

SUBJECT TO FINAL EDITING

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### DECISION 1435

Docket 1021-19

**IN RE: Review of a Bishop's Decision of Law in the Dakotas Annual Conference as to Whether the Resolution "A Vision for a More Just Church" Negates, Ignores, or Violates Church Law.**

#### DIGEST

The ruling of the Bishop is affirmed. The resolution "A Vision for a More Just Church" is partly aspirational and partly in violation of the *Discipline* as noted herein by the presiding Bishop.

#### STATEMENT OF FACTS

During the regular business session of the Dakotas Annual Conference, a lay person presented a resolution entitled "A Vision for a More Just Church". The Annual Conference passed the resolution with 179 persons voting in favor and 172 in opposition. A request for a ruling of law was thereafter made by a clergy member as follows:

In accordance with ¶¶ 51 and 2609 of the Book of Discipline, I request a bishop's decision of law on the following questions, in light of Book of Discipline ¶¶ 304, 341, 362, and 2702 604.1, Judicial Council Decisions #886, 1115, 1329, 1340, 1399 and other relevant church law:

1. Does "1.2 Resolution A Vision for a More Just Church" negate, ignore, or violate church law?
2. Does "1.2 Resolution A Vision for a More Just Church" impermissibly express encourage violations of church law or discourage the enforcement of church law?
3. Does the adoption of this resolution negate or limit the obligation and duty of members of the board of ordained ministry and members of district

committees on ministry under Discipline Paragraph 304.5, as amended by the 2019 General Conference, and other relevant church law to conduct “full examination and thorough inquiry” for ministry candidates and to decline to approve any candidate who does not meet the qualifications of Discipline Paragraph 304.1-3?

The Bishop issued her ruling [note that the original ruling's *strikeout font* has been replaced with an *underline font*]:

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 1292). 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.

Does resolution 1.2 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 members of the board of ordained ministry and members of district committees on ministry? Resolution 1.2 is aspirational in overall intent. In consultation with the conference chancellor, Dakotas Conference Cabinet, with reference to Judicial Council decisions and the Book of Discipline I will address the language within each of the paragraphs of the resolution.

Resolution 1.2, paragraphs one through five, the Whereas sections, frame the aspirational intent of the resolution. These paragraphs closely mirror, 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.*

Paragraph six: “Therefore, be it resolved, we urge the Dakotas Conference of the United Methodist Church to intentionally invite and welcome LGBTQ+ persons at all levels of leadership.” I interpret the term leadership in this paragraph, to

mean both clergy and lay leadership. Pastors are required to follow the *Discipline*. I am ruling the usage of the term “leadership” within this paragraph as null and void.

Paragraph seven: “Be it further resolved, we urge the Board of Ordained Ministry to not consider a candidates’ sexual orientation in evaluating qualifications for ordination.” The extent of the directiveness of this paragraph, as it is worded, encourages violation of church law defined in *The Book of Discipline*. Therefore, this entire paragraph I am ruling as null and void.

Paragraph eight: “Be it further resolved, we urge local United Methodist Churches in the Dakotas Conference to welcome and include LGBTQ+ members in full participation within the local church.” The wording is aspirational and directive and meets the parameters of the *Discipline*. One could argue that it is an embodiment of seeking to be in ministry with and for all persons.

Paragraph nine: “Be it further resolved, we respect our clergys’ faithful discernment regarding whom they will and will not marry – knowing that some will choose to marry same-sex couples and others will not.” This language is prescriptive and a violation of current church law and the *Discipline*. Therefore, I declare this paragraph as null and void.

Paragraph ten: “Be it further resolved, we urge the Bishop to refrain from conducting clergy trials related to ordinations of LGBTQ+ persons or same-sex marriages.” This paragraph is declared null and void. It is a directive that violates *The Book of Discipline*.

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 Dakotas Conference. As statement of aspiration, with its directive force circumscribed as above, Resolution 1.2 can stand as approved by the Dakotas Conference.

Furthermore, the resolution 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 paragraph 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 Resolution 1.2 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.

In conclusion, the Resolution, 1.2 “A Vision for a More Just Church,” understood as delineated in this ruling, stands approved with aspirational intent and the above noted words and paragraphs ruled null and void.

### **Jurisdiction**

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

### **Analysis and Rationale**

In prior decisions, the Judicial Council held that resolutions that are aspirational in nature, and do not attempt to negate, ignore, or contradict the *Discipline*, can be adopted by annual conferences [see, e.g., JCD 1297 and 1340]. The resolution entitled “A Vision for a More Just Church” is aspirational in part and violates the law of the church in part, as noted in the ruling of the presiding Bishop.

### **Decision**

The ruling of the Bishop is affirmed. The resolution “A Vision for a More Just Church” is partly aspirational and partly in violation of the *Discipline* as noted herein by the presiding Bishop.