

*And let us consider one another in order to stir up love and good works, not forsaking the assembling of ourselves together, as is the manner of some, but exhorting one another, and so much the more as you see the Day approaching.  
(Hebrews 10:24-25, NKJ)*

Fathers and Brothers,

What follows is written to Synod in the hope that we as a denomination may draw profit from recent experiences, especially those arising from judicial proceedings related to the former Immanuel Reformed Presbyterian Church (IRPC). While most of us would prefer to move on, we offer these petitions in the conviction that self-examination is a Christian duty and that it is wise, before too much time passes, to look for lessons to learn that we may carry forward to the future. This would be a sign of health and a source of blessing if done in humility, without rancor or accusation.

What follows are a series of recommendations under nine heads. Among them, some probably deserve more consideration than others; and it is likely that there are others that have not been considered at all. But it is hoped that something here will be of benefit to the church.

1. *Clarifying the process by which a congregation may voluntarily leave the denomination*

Our church's *Constitution* contemplates the closing of a congregation, but not dissociation. It may be useful to consider what other denominations have done (e.g., the Presbyterian Church of America's *Book of Church Order*, 25-11) and to adopt a clearer process for the Reformed Presbyterian Church of North America (RPCNA).

*Recommendation(s):*

To this end, we recommend that Synod appoint a three-man committee to draft a procedure clarifying the process by which a congregation may voluntarily leave the denomination (including, e.g., a good faith attempt by the denomination to work toward reconciliation prior to dissociation).

2. *Repentance and judicial process*

The IRPC case serves as a convenient touchstone for clarifying the principles that ought to guide judicial process. For example, one of the procedural challenges presented by the IRPC case concerns the claim by the former IRPC pastor to have repeatedly and publicly repented of sins related to failures of communication and leadership *prior* to any filing of charges. He claimed to have repented of every known sin and to have confessed to everyone against whom he was aware of having sinned—and, further, that he had done so prior to the decision to proceed with a trial. Whether or not we believe this to be true, the claim is significant in the light of our *Book of Discipline* (BOD).

According to the BOD, “the purpose of Christian [corrective] discipline is to bring about a redemptive change where “preventative discipline” has proved unsuccessful (BOD, Introduction). Consistent with this aim, the “primary” purpose of church discipline is to reclaim a sinning member (BOD I.1.3). It follows, then, that, “If the sinner repents, there *must be*

forgiveness and reconciliation, and the matter shall be closed” (BOD I.2.2, emphasis added)—though such closure may include censure appropriate to the circumstances.\*

Trials, by their nature, are adversarial. In the context of the church, the judicial processes which provide for trials are intended ultimately to win back a brother; but trials are appropriate only where a brother has steadfastly refused repentance in the face of repeated attempts to call him back by more direct means. A formal trial should not be initiated for the purpose of deciding what censure is appropriate for one who has repented.†

Throughout the BOD, there is a tenderness toward the sinner born of faith in the sufficiency of God’s grace and the conviction that God does not despise the broken and contrite heart. From first to last, the BOD reflects a desire to see restoration. Thus, after censure is given and “the court sees satisfactory evidence of true repentance, it shall restore the person with the same solemnity and publicity that attended the imposition of the censure, and lead the members in granting forgiveness” (BOD I.6.2).

The point here is not to affirm or condemn the work of the Synod Judicial Commission (SJC), but to take the invitation presented by this case to settle clearly in our minds the principles that should guide judicial process vis-à-vis confession and repentance. These principles recommend that the utmost care be taken to proceed in a manner that helps us discern whether or not confession and repentance have occurred prior to a trial.

*Recommendation(s):*

With these considerations in mind, it is recommended that Synod affirm the following as a reasonable interpretation of the Book of Discipline:

- 1) “No trial shall occur without first establishing whether there has been a lack of repentance as evidenced by a continuation of the sin(s) with which one has been confronted. Any allegations of a lack of repentance must be specific and credible and must be explicitly indicated in any charges.”
- 2) “No trial shall occur unless the accuser first indicates what solution is sought (see BOD II.1.1).”
- 3) “Where parties agree upon the essential facts of a case (e.g., the sin that occasioned the trial), trials are not to seek to rehearse offenses, but should focus on the remaining points of disagreement between the parties (e.g., what censure is appropriate). To that end, there must be sufficient interaction between the parties prior to a trial, directly or through mediators, to determine the extent of agreement between the parties.”
- 4) “Where there is a disagreement between the one bringing charges and the one to be charged over whether repentance has occurred, a pastoral commission shall be appointed prior to a

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\* It is interesting to compare *The Book of the Constitution and Government of the Presbyterian Church in Ireland*, II.19.339: “If at any stage an accused admits his guilt, the court may forthwith proceed to consider the censure to be pronounced and the case shall conclude upon his submission to such censure.”

† There is an exception, but it is one apparently intended to safeguard the accused against an overzealous court: “If the accused denies or desires to contest the charges, the court may not proceed to issue a censure beyond admonition or rebuke without conducting a formal trial” (BOD I.3.5).

trial to attempt mediation between accuser and accused. This mediation will include an attempt to discern the spirit of the parties involved and a review the evidence of repentance.”

### 3. *Third-party help*

It is difficult to accept that the RPCNA may lack within itself the resources needed to navigate every matter of discipline, yet the IRPC case invites us to weigh the possibility that instances may arise when outside assistance is advisable.

Our denomination is small and the expertise of our presbyters limited; further, our interpersonal networks are extensive and privacy is difficult to maintain. We are elders. Among us, few are professional investigators or lawyers, and even among those who are, their expertise does not extend to every domain of skill or knowledge that may arise, especially where the civil law overlaps considerably with a matter of concern within the church.

Perhaps our recent experience should persuade us that situations may arise where it is prudent to engage the assistance of professionals (e.g., investigators or lawyers) to provide information relevant to the deliberations of the church’s judicial bodies. The supplemental information of the expert would not supplant the wisdom and authority of the church, but rather leave the church’s judicial bodies freer to focus on the spiritual concerns that ought to govern the judicial process (e.g., pastoral care, censure, reconciliation, and restoration).

This would be helpful, in part, because of time: What pastors, confronted with a complicated case, can spare the time away from his local to devote the time needed to carefully investigate a matter in another presbytery? What if the case also demands a measure of expertise in the civil code or criminal investigation?

Modern communications technologies offer an additional incentive to consider outside help: It is easier than ever to communicate with those outside of our immediate geographic area. When combined with changes to the modes of communication—with long-form epistolary writing giving way to short-form expostulations—and with older norms of propriety giving way to the cruder habits shaped by social media—the hoped-for neutrality of judicial commissions assembled from outside the presbytery, once a reasonable safeguard of justice, is no longer sufficient. The likelihood that the independence intended by the BOD will actually be realized in practice is now much diminished—and not necessarily through any fault of the commissioners. And so the question must be asked: What is necessary now to avoid the equivalent of a tainted jury pool? Wisdom suggests the need for thoughtful safeguards that reckon with the realities of modern communications technologies and social media.

#### *Recommendation(s):*

To this end, it is recommended that Synod affirm the following guidance as a reasonable application of the Book of Discipline:

“In cases that require particular expertise (e.g., expertise in the civil law) not readily available within the church, the courts of the church shall make every reasonable effort to obtain the assistance or counsel of one with the requisite expertise.”

#### 4. *Pastoral care and physical proximity*

The IRPC case reminds us of the essential link between pastoral care and proximity. The BOD requires even the most serious sins to be approached “in love and with care” (BOD I.3.2). It further requires that “pastoral care...be given to the innocent...and other parties in the case” (BOD I.4.3.d). In a formal trial, the church can easily borrow the forms of the world by creating distance and impersonality in order to preserve a posture of independence and neutrality. However, this posture is not contemplated by the BOD; and within the church, when dealing with serious sin involving a number of parties, it is doubtful whether this course would be advisable even if it were.

Rather, the IRPC case asks us to consider whether it would not be better in most instances for wise and godly men to wade into the messiness. One suspects that the single greatest impediment to progress in the whole IRPC matter was highly restricted, intermittent, and selective communication, and, as a result, the feeling by some of those closely connected with the matter that they had not been heard.

The case thus asks us to consider how we may ensure that individuals suspected or accused of sin, together with all those materially affected, have been heard—and to avoid a situation where those accused (and those sympathetic to them) conclude that those wielding judicial power lack the full picture; and where they further conclude that there is no clear opportunity to apprise them of it.

In the future, in complex cases, where a judicial commission is appointed, we should consider directing and provisioning them to spend sufficient time physically present among the congregation(s), talking to all relevant parties, in order to come to an understanding of the situation in a way that is difficult, perhaps impossible, to obtain from a distance. Among other things, this would minimize the likelihood that a few individuals would function as *de facto* filters and interpreters in ways that distort an accurate understanding of the situation by those tasked with resolving questions of guilt and censure.

While one might be concerned with the resources necessary to provide this sort of judicial oversight, it may be noted that, historically, complex trials of this sort have been rare. This is consistent with the spirit of our BOD, which envisions trials as a lamentable necessity to be reserved for extraordinary situations where significant prior effort has been made to win a brother by gentler means.

#### *Recommendation(s):*

To help resolve these concerns, it is recommended that Synod adopt the following resolution:

“The pastoral intent of the Book of Discipline suggests that judicial commissions are not to function merely as a jury, but should prioritize direct pastoral engagement, within the boundaries of their remit, throughout the judicial process. They should not sequester themselves prior to, during, or after a trial.”

5. *Borrowing the language or forms of the world in place of Biblical Christianity*

The IRPC case reminds us of the need to guard against accidentally incorporating the language or forms of the world in place of Biblical Christianity. The safer course would be to adhere to the language of Scripture.

In the course of the IRPC proceedings, one sometimes heard the opinion expressed that where there is truth, there can be no slander. However, this concept belongs to the civil law and is alien to Christianity. Scripture calls us to be jealous of men's reputations, to speak the truth in love, and, so far as possible, to preserve the good name of another. If the Westminster Standards are correct, in Christianity, it is possible to tell the truth and yet violate the Ninth Commandment (see, e.g., the Westminster Larger Catechism 144).

A further example merits consideration. Increasingly, the vocabulary preferred by secular culture is derived from systems of thought that originated as alternatives to systems of thought traceable to Christianity. Nowhere is this more evident than in the social sciences (e.g., psychology). The language that now prevails in the social sciences is, in turn, slowly insinuating itself into our laws and institutions. In the IRPC case, one particularly prominent and troubling example is the language of a "victim-centered approach" adopted by the Presbytery Judicial Commission (PJC). The term is freighted with meaning—e.g., that one who has suffered sexual sin should be styled a "victim" and, further, that the desires of the victim ought to be preferred in the process of adjudication; and that normal due process rights might need to be bent, in order to avoid "re-traumatization." Notably absent from the "victim-centered" approach in criminal justice are ideas central to Christianity—e.g., the duty of forgiveness or the sufficiency of God's grace to wash away sin. On these points, modern criminal justice and Christianity are so different as to be incompatible. The "victim-centered" approach seeks a victimizer, and if the actual abuser cannot be reached, the need of the victims to obtain closure urges the discovery of someone else who may be blamed.

The SJC then took the PJC's work as a starting point. Adoption of the "victim-centered" lens thus helps to explain why, for example, the SJC "declined to share [with the Olivetti Restoration Committee (ORC)] names of victim families...citing the families' unease and hurt during the disciplinary processes of Synod" (ORC Minutes & Correspondence, p. 5). The ORC was thus left in limbo, denied the information it needed to gauge the adequacy of Mr. Olivetti's attempts at confession and repentance—information which was necessary if there was to be any determination of whether he should be restored to communion. It is unsurprising, then, that the ORC cited ongoing concerns about the potential for "unresolved conflicts" as a reason for its hesitation to restore Table privileges: Denied access to the relevant portions of the SJC's records, the ORC simply could not know.

This is remarkable: Here we have one commission of Synod refusing to cooperate with another commission of Synod. As a constitutional matter, this demands Synod's review.

In this case, in retrospect, it may be that the borrowing of a worldly framework (reflected here in the "victim-centered" approach) distorted our vision to the point where it was allowed to serve as a rationale for declining a Biblical and constitutional mandate.

*Recommendation(s):*

To answer these concerns, it is recommended that Synod adopt the following resolutions:

- 1) “We reject the idea that where there is truth, there can be no failure of the Christian duty of love.”
- 2) “We reject the use of a ‘victim-centered approach’ in judicial and pastoral matters.”
- 3) “Every body created by a court of the church must fully cooperate with every other body created by the same court in matters consistent with each body’s remit.”

#### 6. *Repentance and reconciliation*

The case of the former IRPC pastor presents a further question more specifically related to reconciliation: To what extent is repentance to be judged by actual success in reconciliation?

This is important: If one sins against another and seeks the forgiveness of the one sinned against and the olive branch is refused, what then? Does the one sinned against have the power to determine the sufficiency of the repentance of the one who sinned? Where that sin has resulted in loss of the privileges of membership or of holding office until repentance has been sufficiently demonstrated, does the one sinned against in effect hold a veto on the restoration of such privileges?<sup>‡</sup>

#### *Recommendation(s):*

It is recommended that Synod adopt the following resolutions:

- 1.) “Sessions shall gently and patiently remind those who sin of their duty to repent and seek forgiveness from those against whom they have sinned. Likewise, sessions shall gently and patiently remind those who have been sinned against of their duty to forgive the one who has sinned against them, irrespective of any evidence of repentance on the part of the sinner.”
- 2.) “Synod urges sessions to remind those in the church who have sinned and those who have been sinned against of their duty to work toward reconciliation where the sinner is penitent, subject to the counsel and oversight of the session.”
- 3.) “Synod repudiates the notion that the willingness of the one sinned against to forgive or be reconciled with the sinner should influence the timing of the lifting of censure.”

#### 7. *Lawsuits and the threats of lawsuits among believers*

One revelation from the IRPC case was a lack of consensus about what is Scriptural in terms of legal disputes among believers. We affirm the command that a believer should not take another believer to court, especially if they are members of the same church body. But this command is susceptible of varied application. Consider, for example: What about threatening a lawsuit where one does not actually intend to follow through with the action threatened? Or what if one engages an attorney and that attorney writes a letter strongly threatening civil action: Is one responsible for the letters sent by one’s attorney? What if a Christian is not the one suing but

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<sup>‡</sup> Here again is an instance where the “victim-centered” mentality may yield unorthodox results.

merely providing material to fellow believers to aid them in *their* civil suit? If a session believes a suit is unscriptural, should they discipline the bringer of the suit, even where the session believes that the one bringing suit *has* been sinned against and that the sinner has thus far refused to cooperate with the courts of the church?

It may be helpful for us to develop practical guidance for these sorts of real-life scenarios. Failing to do so may invite difficulty and division down the road that could be avoided by considering these questions beforehand.

*Recommendation(s):*

To that end, it is recommended that Synod create a two-man study committee to draft a paper or to identify useful resources that offer sound biblical guidance on the issue of lawsuits and threats of lawsuits among believers.

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The last couple of points are perhaps the hardest. For the past several years, we have been much concerned with the question of whether the response by the former IRPC pastor and elders to the initial sexual sins of a youth in their church was itself sinful. It may be helpful to extend this consideration one step further, asking whether some of the responses to those first responders fell short in some way as well.

#### 8. *Internet-based communication platforms and the Ninth Commandment*

The disintegration of norms of decency in the modern world is nowhere more evident than in the modes of communication made possible by the Internet. The IRPC case reminds us that the impatience to bring all before the public eye tends to short-circuit pastoral care and a spirit of charity. Here, again, there is a danger of the church being carried along with the current of culture.

One response to the IRPC case that powerfully illustrates the point is the “Peace, Purity, and Progress” website (<https://peacepurityprogress.com/>), which posted content—even password-protected content—provided by at least one RP pastor, together with a running non-factual commentary written with the faux-neutral voice of the modern newspaper. This site has made universally and permanently accessible every available document, public or private, related to the IRPC case.<sup>§</sup> The authors of this site make much of the virtue of truth but forget the corresponding duty of love; rather, they weaponize truth against love. As the Westminster Larger Catechism (WLC) reminds us, the Ninth Commandment requires a certain heart toward our neighbors that includes “loving, desiring, and rejoicing in their good name” and “sorrowing for and covering of their infirmities” (WLC 144).

This website is the equivalent of hiring a town crier, or constructing billboards along the interstate, to rehearse, in perpetuity, the past sins of a brother in Christ. Only in a culture desensitized by prolonged exposure to the Internet and degraded by modern norms of social media could this website’s self-justification in terms of truth be seen as anything other than

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<sup>§</sup> Someone has even purchased the web address “rgclafayette.org,” which redirects to the Peace, Purity, Progress website’s homepage, the homepage of which features an image of the former IRPC pastor. The actual web address for Redeeming Grace Church is rgclafayette.com. The hatefulness of this action is unbecoming of a Christian and demands a response by the church.

sinfully lacking in love; and only if the church has become desensitized could it fail to confront those responsible.

The task now, as we seek to learn what lessons we may from the IRPC case is to look squarely in the mirror and ask ourselves: Are we suffering a measure of cultural astigmatism when it comes to the toxic effects of the Internet and social media?

This much is clear: We need to clarify in the Internet age what constitutes a violation of the Ninth Commandment. Whether the website referenced is or is not in violation of the Ninth Commandment is a question of consequence for the future of our denomination.

*Recommendation(s):*

- 1.) It is recommended that Synod uphold the duty of believers to guard one another's good name and to denounce the use of any public forum to defame brothers and sisters in Christ.
- 2.) If the "Peace, Purity, Progress" site is still live, it is recommended that Synod appoint a judicial commission to formulate charges against all those who are involved who do not confess and repent of their sin within ten days of the adoption of this resolution. It is further recommended that Synod appoint a pastoral committee to determine the current dispositions of those involved, address any spiritual issues which need correction, and provide for appropriate mediation, for any who repent within the ten-day window.

#### 9. *Passing judgment without knowledge*

At the 2022 Synod, presbyters were asked to rule on the various complaints regarding the SJC's work. This circumstance thus offered a test case for an important question: How much does Synod need to know before ruling on the work of a judicial commission?

The scenario was this: Synod was asked to render judgment about various complaints concerning the SJC's work. At least one complaint expressed concern that the SJC's charges against the accused were constitutionally defective for lack of specificity. Another complaint asked Synod to consider whether suspension from the table was a censure commensurate with the offenses for which the accused had been charged and found guilty. A further request was made on the floor of Synod to be apprised of those charges upon which Synod had been asked to pass judgment.

In effect, Synod was asked to serve as an appellate body in its review of these complaints. In other words, one judicial body—Synod—was asked to rule on the work of a subordinate judicial body—Synod's judicial commission. Ultimately, however, Synod rendered judgment on these complaints without first satisfying the request to be apprised of the charges upon which it was ruling.

In conversation with various presbyters after Synod, a recurring theme was trust: Men voted on the basis of whether they had greater faith in the complainant or the men of the SJC or simply the process itself.

Here is a weighty question: In a situation like this, what is Synod's obligation? Must the court be apprised of the charges in a formal trial in order to verify that a censure is commensurate with



the offense—or that the BOD’s requirement of charges, submitted in writing, that name “the specific offense, the time, place and circumstances of its commission” (BOD I.2.1), has been satisfied? Or is it sufficient to rely upon the character and integrity of the men comprising a judicial commission (or of a defendant)—or upon impressions of the overall thoroughness of a judicial commission’s work—or on the bare fact that a commission bears the sanction of a presbytery or Synod—or upon the margin by which a vote passes or fails? This question is especially pertinent in cases where the materials presented to Synod run to such a length that it is difficult to digest them fully.

The BOD is certainly clear on whether the full and complete record ought to be available for reference by the court: It requires that “a record of all proceedings shall be carefully kept” that “shall include, in particular, the charges and accusations,” and that “a complete, authenticated copy of the entire record shall be available for reference to a higher court, if desired” (BOD II.3.1). It is constitutionally suspect, then, to deny members of Synod access to the charges upon which they are being asked to pass judgment.

*Recommendation(s):*

It is therefore recommended that Synod adopt the following resolution:

“In all of our ecclesiastical bodies, we will seek to follow the principle of administering justice that one shall not render judgment without knowledge. We affirm with the BOD that this principle is particularly applicable to any judicial body ruling on the work of another judicial body.”

*Conclusion*

Again, the point here is to reflect together, in a spirit of humility, not to relitigate. The guiding questions of this document are not “What did we do right?” or “What did we do wrong?” but rather “What may we learn?” and “Where may we grow together in a spirit of unity?”

Respectfully submitted,

Session of the Bloomington Reformed Presbyterian Church

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