

Ovt 027

On Issuing an Authoritative Interpretation of W-4.9000 to Affirm Pastoral Discretion in Performing Marriage Ceremonies—From the Presbytery of East Iowa.

The Presbytery of East Iowa respectfully overtures the 221st General Assembly (2014) to issue the following Authoritative Interpretation of the *Book of Order*, W-4.9000:

Section W-4.9000 of the Book of Order describes marriage as a lifelong union between a man and a woman. Historically, teaching elders* have been entrusted to decide, on a case-by-case basis, whether to officiate at the marriage of a particular couple (W-4.9002b). In the course of pre-marital preparation, teaching elders have assessed each couple's capabilities, intentions, and readiness to be married. Teaching elders have exercised discretion and judgment in various ways (for example, in the cases of divorced persons seeking remarriage; interfaith and interracial couples; and, in more recent years, in the blessing of same-gender relationships). Teaching elders have the pastoral responsibility to assess the capabilities, intentions, and readiness to be married of any couple as permitted by the laws of the place where the couple is seeking to be married. Exercising their discretion, teaching elders may conduct a marriage service for any such couple in the place where the community gathers for worship, if approved by the session; or 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 (Minutes 1991, at 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the subsequent Authoritative Interpretations of the General Assembly Permanent Judicial Commission relying upon it, are withdrawn and replaced with this Authoritative Interpretation.

**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.*

Rationale

Marriage is no longer a civil contract

Christians in the Reformed Tradition view marriage not as a sacrament bestowed by the church but as a blessing that two people seek on a contract they are entering under auspices of the state. The church has defined marriage, first, as "...a gift God has given to all humankind..." [W-4.9001] and at the same time said, "Marriage is a civil contract between a woman and a man." [W-4.9001]. In at least fourteen states and the District of Columbia, this civil definition is no longer true.

Our current polity assumes interpretation

In the case of Rev. Laurie McNeill, tried for the offense of being married to her female spouse (Newark v. McNeill, Disciplinary Case 221-02), the Presbytery of Newark Permanent Judicial Commission (PPJC), acquitted McNeill of the charges against her and declared:

"If, as the Prosecution contended, W-4.9001 set mandatory standards which any PCUSA ordained officer or member must follow in order for his or her marriage to be a marriage in the eyes of the PCUSA, then any "marriage" which is contrary to any of the provisions of W-4.9001 (and its companion provisions W-4.9002 – 4.9005), even as between heterosexuals, would be an offense. In particular, the third and fourth sentences would have to be read to require not only that the marriage is between a man and a woman but that it is also between two Christians and that it be acknowledged by the "community of faith." If the "woman and man" language is mandatory, then the "for Christians" and "publicly witnessed and acknowledged by the community of faith" provisions also must be mandatory. There is nothing in the text which makes one mandatory and one not mandatory."

Immediate relief is needed for Iowa pastors

Since April 2009, Iowa has been allowing two people of the same gender to marry. This complicates pastoral care options for Iowa pastors. Although some Iowa pastors in the Presbyterian Church (USA) have declined to perform such marriages in keeping with their conscience, many others are caught in an untenable position: their conscience tells them to exercise pastoral responsibility and perform the marriage but the Church tells them to fear prosecution. Such prosecutions have already placed tremendous financial burden on presbyteries, diminishing the Church's ability to effectively evangelize and perform necessary mission work.

Teaching elders and sessions need the General Assembly's assurance of their pastoral discretion to provide the care that their members require. In the absence of mandatory language in the Book of Order that would prohibit a service of Christian marriage for any two people who are legally permitted to marry, the assembly should give such assurance in the form of the proposed authoritative interpretation.