

CENSURE DEFINITION
(A&P 2017, p. 281–84, 30)

Overture No. 9, 2017 (p. 586)

Re: Review length of term service for elders

As this overture points out, term service for elders has been an eldership model for two decades. Book of Forms section 108 and its subsections describe term service. In summary, an elder is elected to serve for a six-year term. At the end of each term the elder may stand for re-election. It is not mandatory for an elder to take time away from the session at the end of a term. One third of the session is elected every two years. All elders are ordained for life.

When the concept of term service was initially proposed to the General Assembly, it was believed candidates for the eldership would find a term of service more appealing or feasible than committing to lifelong service. (A&P 1996, p. 250) The writers of the overture, however, have not only found it difficult to find candidates for eldership willing to commit to a six-year term but that it can also be difficult to recruit candidates every two years to replace elders who do not stand for re-election. The prayer of the overture asks that Book of Forms section 108 be amended to permit sessions to set terms of service appropriate to their congregation's needs. It suggests the flexibility should allow for three, four or five-year terms of service.

The Clerks of Assembly are not aware that this is a widespread problem. They are asked questions about term service election procedures from time to time, but seldom are questions asked about the length of term. That being said, the overture presents an impetus for the church to revisit this eldership model.

The overture does not suggest a change in the frequency of elections, however, the term, the percentage of session to be replaced at each election, and the frequency of elections are interconnected. For example, if the term was five years, elections could not be held every two years because eventually an elder would complete the fifth year of the term and the session would still be a year away from the next election. If elections were held annually, the session using a five-year term would need to elect one-fifth of its membership each year in order to maintain a term balance. The table shows some possible scenarios other than what is approved at present.

	Term in Years	Years between elections	Percentage of elders elected
Option 1	5	2.5	50%
Option 2	5	1	20%
Option 3	4	2	50%
Option 4	4	1	25%
Option 5	3	3	100%
Option 6	3	1	33%

Before considering changes to the current legislation, the Clerks would like to receive comments from sessions about the value and challenges of term service and how this model might be amended. The Clerks think it would be wise to survey sessions to invite feedback before making a proposal to the church on this subject.

Recommendation No. 10 (adopted, p. 15)

That the Clerks of Assembly be permitted to survey sessions on the subject of term service for elders.

BOOK OF FORMS PROPOSALS

Book of Forms Sections 252, 367, 373, 374 and 374.1 – Censure definitions

The Special Commission re Appeal No. 1, 2015 in its final report to the General Assembly (A&P 2016, p. 467) rightly noted an inconsistency between Book of Forms sections 252 and 373 regarding deposition, and requested that the Clerks of Assembly examine these sections with a view toward obtaining consistency. The Clerks of Assembly are grateful to the commission for raising this matter and believe it is important that the church consider a proposal for amendment.

Section 252 indicates that deposition follows from the teaching of corrupt doctrine, a scandalous life, being given to schism, or being “altogether insufficient to execute one’s charge”. Section 373 limits the grounds for deposition to heresy or gross immorality.

252. It belongs to the presbytery to depose from the ministry those who teach corrupt doctrine, are of scandalous life, or are given to schism, together with those who are altogether insufficient to execute their

charges. (see sections 345–380 on disciplinary cases, section 441, Appendices A–64 and A–65, and the 2 Bk. of Dis. VII, 16)

373. Deposition from office is the removal of an individual from the office of elder or minister, and follows upon the confession or conviction of heresy or of gross immorality. Upon deposition, an elder is no longer considered an elder of the church and a minister is no longer considered a minister of the church. (see sections 252, 375, 441, Appendices A–67 and A–68)

While there are cross-references linking these sections, the inconsistency in the grounds for deposition is apparent and problematic. Deposition is a serious form of censure that, when applied to ministers, will result in the loss of employment and so it is important that there is as little ambiguity as possible.

Section 252 is a piece of legislation in the presbytery section of the Book of Forms. Its function in its current location should only be to establish the principle that it is the presbytery that has the right and responsibility to depose from ministry. In its current form, however, it goes beyond this principle to describe reasons for this form of censure. These reasons are more appropriately situated in the sections of the Book of Forms that deal with the procedures for discipline and the grounds for all church censures that follow. This anomaly could be corrected by transferring the grounds for a finding of this censure from section 252 to the part of the Book of Forms that deals with discipline.

Therefore the Clerks of Assembly recommend that section 252 be amended as follows:

252. It belongs to the presbytery to depose ministers of Word and Sacraments from the ministry ~~those who teach corrupt doctrine, are of scandalous life, or are given to schism, together with those who are altogether insufficient to execute their charges.~~ (see sections 345–380 on disciplinary cases, section 441, Appendices A–64 and A–65, and the 2 Bk. of Dis. VII, 16)

In reviewing the sections on censure (sections 365–375), it became apparent to the Clerks of Assembly that greater clarity could be achieved by revising other portions of the legislation. Currently, there is a lack of consistency within the sections and the language is often vague. For example, the use of the terms “sin” and “serious sin” instead of “offence” creates an inconsistency within the sections. Using the language from the General section on Discipline (sections 345–348) throughout will bring consistency and clarity.

“Offences” is the term used to describe that which is to be adjudicated by a court, and sections 317 and 347 defines “offences” as “anything in the doctrine or practice of anyone subject to discipline that is contrary to the Scriptures or the Standards and Subscriptions of The Presbyterian Church in Canada (sections 444–451)”.

Section 348 further defines the standards by which faith and conduct are tested as “the Scriptures and the Standards and Subscriptions of The Presbyterian Church in Canada (sections 444–451)”.

In order to more clearly define the term “gross immorality”, the more specific and common legal terms “wilful, flagrant or shameful immorality” should be used.

The Clerks of Assembly are not convinced that the term “excommunication” ought to remain within the options for censure. While within the Reformed tradition, excommunication has been seen as the highest form of censure, it is open to misunderstanding and very difficult to monitor once imposed. Excommunication means “out of communion” and is primarily a spiritual censure, barring an individual from the fellowship of the Lord’s Table. It has historically been intended as an extreme form of censure, not to be imposed or treated lightly. The other forms of censure are clear in their application. A member, elder or minister can be rebuked, admonished, suspended, removed from membership or office, or deposed, and the effect is clear. In the case of excommunication, an individual could easily begin attending another church either within The Presbyterian Church in Canada or in another denomination, and apart from one’s own conscience, nothing will prevent that individual from receiving the sacrament. Further, the Clerks of Assembly wonder if such an action by the church is ever necessary or helpful for building up the body of Christ. The Clerks of Assembly would value the feedback of the church on this point.

The following sections give guidance to courts about how they are to adjudicate offences and apply censure, and suggested additions are underlined and deletions shown with strikethrough.

Censure (proposed revisions)

365. The censures of the church are admonition, rebuke, suspension from church privileges or office, removal from membership or office and deposition, ~~from office, and excommunication~~, all of which are pronounced by the moderator in the name of the court.

366. Administering censure is a ministerial act, performed by the authority of the court, and should be carried out with solemnity, in meekness, and with love and tenderness.

367. Admonition consists in solemnly addressing the offender, placing the offence before the offender ~~their sin before them, warning them of their danger~~, and exhorting them to greater circumspection. It is administered in private.

368. Rebuke is a higher form of censure resorted to after conviction or confession of one or more serious sin offences. It may, if the court deems it ~~to be~~ necessary, be administered in public.

369. Suspension from church privileges is the removal of particular privileges of membership such as voting or participation at the Lord's Table. It may be for a longer or shorter period of time and is added to rebuke, when the court deems it necessary, in order to impress the offender with the gravity of the offence and to give public testimony against the offence. The privileges are automatically restored at the end of the suspension.

369.1 Suspension of an office-bearer from particular privileges of church membership will include suspension from office.

370. Suspension from office is the removal of responsibilities attending an elected or appointed position. It is either with or without limit of time. Any privileges or duties temporarily removed are automatically restored at the end of the suspension. (see Appendices A-69 and A-70)

370.1 Suspension from office does not necessarily include suspension from other privileges of church membership.

370.2 When a suspension is of a minister, the presbytery shall send notice of this action to all the presbyteries of the church.

371. Removal from membership is the removal of a professing member's name from the session's roll of professing members.

372. Removal from office is removal of a member or minister from a particular office and applies to function in that office.

372.1 An elder removed from office ceases to function as an elder but may be re-elected to serve depending on the terms for restoration.

372.2 A minister removed from office ceases to hold office in a particular ministry and therefore the removal from office involves the dissolution of the pastoral tie and the placing of their name on the appendix to the roll.

372.3 A member of a congregation removed from elected office within a congregation may be eligible for re-election depending on the terms for restoration.

373. Deposition ~~from office~~ is the removal of an individual from the office of elder or minister, and follows upon the confession or conviction of one or more of the following offences: heresy, ~~or of gross wilful, flagrant, or shameless~~ immorality, a scandalous life, persistent and wilful refusal to submit to the courts of the church or the pursuit of an obstinately divisive course within the church. Upon deposition, an elder is no longer considered an elder of the church and a minister is no longer considered a minister of the church. (see sections 252, 375, 441, Appendices A-67 and A-68)

373.1 Deposition of a minister necessitates the dissolution of the pastoral tie and the ~~striking removing~~ of the minister's name from the roll of presbytery. The sentence of deposition is read before the congregation, and the pastoral charge is declared vacant, except in the case where there is more than one minister on staff and the one position is declared vacant.

373.2 The presbytery shall send notice of deposition to all the presbyteries of the church.

374. ~~Excommunication is the highest censure of the church, and is imposed only in cases of grave aggravation, where the offense is obstinately denied, though fully proven; or, when acknowledged, is~~

~~justified by the offender, and where the individual continues impenitent and contemptuously resistant. It consists in solemnly casting the offender out of the communion of the church, with prayer that repentance and restoration will yet follow.~~

~~374.1 ——— A session may not proceed to deposition or excommunication without reference to the presbytery for advice.~~

375. When a minister or an elder in good standing, renounces the oversight of this church by joining another Christian body, or withdrawal from the Christian church, their irregular conduct is noted in the record of the court having jurisdiction, and their name is removed from the roll. If a charge is pending against them, it may still be prosecuted. If the body that they join is non-Christian, they may, with due notice, be declared no longer a minister or elder of the church, or be deposed, as the court may determine necessary in the interests of the honour of Christ and the Church. (see sections 252, 373, 441)

Recommendation No. 11 (adopted, p. 30)

That the above report and proposed revisions to Book of Forms sections 252 and 365–375 be sent to sessions, presbyteries and synods for study and report back to the Clerks of Assembly by January 31, 2018.