

## UNITED METHODIST QUESTIONS

FIVE: Can a jurisdictional conference be convened in a special session to elect bishops?

### *Background of the Jurisdictional Conference*

Since the creation of The United Methodist Church in 1968, the governing bodies of the denomination have included nearly identical entities with different names, in different parts of the world, and at different places in *The Book of Discipline*. The “jurisdictional conferences” in the United States<sup>1</sup> and the “central conferences” outside of the United States<sup>2</sup> have very similar responsibilities. But they do not have identical histories.

The jurisdictional conference was created as part of the reunion of northern and southern Methodist denominations, along with Methodist Protestants. These bodies had separated in 19<sup>th</sup> schisms over slavery and systems of church governance. They reunited as The Methodist Church in 1939. In achieving institutional reunion, they adhered to the patterns of white supremacy and racial segregation in the United States. To do that, they added a new kind of “conference” to the ecclesiastical order, dividing the church into six “jurisdictions” in the United States.

Five of the jurisdictions were defined regionally. One jurisdiction was defined racially. A new Central Jurisdiction became the governing jurisdiction for all the Black annual conferences, Black local churches, and Black clergy in the United States. Responsibility for electing bishops was shifted from the General Conference to the six jurisdictional conferences, thereby ensuring that bishops would be selected and assigned in a racially segregated manner.

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<sup>1</sup> See the Constitution: Division Two, Section IV, Articles I-V; and Division Two, Section VII, Articles I-IV. They are published as ¶¶ 23-27, 37-40, in the 2016 *Discipline*. See also the enactments of church law by the General Conference in legislation published as Part VI, Chapter Four, Section II, ¶¶ 512-539 in the 2016 *Discipline*.

<sup>2</sup> See the Constitution: Division Two, Section V, Articles I-IV; and Division Two, Section VII, Article IV. They are published as ¶¶ 28-31, 40, in the 2016 *Discipline*. See also the enactments of church law by the General Conference in legislation published as Part II, ¶ 101, and Part VI, Chapter Four, Section III, ¶¶ 540-548 in the 2016 *Discipline*.

Outside of the United States, “central” conferences were established. They reflected a colonialist mindset from a missionary era. A bishop elected by a central conference in Africa, for example, could only participate fully in the global Council of Bishops “whenever the interest of his Central Conference or the interests common to all Central Conferences are involved.”<sup>3</sup>

The Methodist Church basically understood its presence beyond the United States as an extension of American Methodism, not an expression of indigenous Methodism. As the colonial empires in the world diminished, the colonial mindset in the church changed. Bishops of Central Conferences became full members of the Council of Bishops.<sup>4</sup> Meanwhile, some Methodists in nations outside the United States left to establish national churches. The Methodists in Liberia considered creating their own national church.<sup>5</sup> When the jurisdictional and central conferences started, however, it was in an era of white supremacy and colonial superiority. “The Methodist Church” came into being in 1939 as a denomination that expressed those mindsets.

In the formation of The United Methodist Church in 1968, there was a determination to overcome such forces. Jurisdictions remained. The segregated “Central Jurisdiction” did not. A new *Discipline* for Central Conferences is on the horizon. Yet provisions in the church law and clauses in the church Constitution still treat jurisdictional and central conferences differently. For example, the Constitution sets the boundaries of jurisdictional conferences and gives their annual conferences a right to vote in any jurisdictional boundary change. But the General Conference can change the boundaries of any central conference by a simple majority vote.<sup>6</sup>

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<sup>3</sup> *Doctrines and Discipline of The Methodist Church 1939* ¶ 449

<sup>4</sup> The Constitution of The Methodist Church, Division Five, Amendment VI (April 19, 1956) Published as ¶ 45 in the *Doctrines and Discipline of The Methodist Church 1960*. See also ¶ 444, *op. cit.*

<sup>5</sup> Memorial to the 1964 General Conference of The Methodist Church, February 27, 1963, from the Liberia Annual Conference, published in *The Methodist Experience in America: Volume II, A Sourcebook*, Russell E. Richey, Kenneth E. Rowe, Jean Miller Schmidt, eds. (Nashville: Abingdon, 2000), pages 595-597

<sup>6</sup> Division Two, Section II, Article IV, and Section V, Article I, published as ¶¶ 16.12 and 28 in the 2016 *Discipline*.

## *The Jurisdictional Conference in the Constitution and in Church Law*

This paper responds to a question that refers specifically to “jurisdictional” conferences and to the circumstances under which a “jurisdictional conference” can meet in a special session.

Jurisdictional conferences hold regular sessions every four years, according to customary practices. During the period of The Methodist Church, though, it was a matter of church law that they should meet within a year after the General Conference session. When the six jurisdictional conferences were established in 1939, the *Doctrines and Discipline of The Methodist Church* specified that they were to be convened within twelve months after the session of the General Conference. That provision of law persisted in The Methodist Church throughout its history.<sup>7</sup> However, no such law was part of the merger when the Evangelical United Brethren and The Methodist Church formed The United Methodist Church in 1968. And none exists currently.

The United Methodist Church no longer connects the convening date of jurisdictional conferences to the session of the General Conference. But we assign the convening date to the Council of Bishops. According to the Constitution, all five jurisdictional conferences must convene in regular session on the same date, and that date is set by the Council of Bishops.<sup>8</sup>

But church law does allow a jurisdictional conference to meet in a special session.<sup>9</sup> The 2016 *Discipline* specifies two possibilities. One is that any jurisdictional conference itself could schedule a special session, although it would have to be in session in order to do so. The other is that the College of Bishops “shall have authority to call a special session of the jurisdictional conference when necessary.”

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<sup>7</sup> *Doctrines and Discipline of The Methodist Church 1939* ¶ 429. The same law existed for the central conferences in ¶ 454. Both remained in the last edition of *Doctrines and Disciplines of The Methodist Church 1964*, in ¶ 520 for the jurisdictional conferences and ¶ 545 for the central conferences.

<sup>8</sup> Division Two, Section, IV, Article IV, published as ¶ 26 in the 2016 *Discipline*.

<sup>9</sup> Paragraph 521.2 in the 2016 *Discipline*.

To be clear, this paragraph is a matter of church law, enacted by the General Conference, by simple majority vote. It differs from Division Two, Section IV, Article IV, in the Constitution of The United Methodist Church, which establishes that jurisdictional conferences shall all be convened on the same date, and that the date shall be determined by the Council of Bishops.

In short, church law allows an individual jurisdictional conference to be convened for some specific purpose(s) on a date designated in the call for a special session by the body that issues the call. Having a special session in this manner is a lawful act. The body that issues the call to a special session—presumably the College of Bishops—would specify the purpose of the special session in the call. When it meets, the jurisdictional conference conducts the business for which it has authority in a special session called under ¶ 521.2.

Among the responsibilities given by the Constitution to a jurisdictional conference, two authorizations are most prominent. One is electing bishops. The other is determining the names, numbers, and boundaries of annual conferences. It could be called to special session for either.

Paragraph 521.2 is one long, complex sentence. It should be acknowledged that the General Conference does not do the church any favors when it enacts items into church law like ¶ 521.2. In exercising constitutional authority for writing legislation, the General Conference should hold itself accountable to approve acts that are written precisely and that can be translated precisely into the multiple official languages of the church. This sub-paragraph fails to meet that obligation.

In its complex grammar is an important distinction. Paragraph 521.2 is single sentence with three clauses: one is main; two are subordinate. The primary clause sets the threshold that has to be reached by the College of Bishops—a two-thirds vote—at which the College "shall have authority to call a special session of the jurisdictional conference." The two subordinate clauses have "provided" details regarding certain circumstances for some special sessions of jurisdictional conferences.

The subordinate clauses cite unusual circumstances that may create a vacancy in the College of Bishops for the jurisdiction and may permit the jurisdictional episcopacy committee to consider recommending changes in episcopal assignments besides the Area where the vacancy arose. Very importantly, the "provided" conditions are permissive, because they use the word "may."

Paragraph 521.2, in its confusing grammar, adds subordinate provisions to the main authority that the College of Bishops "shall have" according to the main clause of the sentence. The College of Bishops "shall have" the authority to call a special session by a two-thirds vote. The College "may" exercise—by a simple majority vote—lawful permission to schedule such a special session on rather short notice. And the jurisdictional episcopacy committee "may" recommend multiple changes in episcopal assignments.

The two items that are "provided" in subordinate clauses to the primary clause involve very specific situations. They add details that are "provided" in an unusual set of circumstances. And they are permissive, not mandatory. These points are critical.

- In one subordinate clause, the College of Bishops "may by majority vote" convene a special session in a relatively short time period. The "majority vote" applies only to the time period that says a meeting can be convened within three months, with notice of at least thirty days. The simple majority provision applies to time limits only. It still takes two-thirds of the College of Bishops to call a special session.
- In the other subordinate clause, the jurisdictional committee on episcopacy "may" recommend rearrangement of the episcopal assignments. The jurisdictional conference delegates would still have to approve any changes in assignments.

Paragraph 521.2, in its complex grammar, contains separate parts that have distinct relevance. Authority to call a special session can only be exercised if two-thirds of the College of Bishops votes to do so. Subordinately, under the unusual circumstances cited, a College of Bishops would only need a simple majority to give relatively short notice for setting such a meeting.

But just because the subordinate clauses exist does not alter the main clause in the paragraph. It is still within the authority of the College of Bishops, by a two-thirds vote, to call a special session “when necessary” for the jurisdictional conference to meet and deal with any purpose in its authority.

The College of Bishops must designate the purpose of the special session in its call. And the designated purpose could be the election of one or more bishops.

The subordinate clauses add permissions to the lawful authority of the College. If, by a vote of two-thirds, the College of Bishops calls a special session of a jurisdictional conference for the purpose of electing one or more bishops, there is no doubt such action is lawful. The College “shall have” that authority. If the College of Bishops sets a date for that special session on relatively short notice because of circumstances identified in the law, that requires a separate vote in the College, but only a simple majority is needed to approve that short notice.

### ***Having Authority and Exercising Authority***

In many human endeavors, it is vital to distinguish having a capacity to do something from exercising the capacity to do something. Just because a community, a corporation, or a country has the technical or constitutional ability to do something does not necessarily mean one should do it.

The College of Bishops in a jurisdiction could call a special session of the jurisdictional conference for the purpose of electing one or more bishops. By setting a threshold that requires two-thirds of the College of Bishops to favor such a call, church law increases the difficulty of issuing it. That alone inserts a word of caution into the consideration.

However, apart from that, the *Discipline* does not provide any criteria or guidelines to help the College of Bishops discern whether to call a special session. The only stipulation in the church law is that the College of Bishops “shall have authority” to do so “when necessary.” The bishops in a jurisdiction will have to use all of their spiritual, intellectual, emotional, and political wisdom when they decide if any given moment to call a special session happens to be one that is “necessary.”

In the summer of 2021, at least one jurisdictional conference will meet in a special session. One or more others may choose to do so. At this point, however, there is no indication that any calls to a special session of a jurisdictional conference will include electing bishops. While a jurisdictional College of Bishops has the authority to call a special session for electing bishops, the College is free not to exercise that authority.

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