

Advisory Opinion

Approved Amendment of W-4.9000

What is the status of the proposed amendment to the Constitution on marriage?

It appears that a majority of presbyteries have voted to approve amending the *Book of Order* section on marriage, W-4.9000 in the Directory for Worship, by replacing it in its entirety with new wording. This new wording will become part of the Constitution of the Presbyterian Church (U.S.A.) beginning June 21, 2015.

Will the approved amendment allow teaching elders to perform marriage services for same-gender couples?

Yes, as long as the couple “meet the requirements of the civil jurisdiction in which they intend to marry.”

Will the approved amendment require teaching elders to conduct marriage services for same-gender couples?

No. A teaching elder cannot be compelled to perform a marriage service for a same-gender couple. “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.”

Will the approved amendment allow sessions to approve holding marriage services for same-gender couples on church property?

Yes. Sessions may permit the use of church property for the marriage service of a same-gender couple.

Will the approved amendment require sessions to allow marriage services for same-gender couples to be held on church property?

No. Sessions may deny the use of church property for the marriage service of a same-gender couple.

Will a session be able to categorically prohibit a marriage service for a same gender couple from being held on church property?

Yes. Under our Constitution, sessions have the authority to make categorical determinations regarding the use of the church’s facilities.

Will a session be able to prohibit the pastor from conducting a marriage service for a same-gender couple or compel the pastor to perform such a marriage service?

No. Apart from denying a request for a marriage service to be held within church facilities, the session cannot prohibit the pastor from conducting the marriage service of a same-gender couple, nor compel the pastor to conduct any such service.

Will a teaching elder be able to conduct a marriage service within church facilities without session approval?

No. Only session has the authority to permit or deny the use of church property for a marriage service. The pastor cannot compel the session to approve a marriage service nor can the pastor conduct any such service within the church facilities without session approval.

How does the approval of the amendment of W-4.9000 affect the authoritative interpretation of W-4.9000 approved by the 221st General Assembly (2014)?

The authoritative interpretation of the current W-4.9000 stays in effect until June 21, 2015, when the old wording of W-4.9000 is replaced with the approved amendment. At that time the authoritative interpretation will no longer be in effect since the portion of the *Book of Order* that it is interpreting will no longer be in the Constitution.

What will be the new wording of W-4.9000 in the *Book of Order*?

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. 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.