

May a Commissioned Pastor perform a wedding? A Response from Howard Moths

The answer is conditional, since the commissioning of a CP is neither pervasive, permanent, or portable. First, it is dependent upon what the classis said the commissioned pastor may do. Notice the conditional BCO language in 1.II.14.7: "the classis may authorize..." It is vital that each CP receive a written description of what the CP is authorized to do at the time of commissioning. If this has not been done, then the CP should request a written statement from the stated clerk of the classis to establish that the classis intended to authorize the CP to perform a service of Christian marriage. Second, the CP must continue to be authorized by the classis. If the period of commissioned service has ended, the authority to perform weddings has also ended. "The commission shall be valid of the period of assigned service." (BCO, 1.II.14.1) Third, the authority to perform weddings is not portable beyond the local authorization to engage in ministry: "for a specific ministry within that classis..." (BCO, 1.II.14.1) Unless the language within the commissioning is more broadly stated by the classis and authorized by the local consistory, the CP cannot perform weddings in other locations. State and local laws may also prohibit the CP from performing a wedding without more specific authorization.

Michigan State Law states the following in the Revised Statutes of 1846, Chapter 83. *Of marriage and the solemnization thereof.*

551.7 Persons authorized to solemnize marriage; records; returns; disposition of fees charged by mayor or county clerk.

(1) Marriages may be solemnized by any of the following:

- (a) A judge of the district court, in the district in which the judge is serving.
- (b) A district court magistrate, in the district in which the magistrate serves.
- (c) A municipal judge, in the city in which the judge is serving or in a township over which a municipal court has jurisdiction according to section 9928 of the revised judicature act of 1961, 1961 PA 236, MCL 600.9928.
- (d) A judge of probate, in the county or probate court district in which the judge is serving.
- (e) A judge of a federal court.
- (f) A mayor of a city, anywhere in a county in which that city is located.
- (g) The county clerk in the county in which the clerk serves or, in a county having more than 2,000,000 inhabitants, an employee of the clerk's office designated by the county clerk in the county in which the clerk serves.
- (h) A minister of the gospel or cleric or religious practitioner, anywhere in the state, if the minister or cleric or religious practitioner is ordained or authorized to solemnize marriages according to the usages of the denomination.
- (i) A minister of the gospel or cleric or religious practitioner, anywhere in the state, if the minister or cleric or religious practitioner is not a resident of this state but is authorized to solemnize marriages under the laws of the state in which the minister or cleric or religious practitioner resides.

(2) A person authorized by this act to solemnize a marriage shall keep proper records and make returns as required by section 4 of 1887 PA 128, MCL 551.104.

(3) If a mayor of a city solemnizes a marriage, the mayor shall charge and collect a fee to be determined by the council of that city, which shall be paid to the city treasurer and deposited in the general fund of the city at the end of the month.

(4) If the county clerk or, in a county having more than 2,000,000 inhabitants, an employee of the clerk's office designated by the county clerk solemnizes a marriage, the county clerk shall charge and collect a fee to be determined by the commissioners of that county, which shall be

paid to the county treasurer and deposited in the general fund of the county at the end of the month.

551.9 Solemnization of marriage; form; declaration by parties; witnesses.

In the solemnization of marriage, no particular form shall be required, except that the parties shall solemnly declare, in the presence of the person solemnizing the marriage and the attending witnesses, that they take each other as husband and wife; and in every case, there shall be at least 2 witnesses, besides the person solemnizing the marriage, present at the ceremony.

551.15 Ceremony performance with knowledge of lack of authority or legal impediment; penalty.

If any person shall undertake to join others in marriage, knowing that he is not lawfully authorized so to do, or knowing of any legal impediment to the proposed marriage, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not more than 1 year, or by a fine not less than 50 nor more than 500 dollars, or by both such fine and imprisonment, in the discretion of the court.

Assuming that a person is not a judge or mayor, the above quotation from Michigan State Law applies to ministers: "if the minister or cleric or religious practitioner is ordained or authorized to solemnize marriages according to the usages of the denomination."

According to the usages of the Reformed Church in America, only ordained ministers of Word and sacrament and commissioned pastors are allowed to perform marriages. This is stated first in the rubric in the Order for Christian Marriage from the RCA Liturgy:

"As a service of Christian worship, the marriage service is under the direction of the minister and the supervision of the consistory."

Notice a marriage service is a service of Christian worship. It is not the same as a sacrament, and therefore, any person who the consistory may authorize may preach at a worship service, may preach at a wedding ceremony. (BCO, 1.1.2.11e).

Ordinarily, the preaching of the Word shall be performed by an ordained minister or a theological student appointed pursuant to the Government of the Reformed Church in America, Chapter 1, Part II, Article 7, Section 7. In special circumstances, an elder commissioned by the classis as a preaching elder may preach. However, a consistory may authorize, in occasional or special circumstances, other persons to preach.

Notice that a consistory may authorize someone to preach, but no mention is made of the authority to solemnize marriages. Since this authority is specifically granted to ministers in the Liturgy and to commissioned pastors in the *Book of Church Order*, we can assume that "according to the usages of our denomination" a person must be ordained or specifically commissioned to do so by the classis, since only the classis has the authority to ordain ministers or commission pastors.

If the wedding is to be performed outside of the State of Michigan, the CP should check with the county clerk for an interpretation of the state and local laws in that area.