

A Resolution Allowing a Pastoral Response to Requests for Same-Gender Marriages and Civil Unions

Whereas *The Book of Discipline* prohibits the celebration of same-gender marriages and civil unions in our churches and by our clergy; and

Whereas several civil jurisdictions in the United States, to include the District of Columbia, now permit same-gender marriages or civil unions;

Now therefore be it Resolved that the Baltimore-Washington Conference adopts the following resolution and recommends it to the General Conference of 2012 as an amendment to *The Book of Discipline*.

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Total Number of Pages: 2

Suggested Title: Celebration of Same Gender Marriages or Civil Unions where Allowed by Governmental Jurisdictions

Discipline Paragraph or *Resolution* Number: 341.8

General Church Budget Implications: None

Global Implications: Yes

It is Resolved that Paragraph 341.8 (Page 253) is amended by adding the underlined sentence appearing below:

“Ceremonies that celebrate homosexual unions shall not be conducted by our ministers and shall not be conducted in our churches. Notwithstanding the foregoing, in those civil jurisdictions where homosexual persons have been granted the right to same gender marriage or civil union, ceremonies celebrating those marriages or unions may be conducted in our churches and by our ministers, the decision being the right and responsibility of the pastor.”

The rationale for this amendment:

1. In a democratic society civil authorities define the civil rights of citizens. *The Book of Discipline* establishes two United Methodist principles relating to the rights of homosexual persons.
 - First, we declare that “All persons, regardless of age, gender, marital status, or sexual orientation, are entitled to have their human and civil rights ensured and to be protected against violence.” (Para 161.F, Page 103.)
 - Second, we further declare that “Certain basic human rights and civil liberties are due all persons...(and that) We are committed to supporting those rights and liberties for all persons, regardless of sexual orientation.” (Para. 162.j, Page 111)

As several civil jurisdictions have granted the right of marriage or civil union to same-gender couples, there is a conflict between the UM principles of supporting the civil and human rights of all and our prohibition on doing so in regard to celebrating marriages or civil unions. The amendment will eliminate that conflict. Further, the amendment acknowledges the sanctity of a marriage or civil union that expresses a couple’s mutual love, support, personal commitment, and shared fidelity. Finally, the amendment allows the Church to take a stand for the protection against those who would do violence to same-gender couples.

2. Many same gender couples live with anxiety and fear arising from the fear that health authorities will not allow them the same access and consultation during health emergencies, that the mutual

control of their finances and legal arrangements be challenged in the event of emergency or death, and that their commitments to mutual care and guardianship over the length of their lives be ultimately dismissed. These are fears that society has relieved for heterosexual persons through the legal status of marriage.

- *The Book of Discipline* proclaims that “We see a clear issue of simple justice in protecting the rightful claims where people have shared material resources, pensions, guardian relationships, mutual powers of attorney, and other such lawful claims typically attendant to contractual relationships that involve shared contributions, responsibilities, and liabilities, and equal protection before the law.” (Para. 162.j, Page 111-112)
- Experience has clearly demonstrated that these just protections are assured only through a legally established marriage or civil union.

The amendment provides the United Methodist Church with a method by which it can live up to its commitments to ensure justice and relieve the anxiety and fear of those who have made mutual life commitments to each other.

3. The discretion of the Pastor in conducting marriage ceremonies is retained.
 - The Book of Discipline provides that “The decision to perform the ceremony shall be the right and responsibility of the pastor.” (Para 340.(3)(a), Page 251)

While there is a broadening of a pastor’s ability to respond to the pastoral needs of his/her members, there is no change in the pastoral discretion when deciding that nature of the pastoral care needed in the local congregation or community. Specifically, the word “may” does not convey an obligation or duty.

4. While some may object to the amendment’s introduction of diversity in the way marriages are performed in the United Methodist Church, there is already a precedent that allows the Central Conferences to respond to the different marriage laws of countries outside the United States.
 - The Book of Discipline provides that “A Central Conference shall have the power to conform the detailed rules, rites, and ceremonies for the solemnization of marriage to the statute laws of the country or countries within its jurisdiction.” (Para 543.14, P. 347)

The amendment adopts a solution that that the General Conference has already adopted when considering the diversity of marriage laws in non-US jurisdictions.