

Section I – Basic Organization of the Presbyterian Church (U.S.A.)

The Presbyterian Church (U.S.A.) is a body of Reformed Christians who have agreed to conduct their worship and other religious activities in conformity with the then current version of the Presbyterian Church (U.S.A.) Constitution. The Constitution consists of the *Book of Confessions* (Part I) and the *Book of Order* (Part II). The *Book of Confessions* contains twelve theological statements developed over the church's history. The *Book of Order* includes The Foundations of Presbyterian Polity, the Form of Government, the Directory for Worship, and the Rules of Discipline.

The Form of Government sets forth the relationships among the various elements that comprise the church. Central to the organizational structure of the Presbyterian Church (U.S.A.) is the concept of councils of which there are four types:

- sessions of particular churches
- presbyteries
- synods
- General Assembly

The Presbyterian Church (U.S.A.) is governed by these representative bodies composed of presbyters, both ruling elders and teaching elders. G-3.0101. The session of a particular church consists of the pastor, associate pastors, and ruling elders in active service. G-3.0201. The presbytery consists of all the churches (represented by ruling elders) and teaching elders within a certain district. G-3.0301. A synod consists of at least three presbyteries within a specific geographic region and is composed of commissioners elected by the presbyteries. G-3.0401. The General Assembly is a council of the whole church and consists of equal numbers of ruling elder and teaching elder commissioners elected from each presbytery. G-3.0501.

Each council has particular responsibilities and powers. These are set out in the Form of Government: Sessions G-3.0201, Presbyteries G-3.0301, Synods G-3.0401, and the General Assembly G-3.0501. Our polity is presbyterian — as distinguished from hierachal, episcopal, or congregational. As we explain our structure, we must not oversimplify the essential detail of our presbyterian polity.

A very important concept for this Legal Resource Manual and within the life of the Presbyterian Church (U.S.A.) is found at G-3.0102: “Councils of this church have only ecclesiastical jurisdiction for the purpose of serving Jesus Christ and declaring and obeying his will in relation to truth and service, order and discipline.” The corollary to this principle is that civil governments and courts must not assert ecclesiastical jurisdiction. This principle is embodied in the First Amendment to the United States Constitution and the religion clauses found in the various state constitutions.

Thus, neither the Presbyterian Church (U.S.A.) nor its councils should be thought of as civil jural entities with legal capacities and attributes. Their fundamental ecclesiastical nature, relationships, duties, and responsibilities are established by the Presbyterian Church (U.S.A.) Constitution — not the civil law. The *Book of Order* does direct the particular churches (G-4.0101) and the higher councils (G-4.0101) to cause a corporation to be formed whenever permitted by civil law. This provision is not understood to incorporate the ecclesiastical council but, instead, to create a corporation to perform the limited civil law functions necessary within the life of the church (e.g., holding title to real estate, entering into contracts). Of course, all of these corporations operate within the applicable civil law and the strictures of the Presbyterian Church (U.S.A.) Constitution. These corporations are civil jural entities.