

The status, authority and
role of

THE BASIS OF UNION

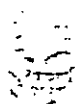
within the Uniting Church
in Australia



A discussion paper issued by the Assembly —
for comment by 31 October 1996.

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FOREWORD

This paper is an invitation to the Uniting Church in Australia to discuss thoughtfully the proper role and authority of the Basis of Union as the Church approaches the beginning of its third decade.

The authority of the Basis of Union for the life of the Uniting Church has been debated for some years:

Is it an historical document that had authority as the basis on which the three denominations united and for the first Constitution, but from which the Church would be quite free to move afterwards?

Or is the Basis of Union a determinative document for the faith and life of the Uniting Church as long as the Uniting Church continues?

Or is the authority and role of the Basis something more than the former, but something less than the latter?

For some people, the issue has been most sharply focussed in recent years by a reference in [Assembly] Presidential Ruling N^o 13. This ruling stated the legal position to be that the Assembly has the power "notwithstanding anything... in the Basis of Union... to determine, declare or interpret matters of doctrine, worship, government and discipline in the Uniting Church."

Both the Synod of Victoria and the Presbytery of Gippsland have raised with the Assembly Standing Committee the role and status of the Basis of Union. (Their submissions and the terms of reference for this paper are in the appendix.)

To help the Church resolve this question, the Advisory Group on Church Polity has prepared this discussion paper as requested by the Assembly Standing Committee. The paper has numbered sections, each of which will help readers to consider the questions:

1. What was the intention of those people who framed the Basis of Union?
2. What is the legal significance of the Basis of Union? Does its standing in the civil courts affect its role and authority for the Church in its own councils?
3. How has the Church developed or moved from the understandings of the Basis of Union?
4. How does current liturgical practice help us understand the role of the Basis of Union?
5. In what way might the Basis of Union help the Uniting Church find both relevance and identity? What does the Basis of Union mean by "a pilgrim people"?
6. How does the Basis of Union hold the Uniting Church in Australia within the one holy catholic and apostolic church?
7. What is the continuing authority of the Basis of Union?

In section 8, the Advisory Group on Church Polity recommends several ways the Basis of Union may assume its appropriate significance within the Church.

Readers should note that the Advisory Group on Church Polity has quoted the original 1971 text of the Basis of Union, as approved by the three uniting denominations. For study and discussion, either that edition or the 1992 edition, which uses inclusive language, is suitable.

Responses from councils of the Church and from Church members are invited to this paper.

Responses are to be sent to:

Assembly General Secretary
PO Box A2266
Sydney South NSW 2000
(Fax (02) 287 0999)

Deadline for response is 31 October 1996.

We look forward to receiving many responses on this most important matter in the life and work of the Uniting Church in Australia.

Gregor Henderson
Assembly
General Secretary
October 1995

Graham McAnalley
Chairperson
Advisory Group on
Church Polity

1. WHAT WAS THE INTENTION OF THOSE PEOPLE WHO FRAMED THE BASIS OF UNION?

The Basis of Union was drawn up by the Joint Commission on Church Union, appointed by the three denominations negotiating union. The three denominations then voted on the Basis of Union.

It is important to understand the intention of the framers of the Basis of Union (the Joint Commission on Church Union). What did they think about the nature of the Basis of Union and the role it would play in the life of the church that was to come into being on that Basis? It is also important to establish the understanding of the three denominations as they voted on the Basis.

Was the Basis of Union an agreement on which three denominations could unite, but which would not necessarily have any continuing authority beyond the point of union? Or was it to be the basis for the life and doctrine and polity of the Uniting Church as long as it continues to be the Uniting Church in Australia?

The testimony of the framers

Members of the Joint Commission on Church Union speak for themselves:

The Rev Dr Davis McCaughey was Convener of the Presbyterian members of the Joint Commission on Church Union. He wrote, in a letter in 1984:

“... [T]hose of us who were on the Joint Commission on Church Union never had any doubt that we were drafting a Basis of Union which would be an undergirding authority, of a permanent character in the Uniting Church. It could be supplemented or amplified by other statements, and could be superseded in any act of union with other Churches, but it was to stand as the basic document defining the attitude of the Uniting Church to doctrinal statements and matters of order...”

“There can be no question but that the members of the Churches entering union voted on that understanding... [H]ad I or many other Presbyterians thought that the Basis of Union was not to have this standing we would not have voted for union.”

The late Rev Henry Wells was a member of the Joint Commission on Church Union and Secretary of the Congregational Union of Australia at union. In 1984, he wrote:

“As I have understood it... the Basis of Union is and was designed to be much more than a document which had relevance at the time of union in 1977. It was designed to be, and I believe was accepted by the three churches which came into union as being, definitive as the basis on which the life of the Uniting Church would stand.

“When the Constitution Commission was set up, its task was to prepare a constitution in accord with the Basis of Union. That was not essayed, and a constitution commission was not appointed, until the churches had voted on the question of union according to the Basis of Union. The Basis was the document on which such vote was taken, and I believe there was the understanding and implication that the Basis as then accepted was a document with continuing validity.”

The Rev Dr Geoffrey Barnes was Convener of the Congregational members of the Joint Commission on Church Union. He was also President of the Congregational Union of Australia at union. He wrote to the Advisory Group:

"The Basis is a historical document. It came into being at a particular point in time to enable three institutions to create a new entity. I do not believe it can be changed. It will always stand as the document to which the three churches gave allegiance and which continues to give substance to that allegiance...

"The Basis of Union is not a constitution and therefore the Constitution Commission followed on from the work of the Joint Commission on Church Union. I believe that the Constitution must always be in conformity with the Basis."

The Rev Professor Norman Young was Convener of the Methodist members of the Joint Commission on Church Union. At union, he also was President of the Methodist Conference of Victoria and Tasmania. He wrote to the Advisory Group:

"I am able to say with no hesitation whatsoever, that our intention was that the Basis of Union should be not just the document on which the vote was taken, but the statement of Faith and Order which would guide the ongoing life of the Uniting Church.

"On no occasion do I remember any of my colleagues on those Commissions taking another view. On the contrary, we were often called upon to affirm that when people asked how they could vote when they did not know what the Uniting Church would be like.

"That my recollection is not faulty can be substantiated not only from notes of various speeches I made around the country, but also from a publication of which I was one of the authors, *The Church Union Study Kit* (JBCE 1971)." Professor Young then quoted the study kit:

People are being asked to vote on the Basis and not the constitution because the Basis, which provides the guiding principles for the life of the Uniting Church, will not change. The constitution, which must remain in accordance with the Basis, will be open to amendment.

"He went on to write, "Notice the very important phrase, 'remain in accordance with the Basis...' Had I not been certain that the constitution would have to continue to be in accord with the Basis, not only in fact but as a legal requirement, I would not have given the assurance there, and on countless other occasions, that the Basis would be the charter for the ongoing life of the Uniting Church."

The Rev Dr Michael Owen was a member of the Joint Commission on Church Union. To the Advisory Group he wrote:

"To my mind, there is absolutely no doubt that the uniting churches intended the Basis as the absolutely stable foundation for the Uniting Church. There was no point in the long process of preparing the Basis, if that was not going to be the case. From the Presbyterian side, the existing Australian Presbyterian basis of union, which formed a schedule to the relevant acts of Parliament, would only allow us to go into a union, if the

new basis of union had been approved by the procedure required for the most significant 'constitutional' changes. That implies that the new basis had to have the same constitutional character as the existing Presbyterian one."

These members of the Joint Commission on Church Union, who were also leaders in their respective denominations, share a common view. They understood that the Basis of Union was to have a continuing authority within the ongoing life of the Uniting Church. They also believed that people voting for or against the Basis of Union within the three denominations had that same understanding.

The interim Constitution for the Uniting Church was not drawn up until after voting on the Basis of Union had been completed, which seems to confirm this understanding. Otherwise, those voting would not have had any assurances about the nature of the church they were voting to enter.

The testimony of the Basis itself

The question should also be asked whether the Basis of Union contains within itself any indications of the authority and the status it was to have within the Uniting Church, once established.

We can find no indications in the Basis of Union that it was to be authoritative only at union, or that the Uniting Church would be free to move away from it later. To the contrary, at least two elements in the Basis of Union imply its continuing authority in the Uniting Church when established.

The first of these is the language of the Basis of Union. This is a point to which Dr McCaughey has drawn attention in the correspondence already quoted. He refers to the many sentences in which a verb in the present or future tense follows "the Uniting Church". He says that "many of the present tenses are to be read as continuous present tenses." In many places the language of the Basis commits the Uniting Church to particular actions and stances. This makes no sense if the Basis was authoritative only at the point of union. Examples are to be found in nearly every paragraph. Only a few are necessary to make the point:

- para 5: *"The Uniting Church lays upon her members the serious duty of reading the Scriptures, commits her ministers to preach from these..."*
- para 7: *"The Uniting Church will baptize those who confess the Christian faith, and children who are presented for baptism and for whose instruction and nourishment in the faith the Church takes responsibility."*
- para 9: *"She commits her ministers and instructors to careful study of these creeds and to the discipline of interpreting their teaching in a later age."*
- para 13: *"The Uniting Church will thereafter provide for the exercise by men and women of the gifts God bestows upon them, and will order her life in response..."*
- para 17: *"The Uniting Church will keep her law under constant review... The law of the Church will speak of the free obedience of the children of God, and will look to the final reconciliation of mankind under God's sovereign grace."*

The second element in the Basis of Union implying that it has a continuing authority in the life of the Uniting Church is the requirement (para 14) about adherence to the Basis of Union. Those wishing to be recognised and accepted at union as ministers of the Word, elders or leaders, deaconesses and lay preachers were required "to adhere to the Basis of Union". The Basis states that such adherence "is understood as willingness to live and work within the faith and unity of the One Holy Catholic and Apostolic Church as that way is described in this Basis." This is clearly an ongoing commitment, a living and working within the faith and unity of the Church as the Basis of Union describes it.

It is also significant that the adherence to the Basis of Union required of ministers of the uniting churches wishing to be accepted as ministers of the Uniting Church applies not only at union. It also applies when a minister who was in good standing in one of the uniting churches at the time of union seeks "later" to be recognised as a minister of the Word in the Uniting Church. The reference to "later" clearly implies that the Basis of Union will have an ongoing authority in the Uniting Church.

The Advisory Group believes that the Joint Commission on Church Union and the three denominations negotiating union had a certain understanding of the Basis of Union. It was to be not only a document enabling three churches to unite but also a document with continuing authority for the faith and order of the Uniting Church in Australia.

2. WHAT IS THE LEGAL SIGNIFICANCE OF THE BASIS OF UNION? DOES ITS STANDING IN THE CIVIL COURTS AFFECT ITS ROLE AND AUTHORITY FOR THE CHURCH IN ITS OWN COUNCILS?

Each State of the Commonwealth enacted legislation to provide for the inauguration of the Uniting Church in Australia; to constitute the Uniting Church in Australia Property Trust within that State, and to define its powers, authorities, duties and functions; to provide for the vesting of certain property in the Trust; and for other related purposes.

Each of the six State Acts of Parliament empowered the Inaugural Assembly to adopt a Constitution for the Church "consistent with the Basis of Union." According to the Assembly's Legal Reference Committee, it is important that the authority to adopt a Constitution rested with the Assembly. It did not rest with any Act of Parliament. In the establishment of the Church, the Assembly's actions had validity to the extent that they were consistent with the Basis of Union. The Inaugural Assembly in 1977 accepted that the Constitution was consistent with the Basis of Union in Resolutions N° 77.1 and 77.2.

The Legal Reference Committee has asserted that the legislation concerning the establishment of the Constitution does "not require or suggest that any future changes to the Constitution are to be consistent with the Basis of Union..."

However, the Acts of Parliament contain further references to changing the Constitution. Must further changes to the Constitution be consistent with the Basis of Union? At least two interpretations are possible. Some background about the various Acts is necessary.

All six Acts provide that "the Assembly may amend, alter, repeal or replace the Constitution adopted by the Assembly from time to time in accordance with the provisions made by the Constitution in that regard".

Five of the six State Acts also provide for the Assembly "notwithstanding anything in this Act or in the Basis of Union" to "determine, declare or interpret matters of doctrine, worship, government and discipline" in the Uniting Church. In each of those Acts that provision appears in a section which also provides for the Assembly "notwithstanding anything in this Act or in the Basis of Union" to unite with other branches of the Christian Church.

In NSW, Victoria, and Western Australia, the Acts say:

Notwithstanding anything in this Act or in the Basis of Union it shall be lawful for the Assembly from time to time to resolve that the Church enter into union with other branches of the Christian Church and to determine, declare or interpret matters of doctrine, worship, government and discipline in the Uniting Church.

The Queensland and Tasmanian Acts also link the two matters. Although their wording varies slightly, the Queensland Act can represent them both:

Determination of doctrine, etc., and provision for further union.

Notwithstanding anything contained in this Act or in the Basis of Union, the Assembly may from time to time —

- (a) determine, declare or interpret matters of doctrine, worship, government and discipline in the Church;
- (b) resolve that the Church enter into union with other branches of the Christian Church.

This provision to "determine, declare or interpret matters of doctrine, worship, government and discipline" does not appear in the South Australian Act. In that Act the power of the Assembly to "amend, alter, repeal or replace the Constitution" appears in the same section as the provision for the Assembly to "resolve to enter into union with other branches of the Christian Church."

How is this provision for the Assembly "notwithstanding anything in this Act or in the Basis of Union" to "determine, declare or interpret matters of doctrine, worship, government and discipline in the Uniting Church" to be understood — not only by the civil courts, but by the Uniting Church itself?

The Legal Reference Committee has said that the two provisions — "to resolve that the Church enter into union with other branches of the Christian Church" and "to determine, declare or interpret matters of doctrine, worship, government and discipline in the Uniting Church" — are "two disparate matters". It therefore has come to the view that the Assembly has the power "notwithstanding anything... in the Basis of Union... to determine, declare or interpret matters of doctrine, worship, government and discipline in the Uniting Church."

But why are two seemingly disparate matters dealt with together in the one section of the Act? The Advisory Group believes that the two provisions ("determine, declare or interpret etc." and "enter into union etc.") are not disparate matters but both relate to further unions. Giving the Assembly power "notwithstanding anything... in the Basis of Union... to determine, declare or interpret matters of doctrine, worship, government and discipline" would be necessary if the Church were to enter a further union. But, in the view of the

Advisory Group, those words are not to be taken separately from the rest of the section, and should not be read as conferring upon the Assembly an absolute power to depart from the Basis of Union.

On the contrary, the Advisory Group believes that this phrase is designed only to ensure that any decision made by the Assembly on those matters is not subject to review in the civil courts; the Assembly itself must be and remain the final arbiter of all questions relating to these matters.

Accordingly, the various Acts of Parliament do not free the Church from the ongoing authority that the Basis of Union has for the "doctrine, worship, government and discipline" of the Uniting Church.

3. HOW HAS THE CHURCH DEVELOPED OR MOVED FROM THE BASIS OF UNION?

The Uniting Church is a living organism, and to live is to change. It is not surprising, therefore, that there have been changes in the Uniting Church's organisational structure and its recognised ministries. One change was made between the time the Basis of Union was voted upon and the inauguration of the Church: the interim Constitution made provision for a Parish Council in the administrative structures of the Church. Other changes have been made since inauguration. Have such changes represented a move away from the Basis of Union or development of understandings that are part and parcel of the Basis? The following examples illustrate the kinds of developments that have taken place:

The Parish Council is not in the Basis and appeared first in the interim Constitution and Regulations. The introduction of the Parish Council does not prejudice the Basis of Union's understanding of the Congregation or of the Council of Elders because it enables Congregations to fulfil more effectively the role assigned them in the Basis. Its introduction therefore represents a development of understandings enshrined in the Basis. **The Parish Elders Council** is a more recent change for similar reasons.

The Assembly established the **Uniting Aboriginal and Islander Christian Congress** in 1985. The Assembly wanted to recognise the context in which ministry is carried out among and by the indigenous people of Australia. It also wanted to encourage the Aboriginal and Islander people in accepting greater responsibility for this ministry. This was in keeping with the spirit of the Basis of Union, particularly paragraph 3.

An ordained ministry of **Deacon** has been introduced, which was foreshadowed as a possibility in the Basis of Union [para 14(c)]. A specified lay ministry of **Youth Worker** has been introduced and the Assembly has decided to establish a specified lay ministry of **Community Minister**. These ministries, while not foreshadowed in the Basis of Union, are a working-out of the understanding expressed in the final sub paragraph of paragraph 14 of the Basis of Union:

The Uniting Church recognises that the type and duration of ministries to which men and women are called vary from time to

time and place to place, and that in particular she comes into being in a period of reconsideration of traditional forms of the ministry...

One expression of ministry that has found growing acceptance within some parts of the Church is the **Presbytery Minister**. This ministry generally has as its major focus pastoral care exercised for the Presbytery by an officer other than the chairperson. This again seems a development from a clear understanding of gifts for particular functions, and of the appropriateness of "pastoral care exercised personally", as expressed in paragraph 16 of the Basis of Union.

The Assembly and its Standing Committee have made decisions and issued statements about the Church's doctrine and practice of **Baptism**. The statements have been fuller than those found in the Basis of Union. They have explicated what the Basis says about Baptism and what was common in the three denominations before union. There is nothing new or different in the Church's position on Baptism today from that existing at union. Clearly, later decisions about Baptism have drawn out the implications about the sacrament from the Basis.

None of these changes or decisions could be considered to have taken the Church beyond the Basis of Union. They have all been developments consistent with understandings expressed in the Basis.

Another issue that has been discussed within the Church raises an important principle about the Basis of Union and any changes in the structures or ministries of the Church. Some years ago the Assembly asked the Church to discuss a proposal to establish a personal episcopé (oversight) of Bishops within the Church. The proposal failed to gain widespread acceptance within the Church and was not adopted. Some have argued that the introduction of Bishops would be contrary to the Basis of Union.

The late Rev Dr Harold Wood had been a member of the Joint Commission on Church Union. He had not favoured the introduction of a form of episcopacy into the Uniting Church when it was first proposed before union. In 1984, however, he wrote to *Church and Nation* (the then journal of the Synod of Victoria) raising the desirability of bishops in the Uniting Church.

His letter is discussed briefly in correspondence between the late Rev Henry Wells and the Rev Dr Davis McCaughey, referred to in section 1. Both men indicate that they would not see the introduction of bishops as necessarily contrary to the Basis of Union. Dr McCaughey noted that Dr Wood was referring to "bishops-in presbytery" and commented:

I would regard such an introduction as a violation of paragraph 15 if it were done in such a way as to destroy the conciliar character of our government; but in fact I do not think that is what Harold Wood is proposing. I imagine, although I have not talked to him about it, that he would base it on paragraph 16. I certainly would.

This comment is helpful for understanding the way changes or innovations may or may not be consistent with the Basis of Union. The Basis of Union does not need to refer to or foreshadow changes or developments for them to be consistent with it. The Church is only moving away from the Basis when it introduces changes that at some point "destroy" or run contrary to understandings clearly expressed in the Basis.

4. HOW DOES CURRENT LITURGICAL PRACTICE HELP US UNDERSTAND THE ROLE OF THE BASIS OF UNION?

Since union, the Church has made significant liturgical use of the Basis of Union, especially in services of worship in which persons are set apart for particular ministries.

In services of Ordination, ordinands are asked the question: "Do you adhere to the Basis of Union of the Uniting Church in Australia; and do you submit yourself to the Church's discipline?" The same question is asked at a service of Recognition of a Minister from Another Denomination and at a service of Commissioning of a Youth Worker.

In services of Commissioning for Lay Preachers and for Elders, those being commissioned are asked the question: "Do you adhere to the Basis of Union of the Uniting Church in Australia?"

That such questions are still asked, and are still required to be asked, of those being authorised by the Church to exercise particular ministries, is noteworthy. It indicates that the Church still regards the Basis of Union as being a significant and authoritative document within the life of the Uniting Church. The intention behind these questions, and whether they are the best way of fulfilling that intention, will be discussed later.

Another liturgical use made of parts of the Basis of Union is as a statement or affirmation of faith. "We are a Pilgrim People" is a statement of faith adapted from the Basis of Union and published as a liturgical resource for the Church in *Uniting in Worship - People's Book* (Uniting Church Press, 1988).

That statement gives liturgical expression to some of the basic concepts and understandings of the Basis of Union. Its use in worship does not necessarily acknowledge any authority that the Basis of Union has in the ongoing life of the Church. It does suggest, however, that certain basic concepts of the Basis are honoured in the worshipping life of the Church. Two of those concepts in particular — the Uniting Church as a "pilgrim people" and the Uniting Church's commitment to "live and work within the faith and unity of the One Holy Catholic and Apostolic Church" — and their significance to the Basis of Union and its place in the life of the Uniting Church today, are worth further discussion.

5. IN WHAT WAY MIGHT THE BASIS OF UNION HELP THE UNITING CHURCH FIND BOTH RELEVANCE AND IDENTITY? WHAT DOES THE BASIS OF UNION MEAN BY "A PILGRIM PEOPLE"?

The Basis of Union is a "confessional" document in the sense that it confesses or rehearses the faith of the Church — holy catholic and apostolic — down through the centuries. Because of that it shares, with all historical texts, a common problem: the relationship of a "there and then" to the "here and now". In this

respect, how we read the Basis of Union is similar to the way we read Scripture. This is especially so when we remember that there is not a simple "there and then" — a place and time when the completed text assumed authority for either Scripture or the Basis of Union; both incorporate earlier testimonies within their respective frames of reference. To acknowledge authority in either text is to acknowledge a two-fold authority — the authority of the text itself and the authority of pre-existing texts to which the text bears witness.

In interpreting an historical text such as the Basis of Union with its claim, in whatever sense, to be authoritative, two fundamental questions immediately arise — the question of relevance and the question of identity. They are the same two questions that the Church constantly faces: how is the church able to demonstrate the relevance of its truth? And as the Church attempts to become relevant to the problems of the present, so it is drawn more deeply into the question of its own identity. To put it another way: the Church must always be asking whether what it is saying and doing is true to its identity as guardian of "the faith once delivered to the saints."

The church in Australia lives in a society and culture very strongly influenced by the movement known as the Enlightenment. A characteristic of this society and culture is that belief in God is an open question. The church is not able to take such belief for granted, as it was between the second century and the dawning of the Enlightenment some fifteen centuries later. In those fifteen centuries the church was able to hammer out creeds and confessions and other doctrinal formulations in the context of an implicit world view of God-centred reality that was unchallenged. That is no longer the situation, and today the church is on the defensive, having to prove its relevance in a human-centred world. In trying to prove its relevance, the church can subordinate its own identity or self understanding to the pursuit of relevance.

This question of relevance and identity is pertinent to the status of the Basis of Union in the Church today, especially when considering what it would mean for the Church to move away from the Basis. If the danger of a false understanding of identity is an ossified traditionalism, the danger of a false understanding of relevance is a rootless temporalism. Both are a betrayal of the gospel to which the Basis of Union bears witness. Properly understood, the Basis of Union avoids both dangers by offering us a relevant identity as we face the challenges of our world.

On this foundation, the Basis of Union portrays the Church as a "pilgrim people" — the pilgrim people of God. It is not the only image of the Church in the Basis of Union, but it is certainly a dominant image.

The Church lives between the time of Christ's death and resurrection and the final consummation of all things which he will bring; she is a pilgrim people, always on the way towards a promised goal; here she does not have a continuing city but seeks one to come. On the way Christ feeds her with Word and Sacraments, and she has the gift of the Spirit in order that she may not lose the way. [para 3]

Some have tended to argue that a pilgrim people must be completely free of restraints to be a "pilgrim" people, free to follow where the Spirit or vision leads. This is hardly consistent with the biblical references from which the image of the Church as a pilgrim people is drawn. A pilgrim people is not a wandering or meandering people.

A pilgrim people is on a journey or pilgrimage, which means that it knows the final goal towards which it is travelling. Further, it has started on its journey in response to a vision or an instruction that it has been given. That vision determines both the nature and direction of the pilgrim journey.

The Basis of Union, far from being a restriction on a pilgrim people, constitutes its marching orders. The Basis of Union sets before the Uniting Church the goal towards which it is to move, reminds the Church of its identity and who has called it, and provides signposts along the way on which it has embarked. The Basis of Union, if it is authoritative, frees the Uniting Church to be the pilgrim people of God, knowing whence it has come, seeing in the distance the goal towards which it is moving, and being assured that the way is marked by certain signposts that will enable it not to lose the way. The Church is free **in** the Basis of Union, not **from** it, to be truly a pilgrim people.

6. HOW DOES THE BASIS OF UNION HOLD THE UNITING CHURCH IN AUSTRALIA WITHIN THE ONE HOLY CATHOLIC AND APOSTOLIC CHURCH?

The Uniting Church lives and works within the faith and unity of the One Holy Catholic and Apostolic Church. She recognises that she is related to other Churches in ways which give expression, however partially, to that unity in faith and mission. [para 2]

The Uniting Church in Australia affirms that it is an expression of the one holy catholic and apostolic church. But what is it that makes and keeps it within that universal church? It is the Uniting Church's living and working within the faith and mission of that one universal church.

The Faith of the Church

Although not a formal Confession of Faith, the Basis of Union is the confessional statement of the Uniting Church in Australia. The Uniting Church came into being confessing the faith enshrined in that document, and the Uniting Church continues to confess that faith, for it has no other confessional statement. The Basis of Union is not a full and comprehensive statement of the Christian faith. Rather it points to where that faith is to be found and reminds the Church of what that faith lays upon it. In doing that, the Basis of Union indicates what living and working within the faith and mission of the one holy catholic and apostolic church means for it.

The Uniting Church needs its Basis of Union, or some other confessional statement, which is authoritative for its life and witness so that it has an objective foundation in the faith of the one holy catholic and apostolic church. It is the Basis of Union that anchors the Uniting Church's faith within the faith of the one holy catholic and apostolic church. The Basis points to where that faith is to be found and to authoritative statements of that faith, although "framed in the language of their day." Therefore, the Basis of Union helps the Church in three ways:

- it demonstrates the Church's claim to be in continuity with the biblical witness;
- it provides the Church with authoritative doctrinal standards; and

- it offers a theological base for the ordering of the Church and its ministries.

If the Church understands the Basis of Union simply as an historical document, having no continuing authority within the life of the Uniting Church, its ministers and members would be quite free to depart from or even ignore the Scriptures as the basis for faith and obedience. They could teach novel doctrines or deny such basic doctrines as the doctrine of the Trinity. They could please themselves whether or not the sacraments of Baptism and the Eucharist are celebrated, indeed even give other ordinances and rites the status of sacraments. If the Basis of Union has no continuing authority, the Uniting Church stands unable to answer such questions as, 'What does the Uniting Church believe and teach?'

But when we speak of the authority of the Basis of Union, what do we mean? First, the Basis of Union may be understood to have **doctrinal authority**. Doctrine means "teaching". In this sense, the Basis permits, indeed encourages, the Church to develop the meaning of the fundamental beliefs of the Church as outlined in its various paragraphs. It is **doctrinal** in that it unfolds the faith of the Uniting Church. Its **authority** lies in the way in which it clarifies what holds the Uniting Church within the one, holy, catholic and apostolic church. Its character as doctrinal authority thus is rather like the banks of a river which serve to channel the moving water of the Church's living confession.

Second, and developing from the first, the Basis of Union exercises a **teaching authority**. In it, members of the Uniting Church find an answer to two questions: 'What does it mean to be a Christian? What does it mean to be a member of the Uniting Church in particular?' The Basis speaks almost universally in the present tense. This helps people to understand that what is central to belonging to this Church is participating in a dynamic living tradition, not in a repository of past belief.

The Polity of the Church

The Basis of Union has also to be authoritative for determining the polity of the Church. The Basis of Union holds together faith and order. The order of the Uniting Church grows out of and is controlled by its faith. That must always be so, for the church is the creation of the gospel, called into being by the gospel and given shape by the gospel. If order is divorced from faith, what then determines the order of the church? Expediency? The structures of big business? What its members think would be most efficient?

Paragraphs 14 - 18 of the Basis of Union, which deal with the ordering of the Church, grow out of and are dependent upon paragraphs 1 - 13. They enshrine principles of order that are of permanent significance for the Church. Among these are the calling of both women and men into the ordained ministries of the Church, the recognition of the Congregation as "the embodiment in one place of the One Holy Catholic and Apostolic Church," the commitment to a conciliar form of church government, the freedom of councils "to acknowledge gifts among members for the fulfilment of particular functions," and the necessary relationship of the Church's law to the gospel.

Some detailed provisions within the sections of the Basis of Union deal with the ordering of the Church, but they do not constitute a straitjacket for the Church. As has been argued in section 3 of this statement, there is flexibility for change and development that does not run contrary to the basic principles of order that are clearly expressed in the Basis.

The Basis of Union, therefore, has a modest but vital role in polity. It reminds the Church of the way in which the councils of the Church are to function. The Regulations develop how that is to be done. If the Church only had the Basis of Union, the councils would not know how to proceed in day to day matters. If it had only the Regulations, it would become captive to procedures and legalities. It would be a Church only of means, having lost the ends for which it exists.

If the Basis of Union is authoritative for the doctrinal standards of the Church and for the polity of the Church, then it must also be authoritative for determining standards of discipline for the Church's members, ministers and councils. Discipline, like faith and order, arises out of the gospel and is accountable to the gospel.

7. WHAT IS THE CONTINUING AUTHORITY OF THE BASIS OF UNION?

None of the Church's formulations explicitly state the continuing authority of the Basis of Union within the ongoing life of the Uniting Church. Nevertheless, that authority is widely accepted in practice within the Church. The frequent appeals to the Basis of Union in speeches before the Assembly attest to this acceptance.

That authority is, however, questioned by some who argue that the State Acts of Parliament clearly state the freedom of the Church to act in "matters of doctrine, worship, government and discipline" without reference to the Basis of Union. The issue needs to be resolved. If the Basis of Union has, or is to have, a recognised authority within the life of the Church today, then it seems appropriate and necessary that the Church state that authority explicitly and officially.

It would neither be wise nor appropriate to seek to have the State Acts of Parliament amended at that point. The Church should not open itself to the possibility of legal proceedings being brought against it in the civil courts on the ground that a particular decision of the Assembly conflicted with the Basis of Union. The Church itself must be the final arbiter upon all questions related to doctrine, worship, government and discipline within the Church. Any reference to the authority of the Basis of Union needs to be within the Church's own formulations. It is proposed, therefore, to amend the Constitution to acknowledge the Basis of Union as authoritative for the faith and order of the Uniting Church in Australia. [Recommendation 1]

The authority of the Basis of Union for the faith and order of the Church raises again the issue of adherence to the Basis of Union. As noted earlier, ordinands and those being commissioned to particular lay ministries are asked if they adhere to the Basis of Union. What does it mean to say that one adheres to the Basis of Union? Fortunately, the Basis itself answers that question for us:

... the phrase "adhere to the Basis of Union" is understood as willingness to live and work within the faith and unity of the One Holy Catholic and Apostolic Church as that way is described in this Basis. Such adherence allows for difference of opinion in matters which do not enter into the substance of the faith. [para 14]

Adherence to the Basis of Union is much more than intellectual assent to the Basis. It is an undertaking or commitment "to live and work" within the faith and unity of the Church. To adhere to the Basis of Union is to make a deep personal commitment to live in accordance with the Church's faith and to honour and uphold its unity. The faith and unity spoken of here is not simply the faith and unity of the Uniting Church in Australia. It is "the faith and unity of the One Holy Catholic and Apostolic Church." Again the Basis of Union locates the Uniting Church in Australia within the one holy catholic and apostolic church. The faith of the Uniting Church is the faith of the one universal church and the unity of the Uniting Church is an expression, however partial, of the unity of the one universal church.

But the Basis goes on to qualify what is meant by living and working within the faith and unity of the one holy catholic and apostolic church by adding "as that way is described in this Basis." Ministers and others exercising recognised ministries within the Uniting Church are not left to decide for themselves what is "the faith and unity of the One Holy Catholic and Apostolic Church." The Basis of Union itself describes that faith and unity, and the way in which the Uniting Church lives and works within that faith and unity.

There is potential for misunderstanding with the qualification. "Such adherence allows for difference of opinion in matters which do not enter into the substance of the faith." What constitutes "substance of the faith"? Is a person who has expressed adherence to the Basis of Union free to express and promote opinions that, while not impinging on the substance of the faith, are contrary to required disciplines of the Uniting Church? The Rev Dr Gordon Dicker has wisely commented:

Freedom to hold different opinions on matters that do not enter into the substance of the faith also must involve the freedom to express them. However, willingness to live and work within the faith and unity of the Church does not permit one to express differing views in a manner which causes strife and puts unity under threat. Nor does liberty of opinion in matters which do not enter into the essence of the faith permit one to act in any way one pleases in such matters, particularly... where the position and policy of the Church have already been stated.

Paragraphs 10 and 11 of the Basis of Union insist that those who adhere to the Basis should exercise a discriminating understanding of the faith we have received — borne witness to in Scripture, affirmed in the creeds, re-affirmed in the Confessions of the Reformation and heard in the preaching of John Wesley. Necessarily such an approach will result in "difference of opinion in matters which do not enter into the substance of the faith."

Where differences arise, ministers and others will have to leave themselves in the hands of the Church to determine whether such differences are substantial. It is a wise maxim that individuals should never be judges in their own causes. Ministers in pastoral relation with their people may be able to resolve doubts; presbyteries may be able to guide ministers and others who are required "to adhere to the Basis". Ultimately, however, the Assembly has determining responsibility in such matters.

Some matters that clearly do not enter into the substance of the faith may be unlikely to gain the wholehearted assent of every member. An example might be the ordering of the Church's affairs, expressed in regulations or by-laws. Members have a right to express dissent; it is sometimes a duty to do so.

However, liberty of opinion always must be qualified by love of brothers and sisters in Christ, and a concern for the unity and well-being of the Church. Again, there are matters that, while not entering into the substance of the faith, the Assembly has declared to be very important for the life of the Church. Therefore, they are to be accepted by those exercising recognised ministries within the Church. In these particular matters "difference of opinion" does not permit ministers and others exercising recognised ministries to act in any way they please.

In light of the above considerations, we propose that the question, "Do you adhere to the Basis of Union of the Uniting Church in Australia?", be deleted from the relevant liturgies of the Church. It would be replaced, as suggested by Dr Dicker, with the question: "Are you willing to live and work within the faith and unity of the one holy catholic and apostolic church as that way is described in the Basis of Union of the Uniting Church in Australia?". [Recommendation 2] It would then be quite explicit what ordinands and those being set apart for other ministries were committing themselves to in adhering to the Basis of Union, as would be their accountability to the Church in exercising that commitment.

The Advisory Group acknowledges that the Basis of Union is not well understood by the Church. Its proper authority will only be realised when people study, understand and accept it. The process of discussing this paper throughout the Church will be one step toward that goal. The Advisory Group also urges several other steps to make the Basis of Union better known throughout the Church. [Recommendation 3]

8. RECOMMENDATIONS

1. Re: Constitutional change

That the Assembly amend the Constitution by adding a new paragraph to read:

BASIS OF UNION

2. The Uniting Church in Australia lives and works within the faith and unity of the one holy catholic and apostolic church as that way is described in its Basis of Union

and that the remaining paragraphs be re-numbered accordingly.

2. Re: Adherence to the Basis of Union in the liturgies of the Church

That the Assembly resolve that in the liturgies of the Church, the question

Are you willing to live and work within the faith and unity of the one holy catholic and apostolic church as that way is described in the Basis of Union of the Uniting Church in Australia?

replace the existing questions

Do you adhere to the Basis of Union of the Uniting Church in Australia; and do you submit yourself to the Church's discipline?

Do you adhere to the Basis of Union of the Uniting Church in Australia?

and that the required response be

I am willing.

3. Re: Raising awareness of the Basis of Union within the Church

That the Assembly Standing Committee authorise the appropriate agencies of the Church to take the following actions:

- 3.1 Develop a congregational study program to mark the 20th anniversary of the Uniting Church, focussing on the meaning and authority of the Basis of Union;
- 3.2 Make available the Basis of Union suitable for photocopying so that all current and prospective elders, and others who are asked to adhere to the Basis of Union, can be provided with a copy.
- 3.3 Encourage congregations to make frequent use of the statement of faith drawn from the Basis of Union and particularly on such appropriate occasions as the anniversary of the inauguration of the Uniting Church. ("We are a Pilgrim People", *Uniting in Worship - People's Book*, page 130.)

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- Correspondence between the Rev Dr J Davis McCaughey and the Revs David Gill and Henry Wells, provided by the Assembly Standing Committee (1984);
- A statement from the Legal Reference Committee (October 1993)
- Papers forwarded by the Commission on Doctrine:
 - "Is the Basis of Union a Confessional Document?", the Rev Chris Mostert (August 1993)
 - "Adherence to the Basis of Union", the Rev Dr Gordon Dicker (October 1993)
 - "The Uniting Church as a Pilgrim People", the Rev Dr William W Emilsen (September 1993)
 - "The Role of the Basis of Union in determining the doctrinal standards of the Church", Dr Susan Emilsen (October 1993)

"The Significance of the Basis of Union Today", the Rev David Gill
(August 1993)

- Statements from the Rev Dr Geoffrey Barnes (July 1993) and the Rev Dr Norman Young (September 1993); Correspondence and manuscripts from the Rev Dr Michael Owen (1993/94);
- Correspondence from the Rev Dr David Beswick (1993).

The Advisory Group also acknowledges the editorial assistance it has received from Ms Harriet Ziegler of the staff of the Synod of Victoria.

Graham McAnalley
On behalf of the Advisory Group on Church Polity
August 1995

APPENDIX

Background and terms of reference

The Assembly Standing Committee, at its meeting of 19 - 21 March 1993, considered whether there was need to clarify the place of the Basis of Union within the Uniting Church.

The authority of the Basis of Union for the ongoing life of the Uniting Church had been a subject of debate in some circles for a number of years. Is the Basis an historical document which had authority as the basis on which three denominations united and for the first Constitution to be adopted by the new united church, but from which that church would be quite free to move thereafter? Or is the Basis of Union a determinative document for the faith and life of the Uniting Church for as long as that Church continues? Or is the authority and role of the Basis something more than the former, but something less than the latter?

The issue became more sharply focussed for the Assembly Standing Committee when it received submissions from the Synod of Victoria, requesting the Assembly

to provide a clear statement affirming the role and status of the Basis of Union in the Uniting Church, especially in resolution of matters before the Councils of the Church

and from the Presbytery of Gippsland, proposing that

the Constitution be amended to require all councils of the Church to act in accordance with the Basis of Union except those matters which the Assembly has referred to Congregations, Presbyteries and Synods as matters of vital importance to the life of the Church and has obtained the approval of the Church at large.

Standing Committee was also aware of considerable concern on the part of some members of the Church at a reference in Presidential Ruling N^o 13, which stated the legal position to be that the Assembly has the power "notwithstanding anything... in the Basis of Union... to determine, declare or interpret matters of doctrine, worship, government and discipline in the Uniting Church."

As a result of discussion in the Assembly Standing Committee, it was resolved to:

request the Advisory Group on Church Polity to prepare a statement on the status, authority and role of the Basis of Union in the Church, and to submit the statement to Standing Committee by the March 1994 meeting. It is envisaged that in the process of preparing the statement, the following matters will be considered:

- (a) the legal position vis-a-vis the Constitution and Regulations;
- (b) the role of the Basis in determining the doctrinal standards of the Church;
- (c) the role of the Basis in determining the polity of the Church;
- (d) the role of the Basis in determining the standards of discipline of church members, ministers and councils;
- (e) the meaning within the Basis of the Church being a "pilgrim people," with particular reference to paragraphs 3, 11, 17 and 18;
- (f) the meaning of the concept "adherence to the Basis of Union" in the Basis of Union and in the liturgies of the Church and the appropriateness of the continuing use of the concept in the liturgies;
- (g) the extent to which the Church has moved from or developed the understandings expressed in the Basis of Union;
- (h) any safeguards of the status, authority and role of the Basis of Union which the Church should adopt including possible amendment of clause 39 of the Constitution.

The Standing Committee also encouraged the Advisory Group to consult with others in preparing the statement, including the Commission on Doctrine and the Legal Reference Committee.

The Advisory Group found itself unable to prepare this statement for submission to the March 1994 meeting of the Assembly Standing Committee, partly because of the time it took to receive material which was relevant to consideration of all the issues involved, and hopes that this delay will not prevent the wide consideration of this paper within the Church which is intended.

The Advisory Group expects that this statement will be issued by the Assembly Standing Committee for reflection and response from the Church before any report and recommendations are taken to the Assembly.