

# Moral Exemplar or Ethical Professional? Clergy and Sexual Sin in Methodist Church Law

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## *Abstract*

This essay compares and contrasts the use of two paradigms for clergy ethics in Methodist law and polity over the past century: clergy as moral exemplar and clergy as ethical professional. Focusing on the regulation of the sexual lives of clergy, in particular the proscriptions of divorce, homosexuality, and marriages involving divorced persons or same-sex partners, the possibilities and limits of each paradigm are explored. Advocating for judicious use of each approach, even as they are found together to be an insufficient depiction of the totality of clergy ethics, this essay calls the church to develop a substantive, theological account of singleness, marriage, and sexuality to nurture the moral lives of clergy and the Christian communities they lead.<sup>1</sup>



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## Introduction

“Life in the fishbowl,” as the experience of ordained ministry is sometimes called, is subject to competing moral demands and expectations, often from disparate worldviews simultaneously. Clergy author Joy Thornburg Melton exemplifies the confluence of two schools of thought in her 2009 book on clergy ethics, *Safe Sanctuaries for Ministers*. First is the moral example of clergy. She observes, “In the eyes of parishioners, the minister is a role model par excellence,” and “Parishioners believe that the ordained leaders . . . will live according to the same high standards” that they teach to the laity.<sup>2</sup> Clergy are expected to embody the moral ideals to which lay and clergy alike should aspire.

Second, and more prominent in Melton’s work, is the theme of the professional role of ministerial leaders. This perspective underlies her discussion of interpersonal boundaries, balance of power between layperson and clergyperson, and fiduciary duty of ministers.<sup>3</sup> Clergy are held to a professional code of ethics because of a sacred trust: they are entrusted to act in the best interests of those whom they serve. In this understanding, clergy are held to a qualitatively different moral standard precisely because they serve in a role distinct from and in service to laypersons. These two perspectives on ministerial ethics differ in their underlying assumptions, sometimes creating tension and confusion in the church.<sup>4</sup>

Methodist law employs both the “Moral Exemplar” and the “Ethical Professional” paradigms, providing necessary guidance within The United Methodist Church (UMC) as a moral community addressing the sexual sins of clergy.<sup>5</sup> A “Moral Exemplar” paradigm addresses clergy misconduct of a sexual nature as a violation of the highest ideals of the faith community. From this perspective, sexual misconduct by a minister is an example of personal immorality,

<sup>2</sup> Joy Thornburg Melton, *Safe Sanctuaries for Ministers: Best Practices and Ethical Decisions* (Nashville: Discipleship Resources, 2009), 12, 18.

<sup>3</sup> *Ibid.*, 53–63.

<sup>4</sup> These categories appear similar to “the two moralities” of law described by Lon Fuller: duty and aspiration. However, my analysis is descriptive rather than philosophical, and I observe at least one area of clergy ethics in relation to church law that does not fit into this one-dimensional moral spectrum (see discussion of ecclesial disobedience, below). Lon L. Fuller, *The Morality of Law*, rev. ed. (New Haven: Yale, 1969).

<sup>5</sup> What constitutes “sexual sin” has been a matter of continued debate within this church. In this essay, I talk about sexual sin descriptively in terms of what is forbidden by the church (both in ecclesial law and culture) at a particular time in history. I do not intend to argue normatively for or against any particular understanding of sexual sin.

a violation of traditional morals. In contrast, an "Ethical Professional" paradigm addresses clergy misconduct of a sexual nature as a violation of the fiduciary duty of the ministerial role. From this perspective, sexual misconduct by a minister is an example of professional malpractice. Both approaches have the capacity to promote or to stifle moral discourse in the church regarding human sexuality, marriage, and appropriate clergy behavior of a sexual nature. Neither approach on its own has successfully generated a substantive theology of sexuality or marriage for the UMC.

This essay compares and contrasts the use of these two paradigms in Methodist law and polity over the past century. An analysis of historical and recent judicial cases of clerical maladministration and clergy misconduct involving the issues of divorce and homosexuality illustrates the "Moral Exemplar" paradigm and shows the uses and the limits of this approach. Since the 1980s, the emergence of the "Ethical Professional" paradigm to address issues of sexual harassment and sexual abuse by clergy has changed the ethical landscape of church law, notably through annual conference sexual ethics policies. This essay examines the effect this new paradigm has had for the UMC and its expectations for the sexual behavior of clergy. It also examines current challenges to and limitations of the use of each paradigm, indicating a need for both perspectives even as they are found together to be an insufficient depiction of the totality of clergy ethics. Advocating for judicious use of each approach, the conclusion calls the UMC to develop a substantive, theological account of singleness, marriage, and sexuality to nurture the moral lives of clergy and the Christian communities they lead.

### *Clergy as Moral Exemplars*

In the "Moral Exemplar" paradigm, clergy are expected to model an ideal applicable to all persons, even if laypersons are not expected to live up to this standard. For example, "The Code of Ethics for Ministers of The Evangelical United Brethren Church" held the minister to "a high moral standard" that was "above reproach" and "representative" of the entire church, summarized by the statement "A minister is always a gentleman."<sup>6</sup> This approach was also prominent in Nolan B. Harmon's classic text *Ministerial Ethics and Etiquette*, which states that the minister must safeguard the reputation of the entire Christian ministry by upholding a higher moral standard than is expected of

<sup>6</sup> *The Discipline of the Evangelical United Brethren Church, 1963* (Dayton, OH: Board of Publications of the Evangelical United Brethren Church, 1963), 493–94.

other Christians.<sup>7</sup> Harmon compares a clergyperson's failure to live up to the moral ideals of Christian faith to the military's charge of "conduct unbecoming an officer and a gentleman"—except that the minister is held to an even more rigorous standard than a military officer.<sup>8</sup> The "Moral Exemplar" paradigm is often invoked to protect moral edifices considered rooted in the New Testament and unchanged since Jesus' time from cultural erosion, with the expectation that clergy will model the ideals of personal moral behavior.

Candidates for ordained ministry in the UMC must agree "to make a complete dedication of themselves to the highest ideals of the Christian life," echoing language from the Methodist Church.<sup>9</sup> For most of the history of American Methodism, the boundaries of acceptable clergy behavior were defined by a trio of sins: divorce, drugs, and debt. According to the Evangelical United Brethren Church, this meant "No person shall be licensed to preach who is divorced, or who uses tobacco or alcoholic beverages in any form, or who is indifferent to his financial obligations."<sup>10</sup> In the Methodist Church, the highest ideals included "abstinence from all indulgences, including alcoholic beverages and tobacco."<sup>11</sup> Today, "the traditional view concerning the use of tobacco and beverage alcohol by ordained ministers" is no longer strictly applied but is rather included in the candidate's holistic agreement to "exercise responsible self-control," putting the burden of moral discernment on the user.<sup>12</sup> The UMC claims to have "moved away from prohibitions of specific acts" in its expectations of clergy even as church law bars "self-avowed practicing homosexuals" from ordained ministry.<sup>13</sup> The UMC considers "the practice of homosexuality" incompatible with "the highest standards of holy living in the world."<sup>14</sup> As each of these

<sup>7</sup> Nolan B. Harmon, *Ministerial Ethics and Etiquette*, 2nd rev. ed. (Nashville: Abingdon Press, 1987), 18.

<sup>8</sup> *Ibid.*, 20.

<sup>9</sup> Compare *Doctrines and Discipline of the Methodist Church 1964*, (Nashville: Methodist Publishing House, 1964), ¶306.6 to *The Book of Discipline of the United Methodist Church 2008*, (Nashville: United Methodist Publishing House, 2008), ¶311.2d. (Hereafter, *UMC GD2008*.) I adopt the term 'General Discipline' from *UMC GD2004* ¶31.5, referring to the *Discipline* legislated by General Conference, to distinguish this edition from adaptations in use in central conferences.

<sup>10</sup> *The Discipline of the Evangelical United Brethren Church, 1947* (Dayton, OH: Otterbein Press, 1947), ¶335.

<sup>11</sup> *MC GD 1964*, ¶306.6.

<sup>12</sup> *UMC GD 2008*, 212.

<sup>13</sup> *Ibid.*, 215.

<sup>14</sup> *Ibid.*, ¶304.3. The language in this paragraph was added in 1996.

criteria for holy living has been contested, Methodists have repeatedly tried to adjudicate issues of sexual morality through the church judicial process, holding up clergy as models (or tests) of personal morality.

A historical analysis reveals that the UMC's deliberations about chargeable offenses for clergy in matters of homosexuality mirror the previous century's struggles with clerical maladministration concerning divorce. To show this, I begin with a comparison of the cases of the Reverend Jimmy Creech (1997–1999) and the Reverend Beth Stroud (2005) to the case of the Reverend Frank Tuttle (1924), a clergy member of the Methodist Episcopal Church (MEC). This comparison exposes clear legal parallels between the issues of divorce and homosexuality in Methodism. Next, I illustrate how Methodist teachings on divorce and remarriage after divorce changed over the years and eventually segued into concerns about homosexuality and homosexual unions. This analysis reveals that the UMC's current proscriptions of homosexual behavior and homosexual unions have been developed and defended in ways strategically similar to past Methodist attempts to proscribe divorce and remarriage after divorce.<sup>15</sup> The repeated legal pattern illustrates the strengths and weaknesses of the "Moral Exemplar" paradigm for clergy and provides some cautionary parallels for the UMC as it tries to proclaim a faithful and effective witness regarding human sexuality and clergy behavior using this paradigm.

### *Homosexuality: The Cases of Creech and Stroud, 1998 and 2005*

The UM Judicial Council ruled on homosexuality issues related to the trials of the Rev. Jimmy Creech in 1998 and of the Rev. Beth Stroud in 2005.<sup>16</sup> Creech was brought to trial twice, in 1997 and again in 1999, for performing same-sex union ceremonies, a practice prohibited in the *Discipline*. Creech was acquitted during the first trial because the prohibition "Ceremonies that celebrate homosexual unions shall not be conducted by our ministers and shall not be conducted in our churches" was placed in the Social Principles and was not

<sup>15</sup> Donald E. Messer has also noticed a similarity. See "Homosexuality and Ecclesiology," in James K. Mathews and William B. Oden, *Vision and Supervision: A Sourcebook of Significant Documents of the Council of Bishops of the United Methodist Church 1968–2002* (Nashville: Abingdon Press, 2003), 172.

<sup>16</sup> Judicial Council Decisions (JCDs) 833 and 1027, respectively. "Judicial Council Decisions," General Commission on Archives and History, UMC: [http://archives.umc.org/interior\\_judicial.asp?mid=263](http://archives.umc.org/interior_judicial.asp?mid=263) (accessed 27 August 2011).

considered legally binding by the trial court.<sup>17</sup> Between trials, the Judicial Council ruled that this prohibition was indeed church law due to its mandatory language, “notwithstanding its placement in” the Social Principles.<sup>18</sup> Creech was tried for a repeated violation in 1999 and, this time, was found guilty and his clergy credentials removed.<sup>19</sup>

Stroud was brought to trial in December 2004 after disclosing her status as a lesbian living in a committed partnership with another woman. Stroud was found guilty of violating a section of the *Discipline* that calls all clergy to “fidelity in marriage and celibacy in singleness” and specifically forbids “self-avowed practicing homosexuals” from being appointed within the ordained ministry of the church. While the decision was briefly overturned on appeal, the decision of the Committee on Appeals was reversed by Judicial Council, which upheld the ban on “practicing homosexuals” but also allowed that same-sex orientation was not in itself a barrier to ordained ministry. Stroud was removed from ordained ministry.<sup>20</sup>

These cases occurred in a larger context in which the issue of homosexuality was, and still is, forefront in this nation’s culture wars. Marriage, considered by many Christians in the U.S. to be the foundational institution in society, is perceived to be threatened to such an extent that Congress passed the Defense of Marriage Act in 1996 in an effort to prohibit same-sex unions from being considered “marriage.”<sup>21</sup> More recently, United Methodism’s support for “laws in civil society that define marriage as the union of one man and one woman” has given support to a proposed Federal Marriage Amendment to the U.S.

<sup>17</sup> *The Book of Discipline of the United Methodist Church 1996* (Nashville: United Methodist Publishing House, 1996), ¶65.C

<sup>18</sup> The final verdict was this: “The prohibitive statement in ¶65.C of the 1996 Discipline: ‘Ceremonies that celebrate homosexual unions shall not be conducted by our ministers and shall not be conducted in our churches,’ has the effect of church law, notwithstanding its placement in ¶65.C and, therefore, governs the conduct of the ministerial office. Conduct in violation of this prohibition renders clergy liable to a charge of disobedience to the Order and Discipline of the UMC under ¶2624 of the *Discipline*.” JCD 833.

<sup>19</sup> For a history of this case, see “History of Policies on Homosexuality in the United Methodist Church”, Soulforce, Inc. <http://www.soulforce.org/article/69> (accessed 27 August 2011).

<sup>20</sup> For a history of this case, see <http://trial.bethstroud.info> (accessed 27 August 2011).

<sup>21</sup> The 1996 Defense of Marriage Act declares that the federal government shall not recognize same-sex unions as marriage and that no state would be required to do so. <http://www.law.cornell.edu/uscode/28/1738C.html> (accessed 27 August 2011).

Constitution.<sup>22</sup> The church's parallel treatment of the issues of divorce and homosexuality attests to the durability of the "Moral Exemplar" paradigm for clergy ethics in Methodism.

### *Divorce: The Case of Tuttle, 1924*

Seventy-five years before voicing public concern about the moral danger of homosexuality, Methodists fought vehemently against the "divorce evil."<sup>23</sup> Concerns about divorce were national in scope and appeals often rested on a sense of order or common decency as much as religious conviction. In 1908 the bishops of the MEC stated, "The consecutive polygamy permitted by the divorce laws of some of our states is a disgrace to our country."<sup>24</sup> Differing state laws regarding marriage and divorce in U.S. society prompted Protestants to appeal to the State for regulation, and by the turn of the twentieth century, churches were pressuring Congress to conduct "a federal investigation of marriage and divorce" and to consider a constitutional amendment regarding the issue.<sup>25</sup> Divorce was understood to be a destabilizing force in society, a threat to religion, and, except for the one scriptural cause, contrary to the teachings of Christ.<sup>26</sup> While divorce may not have been the underlying cause, it certainly emerged as a visible symptom of social upheaval: the instance of divorce per capita in the U.S. increased fivefold during the sixty years following the Civil War.<sup>27</sup> In addition to public policy advocacy, Methodists attacked this evil by regulating the actions of clergy.

<sup>22</sup> *The Book of Discipline of the United Methodist Church, 2004* (Nashville: United Methodist Publishing House, 2004). ¶161.C.

<sup>23</sup> The "divorce evil" is Kearns' phrase. Francis Enmer Kearns, "Changing Social Emphasis in the Methodist Episcopal Church" (Ph.D. diss., Univ. of Pittsburgh, 1939), 103.

<sup>24</sup> "The Episcopal Address," in *Journal of the Twenty-Fifth Delegated General Conference of the Methodist Episcopal Church Held in Baltimore, Maryland, May 6-June 1, 1908*, ed. Joseph B. Hingeley (New York: Eaton & Mains, 1908), 133.

<sup>25</sup> Kearns, 105-6.

<sup>26</sup> The one scriptural exception is sexual unfaithfulness by the wife (Mt 5:31-32). In 1939, then future bishop Francis Kearns explains the reasons for the church's concern: "disregard for the obligations of the marriage relation" undermines the home and therefore society, weakening "the foundations of both morality and religion." Ibid., 103.

<sup>27</sup> Divorce per capita in the U.Ss increased 540% between 1870 and 1924. Mowrer, Ernest R., *Family Disorganization* (Chicago: University of Chicago Press, 1927), 38.

As early as 1856, the MEC entertained a resolution to incorporate Jesus' teaching about divorce into church law.<sup>28</sup> The presenting moral problem was adultery: sexual activity with anyone outside of marriage was considered adultery, and since marriage was considered indissoluble, this meant that sex outside of one's first (and only legitimate) marriage was necessarily adulterous. Thus, condoning remarriage after divorce to any but one's former spouse would sanction adultery, rendering the practice unacceptable to Methodists. By the 1880s, the MEC enacted a rule that would remain unchanged for decades and would form the basis of Methodist teachings on divorce through the 1950s: "No divorce, except for adultery, shall be regarded by the Church as lawful; and no Minister shall solemnize marriage" involving a divorced person.<sup>29</sup> Although the bishops declared that violation of this rule by clergy was an act of maladministration, there was considerable confusion regarding enforcement of and exceptions to this rule.<sup>30</sup> Judicial interpretation of the proscription was complicated by its odd placement in the *Discipline*, as noted by the bishops in 1908: "[This statement,] which is wholly mandatory in language, ought to be placed among our laws; it being evident from the language of the paragraph that it is law, and as such, has no place among the special advices."<sup>31</sup> A clergy trial in the 1920s put this regulation to the test.

The case of the Rev. Frank L. Tuttle was tried in the middle of the century-long attempt in Methodism to regulate divorce. Tuttle, who had married a divorcee, was found to be in "technical violation of the law of the church" in a report filed by the Conference Relations Committee of the California Annual Conference of the MEC in 1923. The committee's opinion, however, was that

<sup>28</sup> Richard Morgan Cameron, *Methodism and Society in Historical Perspective* (New York: Abingdon Press, 1961), 228; Kearns, 102–3.

<sup>29</sup> Full text: "No divorce, except for adultery, shall be regarded by the Church as lawful; and no Minister shall solemnize marriage in any case where there is a divorced wife or husband living; but this Rule shall not be applied to the innocent party to a divorce for the cause of adultery, nor to divorced parties seeking to be reunited in marriage." This statement is representative of the statements made by the MECS, Evangelicals, and United Brethren. *Doctrines and Discipline of the Methodist Episcopal Church 1888* (New York: Phillips and Hunt, 1888), ¶275. Kearns quotes a slightly different wording from the MEC General Conference Journal, 1884. Kearns, 103.

<sup>30</sup> Report of the Committee on the Judiciary of the MEC, adopted May 6, 1924: UM Archives collection "Records of the General Conference 1924, Judiciary," stack location 1344-6-2:01. Kearns, 104.

<sup>31</sup> "1908 Episcopal Address," 133. NB: The Special Advices were moral guidelines addressed to the church membership, a revisable companion to (and arguably a rendition of) the General Rules.



due to "extenuating circumstances," Tuttle's character should be passed and no charges brought forth. In a letter to his bishop dated two days prior to his second wedding, which was held October 8, 1922, Tuttle explains the circumstances. Mrs. E. L. Anderson of Pacific Grove sought and obtained a divorce from her husband in 1909 after four years of "desertion [*sic*] and lack of support." Tuttle had known Mrs. Anderson for about ten of her 13 years as a divorcee, during which time her Christian character and service to the church were exemplary. Tuttle had been retired from active ministry for eight years, and his first wife had died in 1921.<sup>32</sup> At the time of their wedding, Tuttle was 73 and Mrs. Anderson 71 years old.<sup>33</sup>

Presiding Bishop Adna Leonard refused to entertain the committee's motion, considering it contrary to the law of the church. The committee then appealed the bishop's ruling to the Committee on Judiciary of the General Conference of 1924, but the ruling was upheld. The Committee on Judiciary re-asserted that the only legitimate ground for divorce was adultery and that remarriage of divorcees under any other circumstance was against church law.<sup>34</sup> The Special Advices were upheld as church law, and the California Annual Conference was verbally reprimanded for attempting to ignore and annul this law. Tuttle's case was thus returned to the annual conference for resolution. However, the conference declined to press charges against Tuttle, due to another technicality: he had died the previous year, on November 12, 1923. Since he was unable to appear before the Committee on Investigation to complete his case, the conference instead resolved that Tuttle's name be placed upon "the Conference Roll of the Honored Dead," and the charges were dropped.<sup>35</sup>

### *Analysis: Judicial Parallels and a Patterned Response*

The parallels between the cases of Tuttle, Creech, and Stroud illustrate a repeated pattern in the church's handling of the issues of homosexuality and di-

<sup>32</sup> Minutes, California Annual Conference (MEC) 1921, p. 212.

<sup>33</sup> Documents sent by Bishop Adna Leonard to the Judiciary Committee of the General Conference of the MEC in May 1924, p. 5 (archives of the California-Nevada Annual Conference of the UMC).

<sup>34</sup> Report of the Committee on the Judiciary of the MEC, adopted May 6, 1924. The Discipline itself was clear in this application: "The violation of the advice concerning Divorce, in ¶68 of the Discipline, shall be considered an act of Maladministration." *Doctrines and Discipline of the Methodist Episcopal Church 1920* (New York: Methodist Book Concern, 1920), ¶264.1.

<sup>35</sup> Minutes, California Annual Conference (MEC), 1924, p. 12.

voiced. The UMC's prohibition against clergy conducting ceremonies celebrating homosexual unions is found in exactly the same place in the *Discipline* as the previous generations' prohibitions against clergy solemnizing the marriage of a divorced person.<sup>36</sup> Both of these rules were initially placed in sections of the *Discipline* providing moral guidance not normally considered legally binding (the Special Advices and the Social Principles, respectively), yet both were upheld as church law by the judiciary.<sup>37</sup> Neither of these rules allowed for exception or case-by-case discernment at the time of the judicial cases discussed above. For example, discretion to consider "extenuating circumstances," as the California Annual Conference claimed in Tuttle's case, was not then allowable under Methodist law.

For both issues, prohibitions were based on a direct application of scriptural passages as law, law which was tacitly understood as valid until it became openly contested. Explicit church law was not put into place in U.S. Methodism until the cultural norms about each issue began to be challenged: the proscriptions were conservative reactions to a changing cultural climate.<sup>38</sup> In both cases Methodists not only appealed to the passage of civil legislation but also advocated for amendments to the U.S. Constitution to address a broad, dynamic social problem. The sad irony of these public policy efforts is that Methodists appealed to the state to regulate moral behavior that, in each case, the church was unable to regulate among its own membership and, eventually, even among its clergy. Each of these judicial cases enforced church law from the top down, against the ethos and wishes of the local congregations, communities, and participants involved in the nuptials. Clergy became the public test-cases for challenging these traditions-turned-laws.

<sup>36</sup> Specifically, these proscriptions are found under "unauthorized conduct" immediately following the paragraph on "duties of a pastor": compare *Doctrines and Discipline of the Methodist Church, 1956* (Nashville: Board of Publication of the Methodist Church, 1956), ¶356 to *UMC GD2008*, ¶341.6.

<sup>37</sup> Tuttle's case is described above. In response to Creech's case, General Conference asserted that the Social Principles "are not church law" and moved the proscription to a part of the *Discipline* pertaining to clergy conduct. *The Book of Discipline of the United Methodist Church, 2000* (Nashville: United Methodist Pub. House, 2000), ¶332.6. United Methodist Publishing House, "Errata (March, 2002): *The Book of Discipline of the United Methodist Church, 2000*," [http://www.cokesbury.com/Pdf/BOD\\_errata\\_amend.pdf](http://www.cokesbury.com/Pdf/BOD_errata_amend.pdf) (accessed 27 August 2011).

<sup>38</sup> By "conservative" I intend to describe the attitude of maintaining and protecting an inherited moral value or standard. This should be understood in contrast to altering or abandoning bequeathed values and practices.

### *Historical Context: Divorce and Homosexuality in Church Law*

As increased divorce rates became an ever-larger cultural phenomenon, Methodism faced a pastoral crisis in which the care of sinners eventually became more important than the enforcement of moral boundaries, and the church's rules about divorce changed as a consequence. The church could not adequately respond to the problem of divorce relying on only the moral example of its clergy, and its enforcement of clergy proscriptions subsided. The pattern of proscribing specific sexual behavior among the clergy as exemplars against cultural permissiveness has not changed, however. The subsequent development of church teachings about divorce and the emergence of ecclesial concern about homosexuality comprise a direct segue, a transfer of moral concern about the acceptable boundaries of human sexuality from one issue to another.

Tuttle's case reveals a church still sorting out the locus of discretion when determining the legitimacy of a divorce, eventually emphasizing pastoral discretion and pastoral care over legal proscriptions. In 1924, the MEC judiciary deferred to the civil court ruling to determine whether a divorce was granted due to adultery.<sup>39</sup> In the aftermath of Tuttle's case, however, the MEC began to differentiate between the function of the State in regulating divorce and the function of the church in regulating remarriage after divorce among its membership and ministry.<sup>40</sup> Specifically, the MEC broadened the exception clause for remarriage to apply to the innocent person in the case of adultery "or its full moral equivalent."<sup>41</sup> This rendering left the decision up to the pastor, not the civil courts, to determine whether a person had suffered the "moral equivalent" of adultery.

Allowing for pastoral discretion in this matter steered the church away from the rigid legalism exercised in Tuttle's case and opened the door to considering exceptions. In 1939, the newly formed Methodist Church adopted a more lenient statement than any of its predecessor denominations, allowing for remarriage of divorced persons for reasons other than adultery, specifically, "other vicious conditions which through mental or physical cruelty or physical

<sup>39</sup> MEC judicial report number one, May 6, 1924. However, the MEC found it immaterial whether state law allowed for remarriage in other circumstances.

<sup>40</sup> Kearns, 105.

<sup>41</sup> *Ibid.*, 104.

peril invalidated the marriage vow.”<sup>42</sup> As exceptions for legitimating divorce broadened beyond adultery, clergy could nevertheless be tried for maladministration for “solemnize[ing] the marriage of a divorced person,” even though it was up to the pastor to discern when exceptions to this rule were justified.<sup>43</sup> Faced with the insurmountable task of upholding among its clergy a standard observed less and less among clergy and laity alike, Methodism’s official handling of divorce had to change.

Clergy, who had previously found themselves soldiers in the cross-hairs during this battle against sexual immorality, found themselves chaplains to the growing casualties of broken marriages. As the church gradually took the task of discernment upon itself, relying less heavily on the state to determine the legitimacy of the cause for divorce, Methodism’s rules eventually allowed for a more pastoral response. By 1960, the Methodist Church had significantly revised its rule about clergy conducting remarriages of divorced persons, allowing the minister wide discretion about who is fit to enter into a vow of marriage.

In view of the seriousness with which the Scriptures and the Church regard divorce, a minister may solemnize the marriage of a divorced person only when he has satisfied himself by careful counseling that: (a) the divorced person is sufficiently aware of the factors leading to the failure of the previous marriage, (b) the divorced person is sincerely preparing to make the proposed marriage truly Christian, and (c) sufficient time has elapsed for adequate preparation and counseling.<sup>44</sup>

<sup>42</sup> The Methodist Church (MC) was formed in 1939 by the reunion of the Methodist Episcopal Church (MEC), the Methodist Episcopal Church, South (MECS), and the Methodist Protestant Church (MPC). *Doctrines and Discipline of the Methodist Church 1939* (New York: Methodist Book Concern, 1939), ¶226; *Doctrines and Discipline of the Methodist Church 1940* (New York: Methodist Publishing House, 1940), ¶226.

<sup>43</sup> *MC GD1940*, ¶226. “The violation of the advice concerning divorce shall be considered an act of Maladministration,” *MC GD1940*, ¶651. In 1944, the word “advice” was changed to “rule”: *Doctrines and Discipline of the Methodist Church 1944*, (New York: Methodist Pub. House, 1944), ¶355; *Doctrines and Discipline of the Methodist Church 1948* (Nashville: Methodist Publishing House, 1948), ¶356; *Doctrines and Discipline of the Methodist Church, 1952* (Nashville: Pierce & Washabaugh, 1952), ¶356; *MC GD1956*, ¶356.

<sup>44</sup> *Doctrines and Discipline of the Methodist Church, 1960* (Nashville: Methodist Publishing House, 1960), ¶356.; same in *Doctrines and Discipline of the Methodist Church, 1964* (Nashville: Methodist Publishing House, 1964).

The teaching was no longer expressed in terms of what "shall be prohibited" but rather in terms of "adequate preparation and counseling."<sup>45</sup> The central focus shifted from church law to a serious consideration of the situation of the persons involved.

Even as divorce continued to grow as a broader social concern, mainline Methodists eventually gave up trying to regulate divorce as a moral issue.<sup>46</sup> By 1972, Methodists had completed a moral metamorphosis on the issue of divorce, moving from the previous century's legal prohibitions elevating personal holiness to the new era's legal affirmations of individual civil rights. The 1972 statement of Social Principles states simply, "we recognize divorce and the right of divorced persons to remarry."<sup>47</sup> This change coincided with the introduction of no-fault divorce laws in 1969.<sup>48</sup> All condemnations of divorce as a failure of personal morality have since disappeared. Methodism's last condemnation "The Church does not sanction or condone divorce except on the ground of adultery" appeared in the 1968 *Discipline* of the UMC.<sup>49</sup> The UMC now recognizes that "divorce is a regrettable alternative in the midst of brokenness" and declares that "divorce does not preclude a new marriage."<sup>50</sup> These statements were legislated into the Social Principles in 1996, the same year the prohibition against same-sex unions was introduced.

When did ordination of divorced or homosexual clergy become possible? Simply put, ordination of divorced or homosexual persons became possible when an annual conference decided a divorced or homosexual person had the

<sup>45</sup> *MC GD1960*, ¶356.; same in *MC GD1964*. Similarly, the 1963 EUBC "Moral Standards" also allowed remarriage after divorce after adequate pastoral counseling in a statement very similar to that of the MC.

<sup>46</sup> The U.S. divorce rate per 1000 population increased from 2.0 in 1940 to 4.7 in 1988. See the "Monthly Vital Statistics Report" of the National Center for Health Statistics, 39/12, Supplement 2, p. 7, [http://www.cdc.gov/nchs/data/mvsvr/supp/mv39\\_12s2.pdf](http://www.cdc.gov/nchs/data/mvsvr/supp/mv39_12s2.pdf) (accessed 27 August 2011).

<sup>47</sup> Social Principles II.B in *UMC GD1972*.

<sup>48</sup> "No-fault" divorce was pioneered in the United States by the state of California with the passage of the Family Law Act of 1969: see "Divorce Reform in California: From Fault to No-Fault and Back Again?" <http://www.library.ca.gov/crb/98/04/currentstate.pdf> (accessed 27 August 2011).

<sup>49</sup> *The Book of Discipline of the United Methodist Church 1968*, (Nashville: United Methodist Publishing House, 1968), ¶97, p. 63. This is a reprinting of the 1963 EUBC moral standards. For a discussion of "the need for a more positive approach by the Church to this problem" of divorce, see the Official Proceedings of the EUBC 1962 General Conference, pp. 672–73.

<sup>50</sup> *UMC GD2008*. ¶161.C.

gifts and graces for ordained ministry. This possibility became a reality prior to its legality. Divorced persons had already entered the ranks of the clergy, and Methodists had ceased to police remarriage of divorced persons through denominational law by the 1960s. There are no official statistics of divorced clergy or remarriage of divorced persons within the UMC and its predecessor denominations, nor are there records of how many gay and lesbian clergy remain closeted in this profession.<sup>51</sup> Personally, I know several ordained elders in the UMC who are gay or lesbian but whose congregational communities and conferences never file charges. Practices and attitudes toward sexual morality vary regionally. Charges of maladministration or personal immorality are handled at the annual conference level and rarely reach the level of the denomination's Judicial Council. What might be cause for quiet dismissal in one conference might create a public scandal in another or be received with an accepting wink in a third conference. Anecdotally, I know that there are United Methodist congregations that still exert strong pressure for moral conformity, ostracizing lay members whose marriage ends in divorce. Practices and attitudes toward sexual morality vary regionally, and measuring the trajectory of cultural change is difficult.

Once the denomination stopped regulating divorce through church law, the need for discernment increased. In use today is a set of guidelines for Boards of Ordained Ministry to discern candidates' mental and behavioral health according to ten categories that might raise causes for concern. One of these categories is "divorce or infidelity." A divorce within the last three years or a remarriage after divorce is considered a "critical behavior" that needs to be addressed. The onus is on the candidate: "If the candidate has been divorced, or if there is evidence of infidelity, the candidate must have done sufficient exploratory and reparative work to demonstrate and/or articulate the impact of the health of married life on quality of ministry."<sup>52</sup> It is up to each conference Board of Ordained Ministry to determine whether candidates have met this

<sup>51</sup> For an unofficial list of trials and disciplinary actions involving gay and lesbian clergy, see <http://loveontrial.org/pages/press-kit/um-trial-actions.pdf> (accessed 27 August 2011).

<sup>52</sup> See "Behavioral Health Guidelines for Boards of Ministry," General Board of Higher Education and Ministry, 2005, p. 6: [http://www.gbhem.org/atf/cf/%7B0bcef929-bdba-4aa0-968f-d1986a8eef80%7D/BOM\\_BEHAVIORGDLLINES2005.PDF](http://www.gbhem.org/atf/cf/%7B0bcef929-bdba-4aa0-968f-d1986a8eef80%7D/BOM_BEHAVIORGDLLINES2005.PDF) (accessed 27 August 2011)

criterion.<sup>53</sup> The same is not true for homosexual candidates. Church law allows no room for moral discernment on the part of the Board of Ordained Ministry, which must either enforce the prohibition or carefully avoid asking any question that would force a candidate to tell of his/her status as a "practicing homosexual." This situation of "don't ask, don't tell" about sexuality operates in more than a few conferences and, as a result, renders it very difficult for these Boards of Ordained Ministry to inquire about other aspects of a candidate's sexual health covered by the denominational guidelines, such as history or risk of sexual harassment or sexual misconduct.

During a brief moment of transition in the moral life of this church, the discretion, counseling, and concern offered divorcees was also extended to homosexuals. In 1968, Methodists understood homosexuality to be an example of a "sexual problem" of persons "troubled and broken" but urged care of health services professionals and "forgiveness and redemption" within the church rather than the prevailing "discriminatory practices arising from traditional attitudes and from outmoded legal practices."<sup>54</sup> However, as soon as Methodist proscriptions regarding divorce ceased to provide clear regulation of sexual behavior, General Conference began to focus on proscriptive statements regarding homosexuality. Between the Stonewall Rebellion of 1969, which brought a new awareness of homosexuality to many persons in the U.S., and the removal of homosexuality from the American Psychiatric Association's list of mental disorders in 1973, a committee of the 1972 General Conference admitted "diverse opinion" in the church regarding sexuality and stated, "We do not recommend marriage between two persons of the same sex."<sup>55</sup> This "recommendation" eventually took on legal dress as General Conference became less inclined to admit its "diverse opinion" and more inclined to enact as law the view of its majority, especially with regard to ordination. The 1972 General

<sup>53</sup> However, conferences may no longer automatically remove the credentials of clergy who get a divorce or remarry after a divorce. The bishop may determine that a time of personal leave is appropriate in the midst of this change in a person's life.

<sup>54</sup> For the first official statement on homosexuality in Methodism, see *The Book of Resolutions of the United Methodist Church, 1968* (Nashville: United Methodist Publishing House, 1968), 49–50. [Hereafter BOR with date.]

<sup>55</sup> See the account of "AGLP History" provided by the Association of Gay and Lesbian Psychiatrists, <http://www.aglp.org/pages/chistory.html> (accessed 27 August 2011). The General Conference committee, however, tempered the statement of the Social Principles Study Commission, "We declare our acceptance of homosexuals as persons of sacred worth, and we welcome them into the fellowship of the church," to read "Homosexuals no less than heterosexuals are persons of sacred worth."

Conference declared, “We do not condone the practice of homosexuality and consider this practice incompatible with Christian teaching.”<sup>56</sup> As was the case in Tuttle’s time, clergy would soon be elevated as the moral exemplars of this morality within a climate of profound moral flux.

The aggressive tug of war over the moral example of clergy continued, with both sides grasping the knotty issue of homosexuality while digging their heels into competing interpretations of church law. In 1982, Judicial Council ruled that each annual conference must exercise its own discretion regarding the ordination of candidates with same-sex orientation.<sup>57</sup> The Episcopal Church (USA) had already moved in that direction with a 1979 resolution:

There should be no barrier to the ordination of qualified persons of either heterosexual or homosexual orientation whose behavior the Church considers wholesome. . . . We believe it is not appropriate for this Church to ordain a practicing homosexual, or any person who is engaged in heterosexual relations outside of marriage.<sup>58</sup>

Had the United Methodist Judicial Council ruling stood uncontested, the UMC would have anticipated policies two of its other ecumenical partners would adopt a generation later. In 2009, the Evangelical Lutheran Church in America voted “to allow congregations that choose to do so to find ways to recognize and support lifelong, monogamous, same gender relationships and hold them publicly accountable; and to find a way for people in such relationships to serve as rostered leaders [clergy] in the ELCA.”<sup>59</sup> The Presbyterian Church (USA) approved similar legislation in 2011.<sup>60</sup> The UMC was not ready for this degree of latitude in the early 1980s.

On May 9, 1984, General Conference first added the requirement “fidelity in marriage and celibacy in singleness” for candidates for ordination,<sup>61</sup> a phrase now repeated seven times in the *Discipline*, at every stage of ordained

<sup>56</sup> UMC GD1972, ¶72.C.

<sup>57</sup> “[W]e find no provision making same sex orientation a disqualification for ordination.” JCD 513.

<sup>58</sup> [http://www.religioustolerance.org/hom\\_epis1.htm](http://www.religioustolerance.org/hom_epis1.htm) (accessed 27 August 2011).

<sup>59</sup> <http://www.elca.org/What-We-Believe/Social-Issues/Social-Statements/JTF-Human-Sexuality/cwafaqs.aspx> (accessed 27 August 2011).

<sup>60</sup> <http://www.pcusa.org/news/2011/5/10/presbyterian-church-us-approves-change-ordination/> (accessed 27 August 2011).

<sup>61</sup> UMC GD1984, ¶¶404.4, 414.7c2, 419.8, 423.6g, and 430.6.



ministry.<sup>62</sup> However, the next day, Judicial Council was asked, "whether ordination and appointment of self-avowed and practicing homosexuals is precluded by [these] amendment[s] to the Discipline." Judicial Council ruled, "Neither ordination nor appointment of self-avowed practicing homosexuals is necessarily precluded by the words 'fidelity in marriage and celibacy in singleness'. . . . The Annual Conferences have the authority to decide whether candidates for ordination meet the disciplinary requirements."<sup>63</sup> The third day, May 11, General Conference revisited the legislation, responding with the following clarification: "Since the practice of homosexuality is incompatible with Christian teaching, self-avowed practicing homosexuals are not to be accepted as candidates, ordained as ministers, or appointed to serve in The United Methodist Church."<sup>64</sup> This language echoed that of the U.S. military only months earlier: "Homosexuality is incompatible with military service."<sup>65</sup>

In October of 1984, Judicial Council affirmed the constitutionality of this provision but reaffirmed the role of the annual conference in making this determination. In a concurring opinion, Council member James M. Dolliver explains, "the decision in this matter does not attempt to define the term 'self-avowed practicing homosexual' nor does it limit the judgment to be exercised by an annual conference as to its understanding of the term and its application of the term in a specific case."<sup>66</sup> Nevertheless, the crucial phrase "self-avowed practicing homosexuals" still had not been defined when Judicial Council considered in 1993 the case of Jeanne Knepper, a clergywoman believed by her Board of Ordained Ministry to fall into that category. The Council refused to define what General Conference and Knepper's annual conference had not, effectively dismissing the case against her.<sup>67</sup> In 2004, in a cultural climate in which same-sex marriage had become legal in some states and in which the Episcopal Church (USA) had been openly ordaining non-celibate homosexual priests for

<sup>62</sup>The United Methodist Episcopal Address to General Conference in 1980 anticipated the use of this phrase in church law. *UMC GD2004*: ¶304.2; certified candidate ¶311.3f; N.B. footnote pp. 203–205; associate membership ¶322.1.8; commissioned member ¶324.9o; ordained deacon ¶330.4a6; ordained elder ¶335.a6. See also ¶2702.1. Cf. Thomas Edward Frank, *Polity, Practice, and the Mission of the United Methodist Church*, 2006 edition (Nashville: Abingdon Press, 2006), 226–27.

<sup>63</sup>JCD 542.

<sup>64</sup>*UMC GD1984*, ¶402.2.

<sup>65</sup>U.S. Department of Defense Directive 1332.14, January 28, 1982.

<sup>66</sup>JCD 544.

<sup>67</sup>JCD 702. See also JCDs 708, 722, 725, 764.

15 years,<sup>68</sup> the United Methodist General Conference amended the list of possible chargeable offenses against clergy to specifically prohibit “immorality including but not limited to, not being celibate in singleness or not faithful in a heterosexual marriage,” officially barring non-celibate homosexuals from the clergy.<sup>69</sup>

### *Challenge: Adaptation and Change within a “Moral Exemplar” Climate*

The “Moral Exemplar” approach does not lend itself to negotiating changes in accepted moral behavior, as illustrated by the response to a denominational study commission to promote discussion and discernment on the issue of homosexuality. In 1988, the General Council on Ministries established a special Committee to Study Homosexuality, which offered its report to General Conference in 1992. The Committee determined through its research, which included numerous interviews, that the denomination’s strategy of trying to legislate a solution to this issue was an inadequate response to the needs of persons in the pews. Thus, the Committee prominently named as an implication of its study “the need for more sensitive pastoral care for persons of homosexual orientation, their families and friends.”<sup>70</sup> This conclusion echoes the church’s concerns about divorce thirty years before. The Committee succeeded in elevating the level of conversation about homosexuality and prompted two additional, denomination-wide, theological studies.<sup>71</sup> At the Committee’s

<sup>68</sup> [http://www.religioustolerance.org/hom\\_epis1.htm#gc1976](http://www.religioustolerance.org/hom_epis1.htm#gc1976) (accessed 27 August 2011).

<sup>69</sup> *UMC GD2004*, ¶2702.1a. The ruling against Beth Stroud explicitly supports this interpretation. In 2005 the Judicial Council ruled that this clause “is directed towards those persons who practice that same-sex orientation by engaging in prohibited sexual activity.” Likewise, “persons who have a heterosexual orientation [and] who practice that [continued] orientation in prohibited ways—by not practicing fidelity in marriage and celibacy in singleness as required by ¶304.2—are subject to chargeable offenses.” JCD 1027.

<sup>70</sup> Gary L. Ball-Kilbourne, ed. *The Church Studies Homosexuality: Study Book* (Nashville: Cokesbury, 1994), 37.

<sup>71</sup> GCCUIC convened two dialogues on theological diversity in 1997 and 1998 resulting in a paper “In Search of Unity,” one of the conclusions of which was that the church’s disagreements about homosexuality were rooted in differing interpretations of scripture and God’s continuing revelation. As a result, GCCUIC and GBOD co-convened a “Consultation on Scriptural Authority and the Nature of God’s Revelation” in 1999.

urging, its report was also turned into a curriculum for local churches and recommended for study across the denomination.

While the majority vote at General Conference has consistently upheld its disapproval of homosexual behavior, there has never been overwhelming agreement on the issue. What has been consistent is the UMC's official refusal to admit disagreement. Recognizing the need for greater humility during the ongoing debate, the Committee acknowledged "that the church has been unable to arrive at a common mind on the compatibility of homosexual practice with Christian faith." The Committee's recommendation that this admission be included in the Social Principles, echoing the Social Principles Study Commission's recommendation in 1972, was not embraced by the majority of General Conference delegates in 1992. General Conference explicitly rejected including such an admission in the Social Principles in 2000 and again in 2008.<sup>72</sup>

These actions of General Conference have not prevented conferences from attempting to articulate the state of discord within the UMC. In 2002, the Germany Central Conference adapted the Social Principles to indicate disagreement within the church on this issue by altering what is perhaps the most controversial phrase of the entire Social Principles document, "we do not condone the practice of homosexuality and consider this practice incompatible with Christian teaching," to read "[a] majority in the church interprets the Bible in such a way that it cannot approve of the practice of homosexuality."<sup>73</sup> Through this adaptation, the Germany Central Conference narrows the debate to Biblical interpretation, rather than Christian teaching more broadly considered, and lessens the sharpness of the statement by speaking in terms of disapproval rather than incompatibility. A similar attempt by the Baltimore-Washington Annual Conference resulted in a reprimand by the Judicial Council

<sup>72</sup> In 2000, see petitions 31965-FO-65-D, 30095-FO-65.G-D, and others. "Petition Number Search: General Conference 2000," General Commission on Archives and History (UMC), <http://gc2000.org/pets/PET/num.asp> (accessed 27 August 2011). In 2008, see petitions 80842-C2-¶161.G, 80028-C2-¶161.G, 80029-C2-¶161.G, and others; <http://calms.umc.org/2008/> (accessed 27 August 2011)

<sup>73</sup> English translation by Darryl W. Stephens. Compare *UMC GD2000* ¶161.G to "Eine Mehrheit in der Kirche interpretiert die Bibel so, dass sie die Ausübung der Homosexualität nicht billigen kann." "Soziale Grundsätze Der Evangelisch-Methodistischen Kirche (Fassung 2000/2002)," Kirche und Gesellschaft (Evangelisch-methodistische Kirche Schweiz/Frankreich), <http://www.emk-kircheundgesellschaft.ch/uploads/media/sozgr2000d.pdf> (accessed 27 August 2011). The parent page for this document is: <http://www.emk-kircheundgesellschaft.ch/de/soziale-grundsaeetze.html>.

in 2009.<sup>74</sup> No doubt the Germany Central Conference would have caused a similar uproar if United Methodists in the U.S. had paid them any attention.<sup>75</sup> These examples suggest that moral debate within the “Moral Exemplar” framework tends toward an all-or-nothing legal approach that renders discursive space for nuance and dissent subversive if not outright illegal.

The “Moral Exemplar” paradigm for clergy ethics does not acknowledge incremental change in moral understandings that conflict with current proscriptions. As long as the ideals are commensurate with commonly held social standards, this approach provides a clear model for morality. However, as cultural attitudes shift and traditional standards of sexual behavior are contested, the church has reasserted its moral standards by putting nonconforming clergy on trial. For example, the Study Committee recommended a new paragraph in the Social Principles affirming basic rights and liberties of homosexual persons in committed, same-sex partnerships.<sup>76</sup> This affirmation became a part of the Social Principles in 1992, effectively supporting the legal recognition of same-sex domestic partnerships. Yet, the very next General Conference introduced into the Social Principles a proscription of clergy conducting same-sex marriage ceremonies—a rule immediately and publicly tested by Creech. The ensuing clergy trials then became proxies for larger battles against degenerating moral standards in society.

### *Clergy as Ethical Professionals*

In the midst of changing times and attitudes with regard to marriage and sexuality, Methodists and other religious organizations began utilizing a new paradigm for addressing the sexual sins of clergy. Since the 1980s, Christians in the U.S. have become increasingly aware that sexual relations between a clergy person and a lay person are not simply “affairs” or innocuous expressions of amorousness between consenting adults.<sup>77</sup> Rather, these situations are now

<sup>74</sup> JCD 1120.

<sup>75</sup> For a discussion of this phenomenon with regard to the witness of the Social Principles, see Darryl W. Stephens, “Face of Unity or Mask over Difference? The Social Principles in the Central Conferences of The United Methodist Church,” *Thinking About Religion* 5 (2005). [http://organizations.uncfsu.edu/ncrsa/journal/v05/stephens\\_face.htm](http://organizations.uncfsu.edu/ncrsa/journal/v05/stephens_face.htm) (accessed 27 August 2011).

<sup>76</sup> UMC GD1992, ¶71.G.

<sup>77</sup> The first national conference in the U.S. to address the problem of abuse in helping relationships was held in 1986. See Marie M. Fortune and James N. Poling, [continued]

viewed as exploitative and a violation of professional boundaries in ministerial relationships. What was once considered personal sin in the form of extramarital sex (in the case of unmarried persons) or adultery (in the case of affairs outside of an existing marriage) is now primarily understood to be an exploitation of the power of the ministerial office. In the "Ethical Professional" paradigm, clergy misconduct of a sexual nature is considered a breach of fiduciary duty and a violation of the sacred trust of ministry.

Marie Fortune is widely recognized as a pioneer and leader in this approach to clergy ethics through her work at the FaithTrust Institute (formerly the Center for the Prevention of Sexual and Domestic Violence). Her depiction of a predatory pastor and the institutional response to allegations against him has become a classic case study in the field.<sup>78</sup> The same year, Jungian psychologist Peter Rutter framed this paradigm for all helping professions, putting the phrase "sex in the forbidden zone" into common parlance.<sup>79</sup> The scholarship of Karen Lebacqz and others in the 1980s presaged this shift toward a professional ethics paradigm for clergy.<sup>80</sup> Much recent literature on clergy sexual misconduct assumes a professional ethics paradigm as a starting point.<sup>81</sup> This

*Sexual Abuse by Clergy: A Crisis for the Church*, JPCP Monograph, vol. 6 (Decatur, GA: Journal of Pastoral Care Publications, 1994), 21.

<sup>78</sup> Marie M. Fortune, *Is Nothing Sacred? When Sex Invades the Pastoral Relationship*, 1st edition (San Francisco: Harper & Row, 1989).

<sup>79</sup> Peter Rutter, *Sex in the Forbidden Zone: When Men in Power—Therapists, Doctors, Clergy, Teachers, and Others—Betray Women's Trust*. (New York: Fawcett Crest, 1989).

<sup>80</sup> Early scholarship in this framework emerged from the Professional Ethics Group of the Center for Ethics and Social Policy at the Graduate Theological Union in Berkeley, California (see Karen Lebacqz, *Professional Ethics: Power and Paradox* [Nashville: Abingdon Press, 1985], and Karen Lebacqz and Ronald G. Barton, *Sex in the Parish*, 1st ed. [Louisville: Westminster/J. Knox Press, 1991]) and the Chicago Area Clergy Ethics Study Group (see James P. Wind, *Clergy Ethics in a Changing Society: Mapping the Terrain*, 1st ed. [Louisville: Westminster/J. Knox Press, 1991]).

<sup>81</sup> Beth Ann Gaede and Candace Reed Benyei, *When a Congregation Is Betrayed: Responding to Clergy Misconduct* ([Herndon, VA]: Alban Institute, 2006); Nancy Myer Hopkins and Mark R. Laaser, eds., *Restoring the Soul of a Church: Healing Congregations Wounded by Clergy Sexual Misconduct* (Collegeville, MN: Liturgical Press, 1995); Karen A. McClintock, *Preventing Sexual Abuse in Congregations: A Resource for Leaders* (Herndon, VA: Alban Institute, 2004); and Darryl W. Stephens, "Fiduciary Duty and Sacred Trust," in *Living the Sacred Trust: Clergy Sexual Ethics*, 2010 edition (Nashville: UMC General Board of Higher Education and Ministry, 2010); [http://www.gbhem.org/atf/cf/%7B0BCEF929-BDBA-4AA0-968F-D1986A8EEF80%7D/DOM\\_SexualEthicsSectionII.pdf](http://www.gbhem.org/atf/cf/%7B0BCEF929-BDBA-4AA0-968F-D1986A8EEF80%7D/DOM_SexualEthicsSectionII.pdf) (accessed 27 August 2011. For a review of literature, see Sally Badgley Dolch, "Healing the [continued]

approach also undergirds state laws designed to criminalize sexual misconduct by clergy.<sup>82</sup>

A professional ethics approach differs qualitatively from lifting the clergy up as moral role models against a sexual vice (e.g. divorce or homosexuality) considered threatening to society. Rather, it recognizes that sexual intimacy between a pastor and a parishioner is fraught with danger even when that relationship does not include sexual intercourse. In this paradigm, clergy are not primarily the moral exemplars for the sexual behavior of laity. Instead, the expectations of clergy are distinct from laity precisely because functioning in a ministerial role (or other helping profession) is qualitatively different from the role of receiving those services. Rules governing clergy misconduct of a sexual nature set a standard for clergy that laypersons are not expected to emulate unless they are in a similar role of helping professional (e.g., doctor, lawyer, social worker, teacher, counselor, or lay ministerial role of leadership). This model works from a set of moral principles specific to the role of ministry and other helping professions rather than operating from a moral ideal applied to all Christians. The “Ethical Professional” paradigm is built around differentiating public roles and relationships from private. A pastor occupies a particular public role for those in the parish, implying a type of professional relationship in which some behaviors are expected and others are inappropriate (or worse, abusive).

The UMC’s current definition of sexual misconduct in ministry assumes an “Ethical Professional” paradigm. “Sexual misconduct is a betrayal of sacred trust. . . . It can include . . . misuse of the pastoral or ministerial position using sexualized conduct to take advantage of the vulnerability of another.” The emphasis is on power and vulnerability, trust and violation, and the ministerial relationship is clearly indicated as a forbidden zone for sexual intimacy. “Sexual abuse is a form of sexual misconduct and occurs when a person within a ministerial role of leadership (lay or clergy, pastor, educator, counselor, youth leader, or other position of leadership) engages in sexual contact or sexualized behavior with a congregant, client, employee, student, staff member,

Breach: Response Team Intervention in United Methodist Congregations” (DMIN, Wesley Theological Seminary, 2010), 13–17, and James Evinger, “Annotated Bibliography of Clergy Sexual Abuse,” (FaithTrust Institute, 2010); <http://www.faithtrustinstitute.org/resources/bibliographies/clergy-sexual-abuse> (accessed 27 August 2011).

<sup>82</sup> Darryl W. Stephens, “Criminalize Clergy Sexual Misconduct? Should UMC Support NOW Call?,” *Faith in Action* (2010); <http://www.umc-gbcs.org/site/apps/nlnet/content.aspx?c=frLJK2PKLqF&b=6327129&ct=8799947> (accessed 27 August 2011).

coworker, or volunteer."<sup>83</sup> Sexual misconduct in ministry is subject to no statute of limitations in church law.<sup>84</sup> According to the UMC, sexualized behavior becomes misconduct when, among other things, it "breaks the sacred trust in the ministerial role."<sup>85</sup>

The "sacred trust" is a concept central to the "Ethical Professional" paradigm in ministry, connoting issues of appropriate interpersonal boundaries, fiduciary duty, and power of the ministerial role. Judicial Council decision 1094, "In Re: Appeal of Wesley Kendall," illustrates this approach. In this 2008 decision, the Council upheld the verdict against Kendall, who was found guilty of multiple charges of sexual misconduct and sexual harassment while senior pastor of a congregation in Wyoming. In a concurring opinion, four of the Council members emphasized the seriousness of the charges and that Kendall "had demonstrated some significant boundary violations . . . and that he had minimal understanding of the dynamics leading to boundary violations," rendering him unfit for ministry, according to the psychiatrist retained to evaluate the accused. These boundaries delineate what Rutter termed the "forbidden zone" in professional relationships.

At the denominational level, Methodists first employed the "Ethical Professional" paradigm through policies pertaining to sexual harassment in the workplace. Following the U.S. Equal Employment Opportunity Commission's issuance of guidelines in 1980 declaring sexual harassment a violation of Title VII of the Civil Rights Act, the UMC's General Commission on the Status and Role of Women successfully lobbied General Conference to require that every Methodist general agency adopt a sexual harassment policy.<sup>86</sup> This effort to address sexual harassment in the church gained momentum in 1986 when the U.S. Supreme Court upheld the EEOC guidelines prohibiting sexual harassment in the workplace. In 1988, General Conference defined "sexual harassment," named it a sin, added it to the list of chargeable offenses for clergy, and required every annual conference in the U.S. to "develop clear policies and procedures related to sexual harassment, establishing grievance procedures for

<sup>83</sup> "Sexual Misconduct within Ministerial Relationships," *BOR 2008*, 135.

<sup>84</sup> A statute of limitations still applies to incidents that occurred prior to January 1, 1993; see *UMC GD2008*, ¶2702.4

<sup>85</sup> "Sexual Misconduct within Ministerial Relationships," *BOR 2008*, 135.

<sup>86</sup> <http://www.eeoc.gov/policy/docs/currentissues.html> (accessed 27 August 2011). See Darryl Stephens, "Saying 'no' to sexual misconduct in the UMC: A recent history," <http://umsexualethics.org/Education/UMCTimeline1972present.aspx> (accessed 27 August 2011).

victims and penalties for offenders.”<sup>87</sup> Much of this change was due to continued advocacy by the women’s Commission.<sup>88</sup>

The church was just beginning to become aware of professional misconduct in its midst. A 1990 survey by the General Council on Ministries showed that 50% of all clergy and 77% of female clergy reported having been sexually harassed in United Methodist church settings. Furthermore, one in six lay women reported having been sexually harassed by their own pastor.<sup>89</sup> These findings prompted the 1992 General Conference to require every annual conference, general agency, and UM-related institution to have a sexual harassment policy and to forward these policies to the women’s Commission.<sup>90</sup> The vocabulary and categories of chargeable offenses increased with each General Conference: “sexual abuse” (1992 for clergy and laity); “sexual misconduct” (1996 for clergy; 2000 for laity); and “child abuse” (1996 for clergy; 2000 for laity).

General Conference left it up to each annual conference to develop the details of its own policy, demanding judicial clarity on the wide diversity of practices and regulations co-existing throughout the denomination. Twice during the 1990s, Judicial Council was compelled to offer guidelines, responding to the numerous problems it encountered reviewing annual conference policies. In 1994, the Judicial Council declared that “the policies . . . from the various Annual Conferences generally are overbroad in their nature and scope and violate provisions of the Constitution and Discipline.” The Council went on to enumerate a dozen ways in which policies had been found unacceptable and to offer four constructive suggestions for writing acceptable policies.<sup>91</sup> In 1998, the Council enumerated nine additional errors it had encountered in various annual conference policies and offered further guidance for writing acceptable

<sup>87</sup> BOR 1988, 376–77; UMC GD1988, ¶2621.1i.

<sup>88</sup> Women also took a leading role in efforts to address sexual exploitation by clergy in the Episcopal Church (USA) during the same time period. Rather than being propelled by workplace harassment guidelines, the Episcopal Church seemed to be initially motivated by pastoral and liability concerns about reports of sexual abuse of minors. Both the UMC and the Episcopal Church operate within a professional ethics paradigm to address these issues. See Ann Fontaine, “Confronting sexual abuse in the Episcopal Church,” [http://www.episcopalcafe.com/daily/episcopal\\_church/confronting\\_sexual\\_abuse\\_in\\_th.php](http://www.episcopalcafe.com/daily/episcopal_church/confronting_sexual_abuse_in_th.php) (accessed 27 August 2011).

<sup>89</sup> Linda C. Majka, *Sexual Harassment in The United Methodist Church* (Dayton: General Council on Ministries, 1990).

<sup>90</sup> BOR 1992, 451

<sup>91</sup> A concurring opinion written by Evelyn S. Caterson offered additional guidance for writing a comprehensive sexual harassment policy. JCD 736.



policies.<sup>92</sup> Indeed, policies continue to vary throughout the United Methodist connectional structure, and annual conferences still struggle to define clear, detailed standards for professional conduct while adhering to denominational guidelines for those policies.

This flexible approach to ethics in ministry requires discernment at the local level to negotiate variations in rules and processes from conference to conference. Since standards of ethics within a profession are in part determined by practitioners of that profession, clergy must be actively involved in defining expectations of professional behavior and holding each other accountable to those standards. Non-conforming clergy will either be held accountable to the standards of their professional colleagues or they will contribute to eroding or altering the profession's standards to reflect the newly accepted behavior. Thus, in the "Ethical Professional" approach, the church negotiates changing expectations of the professional role of clergy by refining and improving its policies and procedures on an ongoing basis. This paradigm shift has had no greater impact than on the dating lives of clergy.

### *A New Morality for Clergy: No Dating in the Parish*

Attitudes toward clergy dating their own parishioners have completely reversed with the emergence of the professional paradigm for clergy. Two generations ago, it was not uncommon for a single, male pastor (the vast majority of pastors were male) to find his future spouse among the congregants of his appointed parish. One can imagine the pressures that a young clergyman must have faced to find a suitable woman to serve in that most distinctive of unpaid positions in the church, that of the pastor's wife. Even among clergy gatherings today, the question, "Where did you meet your spouse?" can evoke personal and defensive attitudes toward the professional paradigm from pastors who met their spouses in the congregation in which they were serving a generation or two ago. However, since 1996, General Conference has repeatedly upheld a definition of sexual abuse within the ministerial relationship that seeks to rule out the possibility of a pastor becoming sexually involved with one of his/her parishioners.<sup>93</sup> Sexualized behavior or sexual contact within a ministerial relationship is considered an exploitation of power, a betrayal of sacred trust, and a violation of the ministerial role. Thus, a

<sup>92</sup> JCD 839.

<sup>93</sup> BOR 1996, 130.

dating relationship is incompatible with a ministerial relationship, according to official denominational policy.

Policies and attitudes regarding clergy dating still vary from conference to conference despite a clear denominational stance. Some annual conferences hold strictly to this proscription. For example, the Greater New Jersey Annual Conference “prohibits any sexual behavior with a parishioner . . . entrusted to [the clergyperson’s] care.”<sup>94</sup> Likewise, the Holston Annual Conference’s policy states, “Since the balance of power is always on the side of the minister, it is the minister who is always responsible for keeping the relationship free from sex or sexual innuendo. This power difference makes meaningful consent impossible in the relationship.”<sup>95</sup> Each of these policies is intelligible because of the foundational assumptions of the “Ethical Professional” paradigm. However, other conferences shy away from a strict application of the “Ethical Professional” paradigm when it comes to clergy dating. For example, the West Virginia Annual Conference’s policy, immediately following an explanation of sacred trust, authority and power, vulnerability, meaningful consent, and the clergyperson being “responsible for keeping the relationship free of sexual exploitation, harassment, assault or abuse,” says this about clergy dating:

Given the dynamics of relationships and the requirement of mutual consent, any dating relationship between a clergyperson and a parishioner, client, church staff person, colleague, or student must be considered with the utmost responsibility on the part of the clergyperson. Any sexualized behavior by the clergyperson irrevocably alters the relationship between these two individuals and renders an objective, professional relationship difficult.

Any decision to initiate a dating relationship in these circumstances requires very great care. Both parties must be conscious of the inevitable changes it will cause, aware of the non-clergyperson’s potential vulnerability, and sensitive to hurt that may result. Both

<sup>94</sup> “Clergy/Laity Sexual Misconduct, Abuse And Harassment Policy for The Greater New Jersey Annual Conference,”

[http://www.gnjumc.org/uploads/media/Clergy\\_Sexual\\_Misconduct\\_Policy\\_2009.pdf](http://www.gnjumc.org/uploads/media/Clergy_Sexual_Misconduct_Policy_2009.pdf) (accessed 27 August 2011).

<sup>95</sup> Holston Annual Conference, “Ministerial Sexual Ethics Policy: Annual Conference 1998”; <http://www.holston.org/ministries/clergy-services/policies/programs/ministerial-sexual-ethics/> (accessed 27 August 2011).

parties must be clear in and between themselves and with their community about the changed nature of their relationship.<sup>96</sup>

This conference policy acknowledges that a dating relationship between pastor and parishioner must be done with great care but does not proscribe such relationships.

A professional ethics paradigm focuses on the issues of power and consent. At issue for many who would challenge a categorical proscription on clergy dating within the parish is the spectrum of ministerial relationships present in a congregation and the corresponding range of freedom available to parishioners to respond to the amorous attentions of their pastor. The ability to consent has to do with relative power and the ability to say "no." Disparities in power in a relationship are due to many factors: age, gender, wealth, physical size and ability, citizenship status, and race, to name only a few.<sup>97</sup> The degree of disparity in power due to the ministerial relationship also depends on the depth of that relationship. Someone in private pastoral counseling may experience a much greater vulnerability to the pastor than someone who has only visited the congregation once or twice for Sunday worship. At times, the imbalance of power within the pastor/parishioner relationship may be offset by other factors, such as age, gender, and political power. Policies governing the situation of a clergyperson dating a congregant can be designed to minimize the power disparity, to enable genuine consent, and to protect the vulnerable party (i.e. the congregant). Safeguards can be put into place to protect the entire congregation, which would be significantly affected by the pastor's decision to date within the congregation and which could be rent apart if that relationship were to sour.<sup>98</sup> Nevertheless, experts in the field of clergy ethics

<sup>96</sup> "Sexual Ethics Policies & Procedures for Clergy and Diaconal Ministers: West Virginia Annual Conference" (revision approved at Annual Conference, June 11–13, 2009); <http://wvumc.files.wordpress.com/2009/08/sexual-ethics-policy.pdf> (accessed 27 August 2011).

<sup>97</sup> Marie M. Fortune, *Responding to Clergy Misconduct: A Handbook* (Seattle: Faith-Trust Institute, 2009), 41.

<sup>98</sup> Lebacqz and Barton offer a nuanced discussion of the issue, acknowledge the possibility of a consensual relationship between pastor and parishioner under certain circumstances and with specific cautions to safeguard those involved. Lebacqz and Barton, *Sex in the Parish*, 130.

overwhelmingly agree that genuine consent to sexual activity is not possible within a ministerial relationship.<sup>99</sup>

Deciding where to draw the line regarding clergy dating of parishioners as a form of misconduct is an ongoing challenge with the UMC and other denominations. Should churches categorically proscribe dating between clergy and those in their parish, or is there room for discernment and case by case decision-making? If the latter, to whom should the clergyperson be accountable and who would make such a determination? Factors that would be considered primary in the “Moral Exemplar” paradigm, such as the fidelity of the romantic partners, the authenticity of the loving relationship, or the genuineness of intention to marry, are irrelevant in the professional ethics approach, which focuses on issues of power, consent, fiduciary duty, and sacred trust, often to the neglect of the former concerns. The “Ethical Professional” paradigm offers helpful clarity, at least on the issue of dating in the parish. However, this approach can make it difficult to address morality in the personal lives of clergy.

### *Challenge: The Personal Lives of Clergy within an “Ethical Professional” Climate*

The morality of pornography use by clergy challenges the sufficiency of the professional ethics paradigm and its public vs. private distinction. In 2008, General Conference declared “that the use of pornography in church programs, on church premises or with church property by persons in ministerial roles (lay and clergy) is a form of sexual misconduct, a chargeable offense for laity and clergy.”<sup>100</sup> The new policy was designed, in part, to proscribe the use of pornography by clergy, which has become an alarmingly common activity among those in ministry.<sup>101</sup> At least two aspects of this policy have proven problematic: it does not govern the use of pornography by a clergyperson in

<sup>99</sup> See *Ibid.*, 49-50; Gaede and Benyei, x; Diana Garland, “The Prevalence of Clergy Sexual Misconduct with Adults: A Research Study Executive Summary” (2009), <http://www.baylor.edu/clergysexualmisconduct/index.php?id=67406> (accessed 27 August 2010); Hopkins and Laaser, xi; McClintock, 138; Rebekah Miles, *The Pastor as Moral Guide* (Minneapolis: Fortress Press, 1999), 103–104; Joe E. Trull and James E. Carter, *Ministerial Ethics: Moral Formation for Church Leaders*, 2nd ed. (Grand Rapids, MI: Baker Academic, 2004).

<sup>100</sup> BOR 2008, 155.

<sup>101</sup> “A 2000 *Christianity Today* survey found that 37 percent of pastors said that pornography is a ‘current struggle’ of theirs.” See Amy Frykholm, “Addictive behavior: [continued]”

his/her personal life and brings into question whether clergy can have a private, personal life at all.

Whereas the effort to regulate acceptable dating situations for clergy focuses on differentiating the clergyperson's professional life (no dating allowed within the congregation) and personal life (dating is acceptable and even encouraged outside the congregation), this distinction only complicates the UMC's stance against pornography use by pastors. What about clergy who would use pornography in their "private" lives? Many people consider the use of pornography "unbecoming" of a minister, inconsistent with the image of the pastor as moral role model. The problem is that the professional ethics paradigm does not directly address moral character; it only addresses behavior in the professional sphere. Professional ethics differentiates between the public role and the private domain, often emphasizing the limits and extent of the professional's role, obligations, and expertise so as to define a separate, private sphere unregulated by the profession. Professional codes of ethics are not designed to regulate the private lives of clergy.<sup>102</sup>

The "Ethical Professional" paradigm is premised on differentiating personal from professional. Many United Methodist pastors live in church-owned parsonages, meaning that even when they are "at home" they are "on church premises." If there is no private, personal life, then there is also no meaningful definition of professional life. This paradigm limits the ability of the church to proscribe all uses of pornography by clergy. Can a clergyperson have a private life, and if so, does he/she have a right to use pornography in that "private" life? How the church responds to the issue of pornography use by clergy will be a test of its dexterity in holding both paradigms in creative tension.

### *Comparative Assessment*

The "Moral Exemplar" approach focuses on an ethical ideal, of which the clergy person is a steward. This ideal for human sexuality tends to portray one way of being sexual as normative, applied to all humans universally, and also tends to conserve traditional ways of being sexual. In this paradigm, there is a lot at stake when a clergyperson violates sexual morals—the church's inherited vision of the ideal human is being threatened. As historically manifested in

Pastors and pornography," *The Christian Century* (Sept. 4, 2007), <http://www.christiancentury.org/article/2007-09/addictive-behavior> (accessed 27 August 2011).

<sup>102</sup> For a sample code, "Ethical Standards for Ministry Professionals," see McClintock, 136–38.

Methodist law, this approach does not readily accede to changes in perceived standards of morality but rather institutionally sanctions and enforces the mores of past generations. Times of transition are characterized by coexisting and conflicting official stances. This dynamic is evident in Methodism's support of equal rights regardless of sexual orientation and opposition to "all forms of violence or discrimination based on gender, gender identity, sexual practice, or sexual orientation" even as the UMC continues to enforce discriminatory practices against gay and lesbian persons seeking ordination or official blessing of their homosexual unions.<sup>103</sup> These deeply-conflicted institutional commitments regarding homosexuality evidence a clash of paradigms used to address the sexual sins of clergy. The "Moral Exemplar" approach holds fast to a traditional standard at odds with evolving perceptions of virtue and good character held by a new generation of Methodists.

The professional ethics approach focuses on principles for appropriate relationships in a specific context. This approach demands discernment of responsible behavior between individual humans. By focusing on right relationship, this approach recognizes different standards for laity and for clergy—not because clergy are considered more holy but because they are entrusted in a professional capacity to act in the best interests of their parishioners. While the church may proscribe specific sexual behaviors for clergy, such as sexual intimacy with a parishioner, this declaration does not represent a universal ideal of human morality. The different parties play distinct roles in the clergy-parishioner relationship, allowing for different moral obligations for each. This approach also promotes more attention to the victim of sexual misconduct than the "Moral Exemplar" approach allows. When the violation is of a relationship rather than of a moral ideal, repentance turns primarily to healing the victim and restoring right relationship rather than focusing on the salvation of the fallen or protecting the universal standard of decency.

Differences in moral authority and paths of accountability characterize each approach. In the "Ethical Professional" paradigm, clergy are accountable to each other and to the church as a professional guild. A code of ethics for ministerial professionals is a covenantal agreement among peers "set apart" for ministry. A clergyperson in this paradigm has authority over laity to the extent that the laity entrust her/him with that authority and desire her/his professional services. The church has no clear authority over the "personal" lives of clergy and can seem almost libertine in this approach. In contrast, clergy in the

<sup>103</sup>UMC GD2008, ¶162.J and "Opposition to Homophobia and Heterosexism" in *BOR 2008*, pp. 132–33.

"Moral Exemplar" paradigm embody the authority of sexual mores embedded in the faith community. Clergy are accountable to a shared understanding of what is right, acceptable and appropriate in all areas of their lives. This approach depends on moral clarity and provides a visible role model for that morality. The effectiveness of this paradigm in conserving the moral standards of a community is challenged when confronted with the need for discerning the merits of changing moral standards in society. The need to codify these standards in church law is already an indication of change and a challenge to received wisdom.

### *Gender Change: The Case of Phoenix, 2007*

Recently, the UMC has been challenged to address a new moral issue, falling in a gap between the moral example of clergy and their professional duties. In October 2007, the Judicial Council ruled on the case of the Rev. Drew Phoenix, formerly the Rev. Ann Gordon. At issue was "whether an elder in good standing who has undergone a gender change is eligible for appointment."<sup>104</sup> It is the duty of the annual conference to review the character and conference relations of its clergy. The problem, for those who found it morally problematic or reprehensible, is that gender change is an issue that has blind-sided traditional morality. Moral taboos are often unstated until challenged under the "Moral Exemplar" paradigm. Previously, there had been no language for or need to proscribe such behavior by clergy.<sup>105</sup> "Gender change" is not listed as a chargeable offense in the *Discipline*. To make an argument from the "Moral Exemplar" perspective would require showing that Phoenix's gender change negatively impacted his entire moral character, which did not seem to be in

<sup>104</sup> JCD 1074.

<sup>105</sup> Phoenix was not the first transgender pastor in this conference, however. The Rev. Rebecca A. Steen, formerly the Rev. Richard A. Zamostny, left the denomination in 2002. Linda Bloom, "Pastor speaks of transgender experience," United Methodist New Service (25 May 2007), <http://www.umc.org/site/apps/nl/content3.asp?c=lwL4KnN1LtH&b=2072519&ct=3911067> (accessed 27 August 2011). There is reportedly only one other transgender pastor currently serving in the UMC. The Rev. David Weekley serves in the Oregon-Idaho Annual Conference. See Cornelius Swart. "A Time of Transition: Portland pastor reaches out to congregation and community at large," *JustOut*, [http://blogout.justout.com/?page\\_id=31739](http://blogout.justout.com/?page_id=31739) (accessed 27 August 2011).

question in any other respect.<sup>106</sup> The “Ethical Professional” paradigm also offered little traction in this case, since it does not cover what a clergy person does in his/her personal life. The court upheld the decision of law by Bishop John Schol that Phoenix was eligible for appointment in the Baltimore-Washington Annual Conference, ruling, “A [clergy] person’s good standing cannot be terminated without administrative or judicial action having occurred and all fair process being accorded.”<sup>107</sup> Since there had been no formal complaint filed against the pastor, the Judicial Council did not rule on whether gender change is a chargeable offense. So far, the church has resisted drawing a moral line in the sand on this issue. In 2008, General Conference rejected petitions declaring “identifying as transgendered” a chargeable offense and the “practice” of “transgenderism” incompatible with Christian teaching.<sup>108</sup>

### *Homosexuality: The Case of DeLong, 2011*

The split decision in the trial of the Rev. Amy DeLong brings into sharp relief the competing dynamics of the “Moral Exemplar” and “Ethical Professional” paradigms. DeLong faced trial in 2011 on two charges: conducting ceremonies which celebrate homosexual unions and being a self-avowed practicing homosexual. As in the case of Tuttle, the conference Committee on Investigation brought charges reluctantly, citing the “fundamentally unjust circumstance” in which it is required by church law to bring charges against a pastor considered to have “extraordinary courage” and “commitment to be in ministry.”<sup>109</sup> Pastoral leaders in favor of the church’s prohibitions cited “scriptural standards” and “historic Christianity” as their rationale, consistent with the tendency for the “Moral Exemplar” paradigm to conserve traditional understandings of morality.<sup>110</sup> The decisions on both counts followed Methodist judicial precedent.

<sup>106</sup> Both the congregation and the bishop spoke appreciatively of Phoenix’s ministry. Bloom, “Pastor speaks” (as above).

<sup>107</sup> JCD 1074.

<sup>108</sup> Petitions 80506 and 81356, <http://calms.umc.org/2008/> (accessed 27 August 2011).

<sup>109</sup> Committee on Investigation for the Wisconsin Annual Conference of the United Methodist Church: In the Matter of Rev. Amy DeLong, Respondent, December 10, 2010, [http://www.kairoscomotion.org/amy/statement\\_by\\_coi.html](http://www.kairoscomotion.org/amy/statement_by_coi.html) (accessed 27 August 2011).

<sup>110</sup> Heather Hahn, “Lesbian elder faces church trial,” United Methodist New Service, <http://www.umc.org/site/apps/nlnet/content3.aspx?c=IwL4KnN1LtH&b=5259669&ct9111913> (accessed 27 August 2011). See also “The Renewal and Reform[continued]



As with the case of the Rev. Greg Dell in 1999, DeLong was found guilty of conducting a ceremony celebrating a same-gender union, a professional activity prohibited by the *Discipline*. The evidence was indisputable: DeLong admitted to officiating at the union of Carrie Johnson and Carolyn Larson on Sept. 19, 2009, in Menominee, Wisconsin, and both women testified on her behalf during the trial.<sup>111</sup> DeLong had clearly violated a rule governing professional ethics of clergy in the UMC. Like Dell, DeLong was sentenced to a suspension from ministry. Dell was initially suspended indefinitely pending his promise not to perform another same-sex ceremony, but his suspension was reduced on appeal to one year.<sup>112</sup> DeLong was suspended from active ministry for only twenty days. In addition, the court required that DeLong engage in a year-long process to "restore the broken clergy covenant relationship."<sup>113</sup> The court, while upholding church law, seemed to express deep disagreement with that law. When the proscription pertained to personal rather than professional behavior, the court had no trouble dismissing the charge.

As with the case of the Rev. Karen Dammann in 2004, DeLong was acquitted of the charge of homosexuality. In both cases, the trial court failed to be convinced that prohibited sexual activities had been engaged in. Following Dammann's acquittal, Judicial Council re-affirmed that "the practice of homosexuality" is a chargeable offense and declared that a clergyperson found to be "a self-avowed practicing homosexual" by a trial court may not be appointed as clergy.<sup>114</sup> The predicament in applying this church law is that many people consider the details of a clergyperson's sex life to be a matter of

Coalition responds to the statement from 33 retired United Methodist bishops," <http://goodnewsmag.org/2011/02/17/the-renewal-and-reform-coalition-responds-to-the-statement-from-33-retired-united-methodist-bishops/?tr=y&aid=7800576> (accessed 27 August 2011).

<sup>111</sup> Heather Hahn, "Lesbian elder's penalty takes different path," United Methodist New Service (24 June 2011), <http://www.umc.org/site/apps/nlnet/content3.aspx?c=IwL4KnN1LtH&b=5259669&ct=10885719> (accessed 27 August 2011).

<sup>112</sup> Emily Snell and Kathy Noble, "Few clergy lose credentials in public cases," United Methodist New Service (24 June 2011), <http://www.umc.org/site/apps/nlnet/content3.aspx?c=IwL4KnN1LtH&b=2789393&ct=10885723> (accessed 27 August 2011).

<sup>113</sup> Hahn, "Lesbian elder's penalty."

<sup>114</sup> Dammann, who is married to her female partner, was acquitted of the charge "practices declared by the United Methodist Church to be incompatible to Christian teachings"; see JCD 984 and 985. See also Snell and Noble, "Few clergy lose credentials in public cases" (as above).

personal morality rather than professional ethics. The “Moral Exemplar” approach provides jurisdiction; the “Ethical Professional” approach does not. During the trial, DeLong simply refused to divulge the details of her personal sex life, leaving the trial court with no evidence on which to convict her.<sup>115</sup> DeLong and her female partner are registered under Wisconsin’s domestic partnership benefits law.<sup>116</sup> Many people in her congregation, her conference and, apparently, her trial court do not consider DeLong’s status as a lesbian in a life-long, monogamous relationship with a female partner to negatively impact her ability to provide a moral example.

The differences between the “Moral Exemplar” and “Ethical Professional” paradigms are more complicated than a “conservative versus progressive” depiction. While the exemplar model does tend to conserve traditional understandings of allowable Christian sexual behavior, a thick description of tradition and practice within Methodism reveals faith communities engaged in and responsive to evolving understandings of human relationships in church and society. The professional ethics paradigm is now part of this tradition. Tradition must attend to the church’s ability to adapt as well as adopt inherited moral norms. The difference between these paradigms also cannot be reduced to competing emphases on character versus rights. While the ethical professional approach does tend to focus on personal rights and liberties, especially when they are differentiated from a public, professional role, this is not its sole or even primary concern. Defenders of clergypersons, such as DeLong, charged with homosexuality often emphasize the accused’s exemplary moral character. The difference is not character versus rights but rather an evolving understanding of what constitutes exemplary moral character. This determination rests on the shared values of a moral community.

### *Ecclesial Disobedience and Moral Community*

As long as justice is pitted against tradition and as long as those battles are waged through the church’s legal proscriptions, incompatible arguments about the acceptance of homosexuality in Methodism will continue unresolved at the denominational level. Meanwhile, Methodists improvise their own way through

<sup>115</sup> This is similar to the case of the Rev. Mark Williams of the Pacific Northwest Annual Conference, who was not brought to trial in 2002 after revealing that he is gay. The committee on investigation dismissed the complaint, finding no reasonable cause since Williams refused to discuss his “sexual behavior” publically. Snell and Noble, “Few clergy.”

<sup>116</sup> “Lesbian Elder Faces Church Trial,” Newscope, February 16, 2011.

a changing moral landscape in which people find themselves caught between the competing demands of overlapping moral communities, including families of origin, congregations, state and local communities, annual conferences, the denomination, ecumenical partnerships, U.S. society, and the world. This is the thick context in which "sexual sin" is defined. Marriage is the only rite of the church in which the clergy person acts as an agent of the state. When no-fault divorce and remarriage after divorce are allowed by the state and when homosexuals are granted the legal right to marriage by the state, upon what basis does the church resist these changes to received morality? Or, upon what basis do clergy oppose church law when civil law allows for same-sex marriage? Persons and groups navigating the contrary moral expectations of these nested and interlocking communities sometimes feel called to conscientiously object to policies and practices they consider unjust. The ethics of ecclesial dissent by clergy is qualitatively different from either the "Moral Exemplar" or "Ethical Professional" approach.

General Conference represents a moral community that is international in scope, adding layers of complexity to its moral voice on issues of homosexuality. After the acquittal of Dammann in 2004, her bishop, Elias Galvan remarked, "The church is not of one mind. I expect this issue [homosexuality] to continue to be raised until society comes to terms with it."<sup>117</sup> This perspective begs the question, which society? Unlike its closest ecumenical partners that do allow the ordination of homosexuals and that do celebrate same-sex unions—the Evangelical Lutheran Church in America, the Episcopal Church (USA), and the Presbyterian Church (USA)—The United Methodist Church is not a U.S. but a "worldwide" church. In 2012, over 37% of United Methodist General Conference delegates will come from Africa, Europe, and the Philippines. In 2012, 28.5% of the delegates at General Conference will represent African conferences.<sup>118</sup>

African opposition to homosexuality was articulated clearly in a petition to General Conference 2000, for inclusion in the General *Discipline*:

<sup>117</sup> See [http://www.religioustolerance.org/hom\\_umc9.htm](http://www.religioustolerance.org/hom_umc9.htm) (accessed 27 August 2011).

<sup>118</sup> The international delegation has increased rapidly over the past few General Conferences: 15% in 2000; 18% in 2004; 28% in 2008; 37% in 2012. From Africa: 8% in 2000; 11% in 2004; 19% in 2008; 28.5% in 2012. See Dana L. Robert and David W. Scott, "World Growth of The United Methodist Church in Comparative Perspective: A Brief Statistical Analysis," *Methodist Review*, Vol. 3 (2011): 37–54, <http://www.methodistreview.org> (accessed 27 August 2011).

As our religion and our African traditional culture are against homosexuality, we, the church in Africa, are totally against such unions, marriages, and styles of life and we will not allow the ordination of homosexual persons within our continent, or accept services of pastors with such orientations, who may have been ordained outside the African continent.<sup>119</sup>

This argument from religious and cultural norms is grounded in the “Moral Exemplar” approach. General Conference did not consider the petition, which was voided before it reached the plenary floor. In 2008, the Rev. Jerry Kulah of Liberia offered “A Declaration From the Church in Africa” to General Conference:

We are saddened that some United Methodist Churches of the Euro-Western world have questioned over and over again the United Methodist Book of Discipline’s biblical positions on such issues as homosexuality, abortion, and the authenticity of the Scriptures as the Word of God.

The declaration went on to state that

. . . God created sexuality for lifelong marriage between man and woman only (Gen. 1:26-28; 2:18-24); therefore any attempt by the Church or some of its members to embrace or accept and practice other forms of union is to deny God’s omnipotence and omniscience, and hence suggest that the Almighty God was in error when he instituted marriage between one man and one woman for life.<sup>120</sup>

This declaration expresses a universal moral norm, which clergy are expected to model. Kulah’s resolution was unanimously rejected by Commission on Central Conference Affairs committee and voted down by the General Conference plenary, 208 to 669. The same General Conference narrowly voted to retain the church’s stance declaring homosexual practice “incompatible with Christian teaching.” On this highly debated piece of legislation, the voting differential (100) plus abstentions (74) was less than the size of the African delegation (192), indicating that “the church in Africa”

<sup>119</sup> The author of petition 30260, which was voided by the Committee on Reference, is identified simply as “Africa.”

<sup>120</sup> Petition CC18-R9999-N, <http://calms.umc.org/2008/> (accessed 27 August 2011).

indeed has differing opinions on the issue of homosexuality.<sup>121</sup> Nevertheless, societal attitudes in the U.S. toward homosexuality are quite different from those in Africa.

Societal support for same-sex marriage has increased dramatically in the U.S. since the mid 1990s. In 2011, the average level of support for gay marriage in the U.S. is over 50%.<sup>122</sup> As of February 2011, the U.S. Department of Justice stopped defending the Defense of Marriage Act (DOMA).<sup>123</sup> In the fifteen years since the enactment of DOMA, which defines marriage as a union between one man and one woman under U.S. federal law, public support for gay marriage has doubled, the number of people living in areas that offer legal recognition for gay and lesbian relationships has increased by a factor of ten, 20 states have added same-sex couple benefits for public employees, and over half the Fortune 500 companies have added protections and benefits to gay employees and their partners.<sup>124</sup> In December 2010, the U.S. Congress approved the repeal of the military's "Don't Ask, Don't Tell" policy. According to the *New York Times*, the Pentagon will conduct training of all military personnel, emphasizing the following aspects of the repeal:

<sup>121</sup> There were 992 delegates to General Conference 2008. "In retaining its stance declaring homosexual practice 'incompatible with Christian teaching,' the assembly rejected a majority report from a legislative committee that recommended new language that faithful people disagree on the topic but that 'all seek a faithful witness.' A 516-416 vote replaced the majority report with a minority report calling for retention of the incompatibility clause. A subsequent final vote of 501-417 made it official." See J. Richard Peck, "General Conference acts on wide range of issues," *United Methodist News Service* (May 6, 2008), <http://www.umc.org/site/apps/nlnet/content3.aspx?c=lwL4KnN1LtH&b=2072505&ct=5329847&printmode=1> (accessed 27 August 2011).

<sup>122</sup> According to national polls by Gallup, Public Religion Research Institute, CNN/Opinion Research Center, ABC News/Washington Post, Quinnipiac University, and Pew Research Center: "The Rapid Increase in Support for Marriage Changes Political Equation: Emerging Majority Supports the Freedom to Marry," Beneson Strategy Group, July 27, 2011, [http://freemarry.3cdn.net/5ae85613318ade1b2e\\_8dm6bnq72.pdf](http://freemarry.3cdn.net/5ae85613318ade1b2e_8dm6bnq72.pdf) (accessed 27 August 2011).

<sup>123</sup> "Charlie Savage and Sheryl Gay Stolberg, "In Shift, U.S. Says Marriage Act Blocks Gay Rights," *New York Times* (February 23, 2011), [http://www.nytimes.com/2011/02/24/us/24marriage.html?\\_r=1&scp=3&sq=doma%20department%20of%20justice&st=cse](http://www.nytimes.com/2011/02/24/us/24marriage.html?_r=1&scp=3&sq=doma%20department%20of%20justice&st=cse) (accessed 27 August 2011).

<sup>124</sup> These are the major indicators of a "seismic shift" in U.S. culture reported by Lanae Erickson and Sarah Trumble, "Then and Now: How the State of Relationship Recognition Has Changed Since DOMA," *Third Way* (July 2011), [http://content.thirdway.org/publications/420/Third\\_Way\\_Report\\_-\\_Then\\_and\\_Now\\_Relationship\\_Recognition\\_Since\\_DOMA.pdf](http://content.thirdway.org/publications/420/Third_Way_Report_-_Then_and_Now_Relationship_Recognition_Since_DOMA.pdf) (accessed 27 August 2011).

The Defense Department will not require anyone to disclose his or her sexual identity; local commanders are authorized to determine housing and privacy requirements; all service members are expected to conduct themselves in a professional manner and treat one another with dignity and respect; leaders at all levels are to establish a climate of tolerance in their units; harassment or violence toward another service member will not be tolerated and will be dealt with swiftly.<sup>125</sup>

Each aspect of this training reflects a professional ethics paradigm: personal life distinct from professional life; discernment allowed at local level; “professional” conduct emphasized; tolerance for diverse personal lives; unprofessional behavior defined in terms of harassment. This is the cultural context in which some U.S. clergy have dissented from church law.

Ecclesial disobedience over the prohibition against same-sex ceremonies has increased dramatically in the past fifteen years. At the 1996 General Conference in Denver, Colorado, fifteen bishops signed a letter advocating for acceptance of gays and lesbians into ordained ministry.<sup>126</sup> Two years prior, 88 priests of the Episcopal Church (USA) had signed a similar statement.<sup>127</sup> On January 16, 1999, the Rev. Donald Fado, along with over 150 clergy—most of whom were United Methodist, co-officiated the union ceremony of a lesbian couple in Sacramento, California.<sup>128</sup> Bishop Melvin Talbert of the California-Nevada Conference dutifully brought a complaint against those clergy within his episcopal area, although the Committee on Investigation refused to certify the charges, ending the matter without trial.<sup>129</sup> In 2008, the California-Nevada Annual Conference approved resolutions supporting same-sex couples that would seek to be married under new California state law. That

<sup>125</sup> “Thom Shanker and Elisabeth Bumiller, “Gates Says New Military Policy on Gays Can Start Soon,” *New York Times* (January 27, 2011), [http://www.nytimes.com/2011/01/28/us/politics/28military.html?\\_r=1&scp=1&sq=repeal%20ad&t=cse](http://www.nytimes.com/2011/01/28/us/politics/28military.html?_r=1&scp=1&sq=repeal%20ad&t=cse) (accessed 20 February 2011).

<sup>126</sup> Heather Hahn, “33 retired bishops urge end to gay clergy ban,” United Methodist News Service (February 2, 2011), <http://www.umc.org/site/apps/nlnet/content3.aspx?c=IwL4KnNlLH&b=2789393&ct=9103189> (accessed 27 August 2011).

<sup>127</sup> [http://www.religioustolerance.org/hom\\_epis1.htm#gc1976](http://www.religioustolerance.org/hom_epis1.htm#gc1976) (accessed 27 August 2011).

<sup>128</sup> <http://umaffirm.org/cornet/sacra.html> (accessed 27 August 2011); see also <http://umaffirm.org/cornet/calnev.html> (accessed 27 August 2011).

<sup>129</sup> <http://umaffirm.org/cornews/calnev13.html> (accessed 27 August 2011).

year, the conference commended sixty-seven of its retired clergy for offering to conduct same-sex marriage ceremonies.<sup>130</sup>

In January 2011, a group of thirty-three retired United Methodist bishops issued "A Statement of Counsel to the Church," urging the UMC to remove Disciplinary language proscribing the ordination of homosexuals: "We seek . . . to urge the Church, ecumenical and denominational, to change the manner in which it relates to gay, lesbian and transgendered persons in official statements, judicial proceedings, and in congregational life."<sup>131</sup> This public witness precipitated a supportive response from hundreds of United Methodist clergy across the U.S.. Over seventy clergy in the Minnesota Annual Conference signed a statement declaring that they would be willing to officiate same-sex marriage ceremonies. Soon after a hundred clergy in New England signed a similar statement, along with 140 clergy in New York (with supporting signatures from 500 lay people) and 200 clergy in Northern Illinois.<sup>132</sup> Furthermore, the Northern Illinois clergy session "passed a non-binding agreement that any jury that convicts a pastor [of conducting a same-sex ceremony] recommend a penalty no stronger than a 24-hour suspension."<sup>133</sup>

Ecclesial disobedience and wholesale dissent by annual conferences may be the result of a shifting cultural tide washing over the shores of United Methodism in the U.S., but neither the "Moral Exemplar" nor the "Ethical Professional" paradigm addresses this situation. The received norm of morality is not only determined insufficient, it is being contested as fundamentally unjust. Unlike divorce, which is now allowed but is still considered a "critical behavior" in terms of mental health for clergy seeking ordination, same-sex marriage is not being approached apologetically but as a healthy expression of sexual intimacy. The "bullhorn test" of morality is operative here: can one's moral

<sup>130</sup> Marta W. Aldrich, "California United Methodists react to same-sex ruling," United Methodist News Service (July 8, 2008), <http://www.umc.org/site/apps/nlnet/content3.aspx?c=lwL4KnN1LtH&b=2072519&ct=5661893> (accessed 27 August 2011). This resolution was subsequently found to be in violation of the *Discipline*; see JCD 1111.

<sup>131</sup> [http://www.umc.org/atf/cf/%7Bdb6a45e4-c446-4248-82c8-e131b6424741%7D/A\\_STATEMENT\\_OF\\_COUNSEL\\_TO\\_THE\\_CHURCH.PDF](http://www.umc.org/atf/cf/%7Bdb6a45e4-c446-4248-82c8-e131b6424741%7D/A_STATEMENT_OF_COUNSEL_TO_THE_CHURCH.PDF). Cf. Hahn, "33 retired bishops urge end to gay clergy ban" (as above).

<sup>132</sup> Dinesh Ramde, "Methodist Clergy Risk Careers To Defy Gay Marriage Ban," *Huffpost Religion* (June 19, 2011), [http://www.huffingtonpost.com/2011/06/20/methodist-gay-marriage\\_n\\_880319.html](http://www.huffingtonpost.com/2011/06/20/methodist-gay-marriage_n_880319.html) (accessed 27 August 2011).

<sup>133</sup> *Ibid.* See also Hahn, "More clergy offer to bless same-sex unions," United Methodist News Service (July 19, 2011).

choices survive public scrutiny?<sup>134</sup> In this, the issue of homosexual marriage—a public declaration and rite—is much different than the sexual sins of pornography use by clergy or clergy dating their own parishioners. The latter activities are often conducted in secret. In fact, it is part of the “Professional Ethics” approach that clergy dating within the parish, if allowed at all, should include the safeguards of public disclosure and communal accountability, helping to even out the power differential inherent in the relationship. When clergy sin boldly, however, joining ranks to oppose church policy in a public forum, the “Ethical Professional” paradigm falters as a guide to behavior. When personal moral example and adherence to standards of professional ethics are found insufficient, another paradigm is needed to understand the ethics of ecclesial disobedience.

The UMC offers little more than a few sentences in the Social Principles as theological guidance for civil disobedience<sup>135</sup>—certainly nothing as developed as the Lutheran discussion of “bound conscience”<sup>136</sup>—and Judicial Council has ruled clearly against any perceived right to dissent, even under the constraint of conscience, when it comes to church law.<sup>137</sup> Judicial Council has repeatedly struck down annual conference resolutions that conflict with denominational law. In April 2011, Judicial Council ruled that a New York annual conference policy allowing clergy “to marry at their own discretion” (i.e., conduct same-sex marriages) violated the *Discipline*.<sup>138</sup> Referring to a decision from May 2000, the Council reiterated that “annual conferences may not legally negate, ignore, or violate provisions of the Discipline with which they disagree, even when the disagreements are based upon conscientious objections to those provisions.”<sup>139</sup> The same rationale supported judicial decisions in 2009

<sup>134</sup> Miles, *The Pastor as Moral Guide*, 54

<sup>135</sup> The United Methodist Social Principles counsel a separation of church and state: “the state should not attempt to control the church, nor should the church seek to dominate the state.” However, the UMC asserts, “The church should continually exert a strong ethical influence upon the state, supporting policies and programs deemed to be just and opposing policies and programs that are unjust.” The Social Principles recognize “the right of individuals to dissent when acting under the constraint of conscience” when opposing unjust laws of the state. *UMC GD2008*, ¶164.B, C, F.

<sup>136</sup> <http://www.elca.org/What-We-Believe/Social-Issues/Social-Statements/JTF-Human-Sexuality/Report-and-Recommendation/FAQs-Bound-Conscience.aspx> (accessed 27 August 2011).

<sup>137</sup> JCD 886.

<sup>138</sup> JCD 1185.

<sup>139</sup> JCD 886.



ruling against resolutions by the California-Pacific and California-Nevada annual conferences.<sup>140</sup>

A succinct concurring opinion by Jon R. Gray neatly summarizes the quandary: "Changes in church law can only be made by the General Conference and cannot be achieved through piecemeal resolutions adopted in an annual conference session."<sup>141</sup> However, the levee of church law may not be enough to hold back the floodwaters of moral conscience as societal opposition to same-gender marriage melts into the stream of civil rights. Just two days after the conclusion of DeLong's trial, the Rev. Gregrey Renstrom of the Minnesota Annual Conference conducted a same-sex ceremony. Charges were filed against Renstrom a few days later.<sup>142</sup>

## Conclusion

Methodism's historical record on divorce suggests that an imbalanced reliance on the "Moral Exemplar" approach to homosexuality as a sexual sin will eventually fail to promote discernment on this issue for future generations reared in a different cultural milieu. Indeed, a major shortcoming of the "Moral Exemplar" paradigm is that it provides few tools for embracing change when change is necessary, often seeming a reluctant follower of the results achieved by more complicated social dynamics.<sup>143</sup> General Conference ultimately could not stem the cultural tide of change, and Methodism no longer considers remarriage after divorce a moral issue for laity or for clergy. If the same pattern holds for homosexuality, the church's conservative energies will eventually be transferred to a different aspect of sexual behavior considered threatening to traditional values while abandoning homosexuality as a moral issue. American Methodism missed an opportunity while it grappled with the problem of divorce: it bequeathed to its current generation of leadership no substantive, theological account of singleness, marriage, or sexuality upon which it can ground its current debate about homosexual unions.

<sup>140</sup> JCDs 1111 and 1115.

<sup>141</sup> JCD 1115.

<sup>142</sup> Victoria Rebeck, "New same-sex blessing complaint filed," United Methodist News Service, August 1, 2011. <http://www.umc.org/site/apps/nlnet/content3.aspx?c=IwL4KnN1LtH&b=2789393&ct=11071889> (accessed 27 August 2011).

<sup>143</sup> For an account of change within the UMC, see James Rutland Wood, *Where the Spirit Leads: The Evolving Views of United Methodists on Homosexuality*. Nashville: Abingdon Press, 2000.

Highly contested and controversial cases of clerical maladministration and sexual misconduct are symptoms of, not solutions to, a deeper problem. Once divorce could no longer be handled adequately as a juridical problem of personal moral failure, Methodists embraced their pastoral responsibilities but seemed ill-equipped to address the wider theological aspects of what it means to covenant one's life with another person. The Social Principles offers an outline of basic convictions. A resolution on "Family Life," brought before the 1980 General Conference and referred to the General Board of Church and Society, identifies important aspects to be considered.<sup>144</sup> Neither document offers enough theological explanation of marriage to guide the church on issues of divorce, remarriage, same-sex unions, homosexual marriage, or appropriate expressions of human sexuality. The 1980 General Conference also received "A Study Document on Human Sexuality" and referred it for study to all annual conferences and general boards and agencies.<sup>145</sup> This resolution is a good start, a prolegomena to a Methodist theology of sexuality. "Sexuality is commonly associated with sin," it states. "However, the basic form of sexual sin lies precisely in our alienation from our sexuality." From this basic claim, the document argues for "much more open, rational, and loving dialogue" to overcome the "fear, misconception, ignorance, hostility, or indifference" characterizing current discussions of sexuality. While this resolution called the church to "concern itself with the reality of human sexuality in all its aspects," the UMC has not been very successful in doing so.<sup>146</sup> The UMC has become preoccupied with homosexuality.<sup>147</sup> If Methodism is not to miss yet another opportunity to understand and teach what it means to covenant one's life to and with another

<sup>144</sup> BOR 1980, 100–109.

<sup>145</sup> BOR 1980, 146–52.

<sup>146</sup> One chapter in the UMC's "official marriage manual" offers sexual advice for couples but not a full theological account; see Joan and Richard Hunt, *Growing Love in Christian Marriage* (Nashville: United Methodist Publishing House, 1981). Ecumenical partners have attempted, to varying degrees of success, to produce and adopt their own theological accounts of human sexuality. Episcopal Church (USA), "The Gift of Sexuality: A Theological Perspective," Report of the Theology Committee of the House of Bishops of the Episcopal Church, 2003. Evangelical Lutheran Church in America, "A Social Statement on Human Sexuality: Gift and Trust," 2009. General Assembly of the United Presbyterian Church in the United States of America, "Sexuality and the human community," 1970. Presbyterian Church (USA), "Presbyterians and Human Sexuality," 1991 (neither the majority nor minority report were adopted by the General Assembly).

<sup>147</sup> Since 1980, the only other study of sexuality commended by General Conference to the entire UMC is Ball-Kilbourne, ed., *The Church Studies Homosexuality*.

person, sexually and otherwise, it must find its way out of old patterns of proscription and into new ways of enabling clergy to provide positive moral leadership.

Stanley Hauerwas argues that the underlying issue of moral concern today is not homosexuality but rather sexual promiscuity. He claims that the failure of Methodists to provide a coherent theological account of their attitudes toward (and regulations of) marriage and divorce are directly related to their present difficulties in thinking through homosexuality.<sup>148</sup> One step toward a constructive theological account is to recognize that sexual promiscuity has both personal and social dimensions. If promiscuity—understood here as being unfaithful to a covenantal commitment (e.g. marriage)—were only a matter of bad personal decision-making, legal injunctions might offer a viable means for handling offenders among the clergy. However, promiscuity and fidelity can be considered practices of a community. Perhaps it is a failure of the entire faith community when a leader formed within that community fails to practice the virtue of covenantal fidelity. If the vice of promiscuity is widely condoned in our congregational communities, it becomes a social problem, not merely a personal act of maladministration or professional misconduct.

Until Methodist teachings distinguish and engage both the personal and the social dimensions of sexuality, Methodists will continue to argue about personal holiness even as the cultural undertow erodes the sands upon which these denominational proscriptions are built, reshaping the very terrain upon which the next generation will erect its own towers of morality. Clerical rectitude amidst disparate practices of the laity is not an effective solution to problems of personal immorality, as generations of Methodists fighting divorce (and tobacco and alcohol) have learned. Even if it were the case that the moral example of clergy could so influence the laity to abandon their vices, does chaining the pastor to a tower of strict adherence to fading ideals really provide a compelling witness? Neither is it effective to appeal to the state to erect the towers of personal morality the church finds itself incapable of maintaining among its own membership. The weakening institution of marriage in U.S. society is an issue of Christian morality, but it is as much a social as an individual problem. Blaming the personal behavior of one group (e.g., divorcees or homosexuals) for the demise of this institution is neither an accurate analysis of

<sup>148</sup> Stanley Hauerwas, "Resisting Capitalism: On Marriage and Homosexuality," *Quarterly Review* 20/3 (2000): 314–15.

nor an effective solution to the problem.<sup>149</sup> Instead of inflexible towers built on shifting sands, we need life-rafts.

Problems of sexual promiscuity require the life-rafts of pastoral response, liturgical practice (covenant, confession, repentance, etc.), and communal accountability and support. Strengthening the institution of marriage requires both an appropriate vision and the response and support of a community. The UMC must do more. The church can provide an alternative to the cultural ideal of romantic love as the foundation to a lasting marriage. Bruce Birch, speaking before a denominational study commission on sexuality education, provided a biblically grounded exploration of human relationships upon which to build a Wesleyan vision.<sup>150</sup> The church can also take its role seriously as the household of God, making sure that single parents are not alone in their children's upbringing and that married couples are not disconnected from the support and accountability of a wider community. The church can go beyond the problematic focus on monogamy in marriage as the primary moral criterion for sexual intercourse, a focus that does not account for domestic violence, spousal rape, and other nonconsensual acts within marriage—or loving relationships outside of marriage. Clergy are and will continue to be perceived as moral exemplars, but the reduction of ethics to obedience to church law circumvents the task of moral discernment and teaches the same. Instead of being blamed for failing to hold up a sinking tower of conventional mores, clergy need to be equipped to ride the waves of change and to offer the buoyant uplift of a community of faith struggling together to “work out [their] own salvation with fear and trembling.”<sup>151</sup>

Finally, Methodism needs to take seriously the possibility that marriage is not the highest form of relation in human community. Readers of John Wesley's tracts on “a single life,” which remain perhaps the most substantive theological account of marriage within the Methodist tradition, are reminded that Christianity itself may be a subversive force against the normative status of marriage.<sup>152</sup> Any Christian ethic of marriage that does not begin with the possibility of a call to singleness—not as an externally-enforced form

<sup>149</sup> Moral blame can sometimes border on the apocalyptic. See Goodstein, Laurie “A Line in the Sand for Same-Sex Marriage Foes,” *New York Times* (Oct 26, 2008), [http://www.nytimes.com/2008/10/27/us/27right.html?\\_r=1&scp=2&sq=homosexual%20marriage%20california&st=cse&oref=slogin](http://www.nytimes.com/2008/10/27/us/27right.html?_r=1&scp=2&sq=homosexual%20marriage%20california&st=cse&oref=slogin) (accessed 27 August 2011).

<sup>150</sup> Bruce C. Birch, *To Love as We Are Loved: The Bible and Relationships* (Nashville: Abingdon, 1992).

<sup>151</sup> NRSV, Philippians 2:12.

<sup>152</sup> John Wesley, *Thoughts on Marriage and a Single Life* (Bristol: 1743); John Wesley, *Thoughts on a Single Life* (London: 1784).

of sexual chastity but as a genuine vocational status—risks missing the boat entirely.

If Methodism is not to miss yet another opportunity to understand and teach what it means to covenant one’s life to and with another person, sexually and otherwise, it must find its way out of old patterns of proscription to new ways of enabling clergy to provide positive moral leadership. For this effort, the “Ethical Professional” paradigm provides a necessary complement to the “Moral Exemplar” paradigm. Both are necessary yet together still insufficient to account for the entirety of the moral lives of clergy. Caught between competing needs for moral clarity and freedom for ethical discernment, Methodists can utilize the strengths and weaknesses of each approach to promote accountability in Christian love through Christian conferencing.



### *About the Author*

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