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CONSTITUTIONS AND COVENANTS

“ALMOST EVERY LOCAL CHURCH HAS A DOCUMENT THAT IT USES TO describe how it is organized and governed. Usually this is a constitution and bylaws.”¹

Constitutions and bylaws state who we are and how we connect with one another within our church community and throughout the denomination. Constitutions and bylaws explain who is a member of this particular body, and what it means to be a member. Constitutions and bylaws record how we’ve agreed to conduct ourselves and organize our ministry. Constitutions and bylaws provide a safeguard against hasty departures from our charted course. Constitutions and bylaws denote structural covenants—in contrast to and, we would hope, in harmony with, our working covenants of relationship.

A Local Church’s articles of incorporation, constitution, and/or bylaws attest to the dilemma and the actuality of being a manifestation of the church of Jesus Christ and a constituting body of the United Church of Christ, as well as a not-for-profit corporation of the state wherein we are physically located. (Please refer to the endnotes for resources and articles

on churches as not-for-profit corporations, basics to include in articles of incorporation, legal requirements for church meeting minutes, legal implications for church bylaws, and differentiating between the church as church and the church as nonprofit corporation.²)

During his service as Conference Minister in Southern California and Nevada, Daniel Romero was revered for many things. Among them was his articulation of a Conference Minister's primary duty to those in his or her care. "Conference Ministers have a lot of experience with churches and ministers. Sometimes the best—and the least—we can do is keep people from doing something stupid." In that genial pastoral spirit, I would like to pass along an array of points in church constitutions and bylaws where I have observed the potential for painful or damaging strain on covenant.

EACH CONGREGATION'S CONTEXT AND VOCATION

The constitutions and bylaws of many of our Local Churches were designed for an era of "churched" culture and cultural devotion to organizations run by Robert's Rules of Order.

That was a time when the label on the social fabric in the United States could have been rendered without much concern for contradiction as, "Content: 90 percent Christian; 5 percent Jewish; 5 percent other." The fabric content label today in Northern California reads more like this: 50 percent on a personal spiritual quest; 40 percent opposed to organized religion; 20 percent aligned with a faith that might be Christian, Jewish, Muslim, Hindu, or other. Warning: fabric overload; components total 110 percent; overlap of categories possible.³

Your regional social fabric may be somewhat differently constituted, but overall it seems prudent to assume that standpoints on church and church membership have undergone massive alteration over the past twenty to thirty years. However, many churches' constitutions and bylaws have not made adjustments or gotten the new apps.

"Most constitutions and bylaws are a long list of rules and regulations, conditions and stipulations, policies and procedures that were effective in

their day. They were developed during a time when people appreciated extensive structure and were willing to work within that structure.” In churches with “complex constitution and bylaws structures . . . significant amounts of time are spent dealing with relatively insignificant issues.”⁴

There is, as many UCC members informally report, an impatience with church council meetings where the cost of office supplies and the menu for the next Fellowship Sunday dinner siphon away time that could be used on oversight and visioning for the church’s whole mission and ministry. There is frustration with a concept of church membership that channels all members’ energies into activities focused on the church’s internal life. There is discouragement over the yearly task of “filling slots” on the ballot, and the number of positions that go unfilled—while members go unfulfilled. There may be turf wars between pastor and worship committee, or needless furor over whether the youth minister is part of the pastoral team or is answerable to the education committee, or intermittent sullenness regarding use of the church building.

If such concerns are conditions in which your Local Church finds itself, this might be the time for you to consider who you are now as a church, with all your gifts and quirks, and what God is calling you to do. From that base of understanding and awareness, churches can cultivate ways of conducting themselves and organizing mission that will connect to the Holy One and one another and allow the mobility “to prosper God’s work in the world.” Our congregational autonomy affords us the freedom to be the congregation God is calling us to be. Forms of organization and administration for each Local Church flow from that covenant community’s calling, purpose, and identity.⁵

Being a covenant community has administrative and organizational implications, as Walter Brueggemann points out:

God has put himself at risk by covenanting with us. . . . It is God giving herself away that makes a covenant community possible. . . . This God . . . [is marked] by faithfulness and vulnerability.

. . . Covenant requires us to think afresh about the organizational, institutional flows of power. . . . Covenanting in the new community under YHWH, [we] will have a sense of what matters and will be able to sort out the things that matter, matter to all, from odd projects to be defended, petty preferences to be guarded and straw ideologies that have had their day.⁶

Thinking afresh about the organizational, institutional flows of power, discerning what matters, and sorting out the things that matter to all from odd projects to be defended or petty preferences to be guarded, we might see that there is not so much a need for a chain of command in church structure as for plainness of accountability based on a shared vision of ministry and mission.

There is, amid the racket of life and the utilitarian quality of so much of human connection, the need for a covenant setting that promotes, demands, teaches, and embodies a genuine and hospitable flow of conversation and dialogue. An incarnational understanding of covenant enables us “to be at the disposal of, dependent upon and prepared to be nourished by the gifts of the others.”⁷ This embodied wisdom insists we find ways to be together that are worthy of the One who comes to us “in ways that are risky and self-giving.”⁸

VOTES, STRUCTURE, AND COVENANT

Majority rule is not a hallmark of covenant. *Vox populi* is not necessarily *vox dei*.⁹ Democracy is not discernment.¹⁰

Back in the 1980s the First Congregational UCC of Ames, Iowa, went through the study process for becoming a Just Peace Church. Then the matter came to the church’s Annual Meeting for a vote. The proposal “won” by a vote of 60 percent to 40 percent, after which the Just Peace Committee asked that the vote be declared nonbinding. “It seemed silly to call ourselves a Just Peace Church when there was no consensus,” committee chairperson Julianne Pirtle observed. “We agreed at the Annual Meeting that it would be better to let ourselves live into being a Just Peace Church. And we did.”¹¹

Conference and Association staff regularly counsel churches to consult and follow their congregation's constitution and bylaws when the church is in process of a major decision, like calling a pastor or buying property. Conference or Association staff are occasionally contacted by members of a Local Church who want to utilize the provision in their constitution and bylaws that allows any group of (insert number) members to sign, at any time, a petition that will require a congregational vote at a specially called meeting on whether to retain the current pastor. At such times the counsel given usually goes beyond adhering to the bylaws. The counsel is often along the lines of: In such a vote, everyone loses. No matter the outcome of the vote, the pastor's ministry is compromised and the church is divided.

All of which is to say that the totality of our covenant cannot be penned in our constitution and bylaws, nor is it penned up therein. In covenant we persist in our efforts to match our gait to the pace of the Most High, going beyond what is expected, making commitments that are neither required nor customary, placing relationship to one another higher than individual inclination, and the well-being of the community above all else. Surely we need agreed-upon procedures for making our legal and financial decisions as a Local Church. However, a primacy of parliamentary procedure in our church life can put us disastrously off-stride and impede our walk in covenant. "To put it more bluntly," Clyde Steckel writes, "in the UCC we are not a democracy. We are communities of the followers of Jesus Christ."¹²

The word "parliamentary" suggests a legislative body, with every meeting configured around a list of business items to be disposed of, beset by arguments on every proposal brought forward, with members seated on either side of a very divisive aisle, rallying around "pro" or "con" microphones. Many churches adhere to Robert's Rules of Order, which were created to keep meetings calm and orderly. There is a widespread misperception that churches are required to employ Robert's Rules of Order, that unless an idea is moved, seconded, debated, and voted upon, the church cannot act.¹³

This presumption of a parliamentary context for our church life may indeed maintain order and control, but does this come at the price of haggling with the Holy Spirit over every potential change in the agenda? Does the assumption of adversarial relations preclude the grace of conversation's give-and-receive-and-possibly-all-come-out-in-a-place-of-new-insight-and-concord?

We might want to pause here to consider the words "conversation," "discussion," "dialogue," and "debate." These words are frequently tossed like stones into the same rock tumbler, with the expectation that a matched set of polished gems will emerge. Each, however, is qualitatively unique.

Conversation—an informal exchange of thoughts, views, ideas, or information.

Discussion—an extended conversation that deals with a particular topic; an exchange of views.

Dialogue—a discussion where voices are held in a creative tension and/or a discussion intended to produce an agreement, rather than winners and losers.¹⁴

Debate—a discussion in which reasons are advanced for and against a proposal, after which a vote is usually taken.

Conversation happens in churches, spontaneously and with conviction. When we get into business sessions and committee meetings, though, we are apt to depart the informal realm, and enter into discussion. And there, like the king of Babylon, we stand "at the fork in the two roads" (Ezek. 21:21), deciding between dialogue or debate as the path to choose. Fortunately we need not turn, as did the king, to the more arcane tools of divination, but to one another and to a Google maps system that allows comparison of various routes to our destination. Is debate the only itinerary to take us to a vote? Is a vote necessarily our destination?

Here again it is important to distinguish between our covenant life as church and our existence as a corporation. When and how do we gather as

a covenant community? How and when do we meet as people who are in covenant *and* are transacting business that is governed by state law?

For Conversation

(If your Local Church has a constitution and bylaws, look them over for their content, tone, and effect, then talk over the following questions.)

1. Do the constitution and bylaws provide a true statement and/or vision of your church's identity and purpose?
2. What is said about the worship and spiritual life of your Local Church?
3. What is said about church membership, its costs and joys? Who may join? When and how? Under what circumstances and by what processes can membership be revoked?
4. What is said about the calling or dismissing of a pastor? about the pastor's role, authority, and responsibilities?
5. What is said about the church's relationship with other settings of the United Church of Christ?