

**First Constantinople - (381/382)  
Second Ecumenical Council  
(Rhalles and Potles, 2: 180-187)**

**Canon 6**

Since many who wish to upset and confuse the church's good order, out of hostility and slander fabricate certain charges against orthodox bishops who administer the churches, attempting nothing other than to smear the reputations of priests and to fabricate disturbances among peaceful peoples, on account of this it seemed good to the holy synod of bishops meeting in Constantinople, that accusers not be accepted without examination, nor to permit all to make charges against those administering the churches, but not to prevent all. For if anyone might bring a private, i.e., personal, complaint against the bishop, as one who has been defrauded or suffered something else unlawful at his hands, neither the person or religion of the accuser will be examined in the case of such charges. For it is necessary that the conscience of the bishop be free and the one said to be wronged to obtain his rights whatever might be his religion. If the charge being brought against the bishop might be ecclesiastical, then it is necessary that the persons of those making accusations be examined and admitted, so that, in the first place it would not be permitted for heretics to make accusations against orthodox bishops regarding ecclesiastical matters. We call heretics those excommunicated in the past from the church, and those anathematized by us afterwards; and in addition to these, also those who pretend to confess sound faith, but who separate themselves and hold rival assemblies to our canonical bishops. In addition, also if some of these might be condemned and excluded or excommunicated from the church on any grounds, whether from the rank of the clergy or laity, it will not be permitted for them to bring accusations against a bishop before they first clear themselves of their own charge. Likewise those who are under a previously brought accusation are not first to be accepted for an accusation against a bishop, before they prove themselves innocent of the charges brought against them. On the other hand, if some who are neither heretics or excommunicants, nor condemned or accused of any offense, might allege to have an ecclesiastical accusation against the bishop, the holy synod commands them, first to present the charge before all the bishops of the eparchy, and before them to prove the charges against the bishop on any grounds. However, if it might occur that the eparchial bishops are unable to treat the charges brought against the bishop, then these are referred to a greater synod, when the bishops of that diocese are assembled for this reason; and the charge is not first presented before they agree in writing to have the same penalty inflicted on them, if in the examination of matters it might be shown that they slandered the accused bishop. If anyone disdainful of what has been decided in accordance with what was revealed, might dare to trouble imperial ears, courts of civil officials, or to disturb an ecumenical synod, showing disrespect to all the bishops of the diocese, such a person is certainly not accepted for an accusation, as one who mocks the canons, and damages the church's good order.

**Zonaras.** Here the divine fathers direct that it is necessary that certain ones making accusations against bishops or clergy are accepted, and others are unaccepted. And they state that if one presents a personal complaint against a bishop, as it were, making an allegation of wrongdoing against him, such as the removal of realty or movable property, or an assault, or any such thing, whoever might be the person making the complaint, he shall be accepted, namely whether he might not be a member of the faith, or a heretic, or excommunicated, or one who has been completely cut off from the catholic church. For all, whatever their religion might be or their circumstance, who allege that they were wronged should obtain justice. They stated a personal complaint, distinguishing this from criminal ones, i.e., from public ones. Personal complaints are those involving a monetary penalty. Criminal complaints are those involving injury to the personal condition of the accuser, for which reason they also brought them. However, if the charge against the bishop might be ecclesiastical, in the event such a thing occurred would lead to expulsion from the priesthood, namely sacrilege, or ordination for payment of moneys, or exercise of any hierarchical prerogative in an area belonging to another without permission of the hierarch there, and all things similar to these, then the accuser is examined carefully, and not accepted if a heretic. The canon calls heretics all those who believe contrary to the orthodox faith, whether they were condemned in the past or recently, and whether ancient or new heresies. The canon not only dismisses those in error concerning sound faith from making a public accusation against bishops, but also those who separate themselves from their own bishops, and who hold rival assemblies to them, even if they appear to be orthodox. According to Basil the Great, schismatics are those who separated themselves for any resolvable ecclesiastical ground or issue. Similarly treated also are those who have been excluded from the church for any cause whatsoever, or excommunicants. Excluded ones are those understood to be those completely cut off from the church. By saying excommunicants, the divine fathers mean those excommunicated for a time, whether such might be clergy or laity, for they also are not reckoned acceptable for an accusation against bishops or clergy, until they resolve their own charge, and show themselves to be without reproach. Indeed the canon also orders those who are under any charge, which affects their own circumstances, who make an accusation against bishops or clergy, not to be admitted unless they themselves are innocent of the charges brought against them. If the accusers were found liable for none of the aforementioned grounds, but completely without reproach, then if the accused might be a bishop, the bishops of that eparchy coming together, will hear the accusation, and either resolve the matter, or, if they are unable to resolve it, approach a greater synod. The canon calls a greater synod, the bishops of the entire diocese. For example, Adrianoupolis or Philippoupolis and their bishops are understood to be an eparchy, but all Thrace or Macedonia a diocese. Therefore, when the bishops of the eparchy are ineffective in resolving the charges, the canon prescribes that the bishops of the diocese then assemble and resolve what is being alleged against the bishop. If the one accused might be a clergyman, the accuser presents the charge before the bishop to whom the clergyman is subject, and if the matter is not resolved by the hierarch, then the steps will proceed as described above. The sacred fathers, who followed the civil law, determined that one not undertake to present the accusation of the charge, unless the accuser gave assurances in writing that he would be liable if not proving the charge, so that he would be subject to the same sanction that the one accused would have suffered if the case

against him had been proven. The divine fathers who determined these things, added that one who does not observe this synodal canon, but approaches the emperor, civil authorities, or an ecumenical council, is completely unacceptable to make an accusation, as one who disrespects the bishops of the diocese, mocks the canons, and damages the church's good order.

**Balsamon.** Note the present canon on the subject of instituting criminal judgments against the bishops, and the rest of the clergy. Read also the 123rd canon of the synod in Carthage, and the laws that were covered in its commentary; and learn from the present canon and from those, that certain persons were prohibited from bringing criminal actions against the clergy.

Our enemy Satan never ceased defiling by slander the reputations of good men, and especially bishops; and on this account the Fathers determined that any man, honorable or unhonorable, faithful or unfaithful, having a private action, i.e., one involving financial assets against a bishop, be accepted and receive judgment from the cognizant court, but regarding an criminal action or any ecclesiastical question, which involves deposition and penalties for the bishop, that he not otherwise to be summoned, unless first the character of the accuser is examined. Excommunicants, or even those under accusation in any manner whatsoever, are not able to bring an accusation against a bishop or clergyman, unless they themselves are innocent of an accusation. And when there is such an accuser, the canon does not desire as it were that the bishop or clergyman simply be summoned, but that this take place with every legal observance, and in writing, i.e., by the accuser's statement making him liable to the same sanction, unless he would prove the charge being made by him. But also the accusation of the bishop or the clergyman takes place first before the metropolitan. If the local synod is not able to resolve the matter, then, the fathers state, a greater synod hears it. One who acts contrary to these points, and proceeds to the emperors, civil officials, or an ecumenical synod is inadmissible for making an accusation, as a mocker of canons, and one disturbing the church's good order. The canon termed personal matters to be those involving moneys, in distinction from criminal, which are called public, as actions taken by any of the public, which are not over financial disputes, for only the one has the interest brings them. Listen to the present canon, which includes also as heretics those who pretend to confess sound faith and who separate and hold rival assemblies from our canonical bishops. This does not contradict Basil the Great's second canon that does not call schismatics heretical. Say that the present canon calls heretics those schismatics who are hostile in their intentions and orthodox by pretension, but are in truth heretical. The canon of Saint Basil, teaches concerning other schismatics, who are orthodox in truth, but, on account of some excuse of an ecclesiastical question, separated themselves by pretension from the totality of the brethren; and read the aforementioned canon of the holy father...

**Aristenos.** And let the greedy unorthodox one bring a complaint against the bishop. However, if the charge might be ecclesiastical, let him not speak. Let another not speak, if he is previously condemned. And let the excommunicant or excluded or charged in any thing not speak, until his own matters are resolved. Let the orthodox, the communicant, the uncondemned, the unaccused make the accusation, and let the charge be referred to

the eparchial bishops. If they are incapable, let them turn to a greater synod, and in the absence of a statement of suffering the same penalty, let them not be heard. The one who contrary to these things approaches and annoys the emperor, is publicly renounced.

It is necessary to examine the persons of those bringing accusations against bishops or clergy, he is never a heretic, or previously condemned, and excluded, and excommunicated, or being accused by others in charges, and not yet appears innocent of the grounds. And if the accusers might be such ones, they are not received to make an accusation. However, if he is orthodox, and not censured, and a communicant, let the one bringing the ecclesiastical complaint against the bishop be received, and let the charge be presented before the eparchial bishops. If perhaps those are unable to resolve the charge brought against the bishop, then let the accuser proceed to a greater synod, and let him first give a written statement that he will submit to the same penalty, if he is judged as a slanderer, and so let the charge be brought. One who acts contrary to these things, who becomes troublesome to the emperor, and accuses a bishop, or proceeds concerning this matter to courts of civil officials, will not be accepted for making an accusation. However, a heretic, who was wronged by a bishop, will not be prohibited from bringing a complaint against him.