

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1434

[Docket No. 1021-15]

IN RE: Review of a Bishop's Ruling on Questions of Law in the Michigan Annual Conference Concerning the Legality of the Annual Conference's Statement on Inclusiveness.

DIGEST

A request for a ruling of law must contain one or more questions to be properly before a bishop. A statement outlining the alleged grounds of disciplinary violations is not a question of law within the meaning of ¶ 2609.6. The bishop's ruling is reversed and vacated.

STATEMENT OF FACTS

On Saturday, June 5, 2021 during the plenary session of the Michigan Annual Conference, the following resolution was duly submitted, debated, and voted upon:

Amend the Plan of Organization by addition of a new section §1 as indicated below and renumber the remaining sections and sub-sections accordingly:

§1. Inclusiveness of The Michigan Conference of The United Methodist Church
The Michigan Conference of The United Methodist Church acknowledges that all persons are of sacred worth. All persons without regard to race, color, gender, sexual orientation, gender identity, relationship, ability, national origin, status, or economic condition, shall be eligible to attend its worship services, participate in its programs, receive the sacraments, upon baptism be admitted as baptized members, and upon taking vows declaring the Christian faith, become professing members in any local church in the Conference. In The Michigan Conference of The United Methodist Church, no local church or other organizational unit of the conference shall be structured so as to exclude any member or any constituent body of the conference because of race, color, gender, sexual orientation, gender identity, relationship, ability, national origin, status, or economic condition. Nor shall any lay or clergy member be denied access to an equal place in the life, worship, ministry, governance of the conference, local church, or other organizational unit of the conference because of race, color, gender, sexual orientation, gender identity, relationship, ability, national origin, status, or economic condition.

The resolution was approved by a vote of 704 in favor and 333 opposed. Subsequently, a clergy member made the following statement:

Resolution 2021-14 contradicts the 2016 United Methodist Book of Discipline. The General Conference through the Book of Discipline has the right to determine the definition of inclusiveness and requirements of membership (Paragraphs 4, 16, 214-217). Resolution 2021-14 usurps this authority. It is the prescribed duty of pastors, and congregations in the Book of Discipline to teach the doctrines of the UMC including those concerning marriage and human sexuality (para 161, 340, 341). Resolution 2021-14 abrogates this Disciplinary responsibility. Per previous rulings of the Judicial Council (decision 1032) it is the appointed pastor's sole prerogative to determine the readiness for membership vows. No bishop or Annual Conference can supplant the appointed pastor's judgment. Resolution 2021-14 abrogates this responsibility of the appointed pastor. Local Churches and Pastors are bound to follow the teachings of the United Methodist Church in the administration of marriage vows. (Paras 340, 341, 2702) Resolution 2021-14 removes the obligation to observe UM practices.

On July 4, 2021, Bishop David Bard understood that statement to be a question of law and, therefore, issued the following ruling:

Judicial Council decision 886 clearly states that annual conferences “may not legally negate, ignore, or violate provisions of the *Discipline*.” The Council has also ruled that an Annual Conference may not pass a resolution if “the action ignores Church Law and encourages a violation of Church Law” (JCD 1262). However, the Judicial Council in decision 1052 stated that “Annual Conferences are free to express their ideals and opinions as long as they do not attempt to negate, ignore, or contradict the *Discipline*,” and in decision 1120 affirmed that “an annual conference may adopt a resolution on human sexuality that is aspirational in nature.” In subsequent decisions (e.g. 1340, 1406), the Judicial Council has continued to affirm that annual conferences may adopt resolutions that are aspirational in nature. While resolution R2021-14 on inclusiveness is about more than human sexuality, it includes consideration of it.

Does resolution R2021-14 negate, ignore or contradict the *Discipline* in ways specified in the request for a ruling of law? Does it encourage violation of the *Discipline*? Does it encourage teaching of doctrines contrary to the *Discipline* in ways specified in the request for a ruling of law? Does it take away the *Disciplinary* authority of a pastor to determine readiness for membership? The answer to all these questions is “no.”

Resolution R2021-14 clearly articulates values, direction and exhortation. The resolution closely mirrors paragraph 4, Article 4 of the *Discipline*. Beyond that, the resolution is rooted in values already expressed in *Disciplinary* paragraph 161.G: *We affirm that all persons are individuals of sacred worth, created in the*

image of God. All persons need the ministry of the Church in their struggles for human fulfillment, as well as the spiritual and emotional care of a fellowship that enables reconciling relationships with God, with others, and with self.... We affirm that God's grace is available to all.... We implore families and churches not to reject or condemn lesbian and gay members and friends. We commit ourselves to be in ministry with all persons.

Paragraphs 4 and 161.G need to be read together. The resolution is hortatory in nature, exhorting Michigan United Methodists to be inclusive of all persons, recognizing historic realities of past exclusion in church and society. The resolution clearly commends a direction for the Michigan Conference. It offers an aspiration for the conference that its structures and its churches will include the wide spectrum of humanity, including the persons indicated. While articulating a direction, how directive can this resolution be? That is a crucial question in ruling on its acceptability.

On the question of the extent of the directiveness of this resolution, there is ambiguity and indeterminacy. The same ambiguity and indeterminacy exist in paragraph 4. When there is this kind of indeterminacy in legislation approved by an annual conference, other provisions of *The Book of Discipline* provide not only the parameters against which the directiveness of said legislation must be judged, but also a hermeneutical key, if you will, by which the more exact applicability of said legislation must be understood. That is to say, whatever directiveness the approved resolution offers can only be a directiveness within the parameters provided by *The Book of Discipline*, and the legislation should be so interpreted and understood.

Resolution R2021-14 would have annual conference boards and agencies be attentive to broad inclusiveness in their composition. In this, there would be no violations of the parameters of the *Discipline*. One could argue that it is an embodiment of seeking to be in ministry with and for all persons. There is nothing in this resolution which would explicitly direct committees on ordained ministry, for example, to offer less than a full examination of candidates who come before them. There is nothing in this resolution which explicitly directs pastors to officiate at any particular wedding.

Resolution R2021-14 invites that same attentiveness to inclusivity for local churches as they consider church participation, including participation in worship and the sacramental life of the church, and church leadership. It should not be understood, however, to direct individual pastors in any specific decision about church membership or marriage. JCD 1032 clearly states that "the pastor in charge of a United Methodist church or charge is solely responsible for making the determination of a person's readiness to receive the vows of membership." *Disciplinary* paragraph 4, Article 4 of our constitution offers a strong statement regarding inclusivity and this paragraph provides authoritative context for the sole responsibility of a pastor for making the determination of a person's readiness to

receive vows of membership. An annual conference resolution does not have the same authority as the Constitution, and cannot abrogate the responsibility of a pastor to determine readiness for church membership. An annual conference resolution can, however, exhort pastors to welcome all persons into membership, and can even provide a list of clear historic examples of persons who have been excluded in the past. Resolution R2021-14 is clear in that hortatory intent. It seeks to exhort local churches and pastors to be in ministry with and for all persons and not reject gay and lesbian members and friends. The language of ¶161.G itself indicates that our United Methodist churches may have LGBTQ members. Resolution R2021-14 exhorts pastors and churches to welcome that membership. But it only goes as far as to say individuals shall be “eligible” for participation, ministry and membership, as in paragraph 4. It does not mandate a membership for any person in a way that abrogates pastoral responsibility. Nor does it mandate officiating at weddings in a way that abrogates pastoral responsibility.

Understood in this way, using the *Discipline* as a hermeneutical key to understand the applicability of the resolution, R2021-14 on the inclusiveness of the Michigan Conference does not contradict *The Book of Discipline* in the ways argued in the request for a ruling of law. It does not contradict the *Discipline*'s provisions on the authority of pastors to determine readiness for membership vows. It does not contradict the right of the General Conference to determine the requirements of membership.

I have no doubt that the authors of this resolution, and many of those who supported it, are in favor of, and would encourage persons to work for, changes in The United Methodist Church wherein the possibilities for inclusion of certain persons are expanded within the *Discipline*. Nevertheless, I think they also understand the parameters of the current *Book of Discipline*, and wanted to make an aspirational statement about the direction of the Michigan Conference. As it stands, as a statement of values, as a statement of direction, as a hortatory statement, with its directive force circumscribed as above, resolution R2021-14 can stand as approved by the Michigan Conference.

Furthermore, resolution R2021-14 does not interfere with the teaching of pastors and congregations regarding United Methodist doctrines. The teaching on marriage and human sexuality cited in the request for a ruling of law comes from paragraph 161. The Social Principles are not understood to be among the standards of doctrine of The United Methodist Church. The doctrinal standards of The United Methodist Church are found in ¶104 and include The Articles of Religion, The Confession of Faith, the Standard Sermons of John Wesley and Wesley's Explanatory Notes on the New Testament. “The Social Principles, while not considered to be church law, are a prayerful and thoughtful effort on the part of the General Conference to speak to the human issues in the contemporary world from a sound biblical and theological foundation as historically demonstrated in United Methodist traditions.... They are... intended to be instructive and persuasive in the best of the prophetic spirit” (¶161).

Pastors and congregations are encouraged to teach using the Social Principles, and I personally encourage this practice. However, nothing in R2021-14 interferes with teaching the Social Principles. There are many examples of pastors and congregations who maintain the position of the Social Principles on human sexuality and who also welcome LGBTQ persons into membership in the church and include them in leadership. There is no necessary or inherent contradiction in doing so, and R2021-14 is about inclusion in the life of the church, not about what a pastor or church teaches. Furthermore, as stated earlier, the resolution does not mandate pastors to officiate at any particular wedding. Marriage is not explicitly referred to in the resolution.

In conclusion, the resolution, R2021-14, “Inclusion of the Michigan Annual Conference,” understood as delineated in this ruling, stands approved by the Michigan Conference and can become part of its Plan of Organization. So as to be clear about the nature and directive force of the resolution, a footnote to this ruling of law will be included in the Michigan Conference Plan of Organization following the new paragraph 1 on inclusion.

Jurisdiction

The Judicial Council has jurisdiction pursuant to ¶ 2609.6 of *The Book of Discipline 2016* [hereinafter *Discipline*].

Analysis and Rationale

The Discipline requires that “decisions of law [be] made by bishops in central, district, annual, or jurisdictional conferences upon **questions of law** submitted to them in writing in the regular business of a session” ¶ 2609.6 [emphasis added]. A request for a ruling, to be properly before a bishop, must contain one or more questions of law. As recorded in the official minutes, the request was not a question but a statement; there was *no* question of law upon which the bishop could have ruled.

Consequently, the bishop erred in ruling. The proper way would have been to rule that the request was not a question. JCD 799, *aff’d*, JCD 867, 927, 1372.

Decision

A request for a ruling of law must contain one or more questions to be properly before a bishop. A statement outlining the alleged grounds of disciplinary violations is not a question of law within the meaning of ¶ 2609.6. The bishop’s ruling is reversed and vacated.