

# What Happens Next? | BY MITCHELL TYNER

**Note:** The author of the following article was asked by *Spectrum* to address only the legal and enforcement aspects of the San Antonio decision about ordination of women. For discussion of the historical, theological, ethical and moral implications, see previously published articles by Gary Patterson and Gary Chudley.

Since the vote of the General Conference Session in San Antonio to deny the divisions the right to make their own decisions as to the ordination of women to the ministry, vast verbiage has been expended, some extolling the propriety of the decision, and much bemoaning its negative impact on the most developed parts of the world. One question that has seemed to come from both camps is a simple one: What will come next?

The answer was not long coming. On August 17, the General Conference Secretariat released a paper entitled "Unions and Ordination to the Gospel Ministry," in which it argued that the unions have only delegated and limited power in the area of ordination, and that denominational policy does not permit women to be ordained. Others have argued that specific policies clearly state the contrary. So who's correct?

Before answering that question, let's wade through some language from the General Conference *Working Policy*, 2014–15 edition. None of the sections quoted below were revised by the recent session.

**B 15 05 Authoritative Administrative Voice of the Church** – The General Conference *Working Policy* contains the Constitution and Bylaws of

the General Conference, the Mission Statement and the accumulated or revised policies adopted by the General Conference Session and Annual Councils of the General Conference Executive Committee. *It is, therefore, the authoritative voice of the church in all matters pertaining to the mission and to the administration of the work of the Seventh-day Adventist Church in all parts of the world.* (Emphasis supplied, as below)

**B 05 Organizational and Operational Principles of Seventh-day Adventist Church Structure.**

- 3. Organizational status is granted to a *constituency* as a trust... not self-generated, automatic or perpetual.
- 5. The *highest level of authority* within the powers granted to each level of denominational organization resides in the *constituency meeting*.
- 6. Different elements of organizational authority and responsibility are distributed among the various levels of denominational organization. For example, the decision as to who may/may not be a member of a local Seventh-day Adventist Church is entrusted to the members of the local church concerned, decisions as to the employment of local church pastors is entrusted to the local conference/mission; decisions regarding the *ordination of ministers is entrusted to the union conference*. . . Thus *each level of organization exercises a realm of final authority and responsibility* that may have implications for other levels of organization.
- 8. . . .The Church Manual and the General Conference Working Policy present the collective voice of Seventh-day Adventists regarding beliefs, denominational structure, relationships and operational procedures.

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## **B 50 05 Lines of Responsibility.**

2. Union Conferences/Missions – Union Conferences/missions are responsible to the respective *division* section of which they are a part, and are administered in harmony with the operating policies of the General Conference and of the division.

## **L 45 Procedure in Authorizing Ordination.**

3. After favorable consideration the local conference committee will submit the name of the candidate with its findings and convictions to the union for counsel and approval.
4. The division and institutional boards will submit names recommended for ordination to the division committee. The General Conference and its institutional boards will submit names to the General Conference Executive Committee.

Next, some principles of interpretation of authoritative documents.

1. Legislative bodies, and the writers they employ, are assumed to have the competence to say what they mean and mean what they say. Intent should be considered only where necessary, as when seeking to harmonize conflicting provisions from an authoritative document of equal applicability.
2. The plain meaning of the words has a rebuttable presumption of accuracy. Any alternate meaning should be shown by a clear history of such usage in other authoritative documents from the same source.
3. Prohibitions are not to be assumed. This is the difference between a totalitarian society and a free one. In the former, all is forbidden except that which is expressly allowed. In the latter, all is allowed except that which is expressly forbidden. The burden must always be on the party seeking to restrain action, not on the party proposing to act.
4. Expressions of restraint are to be construed narrowly against the restraining power. If the provision in question does not accurately describe the actions in question, there is no violation.

Now, to apply the principles to the above cited policies.

We have seen that: (1) The *Working Policy* and *Church Manual* are the authoritative documents; (2) Subject to those documents, each level of church structure exercises a

realm of final authority in those areas delegated to it; (3) The union is delegated the responsibility for decisions as to ordination of ministerial candidates; and (4) The ultimate authority at each level is the constituency of that organization. Applying our principles of interpretation, we thus find that the denomination's authoritative documents do not forbid unions to ordain women to the ministry. No plain statement of any such prohibition can be shown.

Still, the General Conference Secretariat disagrees. It argues that the policy sections quoted above don't mean what they appear to say, but rather what the General Conference administration says they say. The church has executive and administrative arms at all levels, but it has no designated judiciary, and in this vacuum, administration assumes the right to interpret without review or appeal. In essence, it argues that 'policy means what we say it means.' If that's true, we need to reexamine the absence of a designated judiciary function.

A judiciary function exists to clarify the meaning of authoritative documents, and to serve as a check on the executive and legislative powers of an organization. The absence of a judiciary function is a telling indicator of the difference between a governmental model of governance, which always has such a function, and a corporate model, where that function is usurped by the executive. Having grown into the equivalent of a multi-cultural society, whether the denomination is better served by a corporate or governmental model is an open question that deserves more attention.

The Secretariat document argues that *Working Policy* B 05 does not mean what it says, which is that the final authority as to ordination candidates is a matter for the union to decide. It argues that the examples given are just that—examples, not policy statements. Oddly, it doesn't reject the other examples in that section, such as the local congregation having final say as to who may or may not become or remain a member. Many can cite examples, such as Desmond Ford, of members who the General Conference would have preferred to be disfellowshipped, but where the General Conference ultimately respected the authority of the congregation of which he was a member to make that decision, rather than attempt to force the issue. When examples are given in an authoritative document, it may be assumed that they are equally valid. Evidence of respect shown, especially unwilling respect, for one example in such a list should

be taken as evidence of the propriety and equally binding nature of the entire list.

Another such example flows from *Working Policy* L 45 05, cited above. This policy says that ordination candidates from conferences and unions will be approved by the union committee, candidates employed by a division or its institutions will be approved by the division committee, and candidates who are employees of the General Conference and its institutions will be approved by the General Conference Executive Committee. Why was this added if the overall power to approve ordinations rested with the General Conference?

An interesting anecdote illuminating this policy is that of the ordination of Bob Folkenberg. In 1966, Folkenberg was employed by the Columbia Union, working as a singing evangelist with Roger Holley. The General Conference extended a call for Folkenberg to go to the Inter-American Division, which he accepted. Only when he and his family were ready to leave—presumably by this time off the payroll of the Columbia Union—did someone notice that he had not yet been ordained. Since it would not do to send an un-ordained man to a mission appointment, the General Conference asked the Columbia Union to approve Folkenberg's ordination and arrange for the ceremony, which hurriedly took place on Christmas Eve, 1966.

Was policy L 45 05 in effect at that time? If so, why was it not followed by having Folkenberg's ordination approved by the General Conference Executive Committee? If L 45 05 was not in effect, and the General Conference had the residual power to approve ordinations, why did it call on the union to do so?

Answers to questions like these would be easier to find if there were a complete, annotated compilation of all General Conference Executive Committee and Session actions, but such is not to be found. If such existed, it would be easier to test the facts of the occasionally heard story of a late-nineteenth century General Conference committee action requiring that ministers not be clean-shaven. Was such an action taken? Was it

ever repealed? If so, when? If not, is it still to be considered binding, even though it was never codified in the *Working Policy*? If the 1990, 1995, 2000 and 2015 votes on ordination of women are enforceable though non-codified, what else is out there in the same category?

The Secretariat document also argues that the *Working Policy* plainly prohibits the ordination of women because WB L 35, a long section entitled "Qualifications for Ordination to the Gospel Ministry," uses only the word 'man', and that such usage, rather than the more inclusive 'candidate', exhibits a clear non-gender inclusive intent. Perhaps that was the intent of the writers, but again, it does not clearly say 'women may not be ordained to the ministry.' Such an important and divisive restriction should be stated clearly, not merely by inference of intent.

Finally, Secretariat points to the exception in *Working Policy* BA 60 10.6. BA 60 is entitled "Human Relations" and BA 60 10 is entitled "Official Position," which then lists several situations where discrimination on the basis of gender, *inter alia*, is not allowed. Then BA 60 10.6 states:

*Employment opportunities, membership on committees and boards, and nomination to office shall not be limited by race or color. Neither shall these opportunities be limited by gender (except those requiring ordination to the gospel ministry\*).*

The asterisk refers to this footnote:

*\*The exception clause, and any other statement above, shall not be used to reinterpret the action already taken by the world Church authorizing the ordination of women as local church elders in divisions where the division executive committees have given their approval.*

BA 60 10.6 certainly reserves the right to discriminate on the basis of gender as to candidates for ordination. It is properly read as a preservation of rights. But such a preservation of rights stops far short of clearly saying that such ordination shall not happen!

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The denomination’s authoritative documents contain no clear and unmistakable restriction on ordination as available only to men. Such a restriction should not be inferred, but must, as a matter of equity, be clearly stated. Importantly, if the General Conference administration had intended such a clear policy statement to exist, it was clearly within its power to make it so. After previous General Conference sessions refused to allow the request of the North American Division to approve women’s ordination, or to approve divisional option as to such ordination, no effort was made to include that denial of authority, much less a clearly worded policy forbidding the ordination of women, in either the *Working Policy* or the *Church Manual*. It may be argued that the language of the previous votes did not indicate a documentary policy change. Perhaps, though General Conference administrations are, and have been, experienced in the intricacies of policy change and how to word propositions so as to achieve the end desired. One may ask why this was not done. Was it because it was considered possible that such actions might be reversed by a future session? In the absence of testimony by those who made that decision, any answer must remain mere speculation.

It may also be asked why, after the history of previous session votes, the proposition was put to the delegates in San Antonio in a form that did not call for a clear policy statement forbidding or allowing the ordination of women to the ministry. Instead, the question asked concerned only allowing for divisions, which are organizationally branch offices of the General Conference, not separate entities responsible to their own constituencies, to make that decision based on the needs of their territories and the cultures therein. Read plainly, the 2015 vote applies only to the divisions, not to other levels of the church structure. The Secretariat document attempts to refute this, but only by inference and interpretation, not reference to clear worded policy.

The Secretariat document seems to say “You know what we mean, and you know what the

delegates intended, so don’t quibble.” It cites past procedure and current perception as though they were equally authoritative with the authority of the *Church Manual* and *Working Policy*. Fortunately, neither precedent nor perception equals policy. Both may be evidentiary, but neither is authoritative.

So, the unions are free to ordain women and still remain within church policy. It appears that the General Conference will not likely be content to let it rest as a matter of interpretation. But what else can it do? As it turns out, a good bit.

First, we can expect continued pressure on union administrations to submit. It was a letter from the General Conference president to the North Pacific Union president, and the circulation of the Secretariat document to all the members of the executive committee of the union that caused the cancellation of a previously announce session to further consider the ordination of women. As shown above, the ultimate authority rests with the constituency, usually exercised through the executive committee; but the committee chose to go along rather than resist.

It comes as something of a shock to many new General Conference officers and staff to discover just how little power the General Conference has to require conformity to its dictates. Its greatest—and most frequently used—power is the power of moral authority and persuasion. That’s what happened in the North Pacific Union.

But it doesn’t always work out that way. Some years ago, the same union rewrote its constitution and bylaws at the time the General Conference was trying to achieve conformity of such documents with the model constitution and bylaws contained in the *Working Policy*. Specifically, the union wanted a different method for choosing the nominating committee so as to provide more time for consideration of candidates and communicating with the delegates. The General Conference sent a delegation to use the power of persuasion to see that the models were followed in toto, but the delegates said ‘thank you for your concern, but we prefer to do it our way.’ Similar delegations more recently

failed to persuade the Pacific and Columbia Unions to forgo ordaining women. Neither has suffered demonstrable harm as a result of their decisions.

And if efforts to gain conformity by moral suasion are ineffective, what next? The General Conference has the power to call special meetings of a union constituency. At such, it could argue for a reversal of policy. It could argue that union and conference constitutions bind those entities to follow General Conference policy and procedures. As an example, the bylaws of one typical conference provide that "All purposes, policies and procedures of this conference shall be in harmony with the working policies of the North American Division and the General Conference. The Conference shall pursue the mission of the Church in harmony with the doctrines, programs, and initiatives adopted and approved by the General Conference of Seventh-day Adventists in its sessions." But, importantly, the last three words constitute a most important qualifier to what goes before: the conference is bound only by those policies approved at a General Conference *session*—the *Church Manual* and *Working Policy*.

If unions refuse all such efforts by the General Conference, there remains one final solution—a 'nuclear option.' *Working Policy* B 95 15 details the procedure for the dissolution and/or expulsion of a union. It provides that when, in the opinion of a division administration, a union is found to be in apostasy or rebellion, certain steps shall be taken. First, the division committee makes the determination of apostasy or rebellion. Next, the division shall refer the matter to the General Conference Executive Committee with a recommendation for expulsion. Third, the General Conference Executive Committee must decide whether to call another union constituency meeting. Finally, the General Conference Executive Committee shall consider the recommendation of the division at a Spring Meeting or Annual Council. If the committee approves the recommendation at such a meeting, it shall refer

the recommendation to the next regular or specially called General Conference Session.

The procedure outlined in B 95 15 is indeed a 'nuclear option.' To even consider it brings to mind visions of a circular firing squad—a self-defeating process that results in injury all around. It is difficult to foresee circumstances that would even arguably require such.

Other questions remain. What of those already ordained—in China, the Columbia and Pacific Unions, the Netherlands Union? Is their ordination to be annulled, their credentials revoked? Such action is usually reserved only for those guilty of transgressions of great moral turpitude. Various levels of the church structure have been known to pass off employees guilty of such transgressions as theft, spousal and/or child abuse to another organization, rather than face a public spectacle. How can we, with a straight face, argue that the credentials and ordination of women who are guilty of nothing more than finding themselves in the middle of a muddle, should be revoked in the face of such gross past inconsistency?

The General Conference has a vested interest in arguing for an expansive interpretation of its powers. The unions, in turn, have a similar interest in arguing for an expansive view of their authority. Who is to decide? Perhaps it is time to reconsider our lack of an independent judiciary. In the meantime, we can only hope that calm, settled reason will trump fundamentalist fervor. ■

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