

Canons Governing Who Can Make Moral Accusations Against a Clergyman

Part I

The Sacred Canons specifically discount unworthy witnesses against clergyman with the exception of “if the charges are personal ones involving only financial loss, or, more specifically speaking, if anyone accuse a Bishop by complaining that he has treated him unjustly or greedily, by depriving him perhaps of some real or personal property, in such cases the person of the accuser must not be examined into, nor his religion; but, on the contrary, no matter what may be his religious views he must have justice done to him in any circumstances.” The ROCOR bishops based their whole investigation on an erroneous and novel interpretation of Canon VI of the 2nd Ecumenical Council, claiming that “personal matters” can mean accusations of immorality. Regardless, Bishop Hilarion, in his letter to Hieromonk Justin in December of 1986, admitted that although the accusers were “in a fallen state,”¹ the bishops were obliged to hear them out and take their accusations into account. Many clergy, monastics, and laity kept attempting to demonstrate that the Sacred Canons do not admit such witnesses by a whole series of letters and presentation of evidence over a period of 11 months.²

2nd Ecumenical Council Canon VI

Text of Canon found in *Ethiopian Library* (14th vol of Nicene and Post-Nicene Fathers Series).

Canon VI.

(Probably adopted at a Council held in Constantinople the next year, 382. Vide Introduction on the number of Canons.)

Forasmuch as many wishing to confuse and overturn ecclesiastical order, do contentiously and slanderously fabricate charges against the orthodox bishops who have the administration of the Churches, intending nothing else than to stain the reputation of the priests and raise up disturbances amongst the peaceful laity; therefore it seemed right to the Holy Synod of Bishops assembled together in Constantinople, not to admit accusers without examination; and neither to allow all persons whatsoever to bring accusations against the rulers of the Church, nor, on the other hand, to exclude all. If then, any one shall bring a private complaint

¹ ‘Believe me, the sad events of this past year were not a plot or a conspiracy on the part of the bishops to discredit or bring harm to your monastery. The origin of your present woes can be traced back solely to your own monastery-- to your own former brethren, who were tonsured and nurtured in your midst, but who, for various reasons, have abandoned you...The bishops had no right to turn them away, even though some of the accusers may at the present time be in a fallen state, for they claim to have been personally wronged.’ For the full text of this letter see [Letter of Bishop Hilarion to Hieromonk Justin, December 1986](#).

² For a full chronology of these events with extensive references to primary documents go to [Events of 1986 and 1991](#).

against the Bishop, that is, one relating to his own affairs, as, for example, that he has been defrauded, or otherwise unjustly treated by him, in such accusations no examination shall be made, either of the person or of the religion of the accuser; for it is by all means necessary that the conscience of the Bishop should be free, and that he who says he has been wronged should meet with righteous judgment, of whatever religion he may be. But if the charge alleged against the Bishop be that of some ecclesiastical offence, then it is necessary to examine carefully the persons of the accusers, so that, in the first place, heretics may not be suffered to bring accusations touching ecclesiastical matters against orthodox bishops. And by heretics we mean both those who were aforesaid cast out and those whom we ourselves have since anathematized, and also those professing to hold the true faith who have separated from our canonical bishops, and set up conventicles in opposition [to them]. Moreover, if there be any who have been condemned for faults and cast out of the Church, or excommunicated, whether of the clergy or the laity, neither shall it be lawful for these to bring an accusation against the bishop, until they have cleared away the charge against themselves. In like manner, persons who are under previous accusations are not to be permitted to bring charges against a bishop or any other clergyman, until they shall have proved their own innocence of the accusation brought against them. But if any, being neither heretics, nor excommunicate, nor condemned, nor under previous accusation for alleged faults, should declare that they have any ecclesiastical charge against the bishop, the Holy Synod bids them first lay their charges before all the Bishops of the Province, and before them prove the accusations, whatsoever they may be, which they have brought against the bishop. And if the comprovincials should be unable rightly to settle the charges brought against the bishop, then the parties must betake themselves to a greater synod of the bishops of that diocese called together for this purpose; and they shall not produce their allegations before they have promised in writing to undergo an equal penalty to be exacted from themselves, if, in the course of the examination, they shall be proved to have slandered the accused bishop. And if anyone, despising what has been decreed concerning these things, shall presume to annoy the ears of the Emperor, or the courts of temporal judges, or, to the dishonour of all the Bishops of his Province, shall trouble an Ecumenical Synod, such an one shall by no means be admitted as an accuser; forasmuch as he has east contempt upon the Canons, and brought reproach upon the order of the Church.

Interpretation is found on Page 214 of the English translation of THE RUDDER by D. Cummings, The Orthodox Christian Educational Society. Printed in England by W.H. Houldershaw, Ltd., Southend-on-Sea, Essex, England

Interpretation

What the present Canon says may be stated as follows. Since many men wishing to confound the discipline and good order of the Church inimically slander Orthodox bishops, without accomplishing any other result than that of blackening the reputations of those in holy orders and disturbing the laity, on this account it

has pleased this holy Council to decree that neither all accusers of Bishops be admitted nor again that all be excluded or refused admissions

But if the charges are personal ones involving only financial loss, or, more specifically speaking, if anyone accuse a Bishop by complaining that he has treated him unjustly or greedily, by depriving him perhaps of some real or personal property, in such cases the person of the accuser must not be examined into, nor his religion; but, on the contrary, no matter what may be his religious views he must have justice done to him in any circumstances.

But if his accusations are of a criminal nature, such, that is to say, as might lower his ecclesiastical standing, as for instance, sacrilege, the performance of sacred rites outside the confines of parish, and the like, then and in that case the accusers ought to be examined, in the first place as to whether they are heretics, mistaken in doctrine, including both those who were anathematized by the Church long ago and those who have but now recently been anathematized by us.

Secondly, as to whether they are schismatics or not, or, more specifically speaking, whether they have separated from the Church on account of any curable habits, according to canon I of Basil the Great, and contrary to the Canons or, in other words, the catholic Bishops who have been ordained in the Orthodox manner and in accordance with the Canons, while they themselves are congregating apart by themselves.

Thirdly, whether they are entirely excommunicated from the Church for some misdeeds of theirs, or have been temporarily excommunicated from the clergyman or laymen. As for those, however, who have already been accused by others, they are not to be permitted to accuse a Bishop or other clergymen until they prove themselves innocent of the crimes imputed to them.

In case, however, those bringing these ecclesiastical and criminal accusations against a bishop happen to be free from all the above enumerated defects, the holy Council commands that these persons first present their indictments of the accused bishop before the synod of all the bishops of that particular province. But if the synod of the province cannot dispose of such a case of crimes, then the accusers may carry the matter up to the greater synod of the bishops of the Diocese, and have the case terminate there.

Because of the fact that in Book LX of the Basilica, Title XXVI, ch. 6, it is written that whosoever turns out to be a traitor and liar in the accusations which he makes, when it comes to the matter of punishment for this crime, shall receive that punishment which the accused one would have received if he had been found guilty, the present Canon pursuant to the civil law adds that provision that the accuser is not to commence a recital of his allegations unless he first gives a written promise to accept the same sentence and punishment as a rightly and truly

justly accused bishop would have to undergo, if it be proved that he accused him unjustly and falsely.

Whoever scorns these regulations and affronts all the bishops of the Diocese, and should dare to appeal his case to the Emperor or to civil courts of secular authorities, or to appeal to an ecumenical council, shall be completely estopped from lodging an information, seeing that he has insulted the Sacred Canons and has violated ecclesiastical discipline.

Part II

What is to be said of bishops that allow monks to marry in return for political jobs well done? At least four of the monks who made allegations (three of them being monks of the Great Schema) were “laicized” by the ROCOR bishops and allowed to marry. For a full discussion as whether or not “monastic divorce” is canonical in the Orthodox Church see [Monastic Divorce](#).

The Fourth Ecumenical Council in Chalcedon, A.D. 451, decreed (Canon 16) that monastics should not contract marriage and that if they did so they were to be excommunicated.

CANON XVI

If any virgin has dedicated herself to the Lord God, or any men likewise have become monks, let them not be permitted to engage in marriage. If however, they be found to be doing this, let them be denied communion, and be excluded therefrom. But we have made it a rule that the local Bishop is to have control of kindness in regard to the treatment of them.

(c. VII of the 4th; C. XLIV of the 6th; c. XIX of Carthage; and cc. VI, XVIII, XIX, XX, and LX of Basil.)

Interpretation

In times of old some women wearing lay garb would dedicate themselves to God, as becomes plain from what is said about this in C. XLV of the 6th, and they would agree while in full possession of their reasoning powers to remain virgins; and after being further tried and found true to their promise, they would be numbered among the other virgins (for, according to c. XVIII of Basil, any such woman used to be called a virgin. Moreover, they assumed the black habit, according to c. XLV of the 6th). Hence it is that the present Canon decrees that these virgins, and equally so monks in particular, who either as an inference

justified by their keeping silent about it are inclined to celibacy, or when asked about it actually agree to remain virgins, in accordance with c. XIX of Basil, are not permitted to marry and to violate the agreements and stipulations which they have made with God. For, if the agreements which men make with one another are confirmed by the name of God being taken in the midst thereof, as St. Gregory the Theologian says, how great indeed is the danger of their being found to be violators of those agreements which they have made with God directly! And if, according to Basil the Great (Ascetic Ordinance 21) a monk, as having reaped fruit and having dedicated his body to God, no longer has control over what has been dedicated to God nor any right to have it for the use and convenience of his relatives, how much more he is unable to have it for the purpose of carnal intercourse! If; nevertheless, there be found some to have done this, let them be excommunicated. But let the local bishop have the power to treat them with philanthropy or kindness, and either to mitigate their punishment or to shorten the time of their penance. This does not mean that the marriage tie may remain indissoluble, but, on the contrary, it is implied that the parties to the marriage are to be divorced from each other. For, in point of fact, it is a ease of fornication, or rather to say of adultery, and not a marriage that occurred, according to St. Basil the Great in his c. VI and his VIII; see also c. VII of the present Council.

FROM THE SIXTH ECUMENICAL COUNCIL:

CANON XLIV

Any Monk that is found guilty of the act of fornication, or of accepting a woman for the purpose of matrimony and with a view to living with her (as his wife), shall be compelled to suffer the penalty of undergoing the penances prescribed by the Canons

(c. XVI of the 4th; C. XIX of Ancyra; cc. VI, XVIII, XIX, XX, LX of Basil.)

Interpretation

If any monk be proved to have committed fornication, or if he marries, he is to be penanced as a fornicator, i.e., for seven years, in accordance with the Canons; the unlawful marriage being first dissolved. That is what the present Canon decrees. As for the Canons it refers to, these are c. XIX of Basil. Read also c. XVI: of the 4th.³

³ In view of the fact that a married monk is "canonized" by the present Canon as a fornicator, just like a worldling, Balsamon says that this concession is made to those monks who of their own accord and

voluntarily dissolve their unlawful marriage and hasten to confess and repent, and not to those who repent involuntarily.