

## Decision No. 96

In Re: *"Is the Discipline of The Methodist Church a Book of Law?"*

### DIGEST OF CASE

The Discipline of The Methodist Church is a Book of Law, and the only official and authoritative Book of Law of The Methodist Church - "a body of laws pertaining to Church government," regulating every phase of the life and work of The Methodist Church, including regulations relating to its temporal economy and to the ownership, use and disposition of church property.

### STATEMENT OF FACTS

In a letter written to the Council of Bishops of The Methodist Church by Rev. Oscar M. Polhemus on February 19, 1953, he stated that one of the matters discussed at the annual meeting of the Trustees of the New Hampshire Annual Conference was "the result of the lawsuit instituted by the Trustees to recover property of an 'abandoned' church. We lost that suit. One of the factors in this failure was that the Presiding Officer ruled that our Discipline was not a Book of Law. The basis for this ruling was a sentence from the 'Episcopal Greetings': 'the Discipline became not a book of definite rules nor yet a formal code, but rather a record of the successive stages of spiritual insight attained by Methodists under the Grace of Christ.'" Bishop G. Bromley Oxnam, Secretary of the Council of Bishops, submitted the question of whether the Discipline is a Book of Law to the Judicial Council in a communication under date of June 12, 1953, which reads in part as follows: "The Secretary made reference to the legal questions raised by the Rev. Oscar M. Polhemus...Yand the Council voted to refer the legal question to the Judicial Council."

### JURISDICTION

Under Paragraph 914 of the 1952 Discipline of The Methodist Church, the Judicial Council has jurisdiction to hear and determine the question submitted to it by the Council of Bishops, as above set out.

### ANALYSIS

Under the Constitution of The Methodist Church, the General Conference is the only law making body of the Church and the only body authorized to speak officially for The Methodist Church (Paragraph 512 of the Discipline). The Discipline contains the Constitution and the enactments of the General Conference. It is self-evident that the Discipline is a "Book of Law." Therefore, a Decision seems unnecessary. The "Episcopal Greetings" of the Bishops contained in the Discipline is neither a part of the Constitution nor an enactment of the General Conference. Hence it is no part of the "body of laws" governing the life and work of the Church. But even the "Episcopal Greetings" apparently relied on by the Judge in the New Hampshire case is not subject to the interpretation given to it by the Judge. The true meaning of this statement is revealed by the next sentence following the one quoted, which next sentence reads as follows:

"We have therefore expected that the Discipline would be administered not merely as a legal document, but as revelation of the Holy Spirit working in and through our people."

It is clear, from this language, that the statement of the Bishops relied on by the trial Judge in the New Hampshire case was not intended as a denial that the Discipline is a "Book of Law," but was intended as an affirmation that the Discipline is a Book of Law-"A legal document," and that in its administration it can also become a means of spiritual grace.

This same interpretation is expressed in different words in the Historical Statement forming a part of the preface to the Discipline. *Note the following quotation from pages 5 and 6 of the 1952*

*Discipline:*

"Our present Articles of Religion come from this book and unite us with the historic faith of Christendom. Our Ritual, too, though it has been modified, has this as its source. However, the forms for public worship taken from the Book of Common Prayer were not adapted to the freer religious life of American Methodism and never entered into common use. Instead, Methodism CREATED A BOOK OF ITS OWN, ITS (DISCIPLINE). This contains today the Articles of Religion, Wesley's General Rules, the Ritual and other forms of worship, AND A LARGE SECTION WHICH DEALS WITH THE MINISTRY, THE VARIOUS CHURCH ORGANIZATIONS, AND THE RULES GOVERNING THE LIFE AND WORK OF THE CHURCH."

Furthermore, the first 98 Articles of the Discipline constitute "The Plan of Union" under which the Methodist Episcopal Church, the Methodist Episcopal Church, South, and the Methodist Protestant Church were united in 1939 to form The Methodist Church. Under this plan a Uniting Conference was called to effect the union. This Uniting Conference unanimously adopted "The Declaration of Union" as set out on pages 7 and 8 of the Discipline. Paragraph II of the *Declaration of Union* reads as follows:

"The Plan of Union as adopted is and shall be the Constitution of this United Church and of its three constituent bodies."

Paragraph 10 of the Discipline, a part of the Plan of Union, treats the Plan of Union as the Constitution of the United Church and prescribed the method by which this Constitution may be amended.

Paragraph 45 of the Discipline, also a part of the Constitution of the United Church, prescribes the procedure for and the duties of the Uniting Conference.

*Subdivisions 1 and 2 of Article IV of Paragraph 45 read as follows:*

"Art. IV. The duties and powers of the Uniting Conference, subject to the *provisions of the Plan of Union shall be:*

"1. To harmonize and combine the RULES AND REGULATIONS as found in the Disciplines of the three Churches relating to membership, the Conferences, the ministry, judicial administration and temporal economy."

"2. To harmonize and combine the Rituals of the three Churches."

This is a positive declaration in the Constitution of the United Church that the Disciplines of the three churches contained their respective "rules and regulations, relating to membership, the Conferences, the ministry, judicial administration and temporal economy," as well as the respective Rituals of the uniting churches. The Discipline, subject to the provisions of the Constitution, is amended and revised, as may appear necessary by each quadrennial session of the General Conference. This Constitution, Paragraph 8 of the Discipline, states that "the General Conference shall have full legislative power over all matters distinctively connectional' and in the *exercise of said powers shall have authority*" (among other things,) :

"To enact such other legislation as may be necessary, subject to the limitations and restrictions of the Constitution of the Church."

Under this broad legislative power the General Conference has enacted provisions relating to property, its ownership, trust clauses to go with conveyances, regulations governing sales and conveyances of church property, and various other provisions dealing with the life and work of the Church and its temporal economy. Attention is also called to the fact that Division III of the Constitution of the Methodist Episcopal Church, as set out in its Discipline, is entitled "Articles of

Organization and Government." The Discipline of the Methodist Episcopal Church, South, was denominated:

"The Doctrines and Discipline of the Methodist Episcopal Church, South."

*The Methodist Protestant Discipline was denominated:*

"Constitution and Discipline of the Methodist Protestant Church."

*Webster's International Dictionary defines "Discipline" as:*

"Body of laws pertaining to conduct, church government, etc."

"Body of laws, or practices which may be altered to meet changing conditions."

Thus (1) from historical usage, (2) from the word "Discipline" used in the title of the book of each of the uniting Churches containing its rules and regulations, (3) from the accepted and authoritative definition of the word "Discipline," and (4) from the contents of the book itself, the Discipline of The Methodist Church is not only a Book of Law, but is the only official and authoritative Book of Law of The Methodist Church.

#### **DECISION**

Therefore, it is the Decision of the Judicial Council that the Discipline of The Methodist Church is a Book of Law governing every aspect of the life and work of the Church, including regulations relating to its temporal economy and to the ownership, use and disposition of church property. It is the only official and authoritative law book of the Church.  
Friday, June 26, 1953.