

COMMENTS ON THE PROPOSED 2016 GENERAL SYNOD CONSTITUTIONAL CHANGES

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On September 16, the Regional Synod of Albany sent to each of the stated clerks within the RCA a guidebook containing FAQs regarding the 2016 proposed changes to the *Book of Church Order* and *Liturgy*. This paper provides another perspective on this topic, but tries to avoid personal bias by quoting extensively from the *Minutes of General Synod*. Although I serve as the Stated Clerk of the Synod of the Great Lakes, I have not asked the regional synod to approve my comments below, since I believe that it is best for each classis to debate the General Synod recommendations without specific guidance from the regional synod. For the sake of brevity, I plan to limit my comments to the two proposed changes to the RCA *Book of Church Order* and the RCA *Liturgy* regarding the issue of same-sex marriage contained in the 2016 *Minutes of General Synod (MGS)* in the Response to the Special Council on Human Sexuality on pages 72-118. The complete minutes may be found at www.rca.org/minutes.

Adoption of “Order for Christian Marriage” as part of the Liturgy of the Reformed Church in America (MGS 2016, R 16-14, p. 84; 87-102)

“To adopt the ‘Order for Christian Marriage’ that was approved and commended for use in the church by the 2002 General Synod (*MGS 2002*, pp. 181-192) for recommendation to the classes for approval as part of the Liturgy of the Reformed Church in America.”

What is the RCA Constitution and why do we have one?

For a complete answer this question, read the paper approved for use and study by the 2013 General Synod that was presented by three commissions of the RCA on the subject of “Constitutionality.” (2013 MGS, pp. 354-364; www.rca.org/minutes) The commissions offer this rationale for having a constitution: “the RCA’s Constitution articulates how one ought to read and understand Scripture, and it embodies our shared theological values and commitments. That is, the Standards, the Liturgy, and the Government contain theology, our theology. Such theology is there not by accident but quite intentionally...It is the result of our shared and deliberative reflection on Scripture with regard to how we in the RCA will confess our faith, conduct our worship, and order our life together.” (2013 MGS, p. 354)

Are all the liturgies on the RCA website part of the Constitution?

Quoting from the 2013 “Constitutionality” paper: “One might reasonably conclude (as many have) that all liturgies published by the RCA are constitutional. But that is not the case. Only those liturgies that have gone through the amendment process detailed above are constitutional. The distinguishing feature of the constitutional liturgies, in addition to their process for approval, is that they concern the sacraments, church membership, and ordination and installation to church office. The constitutional liturgies, that is, those that have been approved through the process of amending our constitution, include the orders for baptism and profession of faith, communion, and ordination and installation to deacon, elder, or minister.” ... “Orders of worship for weddings, funerals, commissioning members to the service of the church, or the closing of a church (to name a few) are not constitutional. These other

liturgies and orders are published for the edification of the church, but the church is not required to use these liturgies.” (2013 MGS, p. 357)

What happens when a liturgy is adopted as constitutional?

“The short answer to this question might appear to be that ministers and consistories are required to use them. Supporting that, one can look to two other places in the *BCO*. The first is a passage detailing the responsibilities of the consistory (Chapter 1, Part I, Article 2)... The second passage is in Formulary 3, in which a minister makes this promise: to ‘conduct the work of the church in an orderly way and according to the Liturgy and the Book of Church Order.’ So, not using these printed liturgies would appear to be contra-constitutional, a violation of a minister’s promises at installation. But even here it is not so clear cut.” (2013 MGS, p. 357-358)

Why is the role of the RCA Liturgy not clear cut?

“One then might recall that there have been a number of liturgies approved by General Synod and the classes and thus added to the Constitution, and none of those actions to amend included the further step of discarding any former liturgies previously approved. All the liturgies that have been part of our Constitution, even those dating from 1793, are still constitutional, even if they may be rarely used. There is nothing in our Constitution that indicates that older liturgies are deprecated.” (2013 MGS, p. 358)

Did the classes ever vote to approve a constitutional liturgy for marriage?

Three orders for Christian Marriage are listed on the RCA website – www.rca.org/liturgy:

- Order for Christian Marriage (2002)
- Order of Worship for Christian Marriage (1987)
- Order for the Solemnization of Marriage (1968)

In each case, the orders were approved by the General Synod for use in the church, but they were not sent to the classes for inclusion in the RCA Constitution.

The *Digest of Synodical Legislation of the RCA* by Corwin, published in 1906, traces the history of the early revision of the RCA liturgical forms under the heading: “Liturgy of the Reformed Church in America,” on pages 369-379. Under the Heading “Allusions to the Liturgy in the Rules of Church Government” Corwin makes this observation:

“These allusions related only to the Sacramental and Ordination Forms. The other Forms are not obligatory, but optional, and are only given as guides.” (Corwin, p. 369)

However, as he traces the history of the Liturgy, Corwin mentions that copies of the Marriage Form were sent by the General Synod to the classes for review and adoption in 1875 and in the process that led to the approval of the Liturgy of 1906. The *Minutes of General Synod* show that a marriage liturgy was approved in 1906 in a new edition of all the Liturgical Forms, after several years of discussion and revision. The list of Forms included “The Confirmation of Marriage” on pages 206-208 in the *1905 MGS*. At the 1906 session of the General Synod, the Special Committee on the Liturgy presented the following report: “At the last General Synod, the report of the Committee on the Revision of the Liturgy was adopted and recommended to the Classes for approval...Twenty-four of the thirty-five Classes have voted in favor of the report and eleven against it.” Following that report, the General Synod voted in favor of a final declarative resolution accepting all of the Forms in this edition of the Liturgy. (1906 MGS, pp.

534-535) However, the Introduction to the 1906 Liturgy notes that “The use of the Offices for the Administration of the Sacraments, for Ordination and for Church Discipline is required by the Constitution,” which means that the use of the other forms is intended to be voluntary.

Do the liturgies say anything about who may be married?

In addition to the rubrics that speak about a man and a woman participating in the ceremony, each liturgy contains a statement that defines marriage as between a man and a woman:

- The 1906 *Confirmation of Marriage* begins with the words: “We are assembled in the sight of God to join together this man and this woman in the bonds of Marriage...”
- The 1987 and 1968 *Order of Worship for Christian Marriage* begin in a similar way: “Dearly Beloved, we are assembled here in the sight of God and in the presence of this company to join this man and this woman in the bonds of holy marriage...”
- The 2002 *Order for Christian Marriage* includes the statement: “Christian marriage is a joyful covenanting between a man and a woman.”

With a number of choices, why should we adopt the 2002 Order for Christian Marriage?

Before forming any opinions on the advisability of adopting a wedding liturgy as part of the RCA Constitution, it would be wise to study the text of the 2002 *Order for Christian Marriage* as found in the 2016 MGS on pages 87-102. Notice the rubrics (instructions) included in the order. For example:

- *Where alternatives are given (prayers, declarations of intent, affirmations, lessons, vows, ring exchange, declaration, and dismissal), the minister together with the couple may select the portions to be used.*
- *As a service of Christian worship, the marriage service is under the direction of the minister and the supervision of the consistory.*
- *After the people have been seated, the minister may state the gift and purpose of Christian marriage, using the following or similar words...*
- *Affirmations may be made at the discretion of the minister in consultation with the couple...*

If adopted as constitutional, the rubrics will guide the use of the wedding liturgy, giving many more choices and flexibility to the minister and the couple who are planning the ceremony. Rather than being “incredibly restrictive”, the liturgy offers many options, and opportunities to go “off script”, especially when compared to other older liturgical forms.

So, would the use of the wedding liturgy be mandated if approved by 2/3s of the classes?

I agree with the paper from the Albany Synod – it depends on how the classis interprets the sentence in Formulary #3: “I will conduct the work of the church in an orderly way and in accordance with the Liturgy and the *Book of Church Order*.” No BCO amendment has been proposed that would mandate that this specific wedding liturgy must be used (if adopted), but it could be argued that failure use the constitutional liturgy would violate the vow made in Formulary #3 and could lead to discipline by the classis.

What kind of discipline are we talking about?

Ministers are under the care of the classis and are subject to its discipline if it can be proven they have violated their ordination vows. If the classis chooses to exercise discipline, it must consider the gravity of the offense. (BCO, 2.1.1.2) The Albany paper suggests that allowing any flexibility in the use of the liturgy creates “a double-standard between what is allowed to be ignored and what is mandated to be enforced.” I would argue that classes are capable of discerning the difference between a change in the liturgy that is compatible with its meaning and purpose, and a change that is designed to ignore or stand in contradiction to its theology. Quoting from the 2013 “Constitutionality” paper: “We in the RCA experience the tension between order and freedom, but we have not been clear about that tension nor decided how the two must be managed in practice. The result is that today the RCA has a number of ministers who never use any of the RCA sacramental liturgies, and a few who insist that only the approved forms may be used with absolutely no alterations. Clearly, the denomination struggles with a tension between freedom and order.” (2013 MGS, p. 357)

How might a more flexible use of the Liturgy be lived out in practice?

Quoting again from the 2013 “Constitutionality” paper: “The commissions offer that this entirely Reformed understanding of the Holy Spirit is suggestive for the tension between freedom and order with regard to our constitutional liturgies. There is a role for freedom in liturgy, but it is subordinate to the order decided on by the assemblies. The commissions affirm that the constitutional liturgies bind and thus must guide the liturgical practice of Reformed congregations. Also, the members of the commission believe that a minister’s faithful use of the constitutional liturgies may include theologically sensitive substitutions and combinations that respect both the theological intent of the prescribed liturgies and the practical context in which the minister, as worship leader, is operating.” (2013 MGS, p. 360)

Then it would be OK to use a Unity Candle in a wedding ceremony?

Any addition or substitution in a marriage liturgy that is theologically compatible with the theology of marriage as expressed in the constitutional orders in the Liturgy could be viewed by the classis as appropriate. I am not aware of any classis that monitors the use of the Liturgy in RCA churches, or one that has filed a charge against a minister for not reading the constitutional liturgies word-for-word. If a minister is suspended or deposed from office for improper use of the Liturgy, that minister would have the right of appeal to the regional synod and the General Synod, where the reasoning quoted above from the 2013 General Synod paper on “Constitutionality” may be accepted as more persuasive.

Amendment to the RCA Book of Church Order (BCO)

To adopt the following amendment to the *Book of Church Order* for recommendation to the classes for approval (additions are underlined, deletions are stricken out):

Chapter 1, Part I, Article 2

Sec. 11. The consistory shall be guided by the following requirements in their provision of services of worship:

[subsections a-f remain unchanged]

g. The consistory or governing body shall assure that marriages solemnized in a church or congregation are between a man and a woman.

Why is this amendment being proposed?

In response to an overture from the Zeeland Classis, the 2014 General Synod acted: “To instruct the Commission on Church Order to incorporate a definition of marriage into the *Book of Church Order* as between one man and one woman, and to report back to General Synod 2015 (MGS 2014, R-27, p. 135).”

In its report to the 2015 General Synod meeting the Commission reported that it had spent a lot of time exploring ways for a definition of marriage to fit in the church order. In the end the commission could not find a way to make a definition fit the church order but did arrive at a possible regulation. The report in the *2015 MGS* (pp. 188-192) includes the following observations:

The solemnization of Christian marriage is a service of worship. The opening rubric of the *Order for Christian Marriage* (2002) recognizes it as such: “As a service of Christian worship, the marriage service is under the direction of the minister and the supervision of the consistory” (Worship the Lord, p. 84).

The commission therefore sees that the appropriate place for a regulation regarding marriage is among the responsibilities of the consistory. Records of weddings are already kept by officers of the consistory under the article governing consistories (*BCO* Chapter 1, Part I, Article 2, Section 18). Section 11 of this same article lists regulations regarding services of worship. The commission sees Section 11 as the most appropriate place for a regulation regarding the solemnization of marriage.

Why make this a responsibility of the consistory?

Quoting from report from the Commission on Church Order in the 2015 MGS: “The commission realizes that some in the church will wish also for a regulation for ministers of Word and sacrament and commissioned pastors, since they are authorized by the state to solemnize marriages. Indeed, it is common to say that ministers ‘perform’ marriages. While it is true that ministers represent the state in terms of the civil aspects of marriage, they represent Christ in terms of Reformed church order, ecclesiology, and polity when it comes to Christian marriage. Furthermore, it is the whole congregation, in the presence of God, that bears witness to the covenant of Christian marriage, in the context of Christian worship (even if the ceremony takes place outside the church building).” (*2015 MGS*, p. 191)

Does adding a constitutional requirement make marriage a sacrament?

No, a marriage ceremony is a service of worship, and therefore open to the supervision of the consistory as stated above. The ordination of elders and deacons includes both constitutional requirements for their election and a constitutional liturgy, but we do not view ordination as a sacrament.

Q: What does it mean: “The consistory or governing body shall assure that marriages solemnized in a church or congregation are between a man and a woman.”

It means that the consistory has the responsibility to make sure that all marriages performed in the local church or congregation are between a man and a woman. Quoting from the Disciplinary Procedures: “Consistories are under the care of the classis and are subject to its government and discipline. A classis has the authority, after trial, to suspend a consistory accused of unfaithfulness to duty, or of disobedience to the classis, or of violation of the Constitution of the Reformed Church in America or the laws and regulations of the church.” (BCO, 2.I.3.6) If this amendment is adopted by the classes, the consistory may be disciplined if it is found to be in violation of this regulation regarding marriage.

What about ministers who are not serving a local congregation (i.e. specialized ministers, retired ministers) who have no relationship to a consistory?

Quoting from report from the Commission on Church Order on page 191 in the 2015 MGS: “In truth, it is the locally gathered body of Christ, including those married, together with God who ‘perform’—that is, solemnize—a marriage, in a service of congregational worship. It follows, then, that from the church’s perspective, and regardless of the wide variety of actual practice and common understanding, no minister in the Reformed Church in America is ever a ‘freelance’ agent of the state. As the church order and liturgy understand it, solemnizing the covenant of Christian marriage is an act of the church. While the state authorizes ministers to solemnize marriages more generally than that, the church order and liturgy cannot contemplate marriages in general, and the idea of a ‘freelance’ minister in the Reformed Church in America is unintelligible to the church. The church order can govern only those matters pertaining to the church’s role in marriage, not the state’s.” The BCO requires that “A minister not installed as a pastor shall become a member of a local church.” (BCO, 1.II.15.6) So a minister should always have a relationship with a consistory that can supervise the marriage when the minister is asked to officiate. If no consistory or governing body is available, the classis may fill that role. If the classis chooses not to fill that role in the absence of a consistory, a complaint may be filed against the classis for failing to comply with the Constitution of the Reformed Church in America or other laws and regulations of the church. (BCO, 2.II.1.1)

If a consistory fails to assure that marriages solemnized in the church or congregation are between a man and a woman, could the minister also be held accountable?

Yes, ministers are under the care of the classis and are subject to its government and discipline. (BCO, 2.I.3.4) As part of the Declaration for Ministers (Formulary 3), ministers take a vow to conduct the work of the church in an orderly way and in accordance with the *Book of Church Order*. (BCO, p. 130)

Why is it necessary to adopt a constitutional position on marriage?

In its decision on the De Forest Appeal and Lin Complaint (2015 MGS, pp. 216-222), the RCA Commission on Judicial Business commented, “While the General Synod has judicial authority to reverse the Mid-Atlantics Synod and to in effect overrule the New Brunswick Classis’ decision to receive the Rev. Dr. Cargill into its membership, the CJB also recognizes the strong deference to local authority that runs throughout our polity.” (p. 217) The CJB also stated:

The commission believes that the various General Synod statements on sexuality reveal a denomination with deep and significant differences in theological approach to how

Scripture relates to sexual orientation. The statements also reflect a denomination striving to maintain unity while various churches and classes hold differing opinions on the issue and engage in varying practices. The statements do not provide clear guidance for discerning an official “RCA position” on how Scripture applies to this case... A definitive resolution of the Reformed Church’s position on sexuality and same-sex relationships and how they relate to holding ministerial office would require the General Synod to engage the constitutional process to achieve a binding directive... In the face of this denomination-wide disagreement and in the absence of a constitutionally binding denominational statement, we believe these matters should be left to each individual classis to discern. (2015 MGS, p. 220-221)

After a long debate the General Synod voted “To affirm the May 3, 2014, decision of the Regional Synod of the Mid-Atlantics, which affirmed the action of the New Brunswick Classis receiving into its membership Ursula Cargill as a minister of Word and sacrament. This affirmation only affirms that the Regional Synod of the Mid-Atlantics followed the procedural requirements of the BCO.”

Would a classis-by-classis solution would be the best way for the RCA to move forward on the issue of same-sex marriage?

It is unclear how the classis would be given this authority. The *BCO* says that “The General Synod alone shall determine denominational policy.” (*BCO*, 1.VI.2.4) In the past when a classis or region has attempted to establish a policy statement that was different than the General Synod (for example, on abortion), the General Synod has guarded its prerogative to set policy for the denomination. A solution that allows a classis to set policy (or a constitutional order) that would be binding on the churches within its bounds would require that the General Synod rescind its previous statements on same-sex marriage and approve amendments to the *BCO* that would give authority to the classis to set policy regarding (or adopt an order that describes) who may be married. For these amendments to have any weight the classis must be given the authority to discipline any consistory that might decide to conduct weddings (or not to conduct weddings) based on the policy (or order) adopted by the classis. The issue becomes even more complicated when you add the question of who may be ordained as a minister of Word and sacrament. The *Book of Church Order* contains standards for ordination, and requires a Certificate of Fitness to be granted by an agent of the General Synod for every candidate. In addition, our Judicial Procedures allow the decision of a classis to ordain a candidate to be challenged by the filing of a complaint. The question remains – What role and authority does the General Synod have in our conversations regarding human sexuality?

The General Synod appointed a Special Council for the express purpose of describing a constitutional pathway forward for the Reformed Church in America to address the questions of human sexuality as it relates to ordination and marriage, and empowered this council to bring recommendations to General Synod 2016. The 2016 General Synod considered those recommendations and approved two constitutional ways to clarify our position and practice in relationship to this issue. We must decide whether to adopt these recommendations or find a better way to conduct the work of the church.