

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1467

[Docket No. 1022-10]

IN RE: Review of a Bishop's Ruling on a Question of Law in the Mississippi Annual Conference Regarding the Legality of a Resolution Concerning Homosexuality.

DIGEST

The decision of Bishop James E. Swanson, Sr. is affirmed for the reasons set forth therein.

STATEMENT OF FACTS

On Friday, July 15, 2022, during plenary session of the Mississippi Annual Conference, the members of the Annual Conference passed a resolution entitled "Petition on Homosexuality" on a simple majority vote. The adopted petition reads in relevant parts:

Therefore, let it be resolved and made known that the 2022 Mississippi Annual Conference in session at the Bancorp South Arena in Tupelo, Mississippi on July 13-15 makes its theological stance known to the United Methodist Church throughout the world that we stand on the authority of God's Word, the Holy Scriptures, declaring that the practice of homosexuality is contrary to God's standard of holy behavior, and consequently, is an immoral (sinful) act of behavior.

Furthermore, we are all sinners (**Psalm 53:1-3; Isaiah 53:6; Ezekiel 18:4; Romans 3:23**), who face different temptations, in need of God's grace, mercy, and strength through Jesus Christ's redeeming work on the Cross (**Isaiah 53:4-5; John 3:17-19; Romans 3:22; 5:8; Ephesians 2:8- 9**), and it is this redeeming work of Christ that frees us to become holy in all of our conduct (**I Corinthians 10:13; Ephesians 1:3-6; Philippians 1:6; Colossians 3:1-17; I Peter 1:13-15**). We, the Mississippi Annual Conference, hereby declare that those, who practice homosexuality, which is no different from other immoral, sinful acts of sexual behavior, are in need of God's deliverance and cleansing power through His Holy Spirit.

Let it be further resolved, that we join with our homosexual brother and sister, who struggle as we all do with our own sinful acts of rebellion that we pray and help each other to commit our lives fully to the saving grace of our lord and Savior Jesus Christ, thus enabling His Holy Spirit to do *His perfect work* within us as we all “press toward the goal for the prize of the upward call of God in Christ Jesus.” (**Philippians 3:14**). [bold face in original]

Following the vote, a clergy member raised the following Question of Law pertaining to the previously voted petition:

“Does not the ‘Petition on Human Sexuality’ approved by the Mississippi Annual Conference of the United Methodist Church result in establishing ‘a theological statement in regard to the morality or immorality of the practice of homosexuality’ suppose that an annual conference can unilaterally establish theological statements or is the establishment of theology reserved to the Book of Discipline voted on by the General Conference, as established in Paragraph 105, Section 4?”

On August 12, 2022, Bishop Swanson issued the following Decision of Law, which states in relevant parts:

Ruling

It is the ruling of the Resident Bishop that the action by the Mississippi Annual Conference on the petition in question, “Petition on Human Sexuality”, is in order. While it does seek to establish “a theological statement in regard to the morality or immorality of the practice of homosexuality” for the Mississippi Annual Conference, this does not violate the doctrinal authority of the Book of Discipline.

In addition, it is the right and responsibility of the local church, the annual conference and all levels of the connection to participate in theological reflection as long as it does not challenge the integrity of the Church’s doctrinal understandings and affirmation.

Finally, in that the language and intent of this Petition to be “aspirational” in nature as that is does not require or advocate for actions that are prohibited by Church law.

Rationale

The petitioner’s question is predicated upon the authority of the Book of Discipline in clarifying and offering theological standards for the Church. As referenced in ¶ 105, Section 4,

“While the Church considers its doctrinal affirmations a central feature of its identity

and restricts official changes to a constitutional process, the Church encourages serious reflection across the theological spectrum.”

It is the doctrinal standards, not theological interpretation, that are within our denomination immutable, and upon which only the General Church can act through the process of amending the constitution.

¶105, Section 4, further defines theology as the ongoing discernment of the people of the church when it says,

“The theological task, though related to the Church’s doctrinal expressions, serves a different junction. Our doctrinal affirmations assist us in the discernment of Christian truth in ever-changing contexts. Our theological task includes the testing, renewal, elaboration, and application of our doctrinal perspective in carrying out our calling “to spread scriptural holiness over these lands.”

This intentional, prayerful, and often uncomfortable work is the ongoing responsibility of the people of the United Methodist Church at all levels of our connection.

In addition, ¶ 105, Section 4, The Nature of our Theological Task, states that theological interpretation and discernment, is at its heart and practice *“communal. It unfolds in conversations open to the experiences, insights, and traditions of all constituencies that make up United Methodism. This dialogue belongs to the life of every congregation. It is fostered by laity and clergy, by the bishops, by the boards, agencies, and theological schools of the Church.”*

It further defines that it is the responsibility of the Annual Conference to *“speak and act for United Methodists in their official decisions at appropriate levels.”*

While we honor that not all of those within our Annual Conference on these points of theological interpretation, the action of the Conference in adopting such a statement in no way attempts to define, represent, or mandate the feelings of members. In fact, if 105 continues by recognizing that *“our conciliar and representative forms of decision-making do not release United Methodists as individuals from the responsibility to develop sound theological judgment.”*

Finally it needs to be understood that the intent and direction of the referenced petition was aspirational in nature, and does not have the authority, nor does it request that the Mississippi Annual Conference or its members action is any way that rejects the Book of Discipline. As referenced in Judicial Council decision 1340 *“a resolution or declaration is considered aspirational as long as it is not “prescriptive”, that is, does not demand or encourage actions that are contrary to Church law.”*

In saying so it acknowledges the principle that annual conferences may not legally negate, ignore, or violate provisions of *The Discipline* with which they disagree, even when the disagreements are based on conscientious objections to those provisions.” (JCD 1044, 1052, 1111)

The petition in question, and the action of the Mississippi Annual Conference are not in violation of the Book of Discipline with regards to the authority reserved for the General Conference, nor the doctrinal standards of the General Church.

Jurisdiction

The Judicial Council has jurisdiction under ¶ 2609.6 of *The Book of Discipline —2016*.

Analysis and Decision

The decision of Bishop James E. Swanson, Sr. is affirmed for the reasons set forth therein.

March 7, 2023

Separate Opinion

We concur with our colleagues' affirmation of the Bishop's ruling, but we note that the Digest needs to indicate the major issues that were ruled upon by the Bishop and further indicate those aspects upon which the Judicial Council specifically agrees and affirms as a matter of church law.

The specific issues that the Judicial Council is affirming in its review of a Bishop's ruling on a question of law ought to be set forth in the Digest so that those institutions and publications [especially hardcopy print publications], which quote and rely exclusively upon the Digest to provide a **concise statement of the issues** decided by the Judicial Council in each Decision or Memorandum, are able to continue to alert their respective readers or members of potential changes in the interpretation or application of church law. If a Digest states only that the Judicial Council affirms the ruling of the Bishop "**for the reason set forth therein**" then those institutions and publications which have heretofore relied upon our Digest, will no longer be in a position to immediately provide a meaningful alert to their respective readers or members concerning such decisions or memorandums that have just been released by the Judicial Council.

Beth Capen
Kabamba Kiboko
March 7, 2023

Separate Opinion

Concerning the matter of the Analysis, Rationale, and Digest, I also note that it is important that the Judicial Council set forth its own analysis of each episcopal ruling when it issues its decision. Of concern is that episcopal rulings contain many nuanced statements that can be interpreted in a variety of ways and thereby risk resulting in polity which could be misapplied by others. General Conference has tasked the Judicial Council, exclusively, with the responsibility of articulating those major aspects of each episcopal ruling and relating each aspect to the Disciplinary principles, polity, and former Decisions which provide the predicate for determining that the Bishop is correct or incorrect concerning that aspect of his or her ruling. The denomination is relying upon the Judicial Council to identify the key points in an episcopal ruling, and affirm, modify or reverse those key points, in whole or in part, and thereby reconcile the multiple rulings that are issued each year and ensure that our church law is not subject to more than one interpretation.

Beth Capen
March 7, 2023