed Faith" is not sufficiently defined. Some understand it to refer only to the five points of Calvinism. Others include Covenant Theology, as the Commission has done. Warfield, on the other hand, said,

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"Calvinism is Christianity come into its own" seeing it as embracing all of Biblical Christianity. This is the thrust of the second ordination vow, affirming all of the Confession and Catechisms as containing the Biblical system of doctrine. The Presbyterian Church in America has refrained from trying to define the system as anything other than the doctrines taught in the Confession and Catechisms, as seen in the above citations from the Tenth General Assembly. To accept the argument of the Commission may be interpreted as defining the system as something less than the full teaching of the Confessional Standards. The undersigned agree that the Reformed Faith is the system of doctrine set forth in the Westminster Standards, but they understand the Reformed Faith as inclusive of the whole of Biblical teaching on matters of both faith and practice. If anything less than this is intended by the Commission, then this limiting of the system to less than all of the doctrines taught in the Confession and Catechisms is an improper amending of the Constitution of the Church.

The Tenth General Assembly said, "Any procedure of setting forth or compiling a list of essential or nonessential doctrines would, in effect, amend the standards by an unconstitutional method. The *Westminster Confession of Faith and Catechisms* are already held by our church as 'standard expositions of the teaching of Scripture in relation to both faith and practice' (*BCO* 29-1) and all officers and candidates for office in the Presbyterian Church in America are required to adopt our standards sincerely and without mental reservation (*WCF* 22-4) as faithful expositions of Bible truth." To define the fundamental system as the Reformed Faith, if this is taken to mean anything less than all of the teachings of the Confession and Catechisms, is to "amend the standards by an unconstitutional method," just what the Tenth General Assembly says should not be done.

March 6, 1991

/s/ Morton H. Smith
/s/ Stanley D. Wells

NOTE: This opinion was written partially by Dr. Don K. Clements and partially by W. Jack Williamson with concurrence by John E. Spencer, as members of the Judicial Panel. Minor revisions were made by full Commission.

THE BRIEF OF TE DAVID A. BOWEN DECEMBER 28, 1990

I. A Summary of the Facts

- A. 1/09/88 The Session of the Church of the Good Shepherd examined congregational nominees for Church Office according to *BCO* 24-1 and unanimously agreed that three nominees could still "sincerely receive and adopt the Confession of Faith and Catechisms of this church as containing the system of doctrine taught in the Holy Scriptures" while taking exception

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- personally to WCF 28-4 (and WLC 166B, WSC 95B) concerning the baptism of infants of believers.
- B. 1/17/88 The congregation had the opportunity to question the officer candidates in a special Sunday evening meeting.
 - C. 1/24/88 Eighteen members of the congregation signed a complaint against the Session's action in allowing the exceptions of the three men who had personal reservations about the scriptural basis for infant baptism. The complaint also alleged that four men should have been disqualified from officer candidacy because they were out of conformity with the standards concerning the extent of the atonement.
 - D. 2/12/88 The Session responded to the complainants, defending its action.
 - E. 2/24/88 Thirteen members of the congregation signed a complaint against the Session's action and sent it to Eastern Carolina Presbytery.
 - F. 4/16/88 At its spring Stated Meeting Eastern Carolina Presbytery heard the complaint against the Session of The Church of the Good Shepherd according to *BCO* 43-8,9 and rendered the following judgment.
 - 1. The action of the Session of The Church of the Good Shepherd in approving the men named in the complaint to stand for election as church officers was sustained.
 - 2. The pastor and Session of The Church of the Good Shepherd were requested to spend a year of intensive training of the men named in the complaint.
 - 3. Infant baptism and limited atonement are necessarily fundamentals of "the system of doctrine" (*BCO* 24-5-2), and it is not appropriate for Sessions to require a stricter standard of subscription for ruling elder candidates than for diaconal candidates and for teaching elders than for ruling elders. These declarations were then phrased as questions and sent by way of reference to the General Assembly's Committee on Judicial Business.
 - G. 06/09/88 The General Assembly ratified the following advice of the Committee on Judicial Business: "Declined to answer the request for advice, because there is no matter pending before the lower court (*BCO* 41-1). Notation: If there has [sic] been a matter before the court, this commission [sic] would have instructed the Eastern Carolina Presbytery that 'limited atonement'...and 'infant baptism'...are required doctrinal standards for all church officers."
 - H. 7/16/88 At its Summer Stated Meeting Eastern Carolina Presbytery declared that after the one-year training period called for by Presbytery, the men named in the complaint adjudicated by Presbytery on 4/16/88 should be examined by the Candidates and Examinations Committee of Presbytery

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concerning their views. Further, "if any of the men be found to be not in conformity with the constitutional standards of the PCA, at that time, they be required by ECP to resign their office."

- I. August, 1988 - May, 1989 The pastor and Session of The Church of the Good Shepherd hosted a course for those named in the complaint concerning the distinctives of Reformed Theology.
- J. 4/19/89 Presbytery decided to defer the report of its Candidates and Examinations Committee concerning the men named in the complaint adjudicated by Presbytery on 4/16/88 until the Summer Stated Meeting.
- K. 7/15/89 At its Summer Stated Meeting Presbytery requested that RE Bob Byrd (one of the man named in the complaint of 4/16/88) write out his views on infant baptism and present them to the Candidates and Examinations Committee of Presbytery within three months. Then Presbytery suspended him from office "due to his neglect in having his children baptized," such suspension to remain in effect "until Presbytery is satisfied that his views are in conformity with the constitutional standards of the PCA."

Presbytery also declared that Deacon Bruce Harrod (another man named in the original complaint) "may not be reinstalled as a deacon of the church until his views on infant baptism and particular atonement conform to the constitutional standards of the PCA." [Mr. Harrod had rotated off of active service according to the rotation system adopted by the church when its first deacons were elected in January, 1988.]

- L. 10/21/89 At its Fall Stated Meeting, Presbytery asked the Session of The Church of the Good Shepherd (rather than Presbytery's Candidates and Examinations Committee) to examine Mr. Byrd's written views on baptism and to report to the Winter Stated Meeting of Presbytery its action with regard to Mr. Byrd, together with the rationale for this action.
- M. 12/04/90 The Session of The Church of the Good Shepherd voted unanimously to reconfirm its confidence in Mr. Byrd's suitability for the office of ruling elder in the PCA.
- N. 1/08/90 The Session of The Church of the Good Shepherd adopted reports from one of its teaching elders and one of its ruling elders explaining the reasoning of the court in its judgment concerning Mr. Byrd and sent them to Presbytery.
- O. 1/20/90 At its Winter Stated Meeting, prior to any discussion of the Session's judgment or rationale concerning Mr. Byrd or any action on that judgment, Eastern Carolina Presbytery, by a simple majority of those present and voting, rescinded and expunged from its minutes, its action of 4/16/88 sustaining the Session of The Church of the Good Shepherd in the complaint brought against it. The moderator's rulings that this motion to rescind and expunge

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was in order and that it would pass by a simple majority of those present and voting were challenged from the floor but upheld by vote of Presbytery. Additionally, Presbytery annulled the elections and ordinations of the men named in the 4/16/88 complaint.

- P. 2/16/90 TE David Bowen, Pastor of The Church of the Good Shepherd, complained against Presbytery's actions of 1/20/90.
- Q. 4/21/90 In its Spring Stated Meeting, Eastern Carolina Presbytery sustained certain procedural irregularities cited in TE Bowen's complaint but then acted again to rescind its action of 4/16/88 and to reverse its judgment on the complaint made at that time. Presbytery again annulled the election and ordinations of those named in that complaint, with one possible exception which it referred to its Candidates and Examinations Committee for evaluation. Further, Presbytery accused the Session of The Church of the Good Shepherd of "an inadequate view of submission to the brethren in a creedal and connectional church." Finally, Presbytery requested the Session to invite a committee of Presbytery to address the congregation of The Church of the Good Shepherd the next day.
- R. 4/21/90 In a meeting called for the purpose, the Session of The Church of the Good Shepherd invited Presbytery to send a committee to address the congregation.
- S. 4/22/90 Presbytery's committee came to the congregational meeting already scheduled for the purpose of calling two new ministers to the church, but elected not to address the congregation at that time. They were invited back for 5/6/90.
- T. 4/22/90 Presbytery's committee explained its actions concerning The Church of the Good Shepherd and its rationale for those actions to the congregation at a meeting called for that purpose and for the purpose of electing new officers.
- U. 5/17/90 TE Bowen complained against Presbytery's action in annulling the ordination of local church officers two years after the fact without a trial.

II. A Statement of the Issues

- A. THE PROCEDURAL ISSUE: Can a court of the church annul the election, ordination, and installation of church officers two years after the fact without a trial?
- B. THE THEOLOGICAL ISSUE: Is infant baptism necessarily (i.e., always and everywhere) fundamental to the system of doctrine taught in the Holy Scriptures (such that a man who fails to accept that doctrine, be he ever so godly and gifted, can never serve as an officer in the PCA)?

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- C. **THE POLITICAL ISSUE:** May a presbytery assume original jurisdiction over a local church in the selection or discipline of that church's officers (apart from the procedure specified in *BCO* 33-1 or the exception specified in *BCO* 13-9)?

III. The Relief I Seek

- A. That RE Bob Byrd be immediately reinstated as an active elder at The Church of the Good Shepherd.
- B. That the judgment of Presbytery on 4/16/88 sustaining the action of the Session of The Church of the Good Shepherd in allowing these particular men to run for office be upheld and that the judgment of Presbytery on that same day deciding that infant baptism and limited atonement are necessarily fundamentals of the system of doctrine be denied.
- C. That the Session of The Church of the Good Shepherd and not the Candidates and Examinations Committee of Eastern Carolina Presbytery (or Eastern Carolina Presbytery as a whole or as a commission) be upheld as the court of original jurisdiction for the evaluation of candidates for local church offices and for the discipline of current ruling elders and deacons just as Presbytery is for teaching elders, unless the provision of *BCO* 33-1 be invoked.

In short, I seek negative answers to each of the questions posed above in my statement of the issues. I shall now argue my case on each question seriatim.

IV. Arguments

- A. Our *Book of Church Order* explicitly states that "ordination for the offices of ruling elder and deacon is perpetual,...nor can any person be degraded from either office but by deposition after regular trial" (*BCO* 24-6). At the time of the original complaint to Presbytery in April, 1988, Presbytery could have rescinded the Session's actions in approving, ordaining and installing these men (*BCO* 43-10), but Presbytery voted instead to sustain the Session's action. Two years later Presbytery cannot rescind those elections, ordinations and installations without a trial. In fact, the motion to rescind should have been declared out of order not only based on the *BCO* but also on Robert's Rules of Order, which states that the motion to rescind is not in order when a person has been elected to office and notified of the result (RRO, paragraph 34).

The 1990 version of Eastern Carolina Presbytery wants so badly to overturn what the 1988 version did (a version which included two churches who have now left the denomination amid charges of tyranny against this Presbytery) that they are willing to stretch the rules of operation to accomplish their task. The Presbytery sincerely believes that no one can ever be a PCA officer who does not believe in infant baptism. The intensity of that belief, however, can never justify unfair procedure. The right thing must not be done in the wrong way. If Presbytery believes that Bob Byrd should not be allowed to serve as a

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ruling elder because of doctrinal error, two Sessions of the Presbytery should have requested Presbytery to assume original jurisdiction in a doctrinal trial with deposition from office as its object (*BCO* 33-1). But Presbytery did not follow the procedure specified in our *Book of Church Order*. Bob Byrd should be reinstated as a ruling elder of The Church of the Good Shepherd until such time as he may be convicted of sever doctrinal error by the judicial process we have all approved in our ordination vows.

- B. I do not believe Bob Byrd should be deposed from the office of ruling elder because of severe doctrinal error. I do believe that he is in error in one part of his view of baptism, but I do not believe, in his case, that the error is so severe as to disqualify him from office in the PCA, and that for two reasons.

1. In the case of Bob Byrd, the commitment to believer's baptism is not the tip of an iceberg which must necessarily wreck the whole system of doctrine taught in the Holy Scriptures. Members of The Church of the Good Shepherd and of Presbytery have argued that failure to believe in infant baptism is symptomatic of Arminianism and dispensationalism. "Baptists want to contribute something to their salvation of their own free will and that's why they insist on conversion preceding the sacrament (just as they insist on conversion preceding regeneration.) Baptists also stress the discontinuities between the testaments and not only consequently lose infant baptism on the analogy with circumcision but also the Sabbath and the moral law generally."

After careful and extended examination I can confidently say that Mr. Byrd is not an Arminian. He is an articulate defender of the five points of Calvinism by any standard (seminary-trained teacher elder standard as well as PCA ruling elder standard). I know some Baptists whose believers' baptism commitment is symptomatic of latent Arminianism, but Mr. Byrd is not one of them.

As for the charge of a deeper dispensationalism wreaking havoc on the system of doctrine, Mr. Byrd denies that he is a dispensationalist. Certainly one's definition of dispensationalism becomes crucial on this question. At least Mr. Byrd is very critical of the standard exposition of dispensationalism offered by Charles Ryrie in *Dispensationalism Today*. He affirms the continuing validity of the moral law in the new covenant. He does not believe that the efficacy of the sacrament is tied to the moment of its administration. He accepts the validity of infant baptism though he personally believes they are "irregular."

Nevertheless, I suspect he is something of a dispensationalist. He does see more discontinuity between the testaments than I see and than our PCA doctrinal standards see. But other PCA teaching elders ordained by Eastern Carolina Presbytery do too! I am a relatively strict Sabbatarian; however, I asked Presbytery if I could take exception to the Westminster view of the Sabbath as inappropriate for recreation. I was granted that

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exception, as have been a majority of the other teaching elders who have joined this Presbytery since I have been part of it. At the same meeting of Presbytery at which I was received, another brother was received who argued far beyond my exception to the standards, namely that Sunday was not the Sabbath but the Lord's Day, the Old Testament Sabbath having been fulfilled in Christ (i.e., Calvin's view). He was allowed to hold his exception to the Confession and the Catechisms and still affirm that he "sincerely received and adopted" them "as containing the system of doctrine taught in the Holy Scriptures." Why is he not open to the charge of dispensationalism for holding to more discontinuity between the testaments than our standards allow?

Actually our denomination has always, from its roots in the sixteenth century until today, acknowledged that there is some discontinuity between the testaments reflected in the sacraments. Whereas the physical children of Israelite homes participated in the Passover celebration from infancy, we have barred our children from receiving the Lord's Supper (the substance of the new covenant in Christ's blood of which the Passover in the old covenant was the shadow) until such time as they can intelligently receive it in credible faith of their own. We have justified this discontinuity by means of Paul's explicit teaching in I Corinthians 11:27-29 that "the ignorant . . . ought to be kept from that sacrament . . . until they receive instruction (WLC 173). Question 177 in the Larger Catechism explicitly states that the Lord's Supper differs from baptism in that in the case of the former it is to be administered "only to such as are of years and ability to examine themselves."

At the 1988 General Assembly in Knoxville, TN some eminent teaching elders of the PCA argued that paedo-communion was consistent with Scripture and should be allowed in the church. They were voted down. That Assembly also directed "that those ruling and teaching elders who by conscience of conviction are in support of the minority report concerning paedo-communion be notified by this Assembly of their responsibility to make known to their Presbyteries and sessions the changes of their views since their ordination vows" (*M16GA* 16-30, p. 120). The consensus of opinion informing this action was that Presbyteries would allow this exception, even to teaching elders who are charged with administering the sacraments, but they should still formally receive liberty to hold their exception.

In the PCUS, from which I came into the PCA, paedo-communion was a liberal vs. conservative issue. The arguments advanced there for adoption of paedo-communion jeopardized the very heart of the gospel, undermining the clear Scriptural insistence that children of the covenant need to be circumcised in heart and need to place their personal faith in the promises and covenant obligations of God. After my initial shock over hearing evangelical Presbyterian leaders arguing for paedo-communion, I realized that such a position need not necessarily mean

that one was denying the necessity of personal faith and conversion for salvation. Presbyteries and sessions must hear each man's arguments on a case by case basis.

By way of analogy I contend that if teaching elders, who are custodians of the sacraments in our polity, can be allowed to believe privately in the acceptability of infant communion while publicly supporting the received practice of the church, how much more ought ruling elders, who are not custodians of the sacraments in our polity, be allowed to believe privately in believer's baptism while publicly supporting the received practice of the church. Paedo-communion is to my mind a potentially dangerous practice in the church than is believer's baptism. If we can tolerate error on this doctrine of the proper subjects of the Lord's Supper in certain carefully examined cases, how much more ought we to tolerate error concerning the proper subjects of baptism in certain carefully examined cases.

2. My second reason for supporting Mr. Byrd's suitability for office in the PCA despite his exception to our standards concerning infant baptism is that he has held and will continue to hold his exception humbly and quietly without disturbing the peace of the church. Most "Baptists" cannot tolerate the paedo-baptist position. They believe they must insist on their doctrine of "believers baptism only" because only believers baptism is true baptism. Mr. Byrd does not share this view. There are many cases in which I would not approve a man's candidacy for office in the PCA if he did not subscribe to infant baptism, because I would fear that the man in question would feel constrained to propagate his view and thereby jeopardize the unity and peace of the church. I have no such fears in Mr. Byrd's case. Our *Book of Church Order* says there are doctrinal errors such as may warrant deposition, "but errors ought to be carefully considered, whether they strike at the vitals of religion and are industriously spread, or whether they arise from the weakness of the human understanding and are not likely to do much injury" (*BCO* 34-5). Mr. Byrd has errors of the latter sort only, as well as great gifts and godliness.
- C. The political issue is closely related to the procedural one I have already argued under "A" above; however, there is more than a question of proper parliamentary procedure involved in this case. The deeper issue at stake concerns biblical church policy. Does the power of the church extend from the local church up to the General Assembly (and even on to ecumenical councils) or does the power of the church inhere first and foremost in the General Assembly and trickle down? The issue is not whether lower courts must submit to the review of higher courts but rather whether lower courts have rights vis a vis higher courts. "When...disputed matters of doctrine and order arising in the lower courts are referred to the higher courts for decision, such referral shall not be so exercised as to impinge upon the authority of the lower courts" (*BCO* 11-3).

MINUTES OF THE GENERAL ASSEMBLY

I believe Eastern Carolina Presbytery erred on this point when in July, 1988, it committed examination of The Church of the Good Shepherd officers to its Candidates and Examinations Committee rather than to the Session of The Church of the Good Shepherd. I simply ask this Panel to concur with the judgment of the Committee on Review of Presbytery Records that on January 20, 1990, Eastern Carolina Presbytery "failed to comply with *BCO* 31, 32, 33 with regard to original jurisdiction" (*M18GA* 18-79, p. 179). (I would also add July 16, 1988, July 15, 1989 and April 21, 1990.) I believe it is Presbytery's errors in this regard that have driven two churches from its fold (in Jacksonville and Durham, NC) since the time this case first came to Presbytery.

In conclusion I ask this Panel of the Permanent Judicial Commission to redress the wrong done to RE Bob Byrd on April 20, 1990, and to reinstate him in office at The Church of the Good Shepherd. Further I ask that this Panel restore to the Session of The Church of the Good Shepherd the biblically allowed latitude in officer selection which other Sessions and Presbyteries in the PCA enjoy, being confessional but also permitting exceptions to the confession as spiritual wisdom dictates. Finally, I ask you to instruct Eastern Carolina Presbytery more clearly in biblical polity so that the relative jurisdictions of the various church courts are more strictly observed. I do not deny that higher courts have the authority to redress wrongs committed in lower courts (in fact I am asking the General Assembly to do just that), but I do deny that higher courts have the authority to act for lower courts when the lower courts are competent to act for themselves.