

Judicial Council Decision 1032 and Ecclesiology

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Introduction: Finding the Ecclesiological Needles in the Political Haystack

On the surface there is nothing in the technical wording of the Judicial Council Decision 1032 that takes us explicitly to the topics usually covered in the field of ecclesiology.¹ We really do have to poke around to see what bearing this ruling has on the nature and mission of the church, its marks, its theological self-avowals, its orders of ministry, its understanding of sacraments, and the like. The obvious initial observations to make in terms of the implications of the ruling is that the decision presupposes that The United Methodist Church (the UMC) has vows of membership, that the UMC has pastors who are given executive authority to make decisions about readiness for membership, that it has bishops who are not given such authority, (nor are they given the executive authority to overrule the decisions of pastors on readiness for membership), and that the UMC has carefully constructed regulations (canon law in the traditional sense) governing all these matters. Yet these remarks do not take us very far in our deliberations; it is as if we are making technical points in order to evade the real issues that cry out to be pursued.

We need to begin with the elephant in the room in our immediate context: homosexual practice. Take the debate about this topic in Western society and church out of the equation and there would be no ruling. And I doubt if we would be having a consultation. Thousands of decisions about membership are made every month; not one of these has evoked even a murmur or a squeak by way of response; no elder has called up the superintendent to initiate charges against a colleague; no bishop has moved to suspend a pastor; no items have been put on the docket of the Judicial Council. Indeed the whole topic of membership has lain dormant for two to three generations. In fact we have so neglected the practice of membership that we scarce know where to begin to tackle the thorny issues that naturally arise in and around the topic.² Yet once the issue of homosexuality intersects with the issue of membership, the whole machinery of the church is suddenly alive with dispute and debate all the way up the highest courts of the church. A raw nerve was touched and other parts of the body responded. Changing the metaphor, a fire was lit, and we are forced to seek out its sources as best we can. What is it about homosexual practice that causes us to take up the topic of membership and to debate the relative authority of elder and bishop in the church? What does this sudden debate about membership tell us about ourselves as a church? What contextual developments best make sense of this surprising turn of events?

¹ “The *2004 Discipline* invests discretion in the pastor in charge to make the determination of a person’s readiness to affirm the vows of membership (Para 217). Paragraphs 214 and 225 are permissive and do not mandate receipt into membership of all persons regardless of their willingness to affirm membership vows.”

² The obvious issues that cry out for attention include conditions of membership, how these relate to Christian initiation, and the nature of discipline.

We could, of course, reduce the discussion to one of supervision. It has been argued that the real issue here is simply that of the bishops' exercise of supervision over elders; they have such supervisory powers, and thus this is the beginning and end of the matter. It is perfectly true that the bishop and relevant representatives of the episcopal office have broad powers of supervision. However, the only way we can stretch the powers of supervision to Decision 1032 is if we posit that bishops have the right to exercise supervision over the class or kind of members who can be received into the membership of a local church. To date bishops have not touched the supervision of membership, much less the supervision of the entry qualifications for one group of members. More generally, it is abundantly obvious that bishops do not usually intervene in an elder's executive authority in regard to word, sacrament, and order, much less in the extreme manner represented by the case that led to Decision 1032. There would be uproar should bishops begin detailed supervision, say, with respect to preaching. At issue here is one specific case involving one item (authority to decide readiness for membership) of order (as opposed to word and sacrament) and where the form of exercise was one of dramatic intervention in which the pastor was removed from his pastoral charge and put on leave without pay. We are not then dealing generally with the question of supervision; the exercise of supervision in this instance was the occasion for the expression of quite different types of decision and commitments.

With that we are right back to the issue of homosexual practice as it intersects with church membership and the authority of pastors and bishops. It is the intersection of homosexual practice with a decision about readiness for membership on the part of an elder in charge that caused dispute. With Decision 1032 we have moved beyond an ecclesiology in which the only issues at stake are internal institutional power and status; we are dealing with something deeper than power politics and supervision. How might we capture those deeper elements? Put differently: what does the fresh way in which the dispute about homosexual practice has arisen tell us ecclesologically about the UMC?

I propose that Decision 1032 challenges the UMC to come to terms with the following: her status as an ecclesial community, the nature and status of canon law, the holiness of the church, the executive authority of elders and bishops, and the limits of inclusivism.

The UMC as an Ecclesial Community

United Methodists have been ambivalent about their status as a church. Arising out of an extraordinary revival of religion in the eighteenth century and related awakenings thereafter, our first instincts are anti-institutional; we pride ourselves on being spiritually above institutions. We live and act like a church or a denomination, but we are not too sure we are one, or even that we want to be one. We still think we are a renewal movement, a band of witnesses, an evangelical order within the church catholic, and the like. Albert C. Outler captured this instinct succinctly and dramatically in one of his best essays on the topic. "...Methodism has never lost the essence of a functional doctrine of the church but...it has never developed the full panoply of bell, book, and candle that goes with being a "proper" church properly self-understood. This makes us

une église manqué (a failed, incomplete church), theoretically and actually.”³ “...a self-conscious denomination-centered Methodist is a crashing bore to all but his (*sic*) own particular kith, kin, and kind.”⁴ So “...we need a catholic church within which to function as a proper evangelical order of witness and worship, discipline and nurture.”⁵

Decision 1032 explodes this mythology about ourselves. With all our faults we are not an ecclesial crock; to accept this assessment is the manifestation of an inferiority complex that fits neither our origins nor our history. We are a major Protestant denomination complete with orders, sacraments, standards of membership, sacraments, and the like.⁶ We need to own up to our ecclesial identity and come to terms with all that this involves. This is no small order because Outler and his generation bet the store on the ecumenical movement as a solution to our imagined impaired existence and therefore could be somewhat careless and negative about our ecclesial identity.⁷ The ecumenical movement remains alive, but it is far from well, so we can no longer lean on that broken reed as the solution to our disagreements. We need robust ecclesial materials, practices, and persons to sustain us as a church; and for these to work we need a serious but not triumphalist sense of our identity as a serious denomination complete with ‘bell, book, and candle’.⁸

The Place of Canon Law in the Church

For me the most astonishing feature of our recent history has been the critical place that canon law has had in sustaining unity in the midst of vociferous and activist disagreement. By canon law I mean here the ecclesiastical law governing our life together; such law is constituted by conferences or councils, legislation, rulings, interpretations, and adjudications. Canon law is one of the crucial means of grace that enable an ecclesial community to uphold the minimum network of canonical materials, practices, and persons without which it will divide or disintegrate.⁹ United Methodism has a complex set of procedures for creating and sustaining its canon law through the General Conference. It operates by means of reasoned argument, fair process, expert witness, patient deliberation, and the like. Canon law is never perfect; it never commands full assent; and it is subject to change. However, for better and for worse, it represents the voice of the whole church. It assumes that the church has the right to

³ Albert C. Outler, “Do Methodists Have a Doctrine of the Church?”, in Thomas C. Oden and Leicester Longden, *Essays of Albert C Outler: The Wesleyan Theological Heritage* (Grand Rapids: Zondervan, 1991), 224.

⁴ *Ibid*, 225.

⁵ *Ibid*, 226.

⁶ Part of the problem here is that modern scholarship, following Ernst Troeltsch, has saddled us with the exclusive alternatives of “church” and “sect”; we fit neither category. Albert Outler in other essays tellingly and rightly picks up on the crucial place of Pentecost in our thinking about the church. See his “Visions and Dreams; the Unfinished Business of an Unfinished Church,” in *Essays of Albert C Outler: The Wesleyan Theological Heritage*, 253-62.

⁷ They bet the store on other bent reeds like the Quadrilateral, centralization, caucuses, tolerated renewal groups, but that is another and even more difficult story.

⁸ I suspect that Methodists become interested in ecclesiology in cycles of 40 years or so; if I am right about this, we are now into another important transition.

⁹ The United Methodist jargon for canon law is, of course, *discipline* and *The Book of Discipline*; but this does not begin to capture its importance, so I have changed the language to awaken us from our dogmatic slumbers.

deliberate on matters central to its welfare and identity, to express its mind formally on contested issues, and to uphold its decisions publicly and effectively when challenged by individual members or groups. Ideally canon law commands the respect and trust of those who disagree with it and its implementation. There is no sure-fire or fool-proof way of gaining and sustaining respect and trust; but if there is widespread alienation and contempt for it, then we can be sure that the unity of the church is in grave danger.

It is worthy of note that the Anglican and Episcopal Churches (after fascinating consultation at the highest ecumenical levels with Cardinal Kasper in the Vatican¹⁰) have seen the crucial importance of canon law in securing unity. The problem they face is a simple one: one member church in defiance of other member churches has implemented convictions and practices that are incompatible with the constitutive convictions and practices of the Communion as a whole.¹¹ In this instance there was no canon law to which appeal could be made. As they now journey to division, the Anglican Church has moved in the Windsor Report to repair this lacuna. In time the dissident body that leaves or is cast out (presumably, The Episcopal Church) will have to develop its own canon law in order to express and preserve its convictions and practices. It is tempting to dismiss canon law as simply legalism and pedantry; our history and that of our mother church shows otherwise; it is a crucial canonical mechanism and practice.

The Holiness of the Church¹²

Ideally canon law will reflect the vision of holiness dormant in the church. It will express what the church takes to be essential to its existence, what makes it different, what captures its vision of grace and the gospel, and what articulates its minimal moral convictions and practices. One reason why Decision 1032 has caused such controversy is that it represents a vision of holiness that is rejected by a passionate minority within the church as a whole. The church as a whole for over a generation has stated publicly and repeatedly that homosexual practice is incompatible with Christian teaching. Holiness rules out the practice of homosexuality. This conviction naturally then shows up in the laws governing our life together. A self-professing prophetic, well organized, and highly motivated minority rejects this vision of holiness and desires to implement a different vision of holiness with respect to sexual morality. Until recently the differences were joined in and around conditions for ordination and the behavior of elders. Decision 1032 has shifted the dispute to one about readiness for membership. This really caught most people off guard because our practices in and around membership have fallen into disrepair for a host of reasons.¹³ However we resolve disputes about membership (and I

¹⁰ Cardinal Kasper is the President of the Pontifical Council for Promoting Christian Unity. When the danger of division first surfaced in the Anglican Communion, Archbishop Rowan Williams wrote to Cardinal Kasper about the challenges faced. Kasper and Williams appointed a top-level theological team who made a fascinating analysis and raft of proposals. The document is exceptionally illuminating; it became part of the background materials that led to the Windsor Report.

¹¹ There is no uncontested and agreed way to articulate what is at stake; I offer a plausible reading of the situation.

¹² The point to be made could also be framed in terms of all the classical marks of the church, that is, in terms of the unity, catholicity, and apostolicity of the church; however, Methodists have a history of worrying and splitting over holiness, given their origins. So this is the best category to deploy here.

¹³ There is an interesting tension between the stress on church growth (where any talk of conditions of membership is seen as inhibiting) and stress on discipleship (where robust conditions of membership can operate as an effective means of grace).

doubt that we will get very far in the near future on this issue), our decisions here will reflect the underlying vision of holiness to which we are committed.

Note that the issue here is not one of soteriology or grace but the moral content of holiness as reflected in canon law. All sides in the discussion agree that holiness is a matter of grace from beginning to end; only God can supply the power needed to lead a holy life. Nor is it apt at this point to pit law (in this case canon law) against grace. “Law” spells out the vision of behavior envisaged; “grace” spells out the power that makes such behavior possible.¹⁴ Moreover, those in the minority spend enormous energy trying to change the law and teaching of the church; they act in a way that shows they are not opposed to canon law; they simply want canon law to reflect their theological and moral convictions; were they to succeed, they would then move in time to implement and uphold their vision of holiness and canon law. In the event of their success they would travel to the next stage of development and bring charges against those who broke the new canon law.¹⁵ Of course, we can expect denials all around at this stage, in that it is tempting to use grace as an argument in the short run against the whole idea of canon law; but this will evaporate once the law is changed to reflect the preferred commitment. So we are back again to the critical place of canon law in expressing and sustaining the unity of the church.

The Executive Authority of Elders and Bishops

Canon law also governs the possible actions and practices of elders and bishops within the church as a whole. The crucial concept in play here is that of executive authority, that is, the right to make decisions relative to the life and work of the church as a whole.¹⁶ This arises simply because there will always be a division of labor and the exercise of different gifts within the body. In this instance the decision to be made is that of readiness for membership in the church. Given that we recognize vows of membership, this decision cannot simply be in the hands of the potential member. Were that the case, then anyone, under whatever circumstances they chose, could become a member, and the whole notion of membership dissolves. So beyond the need for assent to the relevant vows, the real issue here revolves around the respective executive authority of the pastor in charge and the bishop.

At this level it makes no practical sense to have bishops make decisions about readiness for membership. Imagine the flood of cases bishops would have to sign off on week in and week out, if this were the practice. Imagine what it would be like if these decisions were delegated to District Superintendents. We have never had a consultative process with District Superintendents or bishops on decisions about readiness for membership. And I think it would be of little help to have one; we would be mired in

¹⁴ Wesley himself in his canonical sermons on the use of Law makes this abundantly clear. See “The Original, Nature, Properties, and Use of the Law,” “The Law Established Through Faith I,” and “The Law Established through Faith, II,” in Albert C. Outler, ed., *The Works of John Wesley, Volume 2, Sermons II* (Nashville: Abingdon Press, 1985), 1-43.

¹⁵ Imagine the challenge to the envisaged new canon law if local clergy began the practice of polyandry; or if they developed liturgies for blessing man-boy liaisons of the kind supported by NAMBLA.

¹⁶ Executive authority is generally and rightly contrasted with epistemic authority; in the former case a person is *in* authority, in the latter case a person is *an* authority; in the former case what is at stake is the right to make decision and take action; in the latter case what is at stake is expertise with respect to knowledge or evidence.

paperwork and bureaucracy even more than we are at present; the process would wither on the vine over time. The executive authority to decide readiness for membership is and should be in the hands of the pastor in charge. Of course, the exercise of such authority requires discernment and skill. Mistakes will be made; wise pastors will think and consult as needed; but they cannot shirk the executive authority they possess.¹⁷ They are rightly given authority in word, sacrament, and *order* in their ordination. Removing their executive authority cannot solve problems of practice in any of these domains.

There is an interesting twist on this issue. Methodists have always been wary of bishops and the dangers that come with their office. We have long worried that bishops (noticing and envying the status, power, and prestige that belong to Catholic, Orthodox, and Anglican bishops) will give themselves an upgrade and see themselves as a third order beyond deacon and elder. Yet there is stout resistance to this move. We have only two orders, deacons and elders; bishops are elders who are set apart to perform certain functions and given the relevant executive authority to perform them. Notice the implications of this theological vision of two-fold as opposed to three-fold orders. If we were to give the bishop executive authority to decide readiness for membership (either directly or indirectly) then the bishop would have this executive authority only as an elder. We would take away the executive order to decide readiness for membership from one elder and hand the very same executive authority to another elder. This is simply incoherent. Yet the incoherence is an illuminating incoherence. It reveals the constant danger of introducing a new third order of bishops by changing the facts on the ground and allowing bishops to operate as if they were a third order.¹⁸ Were this to be allowed to happen, then I predict that there would be a strong push for term limits on episcopacy, perhaps even to the point where elders would not be permitted to be elected if they could not retire from service in a local church. Decision 1032 is not just about readiness for membership and the executive authority of elders in charge; it is also a lightning rod for rival visions of the authority and power of bishops.

The Limits of Inclusivism

One of the most obvious and interesting issues raised by Decision 1032 is what it tells us about the nature and limits of inclusivism in the life of the church. The history here is very tangled; and it is morally and emotionally charged. The core idea is this: inclusivism is shorthand for the claim that power within church and society must be redistributed so as to provide room for the excluded and the marginalized. Applied to the issue in hand, what is at stake positively is the inclusion of those who engage in homosexual practice in the membership of the church; what is at stake negatively is the exclusion of persons engaged in homosexual practice from membership in the church. It is one thing to reject inclusivism at the level of clergy (our canonical and common practice); it is another to apply it to the level of membership. If one is committed absolutely to inclusivism, then one may tolerate for a time its rejection at the level of clergy; it is much more difficult to tolerate it at the level of membership, for then the

¹⁷ Passing this up the line to the bishop or giving it to a committee will not eliminate the problems related to human fallibility and discernment; it will simply move them elsewhere; it is also likely to lead to the politicization of decisions about membership.

¹⁸ It is perhaps no accident that opposition to Decision 1032 comes at a time when there is rumblings about upgrading the bishops to a third order.

whole body will be seen as morally diseased and even beyond healing. There is liable to be a deep crisis of conscience that can easily lead to alienation, internal schism, and subsequent division.¹⁹

I cannot here address the complications that arise when we look seriously at the topic of inclusivism.²⁰ I do, however, want to do deliver three telegrams.

First, we need to take the measure of the place of inclusivism in the church at large. It is not exaggerated to say that the commitment to inculsivism trumps all other commitments in mainline Christianity in North America, including United Methodism. Inclusivism trumps postmodernity and pluralism; it has become nothing less than an informal confessional orthodoxy. To challenge it is to become heretical and apostate. To call for a critical examination of this notion is to court disdain and rejection. Any kind of challenge to it will be seen as an expression of bigotry, as the functional equivalent of racism, and as disloyalty to recent hard-won progress. While there are very noble reasons behind the commitment to inclusivism, the depth of the commitment manifests a colonizing of the life of the church by a totalizing concept and practice.

Second, Decision 1032 shows that it is high time we tackled this thorny topic. Consider what led to Decision 1032. A pastor in charge refused membership to a practicing gay person; he excluded a member of a crucial group that by all accounts is covered in the ideology of inclusivism. Even though his action was in keeping with the formal teaching of The UMC as sustained in General Conference; and even though he acted in good conscience throughout; he transgressed the *de facto* confessional orthodoxy of mainline Protestantism in North America. However, and here is the rub, he was then *excluded* without pay from practicing ministry as an elder in the UMC. Upholding *inclusion* at the level of membership required *exclusion* at the level of clergy. At this point inclusivism at the clergy level took a hike. In one stroke the incoherence of inclusivism as an unconditional commitment of the UMC was exposed. Once again the incoherence is an illuminating one. Inclusivism can sometimes be a good servant, but it is a bad master. It is not until we tackle this conundrum that we will truly get to the bottom of what is at stake in the debate in and around Decision 1032. In the meantime we can and should do all we can to attend to the other critical ecclesiological issues that confront us.

Third, I suspect that the only way beyond the harvesting of the proper fruits of inclusivism is through an ongoing Pentecost in the life of the church as a whole that will foster the theological dispositions and concepts we need to do justice to our life together in the Gospel. I have in mind here such dispositions as repentance, radical faith in God, holiness of heart and life, and openness to the Holy Spirit. And I have in mind such concepts as body of Christ, baptism, the charismatic offices of deacon, elder, and bishop, the gifts of the Spirit, and the proper ordering of the church as a community of prophets, priests, and sages. The reference to Pentecost here is not a pious afterthought; nor is it an effort to introduce a holy laborsaving device that will make redundant the complex practice of conversation and conferencing; it is a bedrock component in any robust vision of the church. It is also an antidote to the internal secularization of the church that

¹⁹ The Anglican experience is the one to watch to see this development unfold.

²⁰ I have explored the etiology of inclusivism and its place in ecclesiology at some length in "Inclusivism, Idolatry, and the Survival of the Faithful," in Mark Husbands and Daniel J. Trier, eds., *The Community of The Word, Toward an Evangelical Ecclesiology* (Downers Grove: Intervarsity Press, 2005), 131-145.

reduces our life together to the prosaic realities of membership, leadership, and political community.