

Chargeable Offenses BCO 29

In order for a member or officer of the PCA to be charged and tried there must either be an allegation of a chargeable offense or a charge is filed (*BCO* 31-2; 32-2). Errors of judgment and relational failures may or may not rise to the level of a chargeable offense. "Chargeable offenses" (*BCO* 29-1 through 4), are "violations of divine law," or doctrines or practices contrary to the Word of God, or the Constitution of the Church. The Constitution of the Church is *The Book of Church Order, The Westminster Confession of Faith, and The Westminster Larger and Shorter Catechisms*. *BCO* 39-3 states:

While affirming that the Scripture is "the supreme judge by which all controversies of religion are to be determined" (*WCF* 1.10), and that the Constitution of the Presbyterian Church in America is "subordinate to the Scriptures of the Old and New Testaments, the inerrant Word of God" (*BCO* Preface, III), and while affirming also that this Constitution is fallible (*WCF* 31.3), the Presbyterian Church in America affirms that this subordinate and fallible Constitution has been "adopted by the church" (*BCO* Preface, III) "as standard expositions of the teachings of Scripture in relation to both faith and practice" (*BCO* 29-1) and as setting forth a form of government and discipline "in conformity with the general principles of biblical polity" (*BCO* 21-5.3).

In the case of a local church member, a chargeable offense could also be a violation of membership vows (*BCO* 57-5). In the case of a Minister a chargeable offense could also be a violation of his ordination vows (*BCO* 21-5). In the case of a Ruling Elder or Deacon a chargeable offense could also be a violation of his ordination vows (*BCO* 24-6).

Ministers are members of Presbytery, not members of a local church. Allegations or charges against a minister should be filed with the Stated Clerk of the Presbytery of which he is a member. In the case of a local church member, Ruling Elder, or Deacon, allegations or charges should be filed with the Clerk of Session of the local church.

In either instance, the court of original jurisdiction (Session for local church members and officers, and Presbytery for ministers) shall conduct a preliminary investigation (*BCO* 31-2) of allegations that are made and determine if there is a "strong presumption of guilt of the party involved." If there is a "strong presumption of guilt of the party involved" the "court shall institute process, and shall appoint a prosecutor to conduct the case." If there is no "strong presumption of guilt of the party involved," the matter is ended, unless there is a complaint.

Another way in which judicial process begins is by a person or persons undertaking to make out a charge and filing it with the court of original jurisdiction (*BCO* 32-2 [see also *BCO* 31-5; 31-9]).

Charles Hodge commented on the nature of chargeable offenses:

. . . our church does not pretend to demand perfection of Christian character and conduct of church-fellowship, nor perfect knowledge or entire freedom from error, as a condition of ministerial fellowship, so every shortcoming from the standard of perfection in either case, is not to be regarded as an offence. Nothing is an offence, but what, if persisted in, would justify either suspension from the privileges of the church, or from the office of ministry. The importance of this distinction between a sin and an offence will be at once perceived. No minister or church member would ever be safe from prosecution, and no judicatory could ever know whether they are called upon to prosecute or not, if every sin were an offense, or a just ground of judicial process. Minor evils are to be corrected by admonition, instruction, and the ministry of the word. It is only these evils in the faith or practice of a church member which would bring disgrace or scandal on the church, as tolerating what the Bible declares to be incompatible with Christian character, which can be the ground of process. Such is not only the theory but the practice of the church. We never hear of any professing Christian being arraigned and put on trial, unless for some immorality, or some such denial of the truth, or such neglect of his duty as a professor of the religion of the Lord Jesus, as affords good ground for calling the sanctity of that profession into question.

Charles Hodge, on Chapter I, paragraph 2 of “The Revised Book of Discipline” (1858), pp. 694-697.

Concerning ministers, *BCO* 34 says:

34-5. Heresy and schism may be of such a nature as to warrant deposition; but errors ought to be carefully considered, whether they strike at the vitals of religion and are industriously spread, or whether they arise from the weakness of the human understanding and are not likely to do much injury.

34-6. If the Presbytery find on trial that the matter complained of amounts to no more than such acts of infirmity as may be amended, so that little or nothing remains to hinder the minister’s usefulness, it shall take all prudent measures to remove the scandal.

The Office of the Stated Clerk may give advice and counsel regarding constitutional and procedural matters. Interpretations of *The Book of Church Order*, *The Westminster Standards*, “The Rules of Assembly Operation,” “The Operating Manual of the Standing Judicial Commission,” and/or *Robert’s Rules of Order* by the Stated Clerk of the General Assembly of the PCA or staff members of the Office of the Stated Clerk are for information only, however, and are not authoritative rulings that may only be made by the courts of the Church. Responses to inquiries are based on information supplied by the inquirer, which may not necessarily be comprehensive. The Office of the Stated Clerk does not represent parties in ecclesiastical judicial cases and may not prepare judicial cases for parties. Parties to potential cases or cases in process are responsible for their own constitutional and procedural knowledge and understanding. The Office of the Stated Clerk does not give legal advice. When legal advice is needed, professional legal counsel should be secured from one familiar with applicable laws and regulations.