

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1516

IN RE: Request for a Declaratory Decision From the Arkansas Annual Conference Requesting Clarification of Decision 1503 As It Relates to Paragraphs 16.7 [sic 16.6], 340.2(a)(3)(a), and 2533 of the *2016 Book of Discipline* as amended Clarifying the Relative Authority of a Local Church Pastor and a Local Church Board of Trustees in the Use of Church Property for Religious Services.

Digest

A marriage ceremony is a religious service. Pursuant to ¶¶340.2(a)(3)(a) and 341.3, a pastor has discretion in deciding whether to perform or not to perform any marriage ceremony. The local church board of trustees cannot prevent or interfere with the pastor’s use of the local church facilities “for religious services or other proper meetings or purposes recognized by the law, usages, and customs of The United Methodist Church, or permit the use of said property for religious or other meetings without the consent of the pastor.” See ¶2533.1.

Statement of Facts

During the business session of the Arkansas Annual Conference, a motion was made to request a declaratory decision from the Judicial Council of The United Methodist Church that clarifies Judicial Council Decision 1503 as it relates to paragraphs 16.7 [sic 16.6, now 17.6], 340.2(a)(3)(a), and 2533 of the Book of Discipline as amended by the General Conference held in 2024. The request is that the Judicial Council clarify Decision 1503 as to the relative authority of a local church pastor and a local church board of trustees in the use of church property for religious services. The request was approved.

Jurisdiction

The Judicial Council has jurisdiction pursuant to ¶2610.2(j) of the *Discipline*. In addition, pursuant to Rule IX(A) of the Rules of Practice & Procedure of the Judicial Council, the Council has authority to reconsider its decisions to address errors. In the particular circumstances of this request, the Judicial Council has determined it is important to clarify Decision 1503 for the Church’s guidance and to avoid misinterpretation of the narrow ruling in that matter. Therefore, it also invokes Rule IX(A).

The Judicial Council has jurisdiction.

Analysis and Rationale

Paragraph 340.2(a)(3)(a) has been amended by the General Conference held in 2024. And together with the new paragraph 341.3, it now clarifies that only the pastor can decide whether the pastor will perform the marriage ceremony for two people.

Paragraph 341.3 now states:

No clergy at any time may be required or compelled to perform, or prohibited from performing, any marriage, union, or blessing of any couple, including same-sex couples.

All clergy have the right to exercise and preserve their conscience when requested to perform any marriage, union, or blessing of any couple.

The pastor cannot be forced to perform a marriage, nor can the pastor be prohibited from performing a marriage. It is solely within the discretion of the pastor “after due counsel with the parties involved and in accordance with the laws of the state and the rules of The United Methodist Church.” ¶340.2(a)(3)(a).

However, the question of the Arkansas Annual Conference is slightly different. They ask whether the board of trustees of the local church can prevent their facilities from being used for certain marriages if the pastor wishes to perform that marriage ceremony.

Paragraph 2533.1 gives authority to a local church board of trustees for the supervision, oversight, and care of all real property owned by the local church. However, this authority over the use of the building has limits. Specifically, the trustees may “not prevent or interfere with the pastor in the use of any of the said property for religious services or other proper meetings or purposes recognized by the law, usages, and customs of The United Methodist Church.” The trustees also may not “permit the use of said property for religious or other meetings without the consent of the pastor.”

The question then becomes whether a marriage ceremony is a religious service or mode of worship. The General Conference, and the General Conference only, has the ability to revise the hymnal and rituals of the Church and regulate all matters relating to the form and mode of worship. A marriage ceremony is worship. Discipline ¶¶340.2(a)(3), 341.3; United Methodist Hymnal 864; United Methodist Book of Worship, A Service of Christian Marriage I and II, pages 115-133.

Pastors have the authority to decide whether they will perform the religious marriage service of a couple, and they cannot be prevented from or interfered with when using any of the property of the local church for such a service.

Similarly, the pastor cannot be required to use church facilities to perform a religious marriage service. If a pastor does not wish to perform a certain marriage ceremony (in the discretion of the pastor), the local trustees cannot require them to do so. ¶¶340.2(a)(3), 341.3.

The pastor has the discretion whether to perform or not to perform a certain marriage between a couple. After counsel, the pastor may decide not to perform a marriage between a couple. Although hopefully rare, there are situations that could lead a pastor to refuse to perform a marriage ceremony. In that instance, the facilities of the local church would also be closed to that marriage ceremony, unless the pastor consents to let some other qualified person perform the service.

Judicial Council Decision 1503 is a narrow decision. The Arkansas Annual Conference asked a broader question with specific references to *The Book of Discipline* that needs to be addressed. Any policy adopted by the board of trustees of a local church may not affect the local pastor’s ability to conduct worship services that include same-sex marriage ceremonies. No such policy

can prevent or interfere with the pastor’s use of the church property for a same-sex marriage ceremony without violating ¶340.2(a)(3)(a). Therefore, the board of trustees of a local church may exercise its powers and duties in accordance with ¶2533, provided that this clergy right is preserved, and pastors can freely conduct religious services, including same-sex marriage ceremonies, within the context of their appointment.

Furthermore, nothing in ¶419.14 is contrary to this Decision.

Decision

A marriage ceremony is a religious service. Pursuant to ¶¶340.2(a)(3)(a) and 341.3, a pastor has discretion in deciding whether to perform or not to perform any marriage ceremony. The local church board of trustees cannot prevent or interfere with the pastor’s use of the local church facilities “for religious services or other proper meetings or purposes recognized by the law, usages, and customs of The United Methodist Church, or permit the use of said property for religious or other meetings without the consent of the pastor.” See ¶2533.1.

Molly Hlekani Mwayera and Øyvind Helliesen were absent.
Jonathan Ulanday was absent. Timothy Bruster, first clergy alternate, participated in this decision.

April 25, 2025