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The Holy Mystery of Confession – Some Canonical Remarks

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Abstract

Two factors are involved in man’s salvation: the grace of God and the will of man. Both must work together, if salvation is to be attained. Repentance is a Mystery through which he who repents for his sins confesses before a Spiritual Father who has been appointed by the Church and has received the authority to forgive sins, and receives from this Spiritual Father the remission of his sins and is reconciled with the Deity, against Whom he sinned. Repentance signifies regret, change of mind. The distinguishing marks of repentance are contrition, tears, aversion towards sins, and love of the good.

Keywords

confession, communion, spiritual father, epitimia, penance, absolution, forgiveness, penitent.

I. Introduction

The administration of the Holy Sacrament of Confession has been the object of many canonical provisions and norms of the Church. The Orthodox Church has always been concerned that the Sacrament of Confession should be administered according to these canonical provisions and norms,

that is, according to the decisions of the Holy Fathers, inscribed in the Canonical Code of the Eastern Orthodox Church. This constant canonical concern of the Orthodox Church has also found expression in the canonical legislation in force of the Romanian Orthodox Church. Neglecting the ritual prescribed for the celebration of the holy works and violating the secret of confession¹ are considered by the *Regulation for the Canonical Disciplinary Authorities and for the Judicial Instances of the Romanian Orthodox Church*, in force today, as pastoral-liturgical deviations and are punished until the transfer² and the deposition respectively.

The knowledge and application of these canonical provisions allows our priests to administer the Sacrament of Repentance according to the ordinance prescribed by the Orthodox Church.

The Sacrament of repentance involves three main moments: a) confession of sins; b) the absolution³ or forgiveness of sins and c) the approval of the spiritual Father or confessor to receive the Holy Eucharist.

By confessing of sins, the Church has given the Christian the opportunity to be a judge of his own deeds after baptism and the power to receive the Holy Eucharist, which unites him with Jesus Christ. At the same time, the confession of sins gives the bishop or priest – the celebrants of the Sacrament – the opportunity to know the religious-moral status of their believers and to appreciate and treat every suffering of the soul. In order to know the soul-state of the penitent and to prescribe the proper treatment, the spiritual father must know all the canonical ordinances. Therefore, the act of forgiveness sins and confining the Christian confessed to receive the Holy Eucharist entails a canonical responsibility of prime importance.

¹ *Regulamentul autorităților canonice disciplinare și al instanțelor de judecată ale Bisericii Ortodoxe Române*, Editura Institutului Biblic și de Misiune Ortodoxă, București, 2015, art. 28, §1, p. 38; și art. 29, §12, p. 41-42.

² *Regulamentul autorităților canonice disciplinare și al instanțelor de judecată ale Bisericii Ortodoxe Române*, art. 28, §1, p. 38.

³ The priest offers a prayer of absolution over the penitent, who now kneels down and accepts the stole of the priest as it is laid upon his or her head. Then the priest lays his hand on the penitent's head while saying this solemn prayer of blessing that confers the grace of reconciliation: "May our Lord and God, Jesus Christ, through the grace and compassion of His love for mankind, forgive you my child [Name] all your transgressions. And I, an unworthy priest, through the power given to me by Him, do forgive and absolve you from all your sins in the Name of the Father, and of the Son, and of the Holy Spirit. Amen".

The confession of sins committed since the last confession is the matter of the Sacrament, and the prayer of absolution or forgiveness is the form of the Sacrament. The Confession of sins does not mean, however, the justification of receiving the Holy Eucharist. As stated above, the act of confession is followed by that of absolution and of express approval given by the spiritual father, that the confessed can enter into communion with Christ, that is, to receive the Holy Eucharist. If, for the confessed sins, some epitimia will be needed whose fulfillment requires a certain period of time, the Holy Eucharist can be administered only after the fulfillment of the epitimia imposed by the spiritual father. Therefore, the worthiness to receive the Holy Eucharist depends on the fulfillment of the epitimia given by the spiritual father, after which the absolution⁴ given by the spiritual father fulfills its sacramental, but also canonical effect, in the sense that it justifies the confessed one to be received in communion with Christ. Thus, this capacity is received as a result of the absolution of sins, conditioned *ipso facto* by the fulfillment of the received epitimia. Exception from this ordinance, that is, from the non-fulfillment of the epitimia, is made only in the danger of death, but, even in this situation, the administration of the Holy Eucharist is conditioned by the fulfillment of the epitimia after the healing of the respective Christian⁵.

II. Canonical provisions regarding the celebrants of the Sacrament of Confession

The celebrants of the Sacrament are bishops and priests, validly ordained, on the basis of the power given by the Jesus Christ to His disciples through the words: “Verily I say unto you, Whatsoever ye shall bind on earth shall be bound in heaven: and whatsoever ye shall loose on earth shall be loosed

⁴ In the word spoken at the prayer of absolution when the great sins were absolved, the priest says: “... if you will not partake, your sins will be absolved; and if you will dare over the commandment of the Holy Fathers to partake, then you will count the second Judas”.

⁵ “And if you will be sick and very weak, fearing of death, then you will partake; and if you recover, then you will remain in the years that were commanded until you complete the penance”.

in heaven” (Matthew 18, 18) or “Receive ye the Holy Ghost: Whose soever sins ye remit, they are remitted unto them; and whose soever sins ye retain, they are retained.”(John 20, 22-23). Canon Apostolic 52 gives legal expression to the words of our Lord, Jesus Christ, mentioning the bishops and priests as the celebrants of this Holy Sacrament: “If any bishop or presbyter shall refuse to welcome back anyone from sin, but, on the contrary, rejects him, let him be deposed from office, since he grieves Christ, who said: “There is joy in heaven over a single sinner who repenteth”⁶. By the act of ordination, bishops and priests acquire the grace to administer the Holy Sacraments.

The administration of the Mystery of Confession creates to its celebrant a special status as judge of the internal forum of human deeds. Of course, there is a special responsibility in this status. This explains why, from the very beginning of its organization, the Church has been careful that its celebrants fulfill the conditions required for ordination, including the canonical or legal age. According to the order established from the beginning in the life of the Christian Church, the age for ordination was left to the respective primates of the respective churches, taking into account, of course, the canonical norms and the interests of the community.

The first canonical provision regarding the canonical or legal age for the ordination was provided by canon 11 of the Synod of Neocaesarea, which stipulates the following: “Let not a presbyter be ordained before he is thirty years of age, even though he be in all respects a worthy man, but let him be made to wait. For our Lord Jesus Christ was baptized and began to teach in his thirtieth year”⁷. The canonical age required for the priest was generally compulsory for the bishop, although initially the ordination to the bishop was made after reaching the age of 50, motivating that “for

⁶ D. CUMMINGS (ed.), *The Rudder (Pedalion) of the Metaphorical Ship of the One Holy Catholic and Apostolic Church of Orthodox Christians*, The Orthodox Christian Educational Society, Chicago, Illinois, 1957, p. 95. See also Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils of the Undivided Church, Their Canons and Dogmatic Decrees*, in: Philip SCHAFF and Henry WACE (eds.), *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church*, Second Series, vol. XIV: *The Seven Ecumenical Councils*, WM. B. Eerdmans Publishing Company, Grand Rapids, Michigan, 1983, p. 597.

⁷ Henry R. PERCIVAL (ed.), *The seven Ecumenical Councils*, vol. XIV, p. 84.

such a one is in good part past youthful disorders”⁸. By the disposition of canon 14 of the Synod in Trullo “The canon of our holy Fathers shall remain in force also in this matter: that a presbyter is not to be ordained before the age of thirty years”⁹.

Over time, this canonical disposition could not be respected for various reasons. It seems that even with regard to the fixation of the canonical age, life was the last word. When the age for ordination fell below the age of 30, the question arose as to whether the clergy could act as judge, confessor. Some were not allowed to administer the Sacrament of Repentance until they reached the age required by the canons or until they were sheltered from the “past youthful disorders”, that is, until they showed a maturity that justified them to be spiritual fathers.

As can be seen, the fulfillment of the canonical age of ordination was the first condition required to become a spiritual father. The ordination received at the canonical age – fixed by the canons – therefore entitled the respective priest to exercise the power to loose and to bind the sins of his believers. If the priest did not have the canonical age at the ordination and received the ordination with the act of *cheirothesia* – or after it, but also before the legal age for ordination – the validity of the mystery cannot be called into question “if at the years prescribed, the ordained one would not had another guilt”¹⁰, because the first canonical condition required of the candidate for ordination remains the understanding of the significance of this Holy Sacrament and the holy obligation to exercise it with dignity, as also stipulated in canon 15 of the Synod in Trullo¹¹, and professor Iorgu D.

⁸ *Constitutions of Holy Apostles*, II, 1, in: Rev. Alexander ROBERTS and James DONALDSON (eds.), *Ante-Nicene Fathers*, vol. VII: *Fathers of the Third and Fourth Centuries: Lactantius, Venantius, Asterius, Victorinus, Dionysius, Apostolic Teaching and Constitutions, Homily, and Liturgies*, New York, Charles Scribner’s Sons, 1913, p. 396.

⁹ George NEDUNGATT and Michael FEATHERSTONE (eds.), *The Council in Trullo Revisited*, Pontificio Istituto Orientale, Roma, 1995, p. 87.

¹⁰ Asist. Univ. Dr. Iorgu D. IVAN, *Vârsta hirotoniei clericilor*, București, 1937, p. 25.

¹¹ Canon 15 of the Synod in Trullo stipulates the following: “If anyone in any sacerdotal position has been ordained before the years prescribed, he shall be deposed”, in: George NEDUNGATT and Michael FEATHERSTONE (eds.), *The Council in Trullo Revisited*, p. 88.

Ivan says: “the ordination should be given only to those who are able to understand its significance and exercise it with dignity”¹².

As it is known, this special service which gave the priest the right to loose and to bind is not a special sacrament through which a special grace would be given to those who are conferred to administer the Sacrament of Repentance, but only a blessing. By the act of of this belssing, the bishop does not transmit power from him, as in the case of the ordination, but it is from the Holy Spirit. Therefore, although the capacity to perform the Holy Sacrament of Repentance is acquired through the Sacrament of the *cheirothesia*, the justification for celebrate it is received through a special act – the cheirothesia to the spiritual father – granted by the bishop. This act of ordination was introduced by the custom which had prevailed in the Church, which according to canon 87 of Saint Basil the Great, “it has the force of law, on account of the fact that the institutions were handed down to us by saintly men”¹³.

Over time, it became known that many priests had been recruited from young people who had not attained the age required by the Holy Canons, and had neither the skill nor the pastoral tact to listen to the confession of sins and to appreciate their seriousness. For this reason, it was introduced the custom that this right to be the confessor should not be granted with the ordination, but when the bishop will consider that the priest has reached the maturity of understanding the significance of the act itself and of exercising it with dignity.

The administration of the Sacrament of Repentance by a priest who does not have the *cheirothesia* for the confessor produces its full canonical effect, but that priest deviates from the ordinance established by the Church. In this case, the non-observance of the order established by the Church is considered disobedience to the church authority and is punished as such, according to the canonical and legal provisions¹⁴. In case of necessity – danger of death – the confession of a priest who did not receive that special service, i.e., *cheirothesia*, is fully valid. The celebrant-priest of

¹² Asist. Univ. Dr. Iorgu D. IVAN, *Vârsta hirotoniei clericilor*, p. 25.

¹³ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 842.

¹⁴ *Regulamentul autorităților canonic disciplinare și al instanțelor de judecată ale Bisericii Ortodoxe Române*, art. 29, §§ 11-13, p. 41-42.

this Sacrament cannot be sanctioned in this situation, even by disciplinary means.

In connection with the celebrants of the Sacrament of Confession, there is also the problem of *epitimia* or penances, of which the canons of the Church make so many references (canons 19, 38, 68, 76 and 80 of St. Basil the Great). Initially, in the Primary Church, the right to apply *epitimia*, to check whether the punishment was right or not, to excommunicate or to receive the excommunicated had only the bishop, as the apostolic canon 39 confesses to us, which it stipulates the following: “Let not the presbyters or deacons do anything without the sanction of the bishop; for he it is who is intrusted with the people of the Lord, and of whom will be required the account of their souls”¹⁵. Canon 57 of the Sinod of Laodicea reaffirms this provision, making express mention only to priests, who are forbidden to do anything “without the consent of the bishop”¹⁶.

Canon 6 of the Synod of Carthage, from 390, confirms this practice existing in the primary Church, mentioning that “In former councils we remember that it was decreed that ... the reconciliation of penitents ... be not done by priests ..., nor is it permitted to a priest to reconcile anyone in the public mass (*in publica missa*)”¹⁷. The bishops also had the right to dispose of the duration of penance, of fixing the manner of its treatment, as well as of the way of the reconciliation of penitents.

According to the provision of canon 5 of the Synod of Ancyra: “the bishops have the right, after considering the character of their conversion, either to deal with them more leniently, or to extend the time. But, first of all, let their life before and since be thoroughly examined, and let the indulgence be determined accordingly”¹⁸. Canon 12 of the First Ecumenical Synod strengthens this provision, giving it a universal character. Applying the principle of economy, the First Ecumenical Synod allowed that “the bishop may determine yet more favourably concerning them”¹⁹. The First Ecumenical Synod, through canon 12, recognized the bishops not only the

¹⁵ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 59.

¹⁶ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 158.

¹⁷ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, pp. 445-446.

¹⁸ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 65.

¹⁹ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 27.

right to erase or reduce the punishment for crimes, but also the power to receive in the Church those who “give evidence of their conversions by deeds, and not pretence, with fear, and tears, and perseverance, and good works”²⁰.

As can be seen, the canons of the III-IV centuries forbade the priests the right to receive those who repent and to give their forgiveness in public, at the Divine Liturgy. Therefore, in the primary Church, only bishops had the right to give the epitimia, to receive Christians to repentance, to decide their time and manner of repentance, to reconcile those who were excommunicated, and to make the Holy Communion worthy of those who they were excluded from receiving it, after having fulfilled their prescribed epitimia.

After the introduction of private confession of sins, the absolution of the sins could be given by the respective priest. Regarding the right of the bishop to set the time of penance, canon 30 of the Synod of Hippo, from 393, or canon 43 of the Synod of Carthage, ordered: “that to penitents the time of their penance shall be assigned by the will of the bishop according to the difference of their sins; and that a priest shall not reconcile a penitent without the consulting the bishop, unless the absence of the bishop urges him necessarily thereto”²¹. Nothing “the case of any dying persons whatsoever asking to receive the Eucharist, let the bishop, after examination made, give it him, because he must not be deprived of the last and most indispensable Viaticum”²². “But, if the respective person remains alive, the canon stipulates: “let him remain among those who communicate in prayers only”, that is to say, he cannot partake until he has fulfilled its epitimia.

About the right of the bishop to administer the Sacrament of the Confession to the penitents who have not fulfilled the time of penance for those who repent, according to the differences and types of sins, also makes express mention canon 7 of the Synod of Carthage. In the absence of the bishop, the canons allow the priest to administer the Sacrament of Confession, but also conditional on the episcopal approval. In this respect,

²⁰ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 27.

²¹ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 462.

²² Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 29.

canon 7 of the Synod of Carthage stipulates the following: “If anyone had fallen into peril of death during the absence of the bishop, and had sought to reconcile himself to the divine altars, the presbyter should consult the bishop, and so reconcile the sick man at his bidding, which thing we should strengthen with healthy counsel”²³.

Therefore, in the primary Church, the bishop had the right to reduce the epitimia of those who showed “some fruit of repentance” (canon 4 St. Basil the Great), sincerely repenting of their sins. Canon 16 of the Fourth Ecumenical Council decrees that “the bishop shall have the power of indulgence towards them”²⁴. The bishops were given the right to reintegrate them into the Church, “and thereafter to permit them to be co-standers” (canon 4 St. Basil) and “to be restored to the status of persons entitled to communion”. This practice of the primary Church, at first, was based “not on the ground of any canon but only on the ground of usage followed by those who have preceded us”²⁵ (canon 4 St. Basil). The canons therefore confirmed a practice that was validated by the long-observed custom.

On the basis of the rights recognized to the bishops, the pardon granted by the bishops to the heterodox bishops, to the persons who were punished by the Orthodox bishops is not valid. “If any have been condemned for evil practices by the Holy Synod, or by their own bishops – decreed canon 5 of the Third Ecumenical Synod – shall remain deposed nevertheless”²⁶. This provision, also recorded in the Apostolic canon 32, established as a general rule in the Christian Church the principle according to which “if any bishop excommunicates any presbyter or deacon, these men must not be received by anyone else but the one who excommunicated them, unless by a coincidence the bishop who excommunicated them should de cease”²⁷.

In the administration of the Sacrament of Repentance, the role of the priest nowadays is not only limited to receiving confession and releasing the penitents of sins, but he has the difficult task of diagnosing the sin of each and prescribing the right medicine for the purpose of maintaining

²³ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 446.

²⁴ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 280.

²⁵ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 792.

²⁶ Henry PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 230.

²⁷ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 48.

and preserving life, so as to ensure the advancement of penitents in virtue and perfection. As it is known, the priest is a “steward”, a “steward of the mysteries of God” (I Corinthians 4, 1), and “labourer together with God” (I Corinthians 3, 9). As a minister of the Mysteries, the priest is the organ through which God shares His grace, especially to each Mystery. In the administration of the Sacrament of Confession, the spiritual father plays a special role, performing at the same time an action of pastoral leadership.

As it is known, the discipline of public confession and penance was in effect until the end of the fourth century. The basic principles of the discipline of penance, during this period, were: a) personal rectification exercise; b) own social environment; c) the effectiveness of the penitentiary discipline. In the case of applying the *epitimia*, the undoing of sins was made only after the canon of repentance was fulfilled. The verification, if the prescribed *epitimia* were fulfilled, was done within the community.

This custom, which lasted for several centuries in the Primary Church, also had negative consequences, especially during the persecutions. In time the secret confession was passed in front of the bishop or the spiritual father. The restriction of public confession was made during the bishop Nectarios of Constantinople (4th century). By the end of the fourth century, the secret confession was widespread throughout the Christian Church. Canon 43 of Synod of Carthage already mentions public confession as an exception in the life of the Church: “... when of any penitent the offence has been public and commonly known, so as to have scandalized the Church, he shall receive imposition of the hand before the altar”²⁸. According to the testimony of this canon, it appears that the act of confession of sins was done before the *absidem* or church-porch. The absolution of sins is manifested by this external act of placing the hands of the spiritual father over the head of the penitent.

Confession of sins can be done at any time. According to the word of Saint Basil the Great

“repentance should not cease throughout life: for who is without sin? At all times we sin, if not by deed, then by word; if not with

²⁸ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 462.

the word, then with the thought. No matter how small the sins are ... they stain the conscience, and the conscience must always be clean. If it needs to be kept clean but still stains daily, then we must clean it all day long”²⁹.

Frequent confession is a means to strengthen the will, a brake on the new temptations. Confession with moral value and effectiveness is that made in an expository and monological form. The conscience exam is the preparatory moment for the Mystery of Confession. The material act of confessing sins is the materialization of the penitent’s repentance in a first act of moral will, materialized in the express desire for rectification. The right place for the seat of confession is the church. In exceptional cases, it can be administered in homes. Simeon, the Archbishop of Thessalonica, said that the confession to be made “in an honest, holy and honorable place, without noise”³⁰.

II. Canonical provisions regarding the recipients of the Sacrament of Confession

The recipients of the Sacrament are Christians are the Christians with valid Baptism, who confessed their sins and received the absolution to receive the Holy Eucharist. According to the canonical order, the age from which sins are counted or condemned was fixed at 10 years. The disposition of the canon 18 of Timothy of Alexandria, although it imposes this age, draws the attention of the faithful that the main criterion in determining the age remains “depending on the knowledge and prudence of each particular human being: some from the age of ten and up, and others only when older”³¹. On the basis of this canonical principle, the spiritual fathers of the Autocephalous Orthodox Church took into account the character and temperament of each individual, exceeding or lowering this age.

²⁹ *Regulile Sfântului Vasile cel Mare (XVII Reguli duhovnicești lăuntrice)*, Rom. transl. “*Vechile rânduieli ale vieții monahale*”, Mănăstirea Dobrușa, 1929, p. 518.

³⁰ Sfântul SIMEON AL TESALONICULUI, *De Poenitentia*, PG 155, 481.

³¹ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 900.

As is well known, in our Church, the age of 7 is considered the limit from which sins are condemned. This age has its physiological and psychological importance. It is the age at which it is considered that the child has a special individuality in his physical and mental behavior, committing rational acts. Therefore, the decisive criterion for determining the age at which the confession of children must be imposed is established by the state of the discerning power of each one. It remains established, however, that with the age of 7, the functions of reason and will imply the responsibility and power of the individual to consciously collaborate to his perfection. So it is from this age that the children can be a major concern of the spiritual father.

According to canons 32 of St. Basil the Great, 27 of the Synod of Carthage, Apostolic canon 69, etc., the obligation to confess sins rests with the clergy, including the bishops. Simeon of Thessalonica tells us that “we, both the bishops and the priests, incessantly, with remembrance, humility and confession, celebrating the Holy Liturgy, partake in the fearful Sacraments”³².

The secret of confession of sins involves the unconditional duty of the spiritual father to keep all the sins that have been confessed to him. This duty was naturally imposed after the introduction and generalization of private confession (can. 28 of Nicephorus the Confessor) in the Church, in the IVth and Vth centuries. Failure to comply with this obligation has always entailed the punishment prescribed by the canons. Canon 28 of Nicephorus the Confessor says:

“A Father Confessor ought to forbid divine Communion to those persons who confess secret sins to him, but he ought to let them enter the church; and he ought not to reveal their sins, but ought to advise them gently to remain repentant and to keep praying; and he ought to adjust the amercements to befit each one of them according to his best judgment”³³.

³² Sfântul SIMEON AL TESALONICULUI, *De poenitentia*, PG 155, 481.

³³ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 967.

Saint Basil the Great, recalling the obligation of the father confessor to keep the secret of confession, motivates in canon 34 that “our Fathers have forbidden us to publish the fact, lest we afford some occasion for the death of the remorseful one”³⁴ to those who confessed them. According to the provisions of canon 132 (141 in Pedalion) of the Synod of Carthage, in case the father confessor discloses the sins confessed, but the penitent does not acknowledge them, do not give credence to the father confessor³⁵.

III. Canonical provisions regarding the granting of epitimia

In the chair of confession, the spiritual father prescribes the epitimia or the canon of confession. Before fixing the epitimia, the spiritual father must take into account the following conditions of the penitent: a) temperament; b) morality; c) the physical and mental strength of the penitent; d) living environment; e) the kind, nature and gravity of the sin; f) the disposition of correction; g) the degree of publicity of the committed sin; h) the reason, intention and purpose of the sin; i) the time and general circumstances of the sin; j) recidivism and accumulation of sins, etc³⁶.

In addition to a thorough knowledge of the penitent, of his religious psychology, when fixing the canon of confession, the clergyman must know two other things, namely: a) the religious psychology of the clergyman, i.e. he must know himself, and b) the norms and the canonical ordinances on the application of epitimia. By knowing himself, the spiritual father will know how to ask his believers how to return to the active state of sincere repentance for their mistakes. He will know that he must have a moral conscience, to be a moral authority. By knowing himself, the spiritual father will not forget that each man is a special person, that each penitent has his own soul needs, waiting for his relief.

As for knowledge of the canonical norms and ordinances on the application of epitimia, the spiritual father must be aware that this requires

³⁴ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 818.

³⁵ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, pp. 705-706.

³⁶ Pr. prof. Petre VINTILESCU, *Spovedania și duhovnicia*, Editura Librăriei Teologice, București, 1939, pp. 229-242.

a familiarization with the text of the canons, but especially with the basic canonical principles of the application of the epitimia, as there is no a catalog of canonical norms and ordinances to solve different situations or to apply epitimia on a case-by-case basis. The success of the application of the canon of repentance therefore lies in three factors: 1) the personal example of the spiritual father (moral life, intellectual and theological training); 2) thorough knowledge of the penitent; 3) knowledge of the canonical prescriptions regarding the application of epitimia. St. Gregory of Nazianzus draws our attention to the fact that all this is acquired over time. Through practice and long experience, which make the spiritual father a true doctor of the soul:

“to set before you the distinction between all these things, and give you a perfectly exact view of them, so that you may in brief comprehend the medical art, is quite impossible, even for one in the highest degree qualified by care and skill: but actual experience and practice are requisite to form a medical system and a medical man”³⁷.

When fixing the epitimia of the pious, of course, the spiritual father will recommend canons of a spiritual nature, i.e. religious meditation, prayers, Bible readings, etc. For them, therefore, the epitimia will seek to strengthen and increase them in virtue. For those who have fallen into sin, however, the epitimia will have a correctional, and healing character. St. John the Faster advises the spiritual father to take into account not only the moral condition of the penitent, the magnitude of sin, but also his powers. Therefore, the spiritual father should lighten the punishment when it becomes unbearable and harden it when it is too light. Then, in fixing the canon of repentance, a good spiritual father will also consider the circumstances that determined the gravity of the sin, as well as the disposition for repentance. Canon 102 of the Synod in Trullo tells us that:

³⁷ St. GREGORY OF NAZIANZUS, *In Defence of His Flight to Pontus, and His Return, After His Ordination to the Priesthood, with an Exposition of the Character of the Priestly Office*, XXXIII, in: Philip SCHAFF and Henry WACE (eds.), *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church*, vol. VII, p. 211.

“he who professes the science of spiritual healing must first examine the disposition of the one who has sinned, and whether he is inclined toward health or, on the contrary, has brought the illness upon himself through his own habits; he must observe how the other conducts his life in the meantime: whether he is not resisting the practitioner and the ulcer of his soul is not growing worse through the application of the medicines employed; and thus he must measure his mercy accordingly”³⁸.

The Holy Fathers recommend to the spiritual father not to administer to the penitents epitimia that could create shortcomings in the respective society, due to the publicity of their sins. Canon 34 of St. Basil the Great draws the attention of spiritual fathers to give up publicity, when it comes, for example, to a woman who has committed adultery, but who is not yet known in public:

“As for women who have committed adultery and have confessed it out of reverence or because they have more or less conscience-stricken, our Fathers have forbidden us to publish the fact, lest we afford some occasion for the death of the remorseful one; but they ordered that such women are to stand without communion until they have completed the term of their penitence”³⁹.

Obviously, the epitimia administered to him does not seek to be removed him from the Church, but to be corrected, even if he is stopped for a limited time from Holy Communion.

St. John the Faster, in canon 46 (33 in Pedalion), says that: “Neither a laywoman nor a nun can be separated for any offerne whatsoever against the Church, except only from Communion. For the Canon asserts that we are doing this merely in order to prevent many of them from laying violent hands on themselves out of shame”⁴⁰.

³⁸ George NEDUNGATT and Michael FEATERSTONE (eds.), *The Council in Trullo Revisited*, p. 184.

³⁹ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, pp. 817-818.

⁴⁰ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 949.

For recidivists we also encounter the accumulation of sins. For them will apply, first of all, the epitimia for the most serious sin. In such situations, the spiritual father is required to work with great wisdom and special pastoral tact. St. John Chrysostom tells us that:

“For as many are uplifted to pride, and then sink into despair of their salvation, from inability to endure severe remedies, so are there some, who from paying no penalty equivalent to their sins, fall into negligence, and become far worse, and are impelled to greater sins. It behooves the priest therefore to leave none of these things unexamined, but, after a thorough inquiry into all of them, to apply such remedies as he has appositely to each case, lest his zeal prove to be in vain”⁴¹.

The application of the canon of repentance or epitimia has a double purpose: a) positive one, and b) negative one. The positive purpose of epitimia is the discipline of the bodily senses⁴² and the release of human psychology “from the lust of sin, from the desire and inclination to it with necessity”⁴³. In spiritual therapy, the Holy Fathers formulated and practiced the methodical principle – “*contraria contrariis urantur*” (the opposite is healed by the opposite), i.e., in the application of the canon of repentance, remedies against sins are provided. Therefore, the spiritual father must cause the penitent to commit acts contrary to past sins, that is, to practice the virtue opposite to that sin. Regarding this principle, canon 6 of St. Gregory of Nyssa tells us the following:

“This is all of the more inexcusable in view of the fact that when reason begins to fail in judging about what is beautiful,

⁴¹ St. JOHN CHRYSOSTOM, *On the Priesthood*, II, 4, translated with Introduction and Notes by Rev. W. R. W. STEPHENS, in: Phillip SCHAFF (eds.), *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church*, First Series, vol. IX: *St. Chrysostom: On the Priesthood; Ascetic Treatises; Select Homilies and Letters; Homilies on the Statutes*, WM. B. Eerdmans Publishing Company, Grand Rapids, Michigan, 1889, p. 41.

⁴² Pr. prof. Petre VINTILESCU, *Spovedania și duhovnicia*, p. 243.

⁴³ Pr. prof. Petre VINTILESCU, *Spovedania și duhovnicia*, p. 242.

and imagines beauty to reside in matter, failing to look up at the immaterial beauty, and his desire flows downwards, flowing away from that which is truly desirable ..., as for one who eludes observation when appropriating things belonging to others by filching them, but afterwards in the course of confession reveals his own misdeed to the priest, he shall treat the ailment by concentrating his attention upon what is opposed to the disease. I mean that by giving what he has to the indigent, in order that by disposing of what he visibly owns he may cleanse himself of the disease of greediness. But if he possesses nothing, and has only his body, the Apostle bids him to cure such disease by bodily toil”⁴⁴.

If in the execution of the epitimia the penitent depends on another person, he must do everything humanly possible, because if his attempts meet the irreconcilable attitude of the offended, it does not simply lead to the acquittal of any epitimia, but on the contrary. Sf. John Chrysostom warns us:

“Don’t tell me that you asked him once and twice and he didn’t want to reconcile. If we do this wholeheartedly then we will not cease, we will not overcome it with our great perseverance, until we attract it and until we make it let go of the hatred that carries us. Do you think you’re doing anyone any good? Not! We are doing well! By doing so, we draw God’s favor upon us, obtain forgiveness of sins in advance, and gain much boldness before God”⁴⁵.

The effect of Confession, as the Sacrament, is consumed by the sincere confession and repentance of sins. These constitutive moments

⁴⁴ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 876-877.

⁴⁵ Sfântul IOAN GURĂ DE AUR, *Omilia XXVII, 8 la Facere*, coll. *Părinți și Scriitori Bisericești*, vol. 21: *Sfântul Ioan Gură de Aur, Scrieri, partea I, Omilii la Facere*, traducere, introducere, indici și note de Pr. D. FECIORU, Editura Institutului Biblic și de Misiune al Bisericii Ortodoxe Române, București, 1987, p. 348.

of the Sacrament confer on the penitent, through the spiritual father, forgiveness, that is, rehabilitation in grace, reconciliation with God. In this context, epitimia are remedies for sins, acts of repentance for sins. Through confession and the canon of repentance, the penitent therefore acquires forgiveness. The prayer of absolution has the effect of forgiving sins, but not of dispensation of the canon of repentance. The stopping of Holy Communion is not a canon or an epitimia. It is only a “term given for correction in view of a certain degree of recovery, to which it tends”⁴⁶. That is why the spiritual father must beware of abusing the measure of excommunication from the Holy Sacraments⁴⁷.

However, the prayer of forgiveness is read to all who show sincere repentance and a determined will to change their lives for the better. However, the competence of the spiritual father in matters of absolution ceases from the repentance of penitents struck by excommunication from the bishop. Canon 5 of the First Ecumenical Council provides in this regard that those who have been excommunicated by a bishop: “...may be seen by all to be for just cause excommunicated, until it shall seem fit to a general meeting of the bishops to pronounce a milder sentence upon them”⁴⁸. If the penitent is in danger of death, he can be released and received communion by any priest, even if he was excluded from Communion by the local bishop (Apostolic canon 32; canon 29 of the Synod of Carthage; canon 4 of the Synod of Antioch).

The administration of the Holy Sacrament of Confession, according to canon 6 of St. Gregory of Nyssa, “it has been thus labeled by the Fathers in the tradition handed down to us concerning it”⁴⁹. The Orthodox Church has always sought to respect the canonical disposition of those who were unanimously stopped, “since, therefore, our view – according to the same canon – has no claim to the authority of canons, and does not deserve to be believed as such”⁵⁰.

⁴⁶ Pr. prof. Petre VINTILESCU, *Spovedanie și duhovnicie*, p. 260.

⁴⁷ Pr. prof. Petre VINTILESCU, *Spovedanie și duhovnicie*, p. 264.

⁴⁸ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 13.

⁴⁹ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 877.

⁵⁰ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 877.

The epitimia or canon is a “spiritual instrument for correcting life or bringing it to the level of the moral law”⁵¹. By applying the canon of repentance, the penitent’s conscience awakens and shows him the way to correction. However, the epitimia also involves an investigation, a punishment. In fact, the very word epitimia means quarrel, punishment. By epitimia, the penitent does not atone for sin in order to satisfy divine justice, as the Roman Catholics say, but has the possibility of correction, of healing. He is rebuked, punished to be corrected, to be healed of the passion of sin. According to canon 96 of the Synod in Trullo, the sinners:

“... we shall treat them paternally, with an appropriate penalty, educating them and teaching them to live prudently; so that, once they have given up the error and vanity of material things, they may direct their mind constantly toward the blessed and imperishable life, may preserve chaste behaviour in fear of God, may draw near to God, in so far as possible, through pureness of life...; and thus they will bear in themselves no trace of the enemy’s perversity”⁵².

The Fathers of the Seven Ecumenical Synod also speak to us about the application of the epitimia and their purpose, in canon 5, mentioning that:

“It is a sin unto death when men incorrigibly continue in their sin, but they sin more deeply, who proudly lifting themselves up oppose piety and sincerity, accounting mammon of more worth than obedience to God, and caring nothing for his canonical precepts. The Lord God is not found among such, unless, perchance, having been humbled by their own fall, they return to a sober mind. It behoves them the rather to turn to God with a contrite heart and to pray for forgiveness and pardon of so grave a sin, and no longer to boast in a unholy gift. For the Lord is nigh

⁵¹ Pr. prof. Petre VINTILESCU, *Spovedanie și duhovnicie*, p. 216.

⁵² George NEDUNGATT and Michael FEATERSTONE (eds.), *The Council in Trullo Revisited*, pp. 177-178.

unto them that are of a contrite heart...; but if they do not amend let them be subjected to a fine”⁵³.

The provisions and canonical norms of the Orthodox Church speak of epitimia as medicines or remedies, and not as punishments. St. John Chrysostom tells us that in the chair of confession “is the physician, who heals, and not the judge who condemns; here the punishment of the sinner is not demanded, but the forgiveness of sins is granted”⁵⁴. Canon 2 of St. Basil the Great guides us in this regard, stating that: “not to extend their confession to the extreme limit of death, but to admit them at the end of the moderate time ..., but adjusting the cure to the manner of penitence”⁵⁵. Canon 4 of St. Basil the Great says that: “not to exclude them entirely from the Church ..., and then after exhibiting some fruit of repentance, let them be restored to the status of persons entitled to communion”⁵⁶. Canon 5 of Saint Basil the Great clearly shows us that according to the canonical doctrine of the Orthodox Church, the epitimia has a vindictive character, and not a punitive one: “Those of the heretics who repent when about to pass out must be admitted. They are to be admitted, that is to say, not indiscriminately, but by testing whether they have exhibited any proof of their having actually decided to repent and that they have borne any fruit in witness of their anxiety to be saved”⁵⁷. The same holy Father, in the canon 10, said the following: “Inasmuch, however, as we are not judges of hearts, but merely judge from what we are told, we leave vengeance to the Lord, while we ourselves shall admit him (i.e., the penitent) indiscriminately, giving him a pardon for forgetfulness as a human weakness”⁵⁸.

In the Orthodox Church by epitimia the spiritual father seeks the correction of the sinner and not the removal or expulsion from the community of those called to salvation. No matter how great the sin is and how severe the canon is given, by epitimia, the spiritual father seeks the healing of the soul from the consequences of sin and communion with the

⁵³ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 558-559.

⁵⁴ Sfântul IOAN GURĂ DE AUR, *De poenitentia*, III, 4, PG 49, 297-298.

⁵⁵ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 789.

⁵⁶ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 792.

⁵⁷ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 792-793.

⁵⁸ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 799.

Eucharistic Christ. In view of these principles, the priest is not allowed to reject the sinner who returns to the Church with sincere repentance. Based on the provisions of Apostolic Canon 52, “if any bishop or priest, does not receive him who turns away from his sin, but rejects him, let him be deposed; for he grieveth Christ who said: “There is joy in heaven over one sinner that repenteth”⁵⁹.

The epitimia prescribed by the Church Fathers differ from each other in duration, severity, etc., even for the same sin. That is why the spiritual father must know all the canons of the Church in order to be able to weigh with much thought and pastoral tact the granting of epitimia. He must keep the balance between punishment and forgiveness, that is, not to exceed the degree of punishment but also the economy, provided by the Holy Fathers. However, the principle of economy will have to overshadow every epitimia, without this meaning a moral laxity.

The Holy Fathers and the canons of the Church took into account several factors, such as: a) physical (the physical health of the penitent); b) mental – the mental health of the penitent; c) age; d) the conditions under which the deliberate or forced sin was committed by unfortunate circumstances; e) social condition; f) profession; g) the degree of sincerity in confessing sins; h) the consequences or consequences of sins, for the individual and society, etc.

The division and application of epitimia differ both in the Holy Fathers and in the canonical legislation of the Church. Some Holy Fathers of the Church, especially Saint Basil the Great, divide the epitimia into two categories: a) great and b) small, according to the sin committed. According to the testimony of the patriarch Nicholas of Constantinople, contained in canon 9, the one who received a minor epitimia: “for one to be deprived of the blessing given in church”⁶⁰. According to Balsamon, the *Ecclesiastical Eulogiae* (Church’s Blessings) are all the things given or done by bishop and presbyters, in effort to bolster the faith and support the prayer of the laity⁶¹.

⁵⁹ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 597.

⁶⁰ Ioan COZMA, “A Historical and Canonical Analysis of the Answers of Patriarch Nicholas III Grammatikos to the Athonite Monks”, in: *Orientalia Christiana Periodica*, nr. 2, 2017, p. 274.

⁶¹ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 974, n. 2.

As mentioned above, the application of epitimia differs from one Holy Father of the Church to another. One example might be instructive in this regard. For example, for the sin of adultery – the intimate relationship of the husband with a foreign woman or of the wife with a foreign man – the epithets given by the Holy Fathers differ. For those who have committed this canonical violation, that is, adultery, St. Gregory of Nyssa, in canon 4, applies the following punishment:

“A transgression committed after the manner of adultery, or, in other words, after the example of the other kinds of filthiness, as has been said previously, shall be treated in all respects in the same way of judgment as is the abominable sin of fornication, but the length of time shall be doubled: six years wholly ejected from prayer, six years hearers, six years prostrators, and then admitted to communion”⁶².

Therefore, the one who committed this sin is subjected – by St. Gregory of Nyssa – to an epitimia of 18 years. Saint Basil the Great, his older brother, predicts an epitimia of 15 years, for the same sin, and canon 20 of the Synod of Ancyra 7 years.

Saint John the Faster, in canon 20 (canon 13 in Pedalion), simplifies the duration of the epitimia given for the same sin, to only 3 years, motivating that,

“canon 4 of St. Gregory of Nyssa expels adulterers for a period of 18 years from the Divine Communion, canon 58 of St. Basil the Great allows them to partake of the Holy Sacraments after 15 years; and canon 20 of the Synod of Ancyra provides that the epitimia may end after the seventh year. We demand that an adulterer shall partake of Communion (only) after three years, without scrupling about xerophagy after the ninth hour, but also executing 250 metanies per diem. If he is disposed, however, to

⁶² D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 872.

indolence in this matter, let him wait for the end of the term fixed by the Fathers”⁶³.

As can be seen, the canonical legislation of the Holy Fathers of the Church, regarding the application of epitimia, was in a way uniformed by the *Kanonikon* of St. John the Faster (VI century) or more correctly said by the practice imposed over time, because after interpolations and additions made by various spiritual fathers. As Nicodemus Milas mentions in his commentary on canon 1 of St. John the Faster: “... it has been concluded that the *Kanonikon* of St. John the Faster has lost its form or original and from many different editions of this book it is not possible to know which is the original and, therefore, which is to be considered as the true *Kanonikon* of St. John the Faster”⁶⁴. Perhaps this is what determined Nicholas III of Constantinople, in canon 11, to state: “Since the *Kanonikon* encourages too much leniency, it has led many to perdition. For this reason, those who have knowledge of what is good and fail to do so, ought to be corrected”⁶⁵.

As for the mention of Patriarch Nicholas, that this *Kanonikon* encourages too much leniency, this had a result contrary to the expected one. For this reason, because it encouraged too much leniency, the *Kanonikon*, attributed to John the Faster, became the *Euchologion* (Confession Manual) of the Eastern Orthodox Church. It is not excluded that the Holy Fathers of the Church may have justified their favorable attitude towards the *Kanonikon* with the very words of St. John the Faster. In this sense, canon 3 (canon 1 in Pedalion) of Sf. John the Faster says the following:

“The fact that we reduce the number of years of penitence will not seem to be out of keeping with reason to those, I presume, who can reason aright. For since neither in the great Father Basil, nor furthermore in the more ancient of our marvelous Fathers has any fasting or vigilation or genuflection numerically been fixed

⁶³ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 940

⁶⁴ Dr. Nicodim MILAS, *Canoanele Bisericii Ortodoxe, însoțite de comentarii*, vol. II, part. 2, transl. Dr. Nicolae Popovici and Pr. Uroș Kovincici, Tipografia Diecezană, Arad, 1936, pp. 206-207.

⁶⁵ Ioan COZMA, “A Historical and Canonical Analysis of the Answers of Patriarch Nicholas III Grammatikos to the Athonite Monks”, p. 274.

for sinners, but merely abstinence from the sacred Communion, we have concluded that it behooves us, in regard to those persons who are genuinely repentant and will to subject their flesh to the infliction of hardships, and to lead a life gratefully that will counterbalance their previous wickedness, according to the measure of their continence to countermeasure to them also a curtailment of the term of penitence. For instance, if anyone consented not to drink wine on determinate days, we decided to subtract one year from the sentence fixed by the Fathers for the expiation of their offence”⁶⁶.

To these words we should add the guidelines inscribed in canon 87 by the Holy Fathers of the Synod in Trullo, namely: “and allowance shall be given him, that he may be in communion with the Church”⁶⁷. Therefore, we can conclude that the epitimia has a therapeutic character, but also one to prepare the psychological state of the Christian to enter into communion with the Eucharistic Christ in His Church. A careful investigation of the canonical legislation of the Orthodox Church attests to us that, although the Holy Fathers expressed themselves differently in terms of epitimia, we can still speak of a method, of a unitary procedure, confirmed by the practice of the Church, that is to say, by the custom which has prevailed in the Church. This practice of the Church is mentioned by St. Basil in canon 87 as follows: “First, then, let it be said (which is also the most important thing to note) that the custom amongst us which we have to propose in regard to such cases, having as it does the force of a law, on account of the fact that the institutions were handed down to us by saintly men”⁶⁸.

The canons of the Holy Fathers gave expression to the canonical custom of the place, yet following the same common denominator, the correction of the penitent and his reintegration into the Church of Christ. The types and quality of the epitimia, fixed by the canons of the Holy Fathers, remained the maximum limit established by the spiritual father. In

⁶⁶ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 931

⁶⁷ George NEDUNGATT and Michael FEATERSTONE (eds.), *The Council in Trullo Revisited*, p. 167.

⁶⁸ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 842.

the Orthodox Church, however, their automatic application is not required, but the respective case, the manner of acquittal and the criteria for granting the epitimia are left to the discretion of the spiritual father. The words of the canons of the Holy Fathers were taken and applied according to the basic canonical principles. They constitute the canonical doctrine of the Church, according to which every spiritual father can be guided. For example, the words of St. Basil the Great, contained in canon 2, “the adjusting the cure to the manner of penitence”⁶⁹, remained as the basic canonical norm in the activity of the Orthodox clergy. The disposition of Saint Basil the Great, inscribed in canon 84, also remained as a basic canonical principle. According to the advice of the Holy Father: “we are writing all these things, so that the fruits of repentance may be tested. For we do not judge these matters in every case with reference to time, but we are wont to pay attention to the manner of repentance”⁷⁰.

Another basic canonical principle – affirmed by the canonical legislation of the Orthodox Church – which constituted a general norm, a canonical guide for the spiritual father in the application of epitimia, was that the administration of the canon of repentance must seek to correct the penitent. This canonical principle was established by the Holy Fathers of the Synod in Trullo in canon 102, which stipulates the following:

“Those who have received from God the power to loose and to bind must consider the peculiar nature of the sin and the readiness of the sinner for amendment, and thus apply a suitable remedy to the illness, lest, exceeding the mark in one or other sense, he should fail in obtaining the salvation of the one afflicted. For the illness of sin is not simple in nature, but diverse and complex, abounding in many mischievous ramifications, from which the evil spreads further and progresses, until it is stayed by the power of the one treating it. Therefore, he who professes the science of spiritual healing must first examine the disposition of the one who has sinned, and whether he is inclined toward health or, on the contrary, has brought the illness upon

⁶⁹ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 789.

⁷⁰ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 839.

himself through his own habits; he must observe how the other conducts his life in the meantime: whether he is not resisting the practitioner and the ulcer of his soul is not growing worse through the application of the medicines employed; and thus he must measure his mercy accordingly. For the entire concern of God and of the one entrusted with pastoral authority is to bring back the lost sheep and heal the serpent's bite: neither pushing the sufferer to the precipice of despair, nor giving him rein to lead a dissolute or contemptuous life, but by one or another means, be it more severe and astringent medicines, or milder and more soothing ones, to stay the suffering and strive for the cicatrization of the ulcer, examining the fruits of repentance and wisely guiding the man who is called to the splendour on high. As the holy Basil teaches us: "We must, then, know both ways, that of strict observance and that of customary usages; and in the case of those who are not amenable to strictness, we must follow the traditional model"⁷¹.

As can be seen, the canonical preoccupation of the spiritual father with correcting the penitent requires a lot of pastoral tact, corroborated with chosen canonical knowledge. The guidance given by the Church Fathers through canon 102 remained as the basic canonical norm in the administration of the Holy Sacrament of Confession, and of the procedure of applying the epitimia of those who violate the moral and canonical law of the Church. The pastoral tact of the spiritual father must take into account – according to the words of the Holy Fathers of the Synod in Trullo – both the principle of strictness and that of economy. According to the disposition of canon 102 of the Synod in Trullo, the spiritual father must know the habits and the soul disposition of the penitent, in order to be able to give him the most suitable epitimia. Prolonged practice, which is in accordance with the basic principles of the penitential legislation of the Orthodox Church and the ordinances handed down to us by the Holy Fathers remain – according to the provisions of canon 102 of the Synod in

⁷¹ George NEDUNGATT and Michael FEATERSTONE (eds.), *The Council in Trullo Revisited*, pp. 183-185.

Trullo – the only criteria according to which the Sacrament of Confession must be administered.

According to the exhortations of the Holy Fathers, the spiritual father must administer to each penitent the spiritual medicine, according to the sins committed by them. Canon 8 of St. Gregory of Nyssa advises the spiritual fathers of our day as follows: “But it is everywhere the practice to look upon this offense in the aspect of a misdemeanor, above all with consideration for the sort of disposition shown by the delinquent when he is undergoing treatment, and not to presume the time sufficient for a cure, (for what cure is ever the result of time?), but to depend upon the individual will in the reveter to cure himself”⁷².

According to canon 28 of Saint Nicephorus the Confessor,

“A Father Confessor ought to forbid divine Communion to those persons who confess secret sins to him, but he ought to let them enter the church; and he ought not to reveal their sins, but ought to advise them gently to remain repentant and to keep praying; and he ought to adjust the amercements to befit each one of them according to his best judgment”⁷³.

St. Gregory of Nyssa, in canon 1, advises the spiritual father to grant the epitimia in accordance with the sins committed and confessed by the penitent⁷⁴. St. John the Faster, in canon 3, teaches that “according to the measure of their continence to countermeasure to them also a curtailment of the term of penitence”, because the passion can only be summarized “by frequently repeated genuflections, to do likewise, and especially if he exhibits a willingness to provide generous alms without straining his power, or overtaxing his ability”⁷⁵. The spiritual father, therefore, has the right to relax or increase the epitimia taking into account the given circumstances. St. Basil the Great wrote, in his canon 54, that “as respecting differences in cases of involuntary manslaughter ... it is permissible to your good sense

⁷² D. CUMMINGS (ed.), *The Rudder (Pedalion)*, pp. 879-880.

⁷³ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 967.

⁷⁴ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, pp. 866-868.

⁷⁵ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 931.

of judgment to increase the penalties or to relax them in accordance with the peculiarity of attending circumstances”⁷⁶.

Regarding the establishing of epitimia, the ordinances established by the Church Fathers constitute guiding norms for the spiritual fathers of our day as well. According to the ordinance established by St. John Chrysostom,

“... we ought not, in applying punishment, merely to proportion it to the scale of the offense, but rather to keep in view the disposition of the sinner, lest while wishing to mend what is torn, you make the rent worse, and in your zealous endeavors to restore what is fallen, you make the ruin greater. For weak and careless characters, addicted for the most part to the pleasures of the world, and having occasion to be proud on account of birth and position, may yet, if gently and gradually brought to repent of their errors, be delivered, partially at least, if not perfectly, from the evils by which they are possessed: but if any one were to inflict the discipline all at once, he would deprive them of this slight chance of amendment. For when once the soul has been forced to put off shame it lapses into a callous condition, and neither yields to kindly words nor bends to threats, nor is susceptible of gratitude, but becomes far worse than that city which the prophet reproached, saying, «you had the face of a harlot, refusing to be ashamed before all men» (Jeremiah 3, 3). Therefore the pastor has need of much discretion, and of a myriad eyes to observe on every side the habit of the soul. For as many are uplifted to pride, and then sink into despair of their salvation, from inability to endure severe remedies, so are there some, who from paying no penalty equivalent to their sins, fall into negligence, and become far worse, and are impelled to greater sins. It behooves the priest therefore to leave none of these things unexamined, but, after a thorough inquiry into all of

⁷⁶ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 826.

them, to apply such remedies as he has appositely to each case, lest his zeal prove to be in vain”⁷⁷.

According to St. Gregory of Nyssa, in canon 1, a good “technical method” regarding the application of epitimia has only the spiritual father who “is about to undertake the treatment and to apply a suitable remedy to the diseased part of the soul”⁷⁸. The knowledge of the human soul in all its depth of manifestations constitutes, according to the same canon, “the origin and seat of diseases as an indication of the proper treatment and make a general survey”⁷⁹. The research of the etymology of the disease and its correct diagnosis cannot, therefore, be done without a careful and total knowledge of the penitent’s soul. “We should comprehend the legal and canonical economy in regard to the economy dealing with things defective, with a view to having every mental ailment cured that has been the result of some sin or other” – St. Gregory of Nyssa advises the spiritual father to apply his own treatment to every sin –, “since there is a great variety of affections in the case of a disease of the soul, the curative care will necessarily be of many kinds, and adapted to the disease it is intended to cure”⁸⁰.

According to the statement of the same Holy Father, contained in canon 2, sins “that are attached to the ratiocinative faculty of the soul have been judged more harshly by the Fathers, and meriting greater and longer and more painfully laborious efforts to return”⁸¹, therefore the epitimia that the spiritual father will give for such sins will be much greater in duration and harshness.

The Church Fathers also left us rules for the cases in which the spiritual father is allowed to release the penitent from the canon of fasting. St. Timothy of Alexandria, in canon 10, tells us that “if anyone is ill and emaciated very much as a result of long illness ... the sick person ought to be released and, to be allowed to partake of food and drink so far as he

⁷⁷ St. JOHN CHRYSOSTOM, *On the Priesthood*, II, 4, translated with Introduction and Notes by Rev. W. R. W. Stephens, in: Phillip SCHAFF (ed.), *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church*, First Series, vol. IX, p. 41.

⁷⁸ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 866.

⁷⁹ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 867.

⁸⁰ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 866.

⁸¹ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 870.

is able to do so. For it is only just and right to let a person that has once become emaciated to partake of olive oil”⁸².

In the early Church, the custom of many canonical norms was also formed by the way of organization of penance. About the penitential system, with the four classes of penance in the primary Church, the following canons also make express mention: 11 of Saint Gregory of Neocaesarea; 11 of the First Ecumenical Council; 25 and 75 of Saint Basil the Great; 4, 5 and 6 of the Synod of Ancyra; 2 and 19 of the Synod of Laodicea, etc.

The first class was composed of those styled *sygklaiontes*, flentes or weepers. They were not allow to enter into the body of the church at all, but stood or lay outside the gates, sometimes covered with sackcloth and ashes. The second class of penitents was called the *akoômevoi*, audientes, or hearers. These stood in the Nartex of the church and were allowed to hear the Scriptures read, and the Sermon preached, but were obliged to depart before the celebration of the Divine Mysteries, with the Catechumens, and the others who went by the general name of hearers only. The third class of penitents was called *gonyklinontes*, or *hypopiptontes*, Genuflectentes or Prostrati, i. e., kneelers or prostrators and they stood in the main body of the church called the Naos or Nave. They were allowed to remain and join in certain prayers particularly made for them. Before going out they prostrated themselves to receive the imposition of the bishop’s hands with prayer. This class of penitents left with the Catechumens. The fourth class of the penitents was called *synestôtes*, consistentes, i. e., co-standers, because they were allowed to stand with the faithful, and to remain and hear the prayers of the Church, after the Catechumens and the other penitents were dismissed, and to be present while the faithful offered and communicated, though they might not themselves make their offerings, nor partake of the Holy Communion.

The canons speak in various ways about the time of penance spent in these classes. According to some canons, the penitent had to spend at least 15 years in order to be eligible for Holy Communion. The duration of penance could be reduced only by the local bishop. Canon 5 of the Synod of Ancyra provides that “the bishops have the right, after considering the character of their confersion, either to deal with them more leniently, or to

⁸² D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 895.

extend the time”⁸³. Canon 12 of the First Ecumenical Synod confirms and strengthens this provision, ordering that all who will show repentance

“... with fear, and tears, and perseverance, and good works, when they have fulfilled their appointed time as hearers, may properly communicate in prayers and after that the bishop may determine yet more favourably concerning them. But those who take [the matter] with indifference, and who think the form of [not] entering the Church is sufficient for their conversion, must fulfil the whole time”⁸⁴.

In time, this power was concentrated on the synods (canons 15, 100 and 104 of the Synod of Carthage; 14 of the Synod of Sardica; 6 of the Synod of Antioch; 5 of the First Ecumenical Synod), in order to avoid possible abuses of some bishops and to give a unitary character to the penitential discipline in the Orthodox Church.

In this sense, art. 29, §11 of the *Regulation for the Canonical Disciplinary Authorities and for the Judicial Instances of the Romanian Orthodox Church* stipulates the following:

“The spiritual clergyman who refuses the repentance of the one who returns from sin is sanctioned with hierarchical reprimand, with the fulfillment of a canon of fasting and repentance at the monastery or with the disciplinary removal; and if he persists, let him be deposed”⁸⁵.

§12: “The spiritual father who divulges the secret of confession is sanctioned with the fulfillment of a canon of fasting and repentance at the monastery, with the disciplinary removal or with the withdrawal from the clerical service; and, if he persists, by defrocking”⁸⁶.

⁸³ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 65.

⁸⁴ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 27.

⁸⁵ *Regulamentul autorităților canonice disciplinare și al instanțelor de judecată ale Bisericii Ortodoxe Române*, Editura Institutului Biblic și de Misiune Ortodoxă, București, 2015, p. 41.

⁸⁶ *Regulamentul autorităților canonice disciplinare și al instanțelor de judecată ale Bisericii Ortodoxe Române*, p. 41-42.

§13: “Spiritual fathers cannot be witnesses for the circumstances that became known to them through the Sacrament of Confession”⁸⁷.

IV. The canonical effects of repentance

Regarding the canonical effects of repentance, the following must be kept in mind:

- a. In the case of penitents, the effects of the remission of sins consist in regaining the status of active member of the Church. The clergyman or layman, who does not have this absolution of sins and would dare to go to another city (Apostolic canon 12), he will be excommunicated, “on the ground that he has lied and that he has deceived the Church of God” (Apostolic canon 13)⁸⁸. Therefore, the person in question is no longer a member of the Church.
- b. Those who have not received forgiveness of sins cannot take the Holy Communion. As can be seen, canons 10 of the First Ecumenical Synod; 16 of the Fourth Ecumenical Synod; 102 of the Synod in Trullo; 2, 5 and 7 of the Synod of Ancyra; 6 and 43 of the Synod of Carthage; 2, 54, 74, 84 and 85 of Saint Basil the Great; 4, 5 and 7 of St. Gregory of Nyssa; canon 3 of Saint Athanasius the Great; and canon 3 of John the Faster calls for the cessation for a limited or unlimited time of Holy Communion of those who have been guilty of grievous sins. The canonical effect of not releasing these sins is therefore to stop the penitent from partaking for a limited time, or to exclude him from the Church. For example, blasphemy against the Holy Spirit is a sin that cannot be forgiven, either in this life or beyond. The anathema can be lifted if it has not been applied for blasphemy against the Holy Spirit and if the penitent shows justification and repentance (canons 7 and 43 of the Synod of Carthage).

⁸⁷ *Regulamentul autorităților canonice disciplinare și al instanțelor de judecată ale Bisericii Ortodoxe Române*, p. 42.

⁸⁸ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 25.

- c. the pardon granted by heretical bishops to persons who have been punished by Orthodox bishops is null and void. According to canon 5 of the Third Ecumenical Synod, the absolutions given by heretical bishops are “against the canons and they shall not be profited thereby, but shall remain deposed nevertheless”⁸⁹.

V. Conclusion

In conclusion, we can say that the penance or epitimia is a form of discipline or a prohibition administered by the priest (in accordance with the canons or laws of the Church) to those repentant Christians for whom it is necessary, much as a doctor prescribes a suitable medicine or treatment. This is upheld by the canons of the Ecumenical Councils and the teaching of the Fathers, who describe penance as a means of spiritual treatment to cure the diseases of the soul. The 102nd canon of the Synod in Trullo says: “The character of a sin must be considered from all points and conversion expected. And so let mercy be meted out”.

Two factors are involved in man’s salvation: the grace of God and the will of man. Both must work together, if salvation is to be attained. Repentance is a Mystery through which he who repents for his sins confesses before a Spiritual Father who has been appointed by the Church and has received the authority to forgive sins, and receives from this Spiritual Father the remission of his sins and is reconciled with the Deity, against Whom he sinned. Repentance signifies regret, change of mind. The distinguishing marks of repentance are contrition, tears, aversion towards sins, and love of the good.

Therefore, the priest works as a visible organ of Christ and not as a representative of the authorities. That is why he says before the confession of the faithful: “Behold, my child, Christ stands here invisibly receiving your confession. Do not be ashamed and do not fear, and do not withhold anything from me; but without doubt tell all you have done and receive forgiveness from the Lord Jesus Christ”. The priest must completely wipe himself out in front of Christ, which also shown in the fact that the confession is usually made next to the icon of Christ.

⁸⁹ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 230.