

ADVISORY OPINION

The Rev'd Dr. Christian D. Boyd, Stated Clerk
Presbytery of Milwaukee

July 23, 2020

RE: Role of the Presbytery in the Dissolution of Pastoral Relationships

Questions:

1. What is the role of the presbytery in establishing and dissolving temporary pastoral relationships?
2. G-2.0904 states, "The presbytery may inquire into reported difficulties in a congregation and may dissolve the pastoral relationship if, after consultation with the minister of the Word and Sacrament, the session, and the congregation, it finds the church's mission under the Word imperatively demands it." Does this pertain only to installed positions?
3. If a session contracts with a minister to serve in a temporary pastoral relationship, and they, per the contract/covenant, terminate the relationship unilaterally, what role does the presbyter have in what seems to be a dissolution of pastoral relationship?

Advisory Opinion:

1. One of the Foundations of Presbyterian Polity is "councils possess whatever administrative authority is necessary to give effect to duties and powers assigned by the Constitution of the church. The jurisdiction of each council is limited by the express provisions of the Constitution, with powers not mentioned being reserved to the presbyteries" (F-3.0209). The Constitution, particularly the Book of Order, provides the minimum standards and expectations. Where the Book of Order is silent, the presbyteries then may establish their own rules as long as they are not in conflict with the Constitution or civil law.
2. This foundational understanding of Constitutional administrative power, especially of presbyteries, was further illuminated in the authoritative interpretation found in the General Assembly Permanent Judicial Commission's ruling on *Bolton v. Alamance Presbyterian Church* (1995): "It should be stated at the outset that the Book of Order is the part of the Constitution of the Presbyterian Church (U.S.A.) that defines the powers of the various governing bodies of the church and establishes procedures to ensure that all persons and governing bodies are treated fairly within the concept of due process of law. The Book of Order is not a straitjacket which prevents a governing body from exercising its powers in a reasonable way so as to carry out its basic functions and duties with efficiency to avoid a waste of time of its members (Book of Order, G-4.0301i). Book of Order, G-4.0301i states that 'governing bodies possess whatever administrative authority is necessary to give effect to duties and powers assigned by the Constitution of the church.'"

3. As a Constitutional standard, pastoral relationships are defined in G-2.0504 as installed or temporary.
4. Book of Order, G-2.0502, establishes that Ministers of the Word and Sacrament have membership in the presbytery by the action of the presbytery itself, and no pastoral relationship may be established, changed, or dissolved without the approval of the presbytery.
5. Thus, G-2.0502 may be read as no pastoral relationship, temporary or installed, may be established, changed, or dissolved without the approval of the presbytery.
6. Constitutionally, G-2.0504.b. states temporary pastoral relationships (non-installed) are approved by the presbytery but do not carry a “formal call or installation.” Unlike installed pastoral relationships, where the congregation is the body engaging in the creation of the pastoral relationship (formal call), in temporary pastoral relationships it is the session.
7. “The session, with the approval of presbytery, may obtain the services of a minister of the Word and Sacrament, candidate, or ruling elder in a temporary pastoral relationship. No formal call shall be issued and no formal installation shall take place.” Thus, a temporary pastoral relationship is contractual in nature.
8. All temporary pastoral relationship between a session and minister(s), as well as ruling elders commissioned to pastoral service, are subject to the review and approval of the presbytery. Furthermore, as stated in G-2.0504.b, under the presbytery’s oversight and established standards, titles, and terms of service for temporary relationships are determined by the presbytery. A person serving in a temporary pastoral relationship is invited by the session for a specified period not to exceed twelve months in length, which is approved and only renewable with the approval of the presbytery. Therefore, presbytery alone creates and dissolves pastoral relationships, temporary and installed.
9. Confusion arises then regarding the G-2.09 section of the *Book of Order* which addresses only the process for dissolving installed pastoral relationships. The Book of Order is silent about the process of dissolving temporary pastoral relationships.
10. Under the Foundations of Presbyterian Polity, dissolution of temporary pastoral relationships, even those that are contractual in nature between a session and a minister with presbytery approval, are established by a presbytery under its own rule (the standards, policies, and forms of such contracts and relationships), and thus may be dissolved similarly under the rules established by the presbytery (F-3.0209).
11. G-2.0904 states “the presbytery may inquire into reported difficulties in a congregation and may dissolve the pastoral relationship if, after consultation with the minister of the Word and Sacrament, the session, and the congregation, it finds the church’s mission under the Word imperatively demands it.”

12. All authoritative interpretations of the G-2.09 section established by General Assembly Permanent Judicial Commission rulings establish that the principals of fundamental fairness must be exercised by the presbytery as it exercises its administrative authority to dissolve installed pastoral relationships without the request of either pastor or congregation. Furthermore, if a presbytery intends or does not intend that an administrative commission has the power to dissolve a pastoral relationship, it should so indicate in clear and express language. (see PJC (2006, 218-05, 307, Essinger-Hileman v. Pby of Miami); PJC (2002, 215-05, Gaba v. Pby E. VA); PJC (1995, 207-13, Lewis v. Pby of New York City); PJC (1994, 206-2, Phinisee v. Pby of Grace); PJC (1993, 205-13, Cooper v. Pby of Muskingum Valley); PJC (1991, 203-2, Anderson v. Pby of Central Florida); PJC (1990, 202-1, Baumann v. Bellefield Church); PJC (1988, 200-7, Campbell, Jr. et al. v. Pby of Atlantic)).
13. Even though G-2.0904 is directly addressing installed pastoral relationships, the fundamental scope also applies to temporary pastoral relationships by a presbytery under its own rule. (1.) The presbytery has the Constitutional administrative authority to inquire into reported difficulties in a congregation; (2.) the presbytery may dissolve the pastoral relationship if, (a.) after consultation with the minister of the Word and Sacrament, the session, and the congregation, (b.) it finds the church's mission under the Word imperatively demands it. This may occur only if the principals of fundamental fairness are exercised by the presbytery as it exercises its administrative authority to dissolve temporary pastoral relationships, and if a presbytery intends or does not intend that an administrative commission have the power to dissolve a pastoral relationship, it should so indicate in clear and express language.
14. If a presbytery has not established its own rules regarding temporary pastoral relationships, especially being mindful of its processes and forms in establishing and dissolving such relationships, a presbytery may be found by a higher council deficient in its Constitutional administrative rights and responsibilities, and lacking authority to act on any conflict arising from temporary pastoral relationships under its jurisdiction.