

LODGES OF INSTRUCTION



Student Outline Masonic Crimes and Punishment

LEARNING OBJECTIVES:

Enabling Learning Objectives

- a. With the aid of references, list the classes of Masonic Offenses and Punishments, in accordance with Mackey's Jurisprudence of Freemasonry.

Terminal Learning Objectives

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The division of wrongs on municipal law into private and public, or civil injuries and crimes and misdemeanors, does not apply to the jurisprudence of Freemasonry. Here all wrongs are crimes, because they are a violation of the precepts of the institution; and an offense against an individual is punished, not so much because it is a breach of his private rights, as because it affects the well-being of the whole Masonic community.

CLASSES OF MASONIC OFFENSES:

The classes of Masonic offenses are as follows:

(a) Directive precepts

The ethics that should form the character of a true and trusty Mason. They are found in the Ritual and the "*excellent rules and useful maxims laid down in the several Masonic lectures*", and usually carry no specified punishment.

(b) Penal regulations

Violations of the *lex naturae* (Law of Nature or Moral Law), considered a *malum in se* – an evil in itself – and the *lex humanus* (Law of Man) or *malum prohibitum* – a prohibited evil.

CONCEPT OF DOUBLE JEOPARDY

- (a) **Double Jeopardy** is the injustice of being tried by the same jurisdiction for the same offense more than once.
- (b) If tried and convicted in a criminal or civil court, a Mason is still subject to judgment by his brethren.
- (c) Nor does acquittal by those bodies prevent the Order from exercising Masonic jurisdiction.

MASONIC PUNISHMENTS

The five (5) classes of Masonic punishments are as follows:

- (a) Censure
- (b) Reprimand
- (c) Exclusion
- (d) Suspension
- (e) Expulsion

(1) CENSURE

Resolution, adopted by a majority vote that expresses disapproval of a Brother's conduct.

(2) REPRIMAND

Preceded by charges and trial, may be private (*a letter*) or public (*orally in an open Lodge*).

(3) EXCLUSION

Deprivation of the rights and benefits of Freemasonry, as far as they relate to any particular Lodge, but not to the whole Fraternity.

Temporary, by majority vote or exercise of the Master's prerogative, removal from a communication.

Permanent, inflicted for non-payment of arrears, also known as "*striking from the rolls*".

(4) SUSPENSION

Preceded by charges and trial, deprivation of the rights and privileges of Freemasonry.

Definite – for a fixed period of time.

Indefinite – for a period not determined.

(5) EXPULSION

Known as Masonic death. A penalty inflicted not so much as a punishment of the guilty, but more of a safeguard of the Order.

Should only be inflicted by the Supreme Authority, not by a Subordinate Lodge.

MASONIC TRIALS

(1) CHARGES

- a. Must be in writing.
- b. Must be specific
- c. Must be signed by a Master Mason as the accuser
- d. Requires a majority vote of the Craft to pursue
- e. Upon failure of the Lodge to act, the accuser may appeal to the Most Worshipful Grand Master.
- f. Accuser is notified by Certified mail of the charges and time and place of trial at least 14 days prior.

(2) TRIAL

- a. Craft must be notified.
- b. No visitors should be present.
- c. Counsel and witnesses will be admitted.
- d. Accuser may be represented by an Mason of this jurisdiction.
- e. Following the trial, the Craft will be polled and a two-thirds ($\frac{2}{3}$) vote is required for a guilty verdict.

(3) SENTENCING

- a. If the sentence is suspension, it shall take effect forthwith.
- b. A recommendation of expulsion shall act as a suspension pending action by the Grand Lodge.
- c. Proceedings must be forwarded to the Grand Secretary within ten (10) days.

SUMMARY AND QUESTIONS