

CLERKS OF ASSEMBLY

To the Venerable, the 149th General Assembly:

The Clerks of Assembly are guided by the strategic plan of The Presbyterian Church in Canada. They address wide-ranging governance issues as they respond to enquiries from individuals and courts of the church. The Clerks conduct workshops and prepare resources designed to enhance the mission and ministry of the church and to support its leaders. They often emphasize the theology that undergirds our governance and help the church consider how to implement legislation in ways that are gracious and fair. The Clerks consult with church bodies, provide governance resources and host consultations with presbytery and synod clerks.

2023 GENERAL ASSEMBLY REFERRALS

SPECIAL COMMITTEE RE LISTENING, CONFESSION AND ASSOCIATIONS, REC. SCL-008 (A&P 2023, p. 242–44, 33

Re: Service of Repentance

The 2021 General Assembly received petitions from the Presbytery of Western Han-Ca and the Presbytery of Eastern Han-Ca that asked the General Assembly to confess their sins to the large ethnic contingent of our denomination who have been mistreated by the dominant culture in our denomination. A special committee was named to consider the petitions and prepare a response. (A&P 2021, p. 800–03, 250, 22, 52)

The special committee reported to the 2022 General Assembly. (A&P 2022, p. 286–306, 26–29) The report outlined the work undertaken by the committee which included hearing stories of racism in the denomination and imaging a healthy multi-ethnic Presbyterian Church in Canada. A recommendation was adopted to create a committee that would build upon the work of the special committee by continuing to listen to stories and propose a statement of apology from The Presbyterian Church in Canada to the non-Euro Canadian communities within The Presbyterian Church in Canada. That committee was named the Special Committee re Listening, Confession and Associations.

The Special Committee re Listening, Confession and Associations reported to the 2023 General Assembly. (A&P 2023, p. 240–44, 33–35) As part of that report, a confession of racism was adopted. The General Assembly Office was directed to coordinate a service of repentance to be held before the end of 2023 at which the confession would be presented in the context of worship with members of the multi-racial community of The Presbyterian Church in Canada present.

Subsequently, the Service of Repentance, Healing and Hope was held on the afternoon of Sunday, December 3, 2023, within the Presbytery of Eastern Han-Ca at St. Timothy’s Church, Etobicoke, Ontario. The Rev. In Kee Kim, the Senior Minister of that congregation, preached the sermon. St. Timothy’s praise team and choirs participated. Several individuals from multi-racial communities read scripture and offered prayer. The confession was read by the Rev. Dr. Heather Vais and the Rev. Dr. John Vissers. Copies of the confession were available in English, French, Korean, Arabic, Chinese and Hungarian.

The General Assembly Office sent congregations, session clerks and ministers information about the service and a link to The Presbyterian Church in Canada website where anyone could watch the livestreamed service. The order of worship and a video of the service can be found at bit.ly/repentance-service.

OVERTURE NO. 9, 2023 (A&P 2023, p. 268–69, 72, 14)

Re: Ruling elders as interim moderators

Overture No. 9, 2023 draws attention to four realities facing presbyteries. 1) Presbyterian polity states that only ministers of Word and Sacraments may serve as interim moderators. 2) In some presbyteries, the number of pastoral charges without a called minister exceeds the number of pastoral charges with a called minister. 3) Since each pastoral charge without a called minister requires an interim moderator, this places a strain on the already occupied ministers of the presbytery. 4) For a variety of reasons, a significant number of pastoral charges are currently unable to call a minister. Consequently, for those pastoral charges, the need for an interim moderator could continue indefinitely.

To alleviate this demand on ministers, the overture proposes that the law of the church be amended so that ruling elders may be commissioned to serve as interim moderators.

The Clerks of Assembly are aware of this reality in the church today. They understand the immense stress it can impose on some presbyteries and ministers who are looking after their own pastoral charge while serving as interim moderator for one or more vacant congregations. Ministers, their families and the congregations involved are struggling.

While ruling elders can be elected to moderate presbytery or synod meetings and the General Assembly, being an interim moderator for a pastoral charge is not the same. The primary function of a presbytery, synod or General Assembly moderator is to conduct meetings of those courts. However, an interim moderator of a session is in every legal and pastoral sense, the minister of the pastoral charge they are appointed to serve. For example, in relation to congregational worship, Book of Forms 111 reminds us that it is the executive of the presbytery, that is, the minister serving as moderator or interim moderator of a session, who is responsible for the conduct and content of public worship and for the supply of the pulpit. Worship is fundamental to who we are as Christians and Christian communities. As stated in Living Faith “The church lives to praise God. We have no higher calling than to offer the worship that belongs to God, day by day, Sunday by Sunday.” This essential role has been entrusted by the church to ministers of Word and Sacraments who have been called and trained to provide this leadership and are directly responsible to presbyteries for this aspect of ministry.

While ruling elders are encouraged to convene search committees in congregations seeking to call a minister, they do so under the supervision of an interim moderator who is the one responsible to the presbytery for the fair and orderly conduct of the call process.

While ruling elders can be commissioned to administer the sacraments, our church has indicated that they do so within a limited set of circumstances: 1) no minister of Word and Sacraments is available, 2) the candidate demonstrates appropriate qualifications, 3) the commissioned elder is trained in the theology and practice of the sacraments, 4) the commission is for a specific pastoral charge, 5) the commission is limited to two years, though can be renewed and 6) the commissioned elder is accountable to the presbytery through an interim moderator.

All this is to say that the theological and polity principles shaping our understanding of the role of the interim moderator should not be lightly dismissed. Nevertheless, the denominational context has changed significantly during the past few years and observed trends are expected to continue. Many congregations are not currently able to call a minister and may well be vacant for the foreseeable future. Ministers are exhausted by the additional demands placed on them. Everyone is suffering because the minister's time, attention and creative energy is being stretched in too many directions.

In consultation with Ministry and Church Vocations, the Clerks of Assembly propose for the consideration of the church, the following new legislation designed to possibly help reduce interim moderator workload. It is based on what the church adopted for the commissioning ruling elders and diaconal ministers to administer the sacraments. (see A&P 2012, p. 492, 46, A&P 2015, p. 532–33, 45 and Book of Forms 201.4) The consideration of this proposal offers the church an opportunity to reflect on the meaning of ordination to the ministry of Word and Sacraments and the pastoral needs of ministers and congregations at this time in the life of the denomination.

213.4.1 Where a presbytery discerns that there is no minister of Word and Sacraments available to carry out the full typical range of responsibilities of an interim moderator for a pastoral charge, it may commission a ruling elder or a member of the Order of Diaconal Ministries to do so on the following terms:

- The candidate shall be interviewed by the presbytery to ascertain their personal and spiritual qualifications to chair session meetings, arrange pulpit supply and coordinate pastoral care for the congregation.
- Those commissioned shall be trained in pastoral care and polity.
- The commission shall be limited to a specific pastoral charge and shall be for a period not exceeding two years. The commission is renewable following a presbytery review.
- Those commissioned shall be accountable to the presbytery through an interim moderator for the duration of the commission.
- Compensation for those commissioned will be at the discretion of the commissioning presbytery.
- Whenever a pastoral charge is deemed by the presbytery to be ready to begin a call process, the responsibilities of the one commissioned will end and a minister of Word and Sacraments will assume all interim moderator duties.

Additionally, presbyteries may also want to explore the stewardship of their pastoral charges. For example, strategically amalgamating some congregations, dissolving others, linking ministries with other pastoral charges, repurposing church property so that mission and revenue streams are enhanced, creating multiple point charges or ecumenical shared ministries, has the potential of fostering new life and hope within pastoral charges while reducing the number of interim moderators needed.

Recommendation CLK-001 adopted/defeated/amended

That the proposed legislation outlined in the above report regarding the commissioning of ruling elders or diaconal ministers to assist with interim moderator duties, be referred to presbyteries and sessions for study and report to the Clerks of Assembly by January 31, 2025.

Recommendation CLK-002 adopted/defeated/amended

That Overture No. 9, 2023 re ruling elders as interim moderators be answered in terms of the above report.

OVERTURE NO. 11, 2023 (A&P 2023, p. 269, 73, 14)

Re: Amalgamation of the Presbyteries of Central Alberta, Edmonton-Lakeland and Peace River

The 2023 General Assembly granted power to issue to the Clerks of Assembly to respond to a request to amalgamate the presbyteries of Central Alberta, Edmonton-Lakeland and Peace River. The Clerks met with the clerk of the Presbytery of Edmonton-Lakeland and the Presbytery of Central Alberta (the Rev. Harry Currie) and the clerk of the Presbytery of Peace River (the Rev. George Malcolm) on Tuesday October 24, 2023. It was agreed that the overtures were in order and the amalgamation was approved on the following terms.

- The amalgamation will take effect on January 1, 2024.
- As a result of a vote taken by those on the constituent roll of the three presbyteries, the amalgamated presbytery will be called the Presbytery of The Northwest.
- The Presbytery of The Northwest will include the pastoral charges, constituent rolls and appendices of the amalgamating presbyteries as listed in the 2023 Acts and Proceedings of The Presbyterian Church in Canada. (A&P 2023, p. 444–48)
- The first meeting of the Presbytery of The Northwest, will be convened and facilitated by the Rev. George Malcolm (acting moderator), the Rev. Harry Currie (acting clerk) and Mr. Richard Anderson (acting treasurer). At that meeting, the court will elect its officers.
- The presbytery will normally meet by Zoom since driving from one end of the amalgamated presbytery to the other covers nearly 1,000 kilometres of highway travel.
- All presbytery ordination, induction and recognition services approved by any of the three amalgamating presbyteries prior to January 1, 2024, will be honoured by the Presbytery of The Northwest and permitted to take place as arranged.
- It was noted that an amalgamation planning team had prepared provisional Standing Orders for the Presbytery of The Northwest. These were approved by each presbytery and will be amended as required after January 1, 2024.
- The financial records from each of the amalgamating presbyteries, including assets and liabilities, will be submitted to the treasurer of the Presbytery of The Northwest on or around December 31, 2023. Accounts will be combined, a budget prepared and the terms of the restricted funds held by the amalgamating presbyteries will be honoured. One of the three existing charitable registration numbers will be maintained and the others will be revoked.
- The Presbytery of The Northwest will hold the membership rolls, appendices, records and histories of the amalgamating presbyteries. Conversations have taken place with The Presbyterian Church in Canada Archives concerning which of these documents should be preserved.

The Clerks of Assembly will compose letters, as needed, to confirm this amalgamation. For example, such letters may be required by the Canada Revenue Agency to revoke the surplus charitable registration numbers. The General Assembly Office will also look after other administration details such as assigning alpha-numeric codes for each congregation, assigning a number for the amalgamated presbytery and revising the number for each presbytery listed after the Presbytery of The Northwest in the Acts and Proceedings.

It is hoped this amalgamation will provide new hope and support for the pastoral charges contained within it as they faithfully continue their valued service within the body of Christ.

CLERKS OF ASSEMBLY REC. CLK-007 (A&P 2023, p. 89–91, 16)

Re: Guidelines re Ordination and Marriage – Clarification

Following the adoption of Remits B and C, 2019, regarding the definition of marriage and the ordination of LGBTQI+ persons, the General Assembly directed the Clerks of Assembly to propose guidelines to facilitate calls and election of LGBTQI+ candidates. The guidelines were to assist the church to be a diverse and inclusive community, encouraging hospitality, respect and welcome to all. Simultaneously, they were to address liberty of conscience and action noted in the remits. The original guidelines were adopted by the 2022 General Assembly. (A&P 2022, p. 126–29, 37)

A portion of the 2022 guidelines, reads as follows:

Exercising Liberty of Conscience and Action

An individual who holds the belief that marriage is between a man and a woman is permitted to exercise liberty of conscience and action in this situation and be assured that they will not be censured on account of this exercise. Limits to these liberties are stipulated in the remits and described below.

How does a member of a church court exercise liberty of conscience and action regarding the potential call ordination or induction of an LGBTQI+ person? The legislation in Remit C, 2019 stipulates that liberty of conscience and action applies to ‘participation’ in ordinations (ruling and teaching elders), inductions (teaching elders) and installations (ruling elders).

Such a person may, without fear of censure:

- Abstain from voting for the ordination, induction or installation.
- Vote against the ordination, induction or installation.
- Send regrets to any meeting dealing with the ordination, induction or installation.

This would apply in the context of a presbytery considering a call ordination or induction of a minister of Word and Sacraments or of a session considering candidates for ruling eldership.

This does not apply in a situation where a candidate has chosen not to disclose their sexual orientation or gender identity. Under no circumstances is it appropriate to enquire or pry into that part of a person’s life. (see Calling a Minister – Human Rights considerations)

During the year following the adoption of the guidelines, the Clerks of the Assembly were asked whether liberty of conscience and action can be claimed in voting against the ordination or installation of an individual. Upon reflection, the Clerks determined that while every minister and ruling elder has the freedom to vote as they choose on all issues, that freedom is set within the boundaries of the church’s theology and doctrine. By adopting Remits B and C, 2019, The Presbyterian Church in Canada confirmed that LGBTQI+ people may be ordained and serve as ruling and teaching elders, whether they are married or single.

Therefore, in the opinion of the Clerks of Assembly, to vote against the ordination, induction and installation of an individual, on the basis of the individual’s sexual orientation, gender identity or marital status and if the reasons for that vote are publicly voiced, would contravene the doctrine of The Presbyterian Church in Canada and be out of order. For this reason, in 2023, the Clerks proposed a clarifying amendment to the portion of the guidelines dealing with the exercise of liberty of conscience and action. The amendment is in bold font below.

Such a person may, without fear of censure:

- Abstain from voting for the ordination, induction or installation.
- Vote against the ordination, induction or installation, **provided reasons for that vote are not based on the candidate’s sexual orientation, gender identity or marital status and voiced publicly as such.**
- Send regrets to any meeting dealing with the ordination, induction or installation.

Commissioners at the 2023 General Assembly raised objections to this amendment claiming that it impinged upon their freedom of speech by limiting their right to express their theological convictions. After some discussion, the guidelines were referred back to the Clerks of Assembly.

In response to the claim that the guidance of the Clerks of Assembly on this matter impinges on the right to freedom of speech by limiting the right to express one's theological convictions, the Clerks refer to the report of the Committee on History re Liberty of Conscience on the Ordination of Women adopted by the 2023 General Assembly which presents a clear account of two understandings of the phrase liberty of conscience or liberty of opinion. (A&P 2023, p. 96, 27) While the Committee on History's report corrects a common misunderstanding around the granting of liberty of conscience regarding the ordination of women (it was never granted and therefore never revoked), the report's explanation of how the concept of liberty of conscience has been understood by Canadian Presbyterians has significance for the Guidelines re Ordination and Marriage.

To paraphrase the report of the Committee on History, there are two broad ways in which liberty of conscience has been understood. The first way is when an item is agreed beforehand as one in which liberty of conscience may be permitted, as was the case in the adoption of Remits B and C, 2019. The second way of understanding liberty of conscience is that any minister or elder or a member of a congregation could disagree with a doctrinal statement affirmed by The Presbyterian Church in Canada and, on the basis of individual conscience alone, act as they saw fit. The Committee on History's report underscores that Presbyterians in Canada have not traditionally accepted the individual conscience concept of liberty of conscience and more specifically, in relation to discussions around the ordination of women, the denomination rejected all arguments proposing liberty of conscience in this second sense.

It can be seen that the use of liberty of conscience in the context of The Presbyterian Church in Canada has been limited to the first understanding, that it may be applied in situations where this liberty is agreed to beforehand. Liberty of conscience around the Ordination of LGBTQI+ persons (married or single) is limited to what is written in Remit C, 2019, "...that liberty of conscience and action regarding participation in ordinations, inductions and installations be granted to ministers and ruling elders". The scope of liberty of conscience and action agreed to beforehand refers to participation in ordinations, inductions and installations.

The guidance of the Clerks of Assembly in 2022 around ordination and marriage indicated that "participation" referred to the possibility that a person may, without fear of censure:

- Abstain from voting for the ordination, induction or installation.
- Vote against the ordination, induction or installation.
- Send regrets to any meeting dealing with the ordination, induction or installation.

However, since the adoption of Remit C, 2019 removed sexual orientation, gender identity and marital status as barriers to ordination and, in the case of ministers, induction, these subjects are not legitimate reasons for rejecting a call or ordination. The Clerks understand that while no one may be prevented from voting on a matter rightly before a court of the church, if the reasons for that vote are publicly stated and contravene The Presbyterian Church in Canada's adopted doctrine, they must be ruled out of order. The Clerks are convinced that, in the church, our freedoms are impacted by the decisions of church courts and by the covenant ministers and elders enter into upon ordination. When ordained, they promise to accept the government of this church by sessions, presbyteries, synods and the General Assemblies and to share in and submit themselves to all lawful oversight of those courts. Given that The Presbyterian Church in Canada has not accepted an understanding of liberty of conscience on the basis of individual conscience alone, there is no further recourse to liberty of conscience around voting against the ordination, induction or installation of an individual if the publicly stated reasons for that vote contravene the adopted doctrine of The Presbyterian Church in Canada.

Similarly, it would be out of order for a minister who supports same-sex marriage to object to the ordination or induction of someone whose position on marriage aligns with definition that marriage is between a man and a woman since the church's position on marriage welcomes two definitions.

To help this section of the guidelines better reflect this broader understanding of the limits on the liberty of conscience and action, the Clerks offer a further amendment as shown in bold font below.

Such a person may, without fear of censure:

- Abstain from voting for the ordination, induction or installation.

- Vote against the ordination, induction or installation, **provided reasons do not contravene the doctrine of The Presbyterian Church in Canada.**
- Send regrets to any meeting dealing with the ordination, induction or installation.

Recommendation CLK-003 adopted/defeated/amended

That the Exercising Liberty of Conscience and Action portion of the Guidelines re Ordination and Marriage, be amended as shown in bold font below:

Such a person may, without fear of censure:

- Abstain from voting for the ordination, induction or installation.
- Vote against the ordination, induction or installation, **provided reasons do not contravene the doctrine of The Presbyterian Church in Canada.**
- Send regrets to any meeting dealing with the ordination, induction or installation.

CONSULTATIONS

OVERTURE NO. 2, 2024 (see Referred Overtures, p. 1)

Re: A taskforce to examine the impact of housing crisis on congregations

This overture was referred to the Assembly Council to consult with Life and Mission Agency Committee (Ministry of Church Vocations) and the Clerks of Assembly. We look forward to assisting the task force with this crucial work.

OVERTURE NO. 10, 2024 (see Referred Overtures, p. 5)

Re: Repayment of the denomination's portion of a withdrawing congregation's distributable assets

This overture was referred to the Assembly Council. The Assembly Council consulted with the Clerks of Assembly, among others, in the preparation of its report to the General Assembly.

CLERKS' CONSULTATION

Normally, every two years, the clerks of synod and presbytery are invited to gather for a few days of worship, fellowship, discussion and education. This provides an opportunity for clerks to establish valuable contacts while discussing church polity and procedures. The event is hosted by the General Assembly Office with the participation of other national office staff and guests. Each presbytery or synod pays a registration fee and the balance is funded by Presbyterians Sharing. The next consultation will take place from Tuesday, April 29 until Friday, May 2, 2025.

COMMISSION RE MATTERS LEFT UNCARED FOR OR OMITTED

The commission, made up of the Clerks of Assembly and the Moderator of the 2023 General Assembly (A&P 2023, p. 43), had no cause to meet this year.

Victor Kim and Don Muir
Clerks of Assembly