

***During the Classis meeting of Mid-Hudson in June 2016, members were asked to write down any questions, comments, or concerns about the two amendments coming from General Synod about marriage. Upon reflection of the questions members of the classis wrote down, the executive committee felt responding to some of the questions was in order. Therefore, below you will find a Q&A which, hopefully, will bring clarity to the potential inclusion of these amendments to the RCA's Constitution.***

***Please be aware that many people in the RCA are writing about the proposed amendments coming from General Synod 2016 because so many questions exist. In discussing the other documents being produced, clearly there are variations, not just in the questions being asked, but also in the answers being given. Thus, I ask no one to consider this document the final word on these questions, but instead contributions to a much larger conversation. If you have any further questions, or thoughts on how the questions should be answered, please direct them to me: Aaron Schulte – aaronjamess@gmail.com***

***-Aaron Schulte***

***Based on questions asked about R 16-43: "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."***

### ***1) What does it mean that the marriage liturgy would be made constitutional?***

First, what must be understood is that the RCA has a constitution. As such, the Constitution consists of documents approved at the founding of the RCA, as well as any subsequent additions, subtractions, or edits – which are made through an amendment process. These documents are used in the governance of the RCA, as well as giving structure to its life and witness.

Second, the Preamble to the Book of Church Order (which, itself, is constitutional), lists which documents are already in the Constitution:

“[The] Constitution consists of the Doctrinal Standards (which are the Belgic Confession of Faith, the Heidelberg Catechism with its Compendium, the Canons of the Synod of Dort, and the Belhar Confession), the Liturgy with the Directory for Worship, the Government of the Reformed Church in America, the Disciplinary and Judicial Procedures, this Preamble, and the Formularies.”<sup>1</sup>

As described in the Preamble, some liturgies are already included in the Constitution of the RCA under the heading the “The Liturgy with the Directory for Worship”. But again, it is only those liturgies which have gone through the amendment process which are included in The Liturgy and are considered *constitutional*.

Third, the amendment process of the Constitution requires three steps:

- (1) General Synod approves the amendment by a simple majority and is sent to the classes for approve.
- (2) Each Classis votes on the approved amendment.
- (3) If 2/3 of the Classes vote to approve the amendment, the amendment may be ratified as constitutional through a declarative vote (requiring a simple majority) at a subsequent General Synod.<sup>2</sup>

### ***2) If a liturgy is in the Constitution is it required?***

<sup>1</sup> Preamble, BOC, 1.

<sup>2</sup> Rules and Amendments of The Government of the Reformed Church in America and Disciplinary Procedures, BOC, 73.

The answer to this question is not a simple yes or no because it would depend on how one defines “required.” First, consider the historical evidence of how the RCA has used constitutional liturgies. Through the RCA’s history, there are numerous examples of liturgies which became part of the Constitution (such as the marriage liturgies of 1793, 1876, and 1906), but were defined as optional, and purposefully not “required.” In most cases where a liturgy became part of the Constitution, and the RCA wanted the liturgy to be obligatory (or required), an additional rule in the BCO was added which stated the liturgy shall be read or utilized. Such additional rules are, themselves, part of the Constitution because they were, at one point, amendments which went through the constitutional process and became part of the Constitution. Please note, however, under the current amendment about the marriage liturgy, no additional rule in the BCO would be added at this time. Thus, from a historical perspective, a liturgy which is in the Constitution, but does not have an additional rule in the BCO about being obligatory, the required use of the liturgy is undefined.<sup>3</sup>

Secondly, consider the nature of anything being “required” in the RCA. The RCA, as a matter of governance, does not have an individual office which functions as the executive in charge of maintaining the rules. Instead, we continue to believe in Christ as the only King and Head of His Church, who, through the work of the Holy Spirit, binds us to work in good and proper order.<sup>4</sup> We believe that through the work of the Holy Spirit, individuals and assemblies, who faithfully follow Christ, can mostly be trusted to interpret the rules for themselves. Thus, the RCA has valued the freedom of individuals and assemblies to respond to the work of Holy Spirit – with the other assemblies limiting their intervention for the sake of not infringing upon a Christ-given ministry.<sup>5</sup> This does not make “requirements” foreign to the work we do together, but it does challenge any simple definition of “requirement.” Any understanding of requirements must be tempered by the fact that keeping the rules is a matter of the conscience of the one interpreting and using the rules, the context to which the rules apply, and authority of judicatories to hold anyone accountable only when, and if, the judicatory feels Holy Scripture or the Constitution has been violated.

Finally, consider the historical nature of the RCA itself. Because of its size (rather small compared to other mainline denominations), and because of theological and ecclesiastical foci, the RCA has traditionally utilized relationships over rules. And it is often found in the relationships between members of the RCA that variations on the “requirements” get worked out. There are all kinds of unwritten rules by which we function – rules which get negotiated through conversation and goodwill towards each other, and not through legislation. Again, given how much the RCA has used relationships to create the rules it has, it is too simplistic to understand requirements as something one “must do.” While many would argue the relational nature of the RCA is changing, it cannot be ignored that “rules” or “requirements” have more of a fluid, rather than rigid, nature in the RCA up to this point. And it will only be in the maintenance of relationships, or in the turning towards more rigid and detailed written rules, that the nature of requirements will change in the future – including the idea that the marriage liturgy, if part of the Constitution, would be “required.”

### **3) *Is there a difference between liturgy and The Liturgy?***

Yes. Use of the word “liturgy” refers, in a general way, to an order of worship. “The Liturgy” refers to orders of worship that are part of the Constitution. Many liturgies have been approved by General Synod for use in the RCA, but have not been made constitutional.<sup>6</sup> The marriage liturgy, approved by General Synod in 2002, and sent to the classes in 2016, is not yet considered constitutional because it has not yet been through step 2 and 3 of the amendment process.

### **4) *You keep referring to the Book of Church Order. What is it, and is it part of the Constitution?***

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<sup>3</sup> There is also one other interesting situation from RCA history that effects the perspective on constitutionality and requirements. One liturgy, the liturgy for the Commissioning of Commissioned Pastors, is required by BCO to be used, but the liturgy itself was never made part of the constitution. Thus the liturgy is required, but not constitutional.

<sup>4</sup> Preamble, BCO, 2.

<sup>5</sup> Preamble, BCO, 3.

<sup>6</sup> <https://www.rca.org/liturgy>

The Book of Church Order (BCO) consists of the rules and regulations of the Reformed Church in America (RCA). As such, much of it is part of the Constitution: the Government of the Reformed Church in America, the Disciplinary and Judicial Procedures, this Preamble, and the Formularies.<sup>7</sup> However, the BCO also includes sections which are not part of the Constitution, such as the By-Laws of General Synod.

### **5) *Where does the Bible fit in with the RCA's Constitution?***

The Bible is not part of the RCA's Constitution. While there are numerous functional and theological reasons for this, do not consider the Bible irrelevant to the topic of constitutionality, the amendments before the classes, or the inclusion of the LGBTQ community in the life and witness of the RCA. The Bible is completely relevant to these issues. As the Constitution of the RCA, in the Preamble, itself states, "The Holy Scriptures are the only rule of faith and practice in the Reformed Church in America."<sup>8</sup> This makes the Bible even more essential to the RCA than the constitutional documents, and is the standard by which the Constitution is judged.

### **6) *What are the consequences of the marriage liturgy becoming part of the Constitution?***

Right now, without the marriage liturgy being constitutional, there are already many consequences (both positive and negative) worth considering when officiating, or permitting, same-sex weddings. There are relational consequences for minister with the couple, the friends and family of the couple, and with a minister's congregation. There are consequences of reputation and public witness. There are also potential disciplinary consequences with the RCA. And, of course, there is the question of what faithfulness looks like towards Christ as his Church. Thus, the question is not about there being consequences, but instead, *how do the consequences change* if the liturgy is made constitutional? The changes in consequences most asked about come from issues of church discipline, and as such, will be the main focus of the answers to the following questions.

### **7) *What is Church discipline?***

The BCO describes the nature of discipline:

*Sec. 1.* Discipline is the exercise of the authority which the Lord Jesus Christ has given to the church to promote its purity, to benefit the offender, and to vindicate the honor of the Lord Jesus Christ.

*Sec. 2.* The exercise of discipline may take the form of admonition, rebuke, suspension from the privileges of membership in the church or from office, deposition from office, or excommunication, as the gravity of the offense in the opinion of the assembly or the judicatory may warrant. Admonition and rebuke are pastoral in nature and are exercised by an assembly in the ordinary course of its proceedings. All further steps of discipline—suspension, deposition, and excommunication—are judicial in nature and require the formal presentation of charges to a judicatory.<sup>1</sup> A judicatory may, in the judicial process, impose admonition or rebuke as a form of discipline.<sup>9</sup>

What should be noted from this section of the BCO is that discipline does not simply take the procedural forms that are outlined in the subsequent sections of the BCO. Instead, discipline can also have non-procedural forms, such as admonition and rebuke – and is normative to the way people work pastorally towards each other in the Church. In other words, proper discipline begins, and continues, through healthy relationships among members. The procedural discipline outlined in the BCO may never even be necessary when the Church lives a disciplined life in a more general way. This continues to be worth noting because, again, while this document focuses on the procedural discipline outlined in the BCO (as these are often the least understood), it is not the only way to address the divisions of belief that exist in the RCA over the inclusion of

<sup>7</sup> *Preamble*, BCO, 1.

<sup>8</sup> *Ibid.*

<sup>9</sup> BCO, Chapter 2, Part I, Article 1, Section 1 & 2.

the LGBTQ community. In fact, it is seldom in these procedural processes of discipline that the RCA has found unity during times of debate and division.

### **8) What are the existing disciplinary consequences to a minister?**

Currently, if a minister officiates a same-sex wedding, and an accuser feels discipline should take place, the BCO outlines the following disciplinary steps beyond admonition and rebuke:

- 1) If the consistory of the church to which a minister is called considers such action as a “notorious or scandalous offense,” the consistory may close the pulpit to the minister – and must notify classis of their action.<sup>10</sup>
- 2) Additionally, because ministers are under the care of classis for the purpose of discipline, an individual who is subject to the classis, or a committee of classis, can bring a charge against minister at classis.<sup>11</sup> The correct way to bring a charge is outlined in the BCO.<sup>12</sup>
- 3) Any charge against a minister filed with classis must be investigated by classis.<sup>13</sup>
- 4) If the charge is not resolved through the investigation process, the classis must proceed to a trial.<sup>14</sup>
- 5) At the completion of the trial, if the classis finds the accused guilty, the classis must “impose such discipline as is appropriate for the offense and as is consistent with the Holy Scriptures and the Constitution of the Reformed Church in America.”<sup>15</sup>
- 6) In the case of a minister being disciplined through suspension, deposition, or excommunication, restoration of the member may take place upon repentance and classis requirements.<sup>16</sup>
- 7) In case of a minister, under discipline, wanting to appeal the disciplinary decision of the classis, an appeal process is through the regional synod and general synod, and is outlined in the BCO.<sup>17</sup>

It should also be noted that the BCO states, “The only matters to be considered as offenses subject to accusation are those which can be shown to be such from the Holy Scriptures, or from the Constitution of the Reformed Church in America.”<sup>18</sup> Currently the marriage liturgy is not considered constitutional, and as such, the marriage liturgy cannot be used as grounds for discipline. *Instead, for discipline to take place, what must be proven is that a same-sex marriage is contrary to Holy Scripture.*

### **9) How do the disciplinary consequences change if the marriage liturgy becomes part of the Constitution?**

If the marriage liturgy is included in the The Liturgy, and thus the Constitution, it would be possible for a minister to be disciplined for officiating a same-sex wedding solely on the accusation they have violated the Constitution. In other words, while currently a minister can only be disciplined for officiating at a same-sex wedding once the classis proves a violation of Holy Scripture, this change would make it possible to bypass evidence from Holy Scripture altogether.

### **10) If a liturgy is in the Constitution, is it mandatory for ministers to use? Can it be altered?**

No current language in the BCO gives a definitive answer to this question. If someone wanted to argue that the liturgy is mandatory, the strongest argument would, mostly likely, come from Formulary #3. Under Formulary #3 (which is part of the Constitution and is used for the ordination and installation of ministers), ministers in the RCA declare, “I will conduct the work of the church in an orderly way and in accordance with the Liturgy and the *Book of Church Order*.”<sup>19</sup> Does being “in accordance with the Liturgy” mean ministers must use this particular liturgy – and if so, can it be tailored the couple being married? That would depend on

<sup>10</sup> BCO, Chapter 2, Part I, Article 3, Section 4.b.

<sup>11</sup> BCO, Chapter 2, Part I, Article 4, Section 2 & 3.

<sup>12</sup> BCO, Chapter 2, Part I, Articles 4.

<sup>13</sup> BCO, Chapter 2, Part I, Article 4, Section 4-5.

<sup>14</sup> BCO, Chapter 2, Part I, Article 4, Section 6.

<sup>15</sup> BCO, Chapter 2, Part I, Article 5, Section 14.a

<sup>16</sup> BCO, Chapter 2, Part I, Article 6.

<sup>17</sup> *Appeals*, BCO, Chapter 2, Part III.

<sup>18</sup> BCO, Chapter 2, Part I, Article 2, Section 1.

<sup>19</sup> “Declaration for Ministers of Word and Sacrament” *The Formularies of the Reformed Church in America*, BCO, 130.

how the classis would define “in accordance with the Liturgy.” Each classis will have to decide for itself unless greater clarity is added to the Constitution in the future.

**11) How has the idea of “being in accordance” with the Liturgy functioned in the past?**

The weight of historical evidence suggests that forcing the exact adherence to the Liturgy is not what being “in accordance with the Liturgy” means. For example, the Liturgy for the Lord’s Day, which includes communion, is in the Constitution, and has an additional rule in the BCO making it obligatory.<sup>20</sup> While this liturgy may be considered by some to be mandatory, and must be used exactly as written, many ministers (and their churches) tailor the liturgy to their use – or use other liturgies altogether.

Should this alteration of the communion liturgy be disciplined? The RCA leaves this decision to members of classes to decide. Historically, the classes of the RCA has done very little charging, and disciplining, of ministers for changing the Lord’s Day Liturgy. *While it is always possible for someone to bring a charge against a minister for an assumed violation of a minister’s vows – including changes to the Liturgy – it defies reason to think a classis would have the will, in the case of weddings, to discipline on such matters as the inclusion of a different prayer, a different scripture reading, or a unity candle.*

What must be kept in mind about the marriage liturgy becoming constitutional is not the ways the liturgy is tailored to a particular couple, but whether or not a minister has conducted the work of the church in an orderly way in accordance with The Liturgy if performing a wedding for a same-sex couple.

**12) Is Holy Scripture opposed to same-sex marriage?**

The Reformed Church in America has not settled this question for itself. While General Synod has passed papers and decisions that are opposed to same-sex marriage, these papers and decisions have not been affirmed by classes through the constitutional amendment process, thus leaving the decision to allow same-sex weddings up to consistories, and the potential discipline of ministers and consistories up to classes. This is the RCA way of doing things. When an interpretation of Holy Scripture is debated within the RCA, local assemblies have the authority to interpret Holy Scripture until such time as a unifying interpretation of Holy Scripture brings the whole RCA together.

**13) Would making the marriage liturgy constitutional essentially settle, for the RCA, that same-sex marriage is a violation of Holy Scripture?**

No. Given the deeply held beliefs on both sides of the debate over interpretations of Holy Scripture on the matter, it is only through a unifying interpretation of Holy Scripture that the debate will be settled. Moving to a constitutional liturgy without unifying the hearts and minds of RCA members does little to heal the divisions we have about the inclusion of the LGBTQ community in the life of the RCA.

**14) Can a minister choose to perform a civil service outside the church and under the authority of the state?**

A minister can officiate at a wedding in locations other than the church, but whether or not that would be considered a civil service is up to the state, not the RCA. Furthermore, a minister is always amenable to the classis for the sake of discipline, regardless of the wedding taking place inside, or outside, the bounds of a consistory’s governance. Thus, the consequence for potential discipline of a minister do not change based on location.

**15) What are the disciplinary consequences for a church now, and would it change if the marriage liturgy became part of the constitution?**

It must be noted that churches cannot be disciplined – instead discipline is reserved for consistories and office bearers. However, the disciplinary process for a consistory, is not wholly different than from a minister. In these cases two factors should be considered:

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<sup>20</sup> BCO, Chapter 1, Part I, Article 2, Section 11.

- 1) Instead of the minister alone, it is the consistory that becomes the accused.
- 2) Instead of disciplining a consistory, an accuser may want to simply change the decision of the consistory. In this case the accuser would not file a charge, but a complaint.

If an accuser decided to pursue a course of discipline, just as for a minister, the BCO states, “The only matters to be considered as offenses subject to accusation are those which can be shown to be such from the Holy Scriptures, or from the Constitution of the Reformed Church in America.”<sup>21</sup> This means discipline of a consistory begins with a charge at classis. It is then followed by an investigation, and any further disciplinary action of must be made based on Holy Scripture or the Constitution.

Additionally, the BCO states, “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...”<sup>22</sup> Like a minister, the discipline of a consistory may take many forms, but it can, in extreme circumstances, include the suspension of the consistory.

**16) Hold up, you just added the word “complaint” to the consequences for a consistory. What is a complaint and what is a charge?**

While a charge is for the sake of discipline, a complaint functions as an appeal to a higher assembly over the decision of a lower assembly. The use of a complaint is for the purpose of changing the decision of an assembly (such as a consistory).

While it is possible to bring a complaint against a particular officer of an assembly (such as a minister), in the case of a same-sex wedding being officiated in an RCA church, the permission to use the church belongs to the whole consistory, and so a complaint would necessarily include the consistory. In situations where the minister is to officiate at a wedding in which a consistory’s authority over the service is debatable, context would determine if a charge or a complaint should be used. The accuser should consult with their classis as to which track is appropriate for the particular situation they want to address.

Finally, it should be noted that complaints and charges have different intentions, procedures, and potential outcomes. The nature, and the processes, of both charges and complaints can be found in the BCO.<sup>23</sup> Again, an accuser should consult with their classis before bring a charge or complaint to help determine which is appropriate.

**17) What does it mean that a consistory can be suspended?**

If a classis suspends a consistory, it is up to the classis to function as a church’s consistory until such time as an election of a new consistory, from the membership of the church, can be held.<sup>24</sup> This, of course, should be viewed as the extreme end to which a classis may go to discipline a consistory and is very rare.

**18) But does a consistory currently decide what marriages are performed in their church?**

Yes. Under the rubric of consistories being in charge of worship in a church,<sup>25</sup> consistories are responsible for who preaches in their church,<sup>26</sup> and elders are responsible for what is preached.<sup>27</sup> Also, consistory is responsible for the supervision of church property.<sup>28</sup> By definition the consistory is the governing body of a church.<sup>29</sup> Thus, it is by consistory’s authority as the governing body of a church that wedding take place in

<sup>21</sup> BCO, Chapter 2, Part I, Article 2, Section 1.

<sup>22</sup> BCO, Chapter 2, Part I, Article 3, Section 6.

<sup>23</sup> *The Disciplinary and Judicial Procedures*, BCO, Chapter 2, Parts I & 2.

<sup>24</sup> BCO, Chapter 2, Part I, Article 3, Section 6.

<sup>25</sup> BCO, Chapter 1, Part I, Article 2, Section 10.

<sup>26</sup> BCO, Chapter 1, Part I, Article 2, Section 11.e.

<sup>27</sup> BCO, Chapter 1, Part I, Article 1, Section 8.

<sup>28</sup> BCO, Chapter 1, Part I, Article 2, Section 13.

<sup>29</sup> BCO, Chapter 1, Part I, Article 1, Section 1.

their church. Currently, the only disciplinary action which can be taken against a consistory for allowing a same-sex wedding in their church is if the accused can prove a violation of Holy Scripture.

**19) Does that change if the marriage liturgy becomes part of the Constitution?**

An accuser can still bring a charge for violation of Holy Scripture, but if the amendment becomes part of the Constitution, they would also have the option of bringing a charge based on a violation of the Constitution because The Liturgy is part of the Constitution.

**20) Can consistories stop a minister from officiating at a same-sex wedding in a place other than the church?**

No, not under the disciplinary process in the BCO. A minister is licensed to officiate at weddings through the classis, and it is only the classis which has the ability to suspend a minister's credentials. However, the consistory may close the pulpit to a minister if they feel that officiating at same-sex wedding is a "notorious or scandalous offense," and as long as they inform the classis of their action.<sup>30</sup> However, note that both of these choices (either classis or consistory intervention) are retroactive, and would happen only after the wedding has taken place. The disciplinary process of the BCO outlines accountability, responsibilities, and procedures which are in response to actions already taken.

**21) Will discipline of a consistory become more likely if the marriage liturgy becomes part of the Constitution?**

There is really no way to know. Again, the grounds for a charge or a complaint become more likely if the marriage liturgy becomes part of the Constitution because the accuser no longer needs to prove a violation of Holy Scripture – only that the Constitution has been violated. Yet, the reality of a classis having the will, time, and energy to discipline a church by suspending a consistory, and subsequently taking over as consistory, is very unusual. Simply put, ministers are easier to discipline than consistories.

**22) Is talking about discipline really the best way for us to be discerning what the RCA should do about the inclusion of the LGBTQ community in the Church?**

Yes and No. Discipline, as a word used in the RCA, is not a bad word. In fact, our own Reformed tradition considers discipline as a mark of the Church. Discipline, before it becomes a procedural process to change behavior, is formative. It is by discipline that Christians come to worship services and participate in the hearing of the Word and the receiving of the sacraments. It is by the *formational* nature of discipline that we learn to pray, study Holy Scripture, and think theologically about our lives, our faith, and our witness. It is through discipline that we work together in our congregations and in the world.

However, when discipline, in its official, constitutionally defined, process becomes the only way of dealing with each other as members in the RCA, the formational nature of discipline is often ignored. The BCO outlines a process that comes after formational discipline has failed. And in talking only about the constitutional process of discipline, it assumes we have already failed.

For anyone who is considering using the disciplinary process of the BCO in response to the inclusion of the LGBTQ community in the RCA, please discuss the process with those who have engaged in it before. History and experience shows that discipline, once it becomes a matter of charges and complaints, is difficult, painful, and exhausting work which seldom creates the desired outcomes. As a people, when we are consistently engages in disciplinary proceedings, something is profoundly broken.

**Questions Based on R 16-16: 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:**

<sup>30</sup> BCO, Chapter 2, Part I, Article 3, Section 4.b.

***[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.***

**23) What does solemnize mean?**

To solemnize a marriage is to make the marriage legal. However, the question becomes: under which set of laws is the marriage being recognized? The state has laws, as does the RCA. Does the amendment apply to both the state and the church? For the state, ministers solemnize marriages by officiating at a wedding and then by signing a marriage license. Once the state recognized a marriage is solemnized with this document, it triggers a series of status changes, under the law, that apply to the married couples.

For the RCA, an analogue to the state is difficult. It is assumed by officiating at a wedding, or allowing a wedding to take place under the church's governance, marriages are also solemnized, but the legal status within the Church of that marriage is not defined by the RCA. Some local churches keep records of weddings solemnized under their consistory's governance, but the RCA does not require reporting on weddings performed. Additionally, in some local churches, the solemnization of a marriage would eliminate the need for the discipline of members who engage in behavior their judicatory feels should be reserved for married couples (such as cohabitation and sexual relations). But again, the RCA does not have any specific rules in its Constitution about behavior acceptable only for married couples – leaving such matters up to consistories which are responsible for interpreting Holy Scripture. In other words, the RCA has no provisions for what solemnization does under its law – nor for marriage itself.

Observationally, one sees a relational changes due to the solemnization of a marriage. The couple, once in a solemnized marriage, relates to each other differently. The Church relates to the couple differently. The rest of creation relates to the couple differently. God relates to the couple differently. One could make generalizations about the differences in relationship that come with solemnization of marriage, but are there any universally applicable mandates for those relational differences that means anything to the RCA?

Never-the-less, even if the meaning of how the RCA recognizes marriage is unclear, it does recognize marriage in some way, and solemnization should be thought of as the legalization of a marriage by either the church, or the church and the state.

**24) Under this change to the BCO, can a consistory allow a same-sex wedding to take place in their church as long as the couple does not seek legal status of their marriage?**

Once again, it would depend on how a word is defined – in this case, the word, “solemnized.” If solemnized is singularly defined as the legalizing of marriage in the in eyes of state, it may technically be possible to avoid discipline under this amendment. However, consistories must be aware the Church recognizes marriages through solemnization as well – even if the nature of that recognition is unclear. Thus, if this amendment passes, a consistory should recognize they may be disciplined for allowing a same-sex wedding to take place under their governance.

**25) But if a same-sex couple got legally married outside the church, and then had a separate ceremony inside the church as a blessing of the marriage, would this rule apply?**

Yes, if solemnization of marriage applies to both the state and church law. Additionally, those who are in favor of same-sex marriage need to consider the consequences of doing this even if they are not disciplined for it. It would, in essence, accept the LGBTQ community as second-class members within the church because they are not being granted the same treatment as their heterosexual counterparts. Also, it would only inflame the division with those who do not want same-sex weddings performed in the RCA.

**26) What does “assure” mean? Who is to be assured? Should the word have been “ensure” instead?**

It is likely, in the haste of passing this motion that General Synod used the wrong word. Under this rule, the consistory would have to assure someone, but it is not stated as to whom the assurance belongs. The word *ensure*, would have been more appropriate.



However, what should not be ignored is the intent of this rule and its effect. The intent of the rule is to eliminate from the RCA same-sex weddings. And regardless of the particular language, it must be assumed the rule would have this effect if followed.

**27) What does it mean that “the consistory be guided?”**

This particular section of the BCO already has six other rules by which the consistory makes decisions about worship, including:

- 1) How The Liturgy is used.
- 2) Where baptisms are to be performed and the liturgy to be used.
- 3) How often to do communion, the liturgy to be used, and who can participate.
- 4) What hymns can be used.
- 5) Who can preach the Word.
- 6) How often the Heidelberg Catechism must be used.<sup>31</sup>

These rules generally have specific minimal requirements, but also provide for considerable freedom beyond the minimum. For example, while communion is required (when possible) every three months, it does not give the maximum amount of times communion can be administered. Because these requirements have minimal expectations, but also allows for consistories to tailor worship to their context, the idea is one of guidance. Never-the-less, when the minimum is stated, it is “required” because this section of the BCO is constitutional.

**28) But is the marriage service a “worship” service? Section II speaks only to the consistories guiding in “services of worship”. Is this an appropriate place for this amendment?**

Yes. It is commonly agreed that weddings in the RCA are worship services. In fact, the 2002 worship liturgy itself says, “As a service of Christian worship, the marriage service is under the direction of the minister and the supervision of the consistory.”<sup>32</sup> As such, any regulation on how worship is to be conducted belongs in this section.

**29) What is the definition of “congregation”? Is it gathering of people anywhere?**

The BCO has a definition for the word “congregation”: “A congregation is a body of baptized Christians meeting regularly in a particular place of worship.”<sup>33</sup> This definition is included in the BCO, along with definitions for “local church,” “organizing church” and “collegiate church” and “multiple parish” to bring clarity to the variety of situations RCA members find themselves in – and how the use of these terms in the BCO applies to their particular situations.

**30) So why was “congregation” included in this amendment?**

The intent is to *ensure* all RCA governing bodies, and the groups they govern, are included in the regulation.

**31) What would happen to a consistory that did not follow this amendment?**

The unofficial consequences for a consistory not following this amendment are highly contextual. A consistory needs to consider interpretations of Holy Scripture as they apply to their people and their situation. However, in the case of procedural discipline, a complaint or a charge may be filed with the classis. (See Q&A #6, and 14-#20 of this document).

**32) Does this pertain to a minister performing a service some place other than the church?**

<sup>31</sup> BCO, Chapter 1, Part I, Article 2, Section 11.

<sup>32</sup> “Order for Christian Marriage” Reformed Church in America, 2002.

<sup>33</sup> BCO, Chapter 1, Part I, Article 1, Section 1.

Currently, if this amendment passes, the only way to know would be for classes to take action on a charge or complaint applicable to the rule. Classes will, necessarily, need to consider if a minister's role, as a member of a consistory, applies, and if a consistory's authority as the governing body applies.

**33) Does it preclude performing a civil service?**

Typically, ministers do not perform civil services, they perform religious services. Ministers solemnize (or make legal) a marriage because the state recognizes the credentials of a minister through their denomination. Thus, it is assumed ministers solemnize marriages through religious ceremonies. Civil services, by definition, are performed by people, other than ministers, who are sanctioned by the state to do so. Unless a minister has separate credentials the state recognizes (such as being a judge or a justice of the peace), ministers should consult state law if they want to perform civil services. Additionally, ministers should be aware that even if they were authorized to perform a civil service by the state, they are still ministers in the RCA solemnizing weddings, and the amendment may still apply if brought up on a charge.

**34) Does this amendment apply to specialized ministers, ministers without charge, or retired minister?**

The amendment only speaks to the responsibility of a consistory. In the case of a minister not being on a consistory the amendment does not apply. However, a minister can always be charged with violation of Holy Scripture, and as the RCA does not have a constitutional position on same-sex marriage, all ministers officiating same-sex weddings risk being disciplined if the accuser can successfully make the argument same-sex marriage is a violation of Holy Scripture.

**35) If two men or two women get married outside of the church are they then banned from the church?**

No. Banning someone (as in actually physically keeping them off of church property) is a state matter, and is not covered in RCA polity. The closest RCA polity comes to banning anyone is through disciplinary processes which, at their most extreme, exclude members from the Lord's Supper, remove them from office, or excommunicates them from membership in the RCA. It is up to judicatory to which a member is amenable to take these disciplinary actions. There is no constitutional regulation (already in existence or being proposed) governing the exclusion of those in a same-sex marriage. The grounds for discipline for anyone in a same-sex marriage, or for having a marriage solemnized by a non-Church authority, could only be made by providing evidence from Holy Scripture. Moreover, the amendment is singularly directed to consistories, and any discipline based this amendment could only be directed towards members of a consistory. Thus, unless a consistory member is getting married, this amendment is not applicable to the couple being married.

**36) The phrase "man and woman" can be inferred to refer to role rather than biological status. Where does "transgender" status fall under this amendment?**

The growing, and shifting, definitions by which society deals with sexual orientation and gender identity is fundamentally foreign to the amendment. This rule does not provide any clarity. Therefore, it would be up to a consistory to determine how this rule would apply to couples outside of the heterosexual/homosexual paradigm.

**37) Do these two amendments, in tandem, make marriage a sacrament?**

No. The standard by which something is called a sacrament is remarkably simple: it is that which Christ instituted in his earthly ministry.<sup>34</sup> Thus, it is a long held belief within the protestant movement (including the RCA) that only two sacraments exist – baptism and communion.<sup>35</sup> It would be an overreach to assume these proposed changes to the Constitution would elevate marriage to a sacrament theologically or functionally.

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<sup>34</sup> Heidelberg Catechism, Q&A 68.

<sup>35</sup> Heidelberg Catechism, Q&A 68.