

NOTES ON ECO POLITY
An analysis by Daniel M. Saperstein¹
Prepared for First Presbyterian Church, Houston

The intent of Presbyterian polity is to determine the just and orderly distribution and exercise of power within the church for the sake of the mission and witness of the church. It specifies roles and responsibilities for the faithful, orderly, and effective service of God in ministry and mission. It provides protections and procedures for the just resolution of conflict and the correction of error. Polity and church law is made necessary by our human propensity to sin and self-interest, both as individuals and groups. Presbyterian polity provides the constraints of due process and constitutional law to incorporate checks and balances to prevent abuse in the system.

In the PCUSA, the Historic Principles of Presbyterian Government (F-3.02) express how the checks and balances within the polity serve to maintain order and justice. The genius of Presbyterian polity is that as authority in the church expands, so does the scope of accountability, so that issues are ultimately decided by the voice of the whole church.

A comparison of the PCUSA and ECO polities will demonstrate that one key distinction between the two is ECO's greater location of power in pastors and sessions without adequate accountability either to the presbytery above or to the congregation below. If the oft-cited criticism of the PCUSA by ECO-bound churches is that it is too restrictive in its polity but too lax in its theology, ECO is precisely the opposite – overly restrictive in theology while giving free rein in polity.

It is not that the PCUSA has elevated polity over theology. Rather, the PCUSA recognizes that polity is the practical expression of our theology. So the question in choosing between polities is which more accurately represents a faithful theology.

PCUSA	ECO
The <i>sovereignty of God</i> is expressed through the humility of recognizing our understanding or interpretation of God's will is limited and flawed. Embraces a process of mutual discernment of the scriptures, determined by majority vote; and has provisions both protecting and limiting the conscience of individuals.	The sovereignty of God is expressed through submission to a declaration of settled truth that reflects divine authority. This is relatively fixed and immutable, and requires a supermajority to amend (thus allowing a minority to block any proposed change). Does not have provisions protecting the conscience of individuals.
<i>Human sinfulness</i> is mitigated by systems of checks and balances, with decisions subject to review by more inclusive bodies so that ultimately disputes are resolved by the voice of the whole church (or a representation of it).	Regards human sinfulness in terms of doctrinal deviation and moral absolutes but does little to protect against systemic abuses of power. Many if not most actions of congregations are not subject to review by presbyteries or the

¹ The Rev. Dr. Daniel M. Saperstein is Co-leader for Mission and Partnership for the Synod of the Sun, PCUSA. He is a former member of the General Assembly Permanent Judicial Commission (1997-2003) and the Advisory Committee on the Constitution (2006-2012). References to the ECO Constitution are based on the published documents of ECO accessed on their website <http://eco-pres.org/resources/key-documents/> November 4, 2013.

	synod. There is no provision for administrative review of sessions or session minutes. The concentration of power in the session and lack of administrative review by presbyteries shortcuts checks and balances on abuse of power in congregations.
The essential <i>unity of the Body of Christ</i> is reflected in the organic nature of our political and financial connection. “The several congregations collectively constitute one church, emphatically called <i>the Church</i> .” The property trust clause is an expression of this unity. The whole church is engaged in mission, not just individual churches.	Congregations have greater independence; unity is expressed in mutual accountability rather than hierarchical accountability; but accountability groups are self-selected and lack powers of enforcement. There is no financial unity either in the ownership of property or the support of common mission.
The <i>parity of ministry</i> between ruling and teaching elders is reflected in higher councils of the church, with deference given to the voice of the people through ruling elders.	The polity gives deference to pastors over (ruling) elders at the presbytery level. Permits the pastor to serve as CEO of the church corporation.
The embodiment of the <i>eschatological beloved community</i> of all peoples is advanced through accountability structures for representation and inclusion.	No accountability structures for representation or inclusion exist.

A Baptist Polity

The ECO constitutional documents are identified as the statement of *Essential Tenets*, *ECO Polity*, and the *Rules of Discipline*. These outline a denomination that is Presbyterian only in the broadest sense of the term. Church councils above the session have virtually no authority to direct the life and ministry of lower councils. There is no provision for administrative review and oversight. There are no structures to promote or ensure inclusion of persons across race or gender. Property and finances are exclusively under the control of sessions. Even the ministry of Word and Sacrament in a congregation could be commissioned without recourse to presbytery. In these regards, the denominational body the polity most resembles is not Presbyterian, but Southern Baptist.

Confessions – no; Essential Tenets – yes

In a non-constitutional document titled *Confessional Standards*, ECO acknowledges a *Book of Confessions* consisting of the eleven confessional documents of the PCUSA. However, nowhere in their constitutional documents is there any list of accepted confessions or recognition of their constitutional authority.² Instead, the confessional authority of the denomination resides in their

² The non-constitutional statement on confessional standards states, “The *Book of Confessions* contains the confessions that we have taken vows to receive.” However, the vows of ordination do not require that one receive the confessions of the church, only that one be “guided by” the confessions – which are nowhere identified in the Constitution itself. The vows do require that one “receive, adopt, and be bound by the *Essential Tenets* of ECO as a reliable exposition of what Scripture teaches us to do and to believe” (2.0103c).

statement of *Essential Tenets*, which contains five pages of particular doctrine to which all ordained persons (deacons, elders, “pastors”) must subscribe. There is no constitutional provision either for the protection of individual conscience or for interpretation of this document. The threshold for amendment – a two-thirds vote in two-thirds of the presbyteries -- is so high that the document is effectively written in stone. (Another way of looking at that is to say change can be blocked by one-third of the voting members in one-third of the presbyteries.)

Mission and Accountability in ECO Polity

ECO promotes itself as a “missional” and “accountable” denomination. The mission and accountability structures of the church reside in what are termed “mission affinity groups” to which congregations belong through their sessions. However, while these affinity groups are required to meet at least annually, there is no real power to hold member churches accountable. Even the presbytery does not possess the authority to take original jurisdiction of a session that is persistently malfasant or non-feasant in their leadership or mission. What *is* put forth in detail is congregational autonomy, a strong pastor-led session, and a constrictive theology.

Notes on ECO Constitutional Documents

What follows are some notes on specific issues and observations in the constitutional documents.

Essential Tenets

[Please note that this is not a theological analysis of provisions of the Essential Tenets document, but a review of its authority and function within the polity of ECO.]

The requirement of subscribing to specific essential tenets is the major distinction between ECO and PCUSA. The tenets are identified in a five page document that is ambiguous and even contradictory regarding its authority.

1. ECO claims the *Essential Tenets* document does not have confessional authority, yet it requires specific subscription which is not required of the confessions. The *Essential Tenets* are indeed the authoritative confession of ECO. (see 2.0103c)
2. ECO requires that all officers (elders, deacons, “pastors”) subscribe to the document *Essential Tenets* in its entirety. ECO leaders have claimed that subscription only applies generally to the portions in bold face type,³ but this is not borne out by the ECO constitution itself, which always refers to the document by title as the object of subscription, without further clarification.⁴

³ This was stated in response to a question at the time the essential tenets were introduced at the ECO gathering in Orlando, Florida in 2012.

⁴ “Those who are invited to take significant leadership roles in the congregation shall be spiritually mature, agree with the *Essential Tenets* of ECO, be carefully selected, be trained and/or mentored, and be supervised, and should ordinarily be members for at least a year” (1.0305); “Ordaining bodies must ensure that all officers adhere to the *Essential Tenets* of ECO. Failure of officers to continue to adhere to these standards is grounds for a session or presbytery to remove an officer from service according to the *Rules of Discipline* in this *Constitution*” (2.0101);

(Otherwise, there would have to be a statement of “essential tenets of the essential tenets.”) The five pages of the essential tenets includes many specific doctrinal assertions. For example, the requirement that officers “maintain chastity in thought and deed, being faithful within the covenant of marriage between a man and a woman as established by God at the creation or embracing a celibate life as established by Jesus in the new covenant” is included under the heading “Living in Obedience to the Word of God.”

If ECO in practice requires adherence only to the general headings, however, then they are only *assuming* that these will be interpreted to require constitutional adherence to the topics contained in the explanatory comments, and are misleading people by saying that these doctrines will be required (or prohibited). This leaves the “essential tenets” no more clearly defined than in the PCUSA – subject to the interpretation of councils and courts. Indeed, by not according constitutional authority to the *Book of Confessions*, ECO may actually have a weaker doctrinal foundation than the PCUSA.

There is an assumption that those who unite with ECO will have one mind as to how these are to be interpreted. Such unanimity is farfetched, meaning that church courts or councils will decide the interpretation of these issues.

3. There is no provision for conscience in the interpretation and application of the Essential Tenets. The *Essential Tenets* document states,

We confess that God alone is Lord of the conscience, but this freedom is for the purpose of allowing us to be subject always and primarily to God’s Word. The Spirit will never prompt our conscience to conclusions that are at odds with the Scriptures that He has inspired.

This statement is considerably weaker than that contained in the PCUSA Book of Order.⁵ It begs the question of how God’s Word is interpreted, and assumes that there will be a single understanding of what the scriptures say on the many doctrines in the *Essential Tenets*. The preservation of freedom of conscience is vital to hearing the voice of the Spirit in a living church. Only through the accommodation of conscience can our own parochial understanding of what Scripture says have the opportunity to be challenged and corrected.

For example, the essential tenets use exclusively male language to describe God. Does this then require that officers must affirm the maleness of God, or that they must use gender-exclusive language about God? Is this “settled doctrine”? Will battles over inclusive language have to be fought in ECO? Are such questions even able to be raised with the restrictions on conscience?

“Will you receive, adopt, and be bound by the *Essential Tenets* of ECO as a reliable exposition of what Scripture teaches us to do and to believe, and will you be guided by them in your life and ministry?” (2.0103c).

⁵ “So far as may be possible without serious departure from these standards, without infringing on the rights and views of others, and without obstructing the constitutional governance of the church, freedom of conscience with respect to the interpretation of Scripture is to be maintained.” (G-2.0105)

Eco Polity

Congregations and Covenant Partners (1.0):

4. Covenantal vs. Organic Unity

The polity of ECO rests on covenants of partnership (membership) and accountability. The use of covenant language suggests that the unity of the church envisioned is contingent on keeping covenant. Unlike the PCUSA Constitution which states that the particular congregations collectively constitute ONE church (F-3.0201), the ECO polity reflects a unity that is a covenantal association of individual churches. The processes of accountability review suggest that those officers and congregations that are found lacking in their covenant faithfulness (which is not defined in the constitution) may be deemed to have broken covenant.

5. Clerks or No Clerks?

The office of Clerk of Session is mentioned in the *ECO Polity* document only once (1.0505), in identifying the secretary of congregational meetings. It is not a mandated office of the session. Stated Clerks are not mentioned in connection with higher councils of the church, except in the *Rules of Discipline*, where such an office, though non-existent in *ECO Polity*, is mandated to perform various functions.

Ordained and Commissioned Ministry (2.0):

6. Assistant Pastors

ECO restores the office of Assistant Pastor, elected by the session only (not the congregation):

Assistant Pastor – Assistant pastors are called by the session or pastor/head of staff according to rule of the session. The session, acting as a pastor nominating committee, may propose to the congregation that an assistant pastor be called as an associate pastor. Assistant pastors are members of presbytery with voice and vote. (2.0401c)

The PCUSA discontinued this because of abuse of pastors in this tenuous role. It is noteworthy that while Assistant Pastors are accorded a vote at presbytery, they do not have a vote on the session they serve.

7. The right of pastors to vote in presbytery is limited only to those who are serving congregations:

All members of the presbytery have voice in its deliberations; **the right to vote is given to those serving in a pastoral capacity in a congregation.** (2.0401, emphasis added)

This disenfranchises all chaplains (including military chaplains); honorably retired ministers; and those serving in non-parish ministries (e.g., seminary faculty), unless they are serving as “part time assistant pastors.” This is a standard that encourages abuse of the office of assistant pastor.

Retired pastors are encouraged to become church members (covenant partners):

Each honorably retired pastor is encouraged to become a covenant partner of a congregation, with voice and vote. (2.0401g)

It is unclear what this means about their standing as ordained ministers. It is possible that in becoming a covenant partner that the ordination credentials are surrendered, and with it the ability to perform pastoral functions, or to receive in retirement tax benefits accorded ministers.

8. Presbyteries have the power:

g. [To] receive, dismiss, examine, install, provide pastoral care for, and discipline pastors.

However, nowhere does the constitution grant presbytery the role of approving calls. The “tripartite” call of the PCUSA apparently becomes a “bipartite” call between a congregation and a pastor. Likewise, the presbytery does not have the authority to set minimum terms of call. The role of the presbytery as party to a call is absent, and neither pastors nor congregations have recourse to presbytery in the negotiation of call terms.

9. Pastors are required to participate in “self-selected” covenant groups. These are [to]:

- a. Explore the health of each other’s current ministry.
- b. Explore the future objectives of each other’s ministry.
- c. Address challenges and obstacles to meeting those objectives.
- d. Share best practices and insights.
- e. Explore each other’s physical, spiritual, relational, and emotional health. (2.0402)

It is unclear what definitions and standards will be applied to “spiritual health,” or what authority these groups have should a pastor be found lacking in “spiritual health.” Since they are “self-selected” a pastor has the incentive to seek groups that will offer the least accountability. It also encourages the development of “old boy networks” which inhibit access to fuller ministry opportunities for those outside the network.

10. Sacramental authority.

ECO deviates from historic Reformed practice by allowing sessions the power to commission covenant partners (members) to serve as lay pastors, including the right to administer sacraments.⁶ In Reformed polity, the ordering of the ministry of Word and Sacrament has been the responsibility of the presbytery. This raises the question of whether the validity of baptisms so commissioned will be recognized by other Reformed bodies. It also promotes irregularity in the sacraments, and encourages churches to create their own orders of “lay ministers” rather than call ministers properly educated and examined by presbytery.

⁶ “If an officer has been commissioned by the session to lead these groups in mission or ministry and has been appropriately trained, he or she shall be authorized to administer the sacraments in these communities. The pastor and the session shall oversee those who are commissioned to such service within a congregation” (2.0502).

Councils of ECO (3.0):

11. The Presbytery

Presbyteries have the authority only to “settle differences between congregations and pastors” (3.0103). They do not have authority to enter into congregations in conflict or to take original jurisdiction of congregations that are unable to manage their affairs.

While some may welcome this change, it raises the question of whether ECO is in fact a hierarchical denomination with an essential unity, or a mere convention (à la Southern Baptists). It does not protect a congregation from abuse by a rogue session, or unresolved differences within congregations.

12. Elder Commissioners

Whereas the PCUSA Constitution requires that presbyteries consist of at least equal numbers of elders as of minister members, in ECO this is reversed, that is, the number of minister members will at least be equal or greater than the elder commissioners:

The **maximum** number of elder commissioners which the session may elect shall be equal to the number of pastors with voting authority as set forth in Section 2.0401 serving the congregation. (1.0603d., emphasis added)

3.0104 sets forth the membership of presbytery. It does not specify a quorum for the conduct of business. Presumably this is left for the required manual of operations.

13. Per Capita

ECO provides for a per capita assessment (or alternative assessment model):

To support its function and ministry the presbytery may, by its own rule, apportion expenses to its congregations. (3.0108; similar provision for synods at 3.0206)

However, there is no statement about whether or how such expenses shall be required or received. This points to the larger question of whether presbyteries or councils have the power to enforce and execute their directives at all. There is no provision in the polity for the administrative review of lower councils by higher ones (excepting the requirement to “review and discuss” annual mission effectiveness – 3.0103m). Currently, the ECO synod requests a payment of 1% of the operating budget of the church annually.

14. The Synod

The synod is the widest council of ECO, parallel therefore with the General Assembly. However the functions of the synod are narrowly defined:

- a. Provide linkage of presbyteries to one another for mutual encouragement.
- b. Correspond and connect with global mission partners, other denominations and ministry partners.

- c. Maintain the *Constitution and Essential Tenets* of ECO.
- d. Where appropriate and necessary, provide services (i.e., pension and health insurance) for ECO. (3.0201)

There is no mission function of the synod. Programming is limited only to what is “appropriate and necessary.”

15. Synod executive council

This body is given great power for the whole denomination without the requirement that its decisions be accountable to the representative assembly. Since it consists of only 6-9 persons, with a guarantee of only three elder members. The executive council has the following powers:

3.0204 Synod Executive Council

The synod executive council shall consist of between six and nine individuals, with at least three being elders and the remainder being ordained pastors. The synod executive committee shall have the power to:

- a. Constitute, divide, and dissolve presbyteries, and settle disputes between them, provided any such action is approved by two-thirds of the members of the council then in office.
- b. Receive and approve union presbyteries into ECO, provided any such action is approved by two-thirds of the members of the governing board then in office.
- c. Adopt an annual budget and may receive, hold, manage, sell and expend funds and other assets.
- d. Elect corporate officers (including a president) and hire staff.
- e. Represent ECO to ecumenical and mission partners when needed.
- f. Develop a manual of operations for its activities and functions.
- g. Own the distinctive trademarks, trade names, and other intellectual property of ECO and protect against unauthorized use thereof.
- h. Exercise all other powers of a nonprofit corporation under applicable law.

The delegation of such sweeping authority to a small body, with no requirement of representation or inclusion that could conceivably be dominated by a supermajority of pastor members is contradictory to the Presbyterian principles of accountability and parity among ruling elder and teaching elder presbyters.

Civil Authority and Property (4.0)

16. The issue of church property has taken on an increasingly central role in the decisions of churches to move to ECO from the PCUSA. ECO polity contains no property trust clause, leaving property solely in the hands of the local congregation, and prohibits the presbytery from exercising any partnership with congregations in the mortgage financing of building loans (4.0102).

This may provide some sense of satisfaction to those who are concerned that a trust clause may be exercised against their wishes in church disputes, but it also removes an important protection for congregations from abuse by leaders or an influential group. It also removes from smaller congregations an important resource for acquiring funds to expand their ministry, especially when they are in an early phase of development.

17. Pastor CEO?

An odd provision of chapter four also provides that

The session or other governing board shall elect an elder, pastor, or staff member to serve as the chief executive officer of the corporation and may elect other corporate officers as it deems appropriate or as required by law. (4.0101)

The idea that the *pastor* could also serve as the CEO of the church corporation by election of the session reflects a pastor-centric leadership model that is deeply contrary to the historic practice of Presbyterian polity.

Ecumenicity and Union (5.0)

18. Union congregations (5.0201)

The notion that a PCUSA congregation could unilaterally initiate a joint congregational witness (PCUSA term) as a member of ECO has been ruled unconstitutional under the PCUSA constitution. Joint congregational witness in the PCUSA is designed for the merging of two congregations, or for the chartering *ab origine* of a union congregation.

The Constitution (6.0)

19. The Essential Tenets document is part of the constitution, along with the polity and rules of discipline. Every explanatory statement in the *Essential Tenets* document therefore is written into the constitution and has not only the requirement of a supermajority of presbyteries to amend, but a supermajority within the presbyteries. This is an extremely high bar of amendment, exceeding that of the U.S. Constitution (which only requires a majority vote by three-fourths of the state legislatures).

20. The Confessions of the Church are not part of the ECO constitution. There is no provision in the constitution for adopting or amending confessions. Claims therefore that they share a common confessional perspective with the PCUSA are false; the only *functional* confession of ECO is the statement of *Essential Tenets*. Indeed, this has a higher standard of amendment than do the confessions in the PCUSA.

21. There is also no statement as to how the constitution shall be authoritatively interpreted. There is no statement as to the effect and power of remedial judgments of the church courts beyond the parties involved. There is no process by which the synod assembly may issue an interpretation of the constitution. (The power given it to “maintain” the constitution of the church is not articulated, and there is no process even to interpret what that means!) It is likely that this omission will lead to the fragmenting of ECO over constitutional matters where there is not common agreement.

22. Statements of Historic Principles of Polity and Government

ECO has no comparable section to F-3.01 and F-3.02 of the PCUSA Constitution, which outline the Historic Principles of Church Order (“preliminary principles”) and the Historic Principles of Presbyterian Government (“radical principles”). There is no statement affirming the rights or limits of conscience. There is no statement regarding the principles of government. There is no statement regarding the requirement of mutual forbearance when consciences collide. These principles are at the core of the PCUSA polity. They assure that rights are protected. No such assurances are evident in the ECO constitution. The ECO constitution also omits the historic statement of the Great Ends of the Church.

Even the U.S. Constitution had to draft a bill of rights before it was agreed to. The polity of ECO, with its unaccountable leadership (synod executive council), weak structures of hierarchical protection and accountability, and Congregationalist emphases creates an environment in which basic rights and freedoms of members can be trampled.

23. A Note on Worship

There are currently no guidelines or rules – and therefore no accountability - regarding the practice of worship in ECO congregations.

Rules of Discipline

24. The ECO *Rules of Discipline* are largely appropriated directly from the PCUSA Constitution. The idea, one might conclude, is “if it isn’t broken don’t fix it.” This mass appropriation has yielded some unusual consequences, however – such as the designation of Stated Clerks to perform various functions even though the position is neither defined nor mandated in the *ECO Polity* document.

25. Double Jeopardy

There is one important deviation from PCUSA judicial process, however. The ECO constitution provides for equal powers of appeal by the accusers in a disciplinary case where a verdict of not guilty is rendered. The PCUSA had briefly offered limited powers of appeal to accusers, but even those limited powers have been rescinded. In ECO the possibility of double and even triple jeopardy exists for a person found not guilty at trial.