

The spiritual judgment in the mystery of repentance terminates **in absolution** or **suspension** of the penitent, depending on the condition of his conscience and the quality of his repentance.

The minister of the mystery for salvation of the sinner has the authority not only to forgive but also to retain sins¹. Certainly, it is more pleasant for a priest to forgive, rather than to refuse to forgive and it is better to answer God for an excess of indulgence, rather than for excessive severity, but he should arrive thus not by arbitrariness, not by compassion or hatred, but according to the existing church rules concerning this. Priests should not grant absolution to every confessor because it may be necessary to refuse absolution to others (see *Napominanie sviashch. [A Reminder to Priests]*, p. 222). The sinner is sometimes not able to accept the absolution of sins because of persistent renunciation of the actions of the Spirit of grace (Mt. 12:31, 32), though the Lord does not want the death of a sinner and awaits his return to the way of truth. So, if the sinner has loved much, much may also be forgiven him (Lk. 7:47). If he is even assuaged in his iniquities, then the minister of the mystery, depending on the nature of his sins and according to the degree of predilection for them, should either withhold his absolution for a time and to demand acts of repentance, or to obligate him to offer, after forgiveness, fruit worthy of repentance and Christian conscience. Such is the meaning of the God-given authority to bind and loose. So he should also be by the clear words of the Lord (Mt. 18:17). So he should also be by the teaching (2 Th. 3:6, 14; 1 Cor. 16:22) and by the example of the Apostles (1 Tim. 1:19, 20; 2 Cor. 12:20, 21, 13:2) (Bishop Justin, *Dogmatic Theology*, p. 391; refer to note 3 on p. 982).

The pastor must never forget that an unfair absolution or binding the conscience of the penitent is not only abusing his authority, but also can turn the soul of the sinner to evil. To absolve instead of binding an unworthy soul, means to give his will over to passions, vices, to confirm him in sin. On the contrary, to bind a soul, worthy of absolution means to subject him to punishment not merited or inappropriate and to kill him spiritually. Therefore the priest must be **extremely careful** in this case, to avoid danger or strictness in the punishment that would drive the truly penitent to despair, or by excessive and inappropriate indulgence to grant the careless an occasion to continue a carefree sinful life. During absolution or the suspension of the penitent, the priest should pay attention to the quality of a sin and the preparedness of the repenting sinner for correction (VI, 102). Old Testament priests were enjoined to attentively examine the difference between leprous infection and lesion (Lev. 13:54-56). And so the New Testament presbyters should attentively "judge among sins", how dangerous is the spiritual infection of the penitent, how deeply does it penetrate the interior soul, how widely has it spread due to its power and feelings, how has the image of Christ, which should be formed in the true Christian,

changed (Gal. 4:19), has it lost some of its vital juices, i.e. the grace of the All Holy Spirit, which lives in the soul; because one sin is lesser, another is greater, one is pardonable, which does not deprive him from the grace of the Holy Spirit (1 Jn. 1:8 and following; Rom. 8:1), another is death bearing (Rom. 8:13; 1 Cor. 6:9-10; Gal. 5:19-21). So sins derived from sources from which they occur, according to the measure they participate in them by reason and freedom, according to the measure they are parted from whatever sin, they began to possess the spiritual power of the person, by the subjects which served for the maintenance of the sin. To the first belongs the weakness of sins, committed against the will and without consciousness, or out of ignorance; to the latter belong sins committed consciously and freely. But even if the subject sins, however, seemed small and if they are not cleansed and wiped out by true repentance, then to the contrary on any day they are multiplied, then those holding the unrepentant in the sinful state are naturally blocked from the entrance into the heavenly kingdom. There are sins reigning in a person and possessing him before, that he did, as conducted in the way of impiety; these are the sins, rooted in the habitual person. They belong to the death-bearing category (Rom. 6:12, 16). There are sins which are not reigning and not possessing the person with which he still struggles and from which he sincerely wishes to drop. These belong to the pardonable category (Rom. 7:14 and following). This difference of sins must always be in the mind of the father confessor in order for him to know what sinners should or should not be absolved. If the penitent himself confessed only sins of infirmity and ignorance, then the father confessor freely absolves him. It is necessary also "to absolve and declare those worthy of communion of the Holy Mysteries" and those who although they have fallen into some kind of "heavy and death-bearing" sin, but "began with true repentance to be healed", having confessed his sin with deep contrition of heart and with firm and resolute desire henceforth not to return to it. But those sinners who also have sins great in subject and deeply ingrained which have taken root in their souls and for which the repentance is doubtful, "then until that time they improve it is better not to allow them to communion", for the instilling in them the feeling of awe and sincere repentance. Or if also to "absolve them", then in any case to keep them "from the All-Holy Mystery" (refer to more about this below) and then to observe to what degree they are corrected. Finally, those having great sins, but with repentance, without any doubt, "hypocritical"², then, to not absolve those who like an unhealing disease"³, against him it is on the contrary necessary to frighten them with the righteous and terrible judgment of God and "to present to them that unless they truly and properly repent, then they will be excommunicated from Christian fellowship, as of old those were expelled from the Israel's camp". (The Rite of confession, - see pp. 980 and 996 above; Stavlennaia iereiskaia gramota [Certificate of Priestly Ordination]; Kn. o Dolzhn. Presb. Prikh. [Book on the Duties of a Parish Priest], § 95-97, 104-105; Instruksiia Blagochinnim [Instruction for the Deans], 17; Past. Bogosl. [Pastoral

Theology], § 146; for more details see Napominanie Sviashchenikov [The Reminder of Priests], pp. 222-250.)

Thus, "Kniga o dolzhn. presb. Prikh. [Book on the Duties of the Parish Presbyter]" prescribes the priest of one of the confessors to absolve and honor the communion of the Holy Mysteries, others absolve, but keep them from communion of the Holy Mysteries, and the third won't absolve⁴ and threaten with excommunication from the church.

But the priests should strongly remember that suspension of entry into the church and excommunication from the gathering of the faithful is given by the canons only to the Bishop; the priest has no right **to separate anybody from the Church**⁵.

The literal sense of "Lectures of the Hierarch to the newly installed Priest", obviously also grants the priest the right to expel from the church. Here it says: "those in disobedience and faulty (i.e. is incorrigible) in sins have fallen out, both cast out from the church and divorced from it". But, according to the meaning of the 39th Apostolic Canon, presbyters should not do anything without the will of his bishop. It says in the Slavonic Rudder: "the presbyter cannot worthily, without an order from the bishop, to bind or expel people, either to increase a penance or to create one, to bind or loose, unless he be given a letter from the bishop about that." The certificate of ordination obligates the priest "to the greater and not lesser rational fault to petition a Bishop". The same applies to the priest and the Spiritual Regulations. Hence, if the priest dares to excommunicate someone from the Church, then he is guilty of exceeding his authority (Sovremennik, [The Contemporary], 1873, 26; Svod uk. i zam. [Collection of Ukases and Notes]),

Similarly the priest alone cannot expose anyone to public or **open excommunication from the Holy Mysteries**, but should present this matter for the supervision and decision of the local bishop (Spiritual Regulations, Supplement for the Orthodox Church Clergy, art. 14; see Past. Bogosl. [Pastoral Theology], § 146).

But, besides the open or public excommunication from the Holy Mysteries, there still may be a **secret, private excommunication**. If the priest alone has no right to subject anyone to an open excommunication from of the Holy Mysteries, then it is asked: should he also have authority expose the penitent in necessary cases to a secret excommunication from partaking of Holy Communion? In the church practical literature the question of the right of the priest by his own authority, without the permission of the local Bishop to subject the penitent, when they merit this, to a secret excommunication from Holy Communion is not decided equally.

Professor V. F. Pevnitsky in his work: "The Service of the priest in the capacity of the spiritual leader of parishioners", is devoted by the whole tract about the right of the priest to separate such persons on whose conscience lie a heavy sin from the Lord's Supper or not to allow to communion of the Body and the Blood of Christ, generally also concerns the right of the priest to loose and bind sins of the penitent. The respectable author,

opening the specified subject with the corresponding importance of its details, discusses it rather in the following way.

The mystery of penance, or private suspension, is within the authority of the parish pastor. Authoritative principals of our pastors (see Kn. o dolzhn. Presb. prikh. [Book on the Duties of a Parish Presbyter], § 104-105) not only do not insist on restricting this authority of the pastor, but on the contrary instills in the priests that they at their own discretion use the authority to bind and loose, both in those whom they see a deep moral falling, by the power of their given authority to deprive those from participation in the Lord's Supper, without turning to his Archpastor for a decision about this. Here again rather the field opens wide for the teaching activity of the pastor, - for his action as physician and judge of the conscience of his flock. The matter does not leave the sphere of the private interaction of the shepherd with the flock.

If the shepherd finds it necessary to impose a penance or suspension on one or another of his parishioners, he does this, not as a public judge, openly pronouncing the sentences, but as a father giving due explanation to his son, who strayed from the way. Both the sin, and the counteraction called for against it, which is in the form of suspension, remains as a fiduciary between the pastor and his spiritual son, whose fault or fidelity to sin demands more or less powerful treatment. Thus there is shown mercy for a feeling of shamefacedness, which many have now developed into morbid ticklishness, and which, in the case of careless and direct influence on it, can bring oneself down for open condemnation to exasperation and to rude negligence in relation to the measures undertaken in the kinds of great explanations of the sinner.

At the same time, the conscience aggravated by sin, receives a lesson, though secret, but impressive: the suspension called for by known iniquities, imposed without publicity, lets the sinner know that as great is the evil in which he carelessly indulges, that he should thus feel the excitation to strengthened vigilance over himself and for the care of his self-correction.

The ancient strict canons about suspension and degrees of repentance although do not now have the power of active law (for more information refer below), but they do not cease to be an impressive reminder of the existence of church judgment as to what penalty the behavior may call for, and what are put by overseers to the pastor of the Church of the Lord and God (Acts 20:28). The pastor of the Church should understand that he is the judge of the conscience of believers in his flock. Whoever he cares for as pastor, he also can judge when they appear before him at the spiritual court to confess their sins. But the judge can subject them both to church penalties and punishments - and not only can, but should⁶. All is impossible and is opposite for the obligation of the pastor to also permit all without an argument, with whatever would be heavy and scandalous sins of his spiritual children not revealed to him.

If whoever knows his heavy guilt, if whoever of his flock opens before him a capital sin committed by him, if whoever is given over to some pernicious passion and does not want to struggle with it, if whoever has irreconcilable rage against his neighbor and is occupied with thoughts about revenge against him and so forth, - to such the pastor of the Church should not concern himself with condescension of full amnesty, over such he should seek the strictness of the church court.

If the pastor of the Church will allow everything up to the communion of the Holy Mysteries, then he will be guilty of negligence for the condition of his flock, in disregard of his authority and unwillingness to use this for the moral cleansing of his flock and for the stirring of greater attentiveness in the people addicted to some kind of sinful habit. In the case of a heavy fault or an inveterate sinful habit of this or the other from the flock, the obligation of pastoral prudence is to remind the guilty about the church court also to impose suspension on them. By this, first, it is possible to allow him to feel the gravity of his sin of which, maybe, he does not know, or the danger of his moral condition, of the treatment for him in the case of his lack of correction by the eternal court of God, and to encourage him to a warmer, more valid and sincere repentance.

On the other hand, this suspension appears necessary to protect the holy things of the awesome Mystery of Christ from unworthy participation, soiled by great crimes, and at the same time to inspire, whoever follows, the awesomeness before these Mysteries and before that blessing from on high, what together with them is taught to Christians. When the pastor will do absolution for everything, even the heaviest and capital sins, and will hesitate to impose suspensions in the necessary cases, then he by this alone will contribute to the confirmation in the middle of his flock an indifferent attitude even for the greatest iniquities, by which they will attract the wrath of God to the guilty. Here again, the pastor's indifferent attitude to sins, as by the little, by the pardonable, as by the great and mortal, can originate and find support for the warm to cold attitude to the demands of moral cleanliness and sanctity of life that is so appreciable among contemporary Christians and what should not be tolerated in the life of the members of God's Church. Together with this, by pastoral indulgence, the idea of the church court will disappear from sinful consciousness, which should, with some firm restraint for the person, be inclined to evasion from the way of life according to the law of God. But then, what is even more important in the eyes of the sinner, the great unapproachable sanctity of the mystery of the Body and Blood of Christ can be lost, while the Cherubim and Seraphim look with trembling, when the unimpeded access to everything will be opened to him and aggravated by great iniquities⁷.

That is why the pastor also should not hesitate to impose a suspension in known cases on his flock. He should constrain from this neither for love for his spiritual children, not wishing to deprive them of the Lord's Supper, nor to call the danger of displeasure from their side for applying church penance on them. And without wishing to inflict upon

punishment on the flock, the pastor should do this, when this demands the deep moral fall of his spiritual son and his religious unconcern, and when this demands the law for the protection of the most holy magnificent things from the mysteries and for the stimulus for them by the flock who reflect awesomeness⁸ (The Service of the Priest, pp. 98-121).

The responsibility of the above-stated bases brought up by Prof. V. F. Pevnitsky in favor of his opinion on the right of the priest not only to loose but also to bind the sins of the penitent, and also generally about excommunication from Holy Communion for a certain time for heavy sins, as with such penance used by the Holy Church, by the expression of "Catechesis", in the capacity of special means "for the cleansing and pacification of the conscience of the repenting sinner" is obvious in itself. As to his opinion on the right of the priest to secretly separate confessors from Holy Communion, then concerning this it should keep in view the following.

In the above-stated opinion, a secret excommunication from the Holy Mysteries is quite permissible for the priest, without asking forgiveness for this from the local Bishop. But one of the Spiritual Consistories, namely that of Samara, gave in reference to this subject such an explanation:

"By the power of § 13 of the Spiritual Regulations the priest cannot exclude the penitent from Holy Communion without the permission of the Bishop, i.e. who confessed his sin with sincere contrition and who since gave a promise to abandon this sin, and the deed should not contradict the promise, and to confirm this. So, for example, for persons who are in illegal co-habitation (especially for abusers), if they, would have confessed their sin, not only have promised to abandon it, but also have confirmed their word with their deed, having separated from their residence, the priest could advise not to immediately start after repenting the joyful fellowship of the Lord in the sacred mystery of the Body and the Blood of Christ. But if the penitent had not listened to his instruction, he cannot decisively prohibit his partaking, without the full hierarchical help from his Bishop" (see Tserkovniia Vedomosti [Church News] 1896, 34).

Also even the "Tserkovnyi Vestnik [Church Messenger]" precisely explains: "If a sinner himself, under the influence of pastoral edification, recognizes himself unworthy of partaking of the Holy Mysteries, the application of this measure is certainly admissible and cannot invite any misunderstanding. If he persists and recognizes his dismissal from communion is not merited and insulting for himself, the pastor should select a way, specified by the Spiritual Regulations, i.e. to inform his Bishop and to wait for instructions from him" (Tserkovnyi Vestnik [Church Messenger] 1894, 9; see also 1892, 4; 1893, 18, 25; 1895, 40; 1897, 51-52; refer to 1890, 24).

The general conclusion from all that was said about a secret non-admission to Holy Communion by the priest of some of confessors is that the demand of the Spiritual Regulations that priests turn to their Bishop for a decision to exclude any of his confessors from the Holy Mysteries, it is impossible to understand how the "Tserkovnyi Vestnik

[Church Messenger]" says "the priest should apply this powerful means in the idea of a categorical suspension as a moral influence on the flock". If the pastor in necessary cases has the penitent wait a little to approach the greatest of the mysteries, then he applies this means of suspension without asking special permission of the local Hierarchy for that, "and certainly there cannot be a speech⁹, and the priest, who is not using this means, is worthy of rebuke for negligence in his duties"¹⁰ (see Tserkovnyi Vestnik [Church Messenger] 1894, 9; refer to Pastir. Bogosl [Pastoral Theology] § 146). As to such a confessor, who himself voluntarily disagrees to postpone for some time his partaking of the Holy Mysteries, then, as we have seen, according to the majority, for the non-admission of such confessors to the Holy Mysteries, the priest should ask (without naming, thus, the confessor) for special forgiveness from the local Bishop, but by his authority alone the priest cannot subject the specified confessor to a secret suspension from Holy Communion even for a short term¹¹. Rather suspensions from the Holy Mysteries for some years should mean that in any case "the priest without hierarchical direction cannot impose the penance of suspension from communion defined by council canons: seven-year for an adulteress, 15 years for fornicators, 2 years for murderers and so forth"¹² (see the explanation of the Samara Theological Consistory in the Tserkovniia Vedomosti [Church News] 1896, 34; refer to 1895, 16).

¹ During **the forgiveness of clergy**, the district father confessor should have in view that he has no higher hierarchical authority over them. Therefore, even in the case of heavy sins with which they suffer, he has no right to separate them from Holy Communion, because this would be equivalent for them to suspend the clergy, but this suspension belongs only to the Bishop. The father confessor can only grant non-forgiveness of sins to the priest or the deacon, but he should have in view that non-forgiveness by them can prevent them from communing the Holy Mysteries as they are unworthy (Uchitel'noie Izvestie [Teacher's Transactions]). Expecting similar cases, he can turn to the Bishop; describe the sins not subject to forgiveness, but without naming names who confessed these sins, and to ask from him directions (Rukovodstvo dlia sel'skikh pastirej [Manual for Village Pastors] 1898, 38). The formal instigation of prosecution for various offences is the duty of the lawful judicial authority, which has sufficient agents for an investigation of legal crimes, and the father confessor should not act on the persons confessing it, on the pain of defrocking and denunciation, because confession is not a punitive court, but a moral healing act (Tserkovnyi Vestnik [Church Messenger] 1891, 4; refer to A. Almazov, Tain. Isp. [The Mystery of Repentance], vol. 2, pp. 420-421).

² According to the "Kniga o Dolzhn. presb. Prikh. [Book on the Duties of a Parish Priest]" what concerns the hypocritically penitent is that they do not want to abandon hatred and enmity for their neighbor, they do not repent and do not reveal accomplices in malevolence or treason to the Sovereign, they do not wish to return spoils, they hide all their known evil deeds from the father confessor, they do not wish to abandon whatever sinful habits, such as: fornication, drunkenness, usury and so forth (Kn. o dolzhn. presv. prikhod. [Book on the Duties of a Parish Priest], § 105).

³ The Samara Theological Consistory, in view of this, that some priests absolve sins for **unrepentant sinners** and will make them worthy to receive the Holy Mysteries, for the general explanation of other priests, which could come to the same fatal misunderstanding, the following explanation has been given: "The priest cannot absolve sins remaining not repented, even though it would also be in some way free of anger; even though it would be planned murder or consisting of adulterous carnal intercourse and with tears they confessed their sin, but declared, as henceforth they cannot be released from the bonds tied to their sin, or even though they also promised to abandon the sin but their actions were opposite to their words, the priest cannot absolve those unrepentants in the mystery of confession. They also cannot, besides this, come to Holy Communion, but not because the priest has excluded them from communion, but also because the mystery of Confession had not taken place and coming to Holy Communion without Confession is not permitted any more to the laity of the Orthodox Church. Saying the absolution for the unrepentant sinner actually is not allowed, but for the deadly sin it is also deceiving for the confessor, wherefore from the name of the Lord Jesus Christ it assures the sinner forgiveness and absolution of the sin, for which Christ

does not forgive and does not allow" (see Tserkovniia Vedomosti [Church News] 1896, 34; refer to Tserkovnyi Vestnik [Church Messenger] 1897, 15, pp. 485-486).

It is self understood that the priest before depriving the unrepentant sinner of absolution, he should in every possible way try to finish his pastoral words up to the absolution and only in the case of undoubted lack of success of his diligence will he deprive such confessor of absolution from sins. But thus, of course, the priest should remember that if in compliance with the above-stated information, he also may independently in specified cases deprive the confessor of absolution, then he should seal this mystery of Confession, and the priest has no right to reveal this to anyone, except strictly for certain cases (see more below, about revealing what is heard in confession), the person, is not permitted by them. One should also remember that to hold a sinner bound for a long time is not within the authority of the priest. The matter is that having bound his sins, the priest should all use all efforts in instilling in the heart of the sinner the feeling of the fear of God, shame and repentance, to encourage in him the desire and determination to make right and change his life. However it can happen that all the persuasive efforts of the priest will affect the "individuals and the remaining unrepentants, being besides this not absolved from sins and therefore also deprived of Holy Communion, but meanwhile the Spiritual Regulations rules "it is forbidden for priests to deprive for a long time the communion of the Holy Mysteries (see more about this below). In that case the priest is obliged to relate to the local bishop and ask him for directions on how to proceed (Khristsianskoe chtenie [Christian Reading] 1890, part 1, p. 482). But as unrepentance is such a spiritual illness that demands the speediest use of the spiritual medicine corresponding to it, then the priest should not hesitate to be turn to his Bishop for specific direction, as to the more skilled physician of the spiritually infirm, who will point out to the priest an even more expedient way of action in this case, than the caution of the priest that is natural in this case to "not lose the salvation of the infirm", can present to him that "poorly judged guilt", which he is always obligated "to carry and offer" to his Bishop (refer to the Tserkovnyi Vestnik [Church Messenger] 1892, 14, 32; 1894, 10).

In particular, we now have the spread of illegal co-habitation of people (See S. Peterburgskii Dukhovnyi Vestnik [St. Petersburg Spiritual Messenger], 1898, 49), and then one must note that priests should not be indifferent to this evil, thus acting as in all similar circumstances with special prudent care.

According to some, concerning those guilty of this co-habitation it is all the better to approach this way: those found living illegally should first be persuaded, so that he either leaves such cohabitation or (if it is possible) covers it with lawful matrimony, and if the penitent agrees either to this or that, then to allow him also to be worthy of the holy mysteries. If the sinner even after that this will not be corrected, then at the following confession one should point out the judgment of God to him and to threaten him that the Church court will lead him into excommunication (from Holy Communion), and then for experience even to separate him for a while, having previously noticed that in case of correction he again obtains absolution and will be admitted to the communion of the Holy Mysteries. When this also will not work, he is then as witness to inform the diocesan Hierarch and then to act but with his oversight (Fr. Hoynatsky, p. 150; see Zabelin pp. 205-206; for more information refer below about exclusion from Holy Communion).

As the above-witnessed opinion on the pattern of action of pastors in relation to specified cases do not explain every doubt concerning these cases in contemporary confession practice, then the great value, of course, would essentially to have joint discussions by the pastors of these (but also equally others of similar kind of) doubts in pastoral periodic meetings (where such exist) or deliberately arranged meetings for this purpose.

⁴ We do not have a code, consisting in itself a detailed list of all sins, absolution from which can or cannot be given by the father confessor. And that it is impossible to create such a code, because **absolution and non-absolution** from sins is determined not only irrespectively by their importance and quality, but by the spiritual condition of the penitent, the degree of sincerity of his repentance and so forth. Also the secular laws, comprising the imposition of punishment for this or other crimes, do not exclude the possibility for judges to pronounce sentences according to their personal belief and conscience, instead of according to the letter of the law (Rukovodstvo dlia sel'skikh pastirej [Manual for Village Pastors] 1888, 12).

According to the teaching of St. Gregory the Theologian, the duty of the priest is to inform the wings of the soul, to deliver it from the world and to turn it to God, to save it in the Divine image, if whole to support it, if in danger to renew it, if damaged to instill Christ in their hearts by the Holy Spirit (part 1, oration 3, p. 30; Napomin. Sviashch. [Napominanie Sviashchen. A Reminder for Priests], p. 132).

But, for the performance of this duty, having "all care to lead back the wandering sheep and to heal those wounded by the serpent" the priest should not "drive them lower in the streams of despair, nor loosen the reins lower to a weakened way of life and carelessness", but should "by all means, in some way or another, whether by paradigm, either by means of severity and binding, or by means of softer and milder medicines, to resist this illness and exert himself for the healing of wounds" (VI, 102).

Therefore, as though, on the one hand there is the danger, the other is quite natural in father confessors, the penitent without having received "equal to his iniquity and punishment", does not fall "into contempt and negligence", does not become much worse and does not begin to sin even more, and, on the other hand, as though such "cruel" punishment are those which others "cannot endure" (St. J. Chrysostom, "On the Priesthood"; Duch. Regl. [Spiritual Regulation], Supplement for Orthodox Church Clergy, item 14) to bring harm to their salvation (having increased, e.g., despair or exasperation in them, and having allowed an occasion for them to completely disappear from the Church or to lean to sectarianism).

In view of the latter danger some pastors also advise not to show in any way always in all severity and for all penitents the demands of such actions, which are not under the power of his soul, yet has not absolutely strengthened in the determination to refrain from the sin (for details see Rukovodstvo dlia sel'skikh pastirej [Manual for Village Pastors] 1888, 29; refer also to 1885, 40 Khristianskoe Chtenie [Christian Reading], 1890, part 1, pp. 471-477).

Wherefore, as St. J. Chrysostom says in his book "On the Priesthood [Book II, 3]", "Those who are weak and dissipated and generally in bondage to worldly luxury - even more if they can pride themselves on their birth and rank - may be freed partially, if not perfectly, from the evils which master them, by being converted gently and gradually from the sins they commit. But if anyone applies a little constraint, he deprives them even of this small improvement. For once a soul is forced to be brazen, it becomes callous and thereafter neither responds to gentle words nor is checked by threats nor is influenced by kindness. (Dukh. Regl. [Spiritual Regulation], Supplement for the Orthodox Church Clergy, item 14).

Generally "in the binding and loosing of the penitent, the priest should be guided by rules of prudence, proper to the priest, as a tool of the saving vessels of God, - not to be unduly indulgent, nor excessively strict, but, having in view only the salvation of the flock, adapted to the situation of the penitent and not to use severity measures there where only love can have influence" (VI, 102; I 12, St. Basil the Great, 3, 74, 84, 85; St. J. Chrysostom, "On the Priesthood"; Past. Bogosl. [Pastoral Theology], §74).

⁵ The Spiritual Regulations distinguish two kinds of **excommunication**: great, in the true meaning the "anathema", and the little, "nominal excommunication or suspension". Subject to an anathema are those, "who clearly abuse either the name of God or the Holy Scriptures, or the Church, or clearly is a sinner, without being ashamed of his acts, but also more than boasting...; such ... is not simply subject to an anathema for a sin, but for obvious and proud contempt of the judgment of God and the authority of the church with great temptation for weak brothers". But before this, the sinner admits he is worthy "to be sentenced to such great punishment", he should repeatedly be admonished, "in order that on a near feast day he has offered repentance to the father confessor and would accept penance and partake of the sacred Eucharist with the people so that his change became obvious and the temptation would be destroyed". If they are still guilty even after these admonitions, "will be unbowed and proud", then the Bishop on the feast day through the protodeacon, invites all the Orthodox to pray for overseeing anger of God and for pastoral instructions that God will soften his heart and incline him to repentance, but the persons closest to the sinner are asked to exhort and beg him, and separately for everyone and all as a group, in order that he repent, with the explanation that time does not endure and that if for those that no time remains for correction, then he will fall under the expulsion from the Church.

If this also does not work, the Bishop should inform the Holy Synod, and only, after having received from them the pleasure of the letter, he finally turns over the sinner to an excommunication: the protodeacon in the church with the people solemnly proclaims that the Hierarch excommunicates such a person for the temptation he made of the Church, and the contempt of pastoral admonitions from a Christian society and, "as a useless member, was expelled from the body of the church of Christ...; and for that he was suspended from entry into the church", he cannot be a participant of the Eucharist and other mysteries and even all the occasional offices of the church.

In cases not so important, when someone creates even "a great certain obvious sin, but not the biggest obvious sin, for example, when someone is obviously behaving licentiously, he will leave from church singing for awhile, obviously insulted, or disgraced the honorable person, does not ask for forgiveness", the Bishop, having taught such a sinner personally or through the father confessor, can also himself, without involving the Holy Synod, restrain the guilty with an excommunication, doing this only without special solemnity - "without the great pronouncements through the protodeacon, but only on a little piece of paper having written the fault of the criminal and his excommunication". Even during this very excommunication, in this case, consists only in the dismissal from the gathering with the devout in general prayers, in suspension from entry into the church and for a short time the communion of the Holy Mysteries. Not only those subjected to a little excommunication, but even those anathemized are not dropped from the communion of the spiritual Gifts forever, but "until that time he will truly confess from his heart".

Even in the case of insult over an anathema, it is not uttered to such an abuser with an unconditional and eternal excommunication, but only the Bishop should send a petition about this to his Spiritual Collegium (i.e. to the Holy Synod), but the Collegium, informed in truth, with persistence will ask the court from the appropriate temporal authority or from His Majesty the Tsar".

Generally, the Spiritual Regulation for the Bishop "In the use of the binding authority, that is in an excommunication and an anathema", "editorialized that, he was not swift, but long-suffering and deliberate: for the Lord has given this authority for creation not for destruction" (Dukh. Regl. [Spiritual Regulation], On the Bishop, item 16).

In former times, by the power of the Spiritual Regulations, great excommunications were constantly acted on us. Only since Empress Catherine II that they began to disappear considerably from the spiritually-judicial practice (see Prof. A. Lebedev, "Church Excommunication", pp. 8-9; for more information about excommunication in the early history of the Christian Church see the works of Prof. V. Kiparisov "On Church Discipline", pp. 249-346).

At the present time, the great excommunication of certain persons although not practiced, but it is a legal (see Dukh. Regl. [Spiritual Regulation], On the Bishop, item 16, the Ust. Grazhd. Sudopr. [Rules of Civil Jurisprudence] articles 44, 246, 83, 371; Ust. Ugol. Sudopr. [Rules of Criminal Jurisprudence] articles 95, 706) possible punishment (Priest A. Albov, "Kr. Kur. Lektsii po Tserk. Pravu" [Short Course of Lectures on the Rights of the Church], p. 160; Prof. N. Suvorov, "Course on the Rights of the Church", vol. 2, pp. 160-161), among the punishments imposed on the guilty in a formal church court.

Besides the great excommunications of certain individuals, there is still a great general excommunication which at the present time is done among us each year, according to the special order established for this purpose (see pp. 513-515). The little excommunication at the present time is practiced among us in the form of church penance (see Ustav Dukhovnikh Konsistorii [Ustav of the Theological Consistory], ch. 8) which is imposed on the guilty for known wrongdoings and crimes (see more about this penance below).

⁶ Having on hand such an instrument as suspension, and the authorization for its use, the pastor of the Church should apply it to the matter with great deliberation and restrained discretion. It is given in the management of the canons of the fathers, indicating to what kind of penance sinners, who were guilty of these or those iniquities, were subjected in the ancient Church. But it would not agree with the demands of good pastoral reasoning if it blindly and too hastily followed those canons without analysis, subjected to suspension of all who see their blemishes or other sinful iniquities. Pastoral prudence decrees not to support it to the strictness of the law, but taking the actions to correct sinners and the maintenance and exaltation of the gospel way of life in the flock. Not only on the sin should he pay attention, but also to the person who commits sins, on his moral condition and on the greater or lesser sincerity of his repentance, together with that, it is necessary to take into consideration the changes over time, distinct from the conditions of church life of the first centuries of Christianity, and, weighing all in aggregate, to apply this or other medicine on the sincere wounds of the flock entrusted to his management and care (for details see Sluzh. svyaz. [The Service of Priests], pp. 110-112).

⁷ This is especially possible when confession in active church practice matters has the meaning of the cleansing of conscience with every worthy partaking of the Eucharist (Prof. J. Berdnikov, "Kr. kurs. Tserk. Prava [A Short Course on Church Rights]", p. 428).

⁸ It is impossible to abstain from applying suspension on the guilty, as a means, of restraining immorality diffusion, and in view of this that now the people who are bearing the name of Christians and registered in the Church, often voluntarily for some years abandon the Lord's Supper and do not see any deprivation in this for themselves because for similar confessors the suspension or deprivation of the Lord's Supper does not have power and meaning. And such persons if they are guilty of heavy sins, it is not necessary to allow a known time for Holy Communion. Really, suspension is usually imposed on penitents in confession. But when the person dares to come to the mystery of repentance and searches for the grace of the remission of sins, then it is necessary to assume that the sleeping religious feelings in him is aroused, the decaying spark of awesomeness flashes. The suspension appears in this case as a means, which can force the person to enter into himself and to recognize his unworthiness, and through that to activate the revival of morally-religious feelings. Many approach for the form without any feeling for the mysteries of repentance and communion, and decide to do this not as a debt of faith, but owing to whatever external pressure. For such, for their spiritual condition, it will hardly be useful, if the pastor of the Church without any argument will give them absolution. Their thoughtless, insensitive relation to the great and awesome Mysteries and inattention to their sincere uncleanness will even more affirm, when they will see that, despite their heavy sins, it is necessary to appear before the priest in church, and that they obtain full absolution and approach the Lord's chalice on a level with the people, cleansed by sincere repentance. Then in the blinding, great, sacred and awesome things, they will consider them empty, not standing with special attention, and will be lulled to sleep by the thought, that otherwise, as they are, it is not necessary to be related to the matter of their own salvation, and that they, the people, are quite worthy and clean in what is guiltless before God and the Church. But if the pastor presents that their moral condition is not such that they could be admitted to partaking of the Body and the Blood of Christ, it may be, this will cleanse them from slumbering and to find them penetrated into their condition. They are close to spiritual death; in order to recover them and to lift those fallen of weakened powers, the stimulating medicine is necessary; but a suspension can also be such. If it does not work, then it will not be the fault of the

pastor. Irrespective of accountability of the action on the person, the expended feeling of faith, natural to the reverent shepherd, the care for the protection of the mystery of holy things should motivate the priest to impose a suspension on such a person. If the priest sees that the person, who came to confession, has no faith or feelings of awesomeness, and obviously wants to approach the Mysteries for the cleansing of one form, then does it not mean to allow such to partake the awesome and life-creating Mystery to profane holy things to the unworthy? And for the former sins of the person, thoughtlessly, for one form, who receives the Holy Mysteries, would it not increase by this a new yet heavier sin, subjecting him to the final judgment of God? According to the Apostle, *for he who eats and drinks in an unworthy manner, eats and drinks judgment to himself, not discerning the Lord's body* (Cor. 11:29).

"Look attentively, - St. John Chrysostom says, - O Priest, that when you serve at the Mysteries not to make the Master angry, by not cleansing this body. Give not a sword instead of food. But if someone who because of lack of understanding and obstinacy has come for communion, forbid him, be not afraid. Fear God, not man. If you should fear man, then you will be humiliated before God; if you fear God, then you will be honored even by the people. If you do not dare to do it yourself, inform me; I will not allow such impudence to exist. I would give up my life, rather than impart the Body of the Lord to the unworthy; and will shed my own blood, rather than impart the all holy Blood contrary to whoever should not...But these things I say, not that we repel them only, nor cut them off, but in order that we correct and convert them on the way and that we may care for them in every way. For thus shall we both have God propitious, and shall find many to receive communion worthily" (Commentary on the Gospel of Matthew, Russian translation, part 3, p. 426; The Service of Priests, pp. 107-109; [Homily 82 on Mt. 26:26-28]).

⁹ By the explanation of the "Tserkovnyi Vestnik [Church Messenger]", the Spiritual Regulations, by forbidding the priest to exclude the penitent from the Holy Mysteries without previously asking the local Hierarch for direction means that the priests, "is unskilled in the holy scriptures, holding the Book of Needs, as a blind man"..., and only for the sake of these "unskilled" enters this suspension, as similar pastors, excluding from communion, without previous explanations of why this exclusion is necessary, naturally, find in the flock only exasperation and discontent and in any case they will not attain the treating of moral illnesses (Tserkovnyi Vestnik [Church Messenger] 1894, 9).

But others, considering the basis of the specified rules of the Spiritual Regulations necessary for excommunication of the penitent from the Holy Mysteries and at the present time prior to **asking for a decision of the local Bishop**, are not dependent on the necessity of this decision on the above-stated basis.

Thus, the book: "Prava i obiazannosti presv. [The Rights and Duties of the Presbyter]" by P. P. Zabelin (see part 1, p. 204), says that whatever suspends one from the Holy Mysteries, the priest can "not do other than if the penitent with full preparation accepts any penance, if suspension from the Holy Mysteries can really result in the penitent recognizing the gravity of a sin and motivating him to the fullest repentance, instead of disposing him to laziness, negligence or despair. But also in such cases the priest should not by himself impose a penance consisting of an exclusion from partaking of the Holy Mysteries, but every time to ask for that decision of his Bishop, having explained to him the circumstances of the penitent without revealing the name of the latter."

Fr. Archpriest K. T. Nikolsky in his book "Posobie k izucheniiu Ustava Bogosluzheniia Pr. Tser [Manual for the Study of the Ustav of Church Services]" also says that "the father confessor himself cannot subject anybody to an excommunication from the Holy Mysteries, without special reports to the diocesan Bishop and without his permission" (see p. 657).

Prof. J. S. Berdnikov says in his "Dopoln. k kpar. Kur. Tser. Prava [Supplement to the Short Course on Church Rights]" (see p. 428): "the father confessor can impose on the penitent a secret penance consisting of a fast, prayers, giving alms and other pious exercises, without being deprived of communion" (see also Pravoslavnyi Sobesednik [Orthodox Interlocutor], 1888, part 3, p. 79).

All these opinions, quite definitely asserting that the priest should subject the penitent to suspension from the Holy Mysteries, it is necessary first to ask the local Bishop for his decision on this, they say nothing about such cases when the penitent, thanks to pastoral influence of the father confessor on them, recognizes himself the necessity to wait a little to partake of the Holy Mysteries (though, however, in the literal meaning of some of the concluding opinions, as if it gets dropped, that they also have in view specified cases for them).

In practice, as far as we know, if the penitent, listening to the advice of the priest not to approach partaking of the Holy Mysteries for some time after confession, himself quite recognizes this necessity, then the priest also does not trouble the Bishop for a petition for the specified decision; as in this case the non-partaking of the Holy Mysteries after a confession appears as a voluntary action of the penitent himself.

¹⁰ It is self understood that suspension from Holy Communion does not attract to itself the **non-admission** of those inflicted with this penance **to the mystery of repentance**, but to the contrary to everyone "who has fallen into such a heavy

sin" the priest himself should inspire that he, should not expect "an established time for confession", should not hesitate "to be turned with true repentance to God and to go to confession" (See the Kn. o Dolzhn. Presb. Prikh. [Book on the Duties of a Parish Priest], § 91). Generally the priest should firmly remember that the non-admission of whomever of his spiritual children to confession is resolutely forbidden to them (See Ap. 52; refer to Laod., 2), under the threat of defrocking (refer to above, pp. 965-960, 975 and more below on "The Prayer over the Absolved").

¹¹ From the legal point of view the **question of the right of the priest** to act quite independently in the specified case, without turning to the local Bishop, can only be solved in a negative way, as we do have in the legislative code, laws such as those published after the Spiritual Regulation, by which the rule of this Regulation demanding that the priest for imposing "penances of suspension from the sacred Mysteries" would have asked for the "decisions and blessings" of his Bishop would be cancelled, even in that case when the confessor "is the person ready for any penance, that the remembered penance for despair or for lazy negligence, then there is the removal for a certain time of the Holy Mystery of Communion, he does not renounce it, but it will result with more knowledge for the height of the sinful burden and in the wrath of God, and he will arrange for his warmest repentance" (Supplement for the Orthodox Church Clergy, item 14).

¹² The ancient church canons prescribe penances, consisting of more or less long excommunications of sinners from communion of the Holy Mysteries (see, e.g., VI, 87; Anc., 20; St. Basil the Great, 7, 11, 22, 88, 56, 65, 75). Such strictness was not and could not remain certain in all cases and for all times. On the contrary, while applying a penance, composers of the specified rules inspired the necessity to be applied to the moral situation of penitent persons (Gregory of Nyssa, 2, 3, 4, 5) and even to their external position (St. Basil the Great, 34) and generally advised everyone not to look at the canons about the duration of penances as on the indispensable tenets, but in the application of them to search for salvation of the sinful soul and to be guided by prudence (see VI, 102).

Generally the canons of the Fathers and the councils about a long excommunication from the Holy Mysteries for these or other sins should now be accepted by priests in management only for the definition of the gravity of this or other sin so that only in this respect up to now these canons also should protect with full power.

The religious feeling of Christians now became more fragile and weak, and there is not that moral strength which ancient Christians had who were more firm in their ascesis [podvig] and more hardy in relation to those disciplinary measures, as they were customarily ruled by church society, which is zealous for the protection of the cleanliness of its members.

The ancient strictness and long-termed penances, consisting in an excommunication from Communion for whole decades, would be excessive for our crushed and morally weakened generation, and presently would hardly be practical and usefully applicable to the matter in the necessary cases of all the severity of the ancient punishments of the church. The religious feeling of present Christians is not other than a special vivacity that can completely decay in a person, if he puts off the partaking of the Lord's Body and Blood for a long time. Removed from the Lord's Supper for many years, he will wean from the Church and will fall among the number of the dead, hopeless members of feelings for Christianity. At the present religious situation of our society, instead of warming up the good feeling of faith and making the person purer and more attentive to himself, a long-term repentance may only cool and carry him to moral negligence. Sufficient explanation can now be given for a short-term suspension and by this short-term suspension it is possible to sooner attain the good purpose, than the former many-year penance.

Having in view the changing circumstances of time, our Spiritual Regulation and laws (see Supplement on the Orthodox Church Clergy, item 14): "in ancient custom the former penance, which **laid aside the partaking of the Holy Sacraments for a long time**, since in ancient times it was for healing, as indicating the nastiness of sins and restraining evil lusts, it not only is now terribly much, but also for secret dissenters wishing to become negligent and rather than the favorite, and purposely searching for feigned sins in confession, - to drop it from now on, even for this to that not to require the remembrance of guilt, and by the power ... of the teacher's instructions, it is necessary". (Sluzh. Sviashchen. [The Priest's Service Book] pp. 113-114; Past. Bogosl. [Pastoral Theology], § 146; Tserkovnyi Vestnik [Church Messenger] 1894, 9; Tserkovniia Vedomosti [Church News] 1896, 16).

Therefore, even in that case when the penitent himself recognizes that he is unworthy of partaking of the Holy Mysteries and voluntarily agrees to postpone this communion for a time, the priest should see that the exclusion of the penitent from the Lord's Supper is not long, - e.g., for a year and more (see Priest G. Diachenko, Vopr. na isпов. dietey [Questions for Children at Confession], p. 93; refer to note 2 on p. 1018). As to the provoking some (see Tserkovnyi Vestnik [Church Messenger] 1897, 15) question on this, confessors may now generally be cut off from Holy Communion for some years, then this question is decided for that priest who looks for the ruling indication of the Bishop, to whom these questions in these cases should be turned over.