

Overture to Heartland Presbytery from the Central Session
RE: *Request for an Authoritative Interpretation on the freedom of ministers to perform same-gender marriages in states where such civil marriages are legally allowed (W-4.9001)*

The Session of Central Presbyterian Church, Kansas City, Missouri respectfully requests Heartland Presbytery to overture the 219th General Assembly (2010) of the Presbyterian Church (USA) in Minneapolis, Minnesota, to issue the following Authoritative Interpretation of the PC(USA) Constitution:

Since several states have recognized that marriage is a fundamental right for all persons, and since the definition of marriage in the Directory for Worship can be interpreted as descriptive and therefore does not mandate that a marriage contract must be only between a man and a woman, the 219th General Assembly declares that in the states which authorize same-gender marriage, pastors may officiate at such marriages in the context of Christian worship.

Rationale

Constitutional Language

The preface to the Book of Order defines the wording of mandatory language as sentences that contain “shall,” “is to be,” or “are to be.” The Preface to the Directory for Worship (clause b) states that the Directory also “uses language about worship that is simply descriptive.” Accordingly, there is no mandatory language in the definition of Christian marriage found in W-4.9001. There is mandatory language in other parts of W-4.9000 (W-4.9002, W-4.9003, W-4.9004), but in all instances the mandatory language that is used refers to the actions to be performed, not to the couple.

It is therefore reasonable to interpret W-4.9001’s definition of Christian marriage as descriptive and not as a statement that mandates the exclusion of same-gender couples from Christian marriage.

Recognizing that Presbyterians differ in their interpretation of W-4.9001, we are asking the General Assembly to affirm this as a legitimate interpretation, though not necessarily the only valid one. It must be remembered that pastors will continue to have the right to refuse to officiate at any marriage they deem unwise or which goes against their conscience (W-4.9002b).

Equal Rights

The 218th General Assembly voted overwhelmingly (516 to 151) to “request the Stated Clerk, the General Assembly Council, and other representatives of the PC(USA) to urge state legislatures and the federal government to apply the principle of equal protection to same gender couples and their children.”* In the same vote they determined to “support congregations, sessions, and ministers of Word and Sacrament who are seeking to extend pastoral care as well as outreach and evangelism to same-gender couples and their nontraditional families who are more and more our neighbors on our streets and our fellow members in our pews.” In states

where the equal protection principle includes marriage for same-gender couples, it would run counter to the direction mandated by the 218th General Assembly if the state were to provide more protection than the church is willing to extend to its own members.

Pastoral Aspects

In a state where same-gender marriage is recognized under the law, it is pastorally unconscionable to apply exclusionary principles to certain members of the congregation by declining to perform their marriage. In practical terms, what this means is that pastors in those congregations have to make the choice between failing in their pastoral responsibilities and running the risk of prosecution by the church. Such prosecutions have placed a formidable financial and spiritual burden on presbyteries already, threatening the peace and unity of the church.

Historical Relation between Church and State

Dating back to John Calvin, the church and the state have shared responsibility for marriages, and the church has recognized the state's right to define the legal parameters of marriage. The state determines who is eligible to be married in broad categories, while the church has always maintained the right to determine the wisdom of a particular marriage (W-4.9002b). It would break a tradition of nearly five hundred years if the church would at this time decide to recognize some, but not all, marriages sanctioned by the state. The church would effectively deny the state's right to set those legal parameters.

* p. 258 Minutes Item 04-13, Friday, June 27, 2008
<http://www.pc-biz.org/Explorer.aspx?id=1601>