

Advisory Opinion
Actions of the 221st General Assembly (2014) on Marriage

What actions did the 221st General Assembly (2014) take regarding marriage?

The 221st General Assembly (2014) of the Presbyterian Church (U.S.A.) took two separate actions regarding marriage:

- Adopted an authoritative interpretation (AI) of W-4.9000 in the Directory for Worship
- Approved a proposed amendment to W-4.9000 in the Directory for Worship

What is an authoritative interpretation?ⁱ

An authoritative interpretation (AI) is an interpretation of one or more provisions of the *Book of Order*. The church authoritatively interprets the Constitution in two ways: 1) by an interpretation adopted by the General Assembly, as was done by the 221st General Assembly (2014) for W-4.9000, and 2) by a decision in a judicial case rendered by the General Assembly Permanent Judicial Commission (GAPJC).

The purpose of an authoritative interpretation is to clarify for the church the meaning and intent of a provision of the *Book of Order* as that provision impacts the church's life and witness. The most recent interpretation of a provision of the *Book of Order* is binding on all members and councils of the Presbyterian Church (U.S.A.). Authoritative interpretations are in effect until changed or revoked by a subsequent General Assembly or modified by the GAPJC.

What is the authoritative interpretation of W-4.9000 adopted by the 221st General Assembly (2014)?

Worship is a central element of the pastoral care of the people of God (W-6.3001, W-6.3010) in which a teaching elder's discernment of the leading of the Holy Spirit is indispensable. The necessity of ensuring the exercise of freedom of conscience in the interpretation of Scripture (G-2.0105) in the planning and leadership of worship has deep roots in our Reformed tradition and theology. Because a service of marriage is one form of such worship, when a couple requests the involvement of the church in solemnizing their marriage as permitted by the laws of the civil jurisdiction in which the marriage is to take place, teaching elders have the pastoral responsibility to assess the capabilities, intentions, and readiness of the couple to be married (W-4.9002), and the freedom of conscience in the interpretation of Scripture (G-2.0105) to participate in any such marriage they believe the Holy Spirit calls them to perform.*

Exercising such discretion and freedom of conscience under the prayerful guidance of Scripture, teaching elders may conduct a marriage service for any such couple in the place where the community gathers for worship, so long as it is approved by the session; or in such other place as may be suitable for a service of Christian worship. In no case shall any teaching elder's conscience be bound to conduct any marriage service for any couple except by his or her understanding of the Word, and the leading of the Holy Spirit. The authoritative interpretation of this section by the 203rd General Assembly (1991) (Minutes, 1991, Part I, p. 395, paragraphs 21.124–128), and the subsequent authoritative interpretations of the General Assembly Permanent Judicial Commission relying upon it, are withdrawn and replaced with this authoritative interpretation.

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**As in other places in the Directory for Worship, the use of “teaching elders” in this paragraph should be understood to include ruling elders commissioned to pastoral service.*

What does this AI mean for teaching eldersⁱⁱ when asked to conduct a marriage service for a same gender couple?

Teaching elders may conduct marriage services for same gender couples where it is “permitted by the laws of the civil jurisdiction in which the marriage is to take place.” For all marriage services, teaching elders “have the pastoral responsibility to assess the capabilities, intentions, and readiness of the couple” requesting to be married and “freedom of conscience under the prayerful guidance of Scripture” to participate in “any such marriage they believe the Holy Spirit calls them to perform.” Teaching elders will need to discern whether they will conduct a marriage service for any couple who asks.

Will teaching elders be required to conduct a marriage service for a same gender couple?

No. A teaching elder has freedom of conscience when deciding whether to conduct a marriage service. “In no case shall any teaching elder’s conscience be bound to conduct any marriage service for any couple except by his or her understanding of the Word, and the leading of the Holy Spirit.”

Can a teaching elder conduct a marriage service within the bounds of another presbytery, where the marriage of same gender couples is legally permitted?

It appears that the answer is, “yes.” The language of the AI is quite broad: “*teaching elders may conduct a marriage service for any such couple in the place where the community gathers for worship, so long as it is approved by the session; or in such other place as may be suitable for a service of Christian worship.*” There is no limitation as to the location of the marriage service, other than approval by the session and suitability of the location.

While this AI may allow a teaching elder to perform a marriage service without seeking the approval of the presbytery within whose geographic boundaries the marriage service is to take place, even if that presbytery is not the teaching elder’s presbytery of membership, “(i)n the Presbyterian Church (U.S.A.), cooperation and shared responsibility between the pastor and the Presbytery is essential.” Therefore, a teaching elder should request permissions from the presbyteries to perform a marriage service outside the bounds of his or her presbytery of membership.ⁱⁱⁱ

Nothing in this AI address the necessity for the teaching elder to meet the legal requirements of the civil jurisdiction where the wedding service is to take place.

What does this AI mean for sessions?

Sessions have the responsibility to provide for worship and the authority to “oversee and approve all public worship in the life of the particular church...” (W-1.4004).^{iv} Each couple requesting the use of the congregation’s facilities for a marriage service must have session approval. Sessions have the authority to deny any request for the use of church facilities for any service of worship, which would then prohibit the pastor from conducting any such service within the church facilities. Each session will need to discern whether to allow the use of church facilities for any marriage service requested. The pastor cannot compel the session to approve any marriage service.

Can a session categorically prohibit same gender weddings in the place where the community gathers for worship?

Yes. Sessions have the authority to make categorical determinations regarding the use of the church's facilities.

Can a session prohibit their pastor from conducting a wedding? Compel their pastor to perform a wedding?

No. Apart from denying a request for a marriage service to be held within church facilities, the session cannot prohibit the pastor from conducting a marriage service, nor compel him or her to conduct any such service.

What does this AI mean for presbyteries?

In presbyteries where marriage between same gender couples is permitted by the laws of the civil jurisdiction, teaching elders have *“the freedom of conscience in the interpretation of Scripture to participate in any such marriage they believe the Holy Spirit calls them to perform”* including those for same gender couples where *“permitted by the laws of the civil jurisdiction in which the marriage is to take place.”*

Can a presbytery prohibit a teaching elder from performing a wedding?

Teaching elders are accountable to the presbytery in the performance of their ministry (G-2.0502). However, it is not clear whether the intent of G-2.0502, which governs presbytery's right of approval of a call to validated ministry, extends to individual actions of ministry such as conducting a particular marriage ceremony. If so, the language of this AI appears to create an exception in this accountability regarding conducting marriage services. Thus a presbytery may not prevent teaching elders from *“participating in a marriage service they believe the Holy Spirit calls them to perform.”*

Judicial challenges arising from a teaching elder's performing a marriage service, against the express instructions of his or her presbytery, may clarify the extent to which a presbytery has the right to restrict the freedom of teaching elders under this AI.

What happens to previous AIs of W-4.9000?

The AI of W-4.9000 by the 203rd General Assembly (1991) (*Minutes*, 1991, Part I, p. 395, paragraphs 21.124–128) and the subsequent authoritative interpretations of the General Assembly Permanent Judicial Commission relying upon it, are withdrawn and replaced with this authoritative interpretation.

What is the proposed amendment to the *Book of Order* recommended by the 221st General Assembly (2014)?

Marriage is a gift God has given to all humankind for the well-being of the entire human family. Marriage involves a unique commitment between two people, traditionally a man and a woman, to love and support each other for the rest of their lives. The sacrificial love that unites the couple sustains them as faithful and responsible members of the church and the wider community.

In civil law, marriage is a contract that recognizes the rights and obligations of the married couple in society. In the Reformed tradition, marriage is also a covenant in which God has an active part, and which the community of faith publicly witnesses and acknowledges.

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If they meet the requirements of the civil jurisdiction in which they intend to marry, a couple may request that a service of Christian marriage be conducted by a teaching elder in the Presbyterian Church (U.S.A.), who is authorized, though not required, to act as an agent of the civil jurisdiction in recording the marriage contract. A couple requesting a service of Christian marriage shall receive instruction from the teaching elder, who may agree to the couple's request only if, in the judgment of the teaching elder, the couple demonstrate sufficient understanding of the nature of the marriage covenant and commitment to living their lives together according to its values. In making this decision, the teaching elder may seek the counsel of the session, which has authority to permit or deny the use of church property for a marriage service.

The marriage service shall be conducted in a manner appropriate to this covenant and to the forms of Reformed worship, under the direction of the teaching elder and the supervision of the session (W-1.4004–.4006). In a service of marriage, the couple marry each other by exchanging mutual promises. The teaching elder witnesses the couple's promises and pronounces God's blessing upon their union. The community of faith pledges to support the couple in upholding their promises; prayers may be offered for the couple, for the communities that support them, and for all who seek to live in faithfulness.

A service of worship recognizing a civil marriage and confirming it in the community of faith may be appropriate when requested by the couple. The service will be similar to the marriage service except that the statements made shall reflect the fact that the couple is already married to one another according to the laws of the civil jurisdiction.

Nothing herein shall compel a teaching elder to perform nor compel a session to authorize the use of church property for a marriage service that the teaching elder or the session believes is contrary to the teaching elder's or the session's discernment of the Holy Spirit and their understanding of the Word of God.

What is required for this proposed amendment to replace the existing W-4.9000?

In order for this proposed amendment to become part of the *Book of Order*, a majority of established and duly constituted presbyteries must approve the change no later than June 21, 2015, at which time it would go into effect as part of our *Book of Order*.

What does the proposed amendment of W-4.9000 do that the AI does not?

While the AI interprets a provision of the constitution, the proposed amendment, if adopted, would change the constitution. The proposed amendment would replace W-4.9000 in its entirety with new wording to the *Book of Order* regarding marriage.

What affect will the vote by presbyteries to amend W-4.9000 have on the AI that was adopted?

If a majority of established and duly constituted presbyteries approve the amendment to W-4.9000 by June 21, 2015, the amendment would replace the current wording of W-4.9000, which the AI is interpreting. At that time, the AI would no longer be in effect as an AI, since the portion of the *Book of Order* that it is interpreting would no longer be in the Constitution.

If a majority of established and duly constituted presbyteries do not approve the amendment to W-4.9000, the AI still continues to remain in effect until changed or revoked by a subsequent General Assembly or modified by the GAPJC.

ⁱ General Assembly, 2010, 61, 341, Item 05-21

ⁱⁱ The use of ‘teaching elders’ should be understood to include ruling elders commissioned to particular pastoral service authorized to officiate at marriages as part of being commissioned to limited pastoral service. (G-2.01001)

ⁱⁱⁱ GAPJC 1996, 208-9, 12.105, Jackson v. Presbytery of Susquehanna Valley. “The church, through the presbytery, calls ministers to act responsibly... The minister member of presbytery is responsible for consulting with the presbytery and reporting changes in his or her work status, and is to seek appropriate and timely permission to labor outside the bounds of presbytery of membership or in service beyond the jurisdiction of the Presbyterian Church (U.S.A.)”

^{iv} W-1.4004 Session

In a particular church, the session is to provide for worship and shall encourage the people to participate fully and regularly in it. The session shall make provision for the regular

- a. preaching of the Word,
- b. celebration of the Sacraments,
- c. corporate prayer, and
- d. offering of praise to God in song. (W-2.0000; W-3.0000)

The session has authority

- e. to oversee and approve all public worship in the life of the particular church with the exception of those responsibilities delegated to the pastor alone (W-1.4005),
- f. to determine occasions, days, times, and places for worship.