

VICTORIA LODGE OF EDUCATION AND RESEARCH
650 Fisgard Street, Victoria, B.C. V8W 1R6
1979 - 4

BACKGROUND NOTES TO A CONSIDERATION OF THE PENALTIES IN OUR OBLIGATIONS

by

R. W. Bro. D. J. MacLaurin

Mt. Newton Lodge No. 89, B.C.R. & Westview Lodge No. 133, B.C.R.

A significant rewording, and in some cases elimination, of the penalty section of the obligations in the three Craft Degrees has come into use in several other Grand Jurisdictions during this twentieth century. Preliminary moves have recently been made in British Columbia toward the consideration of some such a change in our Rituals.

At the 1978 Annual Communication of our Grand Lodge, R. W. Bro. H.A. D. Oliver moved, and M. W. Bro. Nicholas Musaalleh seconded, a resolution (see P. 106, 1978 Proceedings G.L.B.C.) that "the Grand Lodge respectfully request the incoming Grand Master to appoint a special Committee -

1. to study the Ancient Penalties contained in the Obligations in the several Degrees of Freemasonry in this Grand Jurisdiction;
2. to inquire into the changes in the Penalties which have been made in other Grand Jurisdictions;
3. to make such recommendations for reform of the Penalties as may appear to them proper and desirable for the good of Freemasonry; and, to bring in a report at the next Annual Communication of Grand Lodge."

The Grand Master, M. W. Bro. Stirling, has appointed and so charged such a Special Committee. The Chairman is R. W. Bro. R. A. Gilley, who is also chairman of the Grand Lodge Committee on Rituals, Forms and Ceremonies.

It is probable, therefore, that there will be a discussion on matters related to our Penalties at the Annual Communication of Grand Lodge in June, 1979 at Vancouver. It is possible, too, that there will be a call for some decisions on this delicate subject.

Undoubtedly, the role and the wording of the Penalties is of high importance to many Brethren in British Columbia. Therefore, well before any possible call for action on questions related to the penalties, it seems reasonable to present a review of actions taken by various other Grand Jurisdictions on this question. Such is the sole and only object of this paper. It seeks to present factual background material and outline some optional courses of action, all of which it is hoped would be helpful should it

14.

become our duty to decide for or against any change, and if for a change, the nature of the change. To these ends, this paper will consider some history of our Craft Obligations and then events and arguments leading to changes that have been introduced elsewhere.

Let us recall that in our Canadian Working, the penalty in the E.A. degree is of two parts. It is first a drastic physical action and secondly, a punishment involving moral ostracism. In the F.C. and M.M. degrees, there is a physical action only. In our "Ancient" working, there is a physical action only

in each of the three degrees. Thus, in both of our Authorized Workings, every Degree Obligation now contains a direct physical penalty.

In general, where a rewording has been adopted elsewhere, it is the addition, just ahead of the penalty, of a phrase such as "ever bearing in mind the traditional penalty "of having my --- etc. and then in every Degree after the physical action part, adding a phrase such as "but binding myself under the real penalty of being ----" Such rewordings are, of course, supplemented by the necessary adjustments to certain following passages in the Ritual. While this is but one example of several rewording styles, there has developed a major change in the Obligations which results in either setting aside the physical actions as part of the Oath but retaining those physical actions in the Oath as reminders only and retaining in full their symbolic use everywhere else in our Ritual and Workings, or of eliminating them entirely from the Obligations.

Before considering the specific actions taken by other Grand Jurisdictions on the penalties let us sketch the historical evolution of Penalties as part of an Obligation. V. Wor. Bro. Harry Carr (A.Q.C. , 74, 1961, P. 129) has given a scholarly and detailed account of this evolution. His paper is based on a careful study of the old Manuscript documents, Catechisms, and early Exposees, and follows the evolution of the oath from the earliest written sources of Operative days up until the full development of our present Rituals as occurred within the union of the rival Grand Lodges in England in 1813.

From the time of the Regius Manuscript (1390), our earliest known manuscript, and for about the next 200 years, the simple ceremony of admitting an Apprentice to Operative Masonry consisted of an opening prayer, a reading of the Charges and then a simple Oath by the candidate of Fidelity to the Sovereign, his Masters and Fellows, and to observe the Regulations. There were no penalties, secret words, or signs. By the late 1600's, the Oath is enlarged to contain a theme of secrecy. In the early 1700's, while there is still no penalty in the Oath itself, there is, however, in the catechism part of the Ritual, in the candidate's answers to some of the questions, the rudimentary beginnings of various now familiar physical penalties. Pritchard's major Exposee of 1730, "Masonry Dissected", gives a single Oath which contains essentially all the penalties now spread over our three Degrees. Pritchard shows three Degrees, with an Oath in the first only, which was not even repeated in the second and third Degrees. By about 1760 - 70, say two hundred years ago, the documents clearly show three Degrees, each having a distinct Obligation with Penalties well along toward what we know. Our Canadian Work Penalties, in essentially their present form, stem from the great ritual compromise and revisions which were a part of the formation of the United Grand Lodge of England in 1813. Our Ancient Work Penalties probably stem more directly from the Rival (Athol) Grand Lodge erected in 1751.

In summarizing the course of this evolutionary process, it seems that while an Oath or Obligation has at least a 600-year old pedigree. in Operative Masonry, a physical penalty is only some 250 years old and by inference, mainly a product of Speculative Freemasonry.

In the United Kingdom, the process of Ritual evolution did not stop with the formation of the United Grand Lodge in 1813. It is still going on. For example, in 1894, the Grand Lodge of Ireland made mandatory the insertion of a "reminder clause" in each Obligation (see A.Q.C., 57, 1964, P. 42). The revision was due to R. W. Bro. Lord Justice Fitzgibbon of the Irish Supreme Court, who gave legal and ethical arguments in support of his position. In

Scotland, choosing the form of the Ritual used by a Lodge is the prerogative of each Lodge. There is no such thing as an official or authorized Ritual in 15.

Scotland. One of the oldest Lodges in Edinburgh, the Lodge of Journeymen Masons, No. 8, founded in 1707, completely removed the physical penalties from its Obligations in 1915 and Service. Lodge No. 1291 founded in 1921 has never used a physical penalty. The Grand Lodge of Scotland encourages its Lodges to omit the physical penalties, which many have done. In December, 1964., the United Grand Lodge of England approved the "ever bearing in mind" form as a "permissible alternative", which each Lodge was free to adopt or not adopt, as it chose.

The events leading to the changes in England appear to have been brought into sharp focus through a paper on "The Masonic Penalties" by Wor. Bro. Rylands, presented at the January 3, 1964 meeting of Quatuor Coronati Lodge. While there had been other earlier moves on this question, it does seem that the real impetus came from the manner in which Quatuor Coronati Lodge had "very well illustrated" the problems. It is perhaps worth noting that V. Wor. Bro. Carr and enalty" of having my --- etc"., and then in every Degree after the physical action part, adding a phrase; such as: "but binding myself under the real penalty of being ---" Such rewordings are, of course, supplemented by the necessary adjustments to certain following passages in the Ritual. While this is but one example of several rewording styles, there has developed a major change in the Obligations which results in either setting aside the physical actions as part of the Oath but retaining those physical actions in the Oath as reminders only and retaining in full their symbolic use everywhere else in our Rituals and Workings, or of eliminating them entirely from the Obligations.

Before considering the specific actions taken by other Grand Jurisdictions on the Penalties, let us sketch the historical evolution of Penalties as parts of an Obligation. V. Wor. Bro. Harry Carr (A.Q.C., 74, 1961, P. 129) has given a scholarly and detailed account of this evolution. His paper is based on a careful study of the old Manuscript documents, Catechisms and early Exposees, and follows the evolution of the Oath from the earliest written sources of Operative days up until the full development of our present Rituals as occurred with the union of the rival Grand Lodges in England in 1813.

From the time of the Regius Manuscript (1390), our earliest known manuscript, and for about the next 200 years, the simple ceremony of admitting an Apprentice to Operative Masonry consisted of an opening prayer, a reading of the Charges and then a simple Oath, by the candidate, of Fidelity to the Sovereign, his Masters and Fellows, and to observe the Regulations. There were no penalties, secret words, or signs. By the late 1600's, the Oath is enlarged to contain a theme of secrecy. In the early 1700's, while there is still no penalty in the Oath itself, there is, however, in the catechism part of the Ritual, in the candidate's answers to some of the questions, the rudimentary beginnings of others encouraged and made possible the widest discussion of this whole matter. The paper, together with a full record of all the subsequent discussions and written comments from all over the world, presented many points of view and many suggestions. There was some definite opposition to any change, but by far the overwhelming opinion favoured change. The complete details are given in A.Q.C., 77, 1964, and are a great source of light. In June, 1964, at the Quarterly Communication of the United Grand Lodge of England, R.W. Bro., The Bishop Herbert, Prov. G.M. Norfolk, gave notice of motion whereby Grand Lodge would approve as a "permissive variation" the introduction of an "ever bearing in mind---" phrase, just ahead of the wording of the physical penalties. The Bishop's case for the change was mainly based on "moral objections to inclusion of the Penalties in the Obligations". Now the problem

had moved from the quiet of a scholarly paper in a Lodge of Research into the arena of Grand Lodge and thus, to a world-wide audience through its Quarterly Proceedings. At the Quarterly Communication in December, 1964, R.W. Bro., The Bishop Herbert moved, and V. Wor. Bro. Carr seconded, the motion that would modify their Rituals on a "permissive alternative" basis. After many remarks and much discussion, it was given essentially unanimous approval. The Quarterly Proceedings of the United Grand Lodge of England for June 1964, pages 394-5 and for December 1964, pages 430-442, carry the verbatim recorded of all that discussion.

Thus, the Grand Lodges of England, Ireland and Scotland have all accepted an evolution and modification in the Ritual which essentially removes the Penalties from the Obligations, the main reasons being those of legal, moral and ethical consideration. It is also noted that Grand Lodges in the

16

Netherlands and Switzerland, and possibly others in Europe, have completely removed physical penalties from their Obligations. A few Grand Lodges in the United States, including New Jersey and Pennsylvania, are known to have adopted a similar modified form of the penalties during the last ten years or so.

Let us conclude this brief summary of actions taken by other Grand Lodges by recording that in Canada, all Grand Lodges except British Columbia, Nova Scotia and Saskatchewan, (and possibly Prince Edward Island), have made a change, generally following the wording used in England. We should note, however, that Quebec made the change before England did, and based their change on the earlier Irish wording.

Before considering some of the possible options open to us in British Columbia, it is perhaps relevant to note that precedent appears to indicate that in British Columbia, Grand Lodge itself would have to approve and authorize any proposed change to the Rituals. Thus, the basic power, and hence, responsibility for making any changes in our Rituals, appears to rest with the members of Grand Lodge: quite different from Ontario (and maybe others.), where a mandatory change followed from an order by the Grand Master.

Some of the possible options open to us appear to be.

- 1..Decide to close the discussion and thus make no change;
- 2.Continue the discussion and study of all the pros and cons;
- . 3.Ask that specific proposals be placed before all Lodges as a basis for discussion.

Brethren, the preparation of this paper has been a most rewarding experience to me. It has helped me to resolve some points of real personal concern and to move toward a view that we have a very real duty, and I consider an opportunity, to benefit from the actions taken and precedents set by the Mother Grand Lodge and many others.

Should you have any comments or suggestions you wish to pass to the Special Committee considering the Penalties, write to R. A. Gilley, Esq., C/O The Grand Secretary, A.F'. & A.M., 1495 West 8th Avenue, Vancouver, B .C., V6H 1C9

Many have helped me generously in assembling the basic data I have used in this paper. Particularly, I mention and thank V. Wor. Bro. Carr, of Quatuor Coronati, R. Wor. Bro. Sankey of the Grand Lodge of Canada, our own. M. W. Bro. Kenneth Reid, and the Grand Secretaries in Canada.

The following bibliography will provide a point of departure. for further studies.

1. A.Q.C., Vol. 77 (1964), Pp. 21 - 64.

2. Quarterly Proceedings, United Grand Lodge of England June 10, 1964, Pp. 394. - 5; December 9, 1964, Pp. 430~ - 442.

3. Harry Carr. The Freemason at Work, 1976, Pp. 38 - 45.
