

Scripture and Marriage Equality: Resources

2006 Colloquy resource materials



Open Letter to the council of Bishops of the UMC
– Rex D. Matthews, ThD

Why Judicial Council Decision 1032 Must Be Reversed or Overturned:
An Open Letter to the Council of Bishops of The United Methodist Church
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To the Council of Bishops:

In your unanimous “Pastoral Letter to the People of The United Methodist Church” dated 2 November 2005, you addressed the effects and implications of Decision 1032 of the Judicial Council of The United Methodist Church, dated 29 October 2005. Your pastoral letter explained the circumstances of the case which lead to Decision 1032 in this way:

The Judicial Council, our denomination’s highest judicial authority, recently issued a decision regarding a pastor’s refusing a gay man’s request for membership in the church. In the case, this man was invited to join the choir at the United Methodist Church in the community. As he became more active in the choir and the church, he asked to transfer his membership from another denomination to The United Methodist Church. Because he is a practicing homosexual, the pastor refused to receive him into church membership. The Judicial Council upheld the pastor’s refusal of membership.

Judicial Council Decision 1032 asserts that as a part of his or her administrative responsibilities under 304.3(b)(1) of the Discipline,¹ “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” [emphasis added]. This assertion is inaccurate and untrue. The phrase “readiness to receive the vows of membership” does not occur anywhere in the Discipline, nor does any semantically equivalent phrase or expression. The word “readiness” cannot be found anywhere in the Discipline, let alone in connection with church membership. The phrase “solely responsible” also does not occur anywhere in the Discipline, let alone in connection with powers or responsibilities of a pastor in charge.

The Meaning of Church Membership

Paragraph 216 begins a subsection of the Discipline headed “The Meaning of Membership.” The first section of 216 reads as follows:

Christ constitutes the church as his body by the power of the Holy Spirit (1 Corinthians 12:13, 27). The church draws new people into itself as it seeks to remain faithful to its commission to proclaim and exemplify the gospel. Baptism is the sacrament of initiation and incorporation into the body of Christ. After baptism, the church provides the nurture that makes possible a comprehensive and lifelong process of growing in grace. Becoming a professing member requires the answer of faith of the baptized person made visible in a service of profession of Christian faith and confirmation using the vows of the Baptismal Covenant.”

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Christ is the primary actor here, calling to people through the Holy Spirit, inviting them to become members of the community that constitutes his body in the world. The requirement for responding to that call by becoming a professing member is “the answer of faith of the baptized person made visible” through a public service using the vows of the Baptismal Covenant. The clear assumption of this language is that if and when persons decide that they are prepared to make their faith visible to the congregation through their public affirmation of the requisite vows, they may do so. There is no stipulation here that they must previously have satisfied the pastor in charge of their “readiness” to do so, as is asserted by Decision 1032.

Paragraph 203 describes the local church as “a connectional society of persons who have been baptized, have professed their faith in Christ, and have assumed the vows of membership in The United Methodist Church.” It does not say that they have assumed the vows of membership only after having satisfied the pastor in charge of their “readiness” to do so.

Paragraph 215.4 affirms that “a baptized or professing member of any local United Methodist church is a member of the global United Methodist connection and a member of the church universal.” When one takes the vows of church membership, one is becoming a member not only of a particular local church, but of the worldwide Church. The implications of Decision 1032 contradict this clearly established principle. If “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,” then there can be no assumption of uniformity across ‘the global United Methodist connection’ of the conditions under which individuals may become members of the Church. Membership in this local church may be premised on different conditions than membership in that local church, depending entirely on the determination of each pastor in charge of what constitutes “readiness” for church membership. The fabric of the church as “a connectional society” is thereby torn into shreds, and the meaning of church membership radically transformed

Eligibility for Church Membership

The most important paragraph of the Discipline relating to membership in The United Methodist Church is 4, which is Article IV of the Constitution and is entitled “Inclusiveness of the Church.” It reads in full as follows:

The United Methodist Church is a part of the church universal, which is one Body in Christ. The United Methodist Church acknowledges that all persons are of sacred worth. All persons without regard to race, color, 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 connection. In The United Methodist Church no conference or other organizational unit of the Church shall be structured so as to exclude any member or any constituent body of the Church because of race, color, national origin, status or economic condition.

There is no specification in this paragraph of the precise terms or conditions under which a person either may or must take the indicated vows. The force of this paragraph, as indicated by its title, is inclusiveness and permission: “All persons . . . shall be eligible . . . upon baptism . . . [and] upon taking vows declaring the Christian faith . . . [to become] professing members. . . .” There is no indication here of any condition required prior to the taking of membership vows other than baptism. This paragraph is in accord with the current advertising and public relations slogan which proclaims that The United Methodist Church is a church of “open hearts, open minds, [and] open doors.” This paragraph of the Constitution means that any and all baptized persons are welcome

to become—that they may become—members of The United Methodist Church, if and when they decide that they are willing and able to take the requisite vows of membership. There is no indication in the Constitution of The United Methodist Church, or anywhere else in the Discipline, that the eligibility of any person to take the vows of membership is in any way contingent on the determination of his or her “readiness” to do so by the pastor in charge.

Paragraph 214 of the Discipline begins Section V of Part V, Chapter One, “The Local Church,” and is entitled “Church Membership.” It reads as follows:

The United Methodist Church is a part of the holy catholic (universal) church, as we confess in the Apostles’ Creed. In the church, Jesus Christ is proclaimed and professed as Lord and Savior. All people may attend its worship services, participate in its programs, receive the sacraments and become members in any local church in the connection (4). In the case of persons whose disabilities prevent them from reciting the vows, their legal guardian[s], themselves members in full covenant relationship with God and the Church, the community of faith, may recite the appropriate vows on their behalf.

In accordance with 4 of the Discipline, to which it specifically refers, 214 is clearly and unambiguously permissive in nature and inclusive in scope. It says plainly that all people may attend the worship services of The United Methodist Church, may participate in its programs, may receive the sacraments, and may become members in any local church in the connection. Paragraph 214 does not say that they (meaning “all people”) shall or must do any or all of this— indeed, the imperative language of “shall” would be entirely inappropriate in such a context. But 214 also does not say that they (meaning “all people”) may do all of this—that is, that they have permission to do all of this—only after having satisfied the pastor in charge of their “readiness” to do so.

Paragraph 215 of the Discipline states that “The membership of a local United Methodist church shall include those who have been baptized and those who have professed their faith.” Note that the imperative “shall” is used here, in contrast to the permissive “may” that is used in 214. Paragraph 215 then goes on to distinguish between the “baptized membership” and the “professing membership” of the local church. The “professing membership” of the local church is defined as including “all baptized people who have come into membership by profession of faith through appropriate services of the baptismal covenant in the ritual or by transfer from other churches.” This definition does not include a qualifying provision saying “but only after having satisfied the pastor in charge of their ‘readiness’ to do so.”

The Vows of Church Membership

Paragraph 217 specifies the vows that anyone desiring to become a professing member of The United Methodist Church must publicly affirm. The paragraph begins with a statement about what is happening when people take the step of becoming professing members of the Church:

When persons unite as professing members with a local United Methodist church, they profess their faith in God, the Father Almighty, maker of heaven and earth; in Jesus Christ his only Son, and in the Holy Spirit. Thus, they make known their desire to live their daily lives as disciples of Jesus Christ. They covenant together with God and with the members of the local church to keep the vows which are a part of the order of confirmation and reception into the Church. . . .

The seven specific vows which immediately follow detail the commitments that such persons are making before God and in the presence of the congregation of the local church of which they are becoming a part. But the language of the introductory statement leading up to the vows clearly

focuses on the persons who are making those vows: they profess their faith, they make known their desire to live as disciples, they enter into covenant to keep the vows that they are making. And with whom do they enter into covenant? “They covenant together with God and with the members of the local church.” The pastor acts as an agent in the making of this covenant, but is not a party to it. The covenant is made by the individual with God and the church, under the conditions specified by the church. Nothing in the language of 217 suggests that a person entering into this covenant relationship with God and the church must previously have satisfied the pastor in charge of their “readiness” to do so.

Homosexuality and Church Membership

Article IV of the Constitution of The United Methodist Church states that “All persons without regard to race, color, 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 connection” (4). The word “status” was added to Article IV article by amendment of the Constitution in 1992. Since that time there has been a considerable amount of discussion across the Church about the precise meaning of the term “status” in Article IV. In Decision 702, dated 30 October 1993, the Judicial Council said:

While the General Conference could define terms one way, we can foresee that the various annual conferences could adopt differing definitions. Regardless of whether there may be one definition or many, no such definition may void, violate or otherwise pre-empt the force of law of 304.3 of the Discipline.

At one of its regular sessions in 2005, the California-Nevada Annual Conference adopted a resolution stating that the conference “hereby defines the word ‘status’ as including sexual orientation such as heterosexuality, homosexuality, bisexuality and transgendered.” Bishop Beverly Shamana ruled that resolution concerning the meaning of the word “status” did not “violate or otherwise pre-empt the force of law” of 304.3 of the Discipline. In Decision 1020, issued on 29 October 2005, the Judicial Council upheld Bishop Shamana’s ruling, referring to the precedent of Decision 702:

While the General Conference could define terms one way, we can foresee that the various annual conferences could adopt differing definitions. Regardless of whether there may be one definition or many, no such definition may void, violate or otherwise pre-empt the force of law of 304.3 of the Discipline.

Paragraph 304.3 of the Discipline says that in the understanding of The United Methodist Church, “The practice of homosexuality is incompatible with Christian teaching” (see also 161(G), which is part of the Social Principles). Whether or not one agrees or disagrees (as I do) with this position, on whatever grounds and for whatever reasons, it is clearly the current position of the Church. Paragraph 304.3, which is concerned with qualifications for ordination, goes on to state that “self-avowed practicing homosexuals are not to be certified as candidates, ordained as ministers, or appointed to serve in The United Methodist Church.” That statement in 304.3, however, applies only to qualifications for the candidacy, ordination, or appointment of clergy; it does not have anything to do with qualifications for lay membership in the Church. The Constitution and Discipline emphatically do not say that “self-avowed practicing homosexuals are not to be accepted by the pastor in charge as members of The United Methodist Church.”

On 17 June 2005, the California-Nevada Annual Conference adopted a resolution entitled “We Will Not Be Silent.” The resolution articulated a number of “inclusion principles” to be acted upon by local churches within the annual conference. One of those principles is “To make plans to welcome and include LGBT (Lesbian, Gay, Bi-Sexual, Transgendered) persons in leadership roles in the church.” Bishop Beverly J. Shamana ruled that as a matter of church law, this resolution concerning lay involvement and leadership in local churches by LGBT persons does not encourage or require district superintendents to hold churches accountable for a position specifically at odds with 304.3 of the 2004 Discipline, which applies only to clergy certification, ordination and appointment. In Decision 1028, issued on 29 October 2005—the same day that it issued Decision 1032—the Judicial Council upheld Bishop Shamana’s decision:

The Bishop is correct in her ruling that 304.3 applies to persons in the ordained ministry and the prohibition against certifying, ordaining, and appointing self-avowed practicing homosexuals to serve in the Church. The adopted provision says the district superintendent would be asking for a report on how the church is making plans to welcome lesbian, gay, bi-sexual and transgendered persons into the leadership of the church. Paragraph 214 of the Discipline states, “[a]ll people may attend its [The United Methodist Church] worship services, participate in the programs, receive the sacraments and become members in any local church in the connection....” Further, The United Methodist Church is committed to be in ministry for and with all persons. 161G, 2004 Discipline and Decision 913.

Paragraph 2702.3 states in very specific terms the offenses for which formal charges may be brought against a professing member of The United Methodist Church. Neither “homosexuality” nor “homosexuality practice” is specified in 2702.3 as an offense for which charges may be brought against a professing member of a local church. This contrasts very sharply with 2702.1, which states that charges may be brought against clergy (including bishops, clergy members of an annual conference, local pastors, clergy on honorable or administrative location, or diaconal ministers) for a far wider range of offenses, including “immorality including but not limited to, not being celibate in singleness or not faithful in a heterosexual marriage” and “practices declared by The United Methodist Church to be incompatible with Christian teachings, including but not limited to: being a self-avowed practicing homosexual; or conducting ceremonies which celebrate homosexual unions; or performing same-sex wedding ceremonies.” As the contrast between the list of “chargeable offenses” stipulated in 2702.1 and in 2702.3 plainly indicates, clergy in The United Methodist Church are held to different standards than are lay members.

The United Methodist Church, speaking through its Constitution and the Discipline, has emphatically not said that homosexual persons may not become members of the Church. You, the bishops of the Church, have confirmed this in your pastoral letter, saying plainly and directly that “homosexuality is not a barrier” to membership in The United Methodist Church. Judicial Council Decision 1028 confirms the same principle, with reference to 214 and 161(G) of the Discipline. Whatever his or her personal beliefs or opinions about the matter may be, no pastor in charge in any United Methodist church or charge has any right or authority to make any determination to the contrary.

Conclusion

This open letter represents the thoughts and views of one United Methodist lay person. Mine is only one voice, but I feel compelled to use it in an attempt to say as clearly and cogently as possible why I think Judicial Council Decision 1032 is so misguided in its judgment, so flawed in its reasoning, so wrong in its conclusions, and so dangerous to the Church. I urge you, indeed I implore you, as the episcopal leaders of the Church, to expend every possible effort to ensure that

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this decision is reconsidered and reversed by the Judicial Council at the earliest possible moment, and if the Judicial Council refuses to reconsider and reverse this decision, to exercise leadership in efforts to overturn it through appropriate legislative enactment at the 2008 General Council.

Faithfully yours,

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