THE MARRIAGE ISSUE: FURTHER REFLECTIONS

One aspect of Presbyterian polity that is raised by the Authoritative Interpretation (AI) of W-4.9000 is the need for sessions to maintain consistent procedures for approving services of worship like weddings. Regardless of what the session’s or pastor’s views on who should be authorized to be married as a part of the congregation’s ministry, this is an issue where the Presbyterian watchwords, “decently and in order,” apply. The session should spell out in its operations manual what its policy is on weddings: how they are approved, the need for counseling, and any other guidelines that need to be established. (Examples: guidelines for decorations, appropriate music, the use of alcohol on church grounds, etc.) Again, consistency is important. The session does not want to be perceived as if they are making things up on the fly.

The minutes of the session should record all pertinent aspects of the session’s decision to permit a wedding to be performed. Teaching elders should always recognize that they are not “independent contractors,” able to perform marriages for whoever requests them, but need to act cooperatively and collegially with the session.

Some sessions may be concerned about the issues raised in my opinion about the AI, and whether the constitutional quandary it creates can be addressed in some manner. AIs are delivered by the General Assembly Permanent Judicial Commission in the course of deciding a case that has constitutional implications, or, as was done last week, by a request initiated by a presbytery overture, upon recommendation of the Advisory Committee on the Constitution (of which I am now the moderator) and approved by the GA. The procedure for this is covered by G-3.0501c, which states that the GA has the responsibility of:

authoritatively interpreting the most recent edition of the Book of Order in a manner binding on the whole church, in accordance with the provisions of G-6.02 or through a decision of the General Assembly Permanent Judicial Commission in a remedial or disciplinary case, with the most recent interpretation of the Book of Order being binding; (emphasis added)

One remedy to correct this situation is to overture the 222nd GA (2016) to replace the 2014 AI with a new AI. A suggestion of what such an overture might look like follows.

POSSIBLE OVERTURE

The Presbytery of Central Florida overtures the 222nd General Assembly (2016) to issue the following authoritative interpretation of the Book of Order, W-4.9000:

The definition of marriage within the Presbyterian Church (USA) is established by its Constitution in W-4.9000, and can only be changed by the process for amending the Book of Order listed in G-6.04. Persons in ordered ministries have vowed to be governed by our church’s polity and abide by its discipline (W-4.4003e), and therefore must abide by that definition, despite what the definition of marriage by the civil authorities where they live may be.

Freedom of conscience for persons in ordered ministry is exercised within certain bounds (G-2.0105). The exercise of freedom of conscience in and of itself is not necessarily a violation of polity or an obstruction of constitutional governance. Such freedom of conscience, however, is not freedom of action. All persons in ordered ministry have a duty to fulfill constitutionally mandated responsibilities.
This authoritative interpretation reverses the interpretation of W-4.9000 enacted by the 221st General Assembly (2014). The authoritative interpretations 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 restored with this authoritative interpretation.

Rationale

- G-6.02 empowers the General Assembly to issue authoritative interpretations of the Book of Order. These interpretations cannot contradict the clear and unambiguous language of an existing section of the Book of Order. To do so is to effectively amend the Constitution without the required participation of the presbyteries in the amendment process.
- F-3.03 requires of councils that “[w]here there are tensions and ambiguities between provisions, it is the task of councils and judicial commissions to resolve them in such a way as to give effect to all provisions” within the Constitution of the church.
- The 2014 AI does more than create tensions and ambiguities. It allows for marriages to be performed by teaching elders and/or within Presbyterian congregations that contradict the Constitutional requirement that marriage be between “a woman and a man.” (W-4.9001).
- The 221st GA (2014) provided no rationale as to how it resolved this issue in a way that gives effect to all Constitutional provisions.
- Freedom of conscience for persons who serve in the ordered ministries of the church is exercised within certain bounds. Freedom of conscience is to be maintained with respect to the interpretation of Scripture, but this freedom of conscience does not extend to actions which are contrary to the expressed provisions of the Constitution.
- Should the result of the votes by the presbyteries on the proposed constitutional amendment result in a change to the definition of marriage, the issue addressed by this overture will be moot, and the overture will be withdrawn. (The AI enacted by the 221st GA (2014) will also be moot, being superseded by clear and unambiguous language that defines marriage within the PC(USA).)