

THE INSTITUTION OF GUILT. AN EVALUATION FROM A CANONICAL PERSPECTIVE AND OF ECCLESIASTICAL LAW

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Abstract. The institution of guilt is a fundamental concept in the field of law, being one of the essential elements that imply legal responsibility. Essentially, guilt reflects the person's mental or moral attitude towards the act committed and its consequences. Establishing guilt is essential to incurring legal liability.

Guilt, as a determining element of individual responsibility, is a concept also present in canonical theology, respectively in ecclesiastical legislation. Although the paradigm differences are significant, since ecclesiastical law has an essentially spiritual and moral dimension, the identification, definition and sanction of guilt remain fundamental concerns for the organization and discipline of ecclesial life.

Keywords: guilt, institution, canonical theology, ecclesiastical law, canons, sin, communion of man with God.

Brief terminological clarifications and conceptual delimitations

In Romanian, the term "guilt" is of Slavonic origin. The Slavic word *виноватъ* (guilty) means "obliged" or "obliged" to answer for an action committed, "guilty" for a deviation from a norm or a generally valid rule.

In the Romanian vocabulary, the etymon has evolved towards a predominantly legal meaning, designating a state of moral or legal guilt. Thus, in the proper sense, guilt designates that mental state of an active subject towards the reprehensible act he has committed and towards the consequences of this action for the social order or the moral order (Antoniou 2002: 27). It should be noted that the existence and determination of guilt always depends on the omission or commission violation of a rule or a rule of conduct. The just judgment tells us that only the one who has deviated from the law, regardless of its kind, is guilty, but not the one who respects and conforms to the law. If the purpose of the rule or norm is to mention or preserve an order or a purpose, then guilt concerns disorder or the state of exit from the natural and normal course of things.

For this reason, the subject of guilt is the subject of legal thinking and concerns, because it is within the competence of the authority to react promptly to any form of disorder or abuse and to restore or impose order. In the effort to restore good order, guilt is a key element. It presupposes the existence of a form of fault: intention, recklessness (fault with or without provision) or, in some cases, even mixed form. Guilt materializes in the form of awareness and assumption of illicit behavior, either by direct will, or by accepting risks, or by negligence.

According to the legal principle "nullum crimen, nulla poena sine culpa" (there is no crime and no punishment without guilt), guilt is the indispensable condition for holding accountable a person, whom we naturally call guilty.

From a moral point of view, guilt refers to the relationship of conscience between the perpetrator and the act committed, involving elements of will and representation. From a legal point of view, guilt is a judgment of objective value formulated by the legislator and the court of law regarding the conduct of a person, in relation to the rules of law and the values protected by them (Paraschiv 2009: 263-273).

This double dimension, moral and normative, justifies the complexity of the institution of guilt and explains the need for rigorous legal treatment, especially with regard to the individualization of punishment. The institution of guilt is a central element of the law, without which the existence of a punishment cannot be conceived. The etymology of the term reveals a continuity of the idea of responsibility, and the theoretical analysis highlights the legal and moral complexity of this concept (Mircea 1998: 152). Understanding guilt involves both the interpretation of the legal provisions and an analysis of the psychological and social context in which the reprehensible act occurred.

The Subject of Guilt in the Christian Life

Within Christian theology, guilt is understood primarily as a rupture of the communion between man and God, caused by sin. According to Orthodox doctrine, the natural order of creation is the expression of the divine will, a reflection of God's harmony and wisdom.

Man, created "in the image and likeness" of God (Genesis 1:26), is called to live in communion with his Creator, integrated in an order in which all beings have their place and purpose. This order presupposes both an ontological structure of the world and, above all, a living and dynamic relationship between God, man and the rest of creation. In this context, man is seen as a bridge between the spiritual and material worlds, a microcosm capable of deification by grace.

Sin must be understood as a moral mistake. At the same time, it is a conscious choice against the divine will and, therefore, a profound rupture in this natural order. More than a trivial violation of a law, sin is a breakdown of communion with God, a withdrawal of man from the relationship of love, obedience and trust that united him with the Creator. The Holy Fathers teach that, through sin, man turns to non-being, that is, he loses his essential orientation towards God, the source of life.

This breaking or disruption of order has consequences on a spiritual level and affects the entire creation. The Apostle Paul speaks of creation that "groans and suffers the pains of childbirth" (Romans 8, 22), emphasizing that the disorder of human sin reverberates cosmically. Thus, the restoration of natural order can only be achieved through the renewal of communion with God, which is made possible through Christ, the new Adam, who assumes sin and death in order to restore man's path to life.

Therefore, sin is more than an absence of good. It is a fracture in the very relational structure of human existence. Only through the restoration of communion with God can the natural order be reconstituted, and man can rediscover his original purpose.

Any deviation from the divine commandments constitutes a real form of spiritual guilt with personal and community implications. Sin affects both the individual and the church community as a whole. According to Sacred Scripture, "all have sinned and fall short of the glory of God" (Romans 3, 23), a truth that suggests that guilt is a general-human condition. However, personal responsibility remains central to the patristic approach: each person is responsible for his or her own deeds, according to his or her conscience and degree of moral knowledge.

The relationship between guilt and sin. A Theological and Legal Analysis

At the heart of Orthodox anthropology are two fundamental concepts: *guilt* and *sin*.

Although the terms come from different fields, guilt belonging mainly to the juridical sphere, and sin to the theological and moral field, these two notions are interconnected. The relationship between them reveals the way in which society perceives and regulates deviant behavior, but also the way in which man relates to himself, to others and to God.

We have already seen that, in the legal sense, guilt is the psychological attitude of a person towards the

committed act and its consequences. Guilt is essential for attracting responsibility and for individualizing punishment. At the same time, guilt has a psychological dimension, presupposing a relationship of conscience between the perpetrator of the deed and the violated value. Thus, guilt is not only a legal criterion, but also a moral one, expressing the responsibility and freedom of human decision.

Sin is defined as a violation of God's will, as a deviation from divine commandments, and a breaking of communion with the Creator. If man's relationship with God represents the naturalness or order in which man should be, sin means both an exit from this order and an alienation or denial of all the norms that maintain this order. Sin, has an anthropological dimension, expressing the inclination of human nature towards evil (concupiscence), but also a personal one, insofar as man, in complete freedom, chooses to commit the sinful act.

Unlike guilt in the juridical sense, sin is a moral-spiritual matter: not every act that produces negative social effects is necessarily sinful in the theological sense. Also, not every sin constitutes an act provided for and sanctioned by criminal or civil law. However, sin is accompanied by guilt. It is a moral guilt, which the conscience feels as an inner rebuke. In the Church, this guilt is dealt with through repentance, Confession (Mititelu 2019: 313-341) and the Eucharist (Dură 2014a: 465-484).

There is a close connection between legal guilt and moral guilt, occasioned by sin.

First of all, this relationship is manifested by the fact that both realities imply a personal responsibility. Both in the juridical sphere and in ecclesial life, the individual is considered capable of choosing between good and evil, between conformity and deviation. Freedom of will or free will is active and unrestricted both in social life and in man's dialogue with God and with his fellow men.

Another common point is the connection with existing norms: guilt and sin are determined in relation to a concrete norm or rule (juridical or divine). The act becomes culpable or sinful depending on the relationship to the existing regulations and the author's intention to commit it. For example, in the Judeo-Christian tradition, certain sins were sanctioned both morally and legally. Murder, theft or adultery were perceived as both sins and crimes, and laws such as the Decalogue had a double role: spiritual and juridical.

However, despite the existence of these general commonalities, it should be noted that there are essential, substantive differences between legal guilt and guilt caused by sin.

Legal guilt determines a legal punishment: fine, imprisonment, prohibitions. The law aims to maintain social order and repair the damage caused by the reprehensible act.

By comparison, sin leads to the rupture of man's communion with God and ultimately leads to death. The salvation of the guilty person is possible only through repentance and forgiveness (Berdyayev 2004: 152).

Also, legal guilt is assessed from the outside, by specialized courts, on the basis of objective evidence, while the guilt of sin involves an internal process, most of the time the personal conscience being the main court of judgment, followed by the ordinances of the Church.

Therefore, in personal and community life, understanding the relationship between guilt and sin contributes to an integrated vision of human responsibility. The law can punish the deed, but it cannot transform man; Only grace and repentance can restore spiritual balance.

In this sense, in the Church, the emphasis is not on sanction, but on the spiritual therapy of the person; On the ecclesial soteriological level, priority is given to the path or path of correction of the guilty. For this reason, the recognition of sin and the assumption of guilt become premises of salvation, because they indicate the desire for correction of the person, but also the fact that this correction cannot be achieved by force or coercion, but by the awareness of guilt and by a personal assumption of correction. In other words, on a spiritual level, the Church takes note of the repentance of the believer, who recognizes his guilt and who personally engages in the process of moral healing and supports him by sharing the grace of the Holy Spirit,

through the Holy Mysteries, but also pastoral exhortations.

Consequently, the relationship between guilt and sin reflects the complexity of the human being, who is at the intersection of law and grace, between norm and freedom. Guilt is a complex reality, situated on the border between legal and moral, between law and conscience. If guilt expresses a legal or psychological aspect of responsibility, sin concerns the existential and spiritual dimension of breaking with God. Together, they show that man is not only a rational agent, but also a moral and religious being, capable of choice, fall, and rehabilitation. The interdisciplinary approach to these concepts is not only useful, but also necessary for a full understanding of human responsibility.

Guilt in Orthodox canonical theology

The canonical Orthodox corpus is made up of pastoral rules that show us how we should believe (Grigoriță 2017: 155-186). The canons order the life of the Church. They include moral, disciplinary, and organizational provisions. Referring to the practical life of the Church, the canons are not alien to ecclesial doctrine (Ivan 1970: 365-372).

In Orthodox teaching, man is created "in the image of God" (Genesis 1:26), which presupposes rationality, freedom and the capacity to love. It is precisely this freedom that offers the possibility of sin, and guilt arises when man, consciously and willingly, chooses to deviate from God's will. As a result, guilt is not a simple psychological state, but the expression of a real break from communion with God, with one's neighbor and with the Church.

This anthropological vision underpins the canonical perspective: man is responsible for his actions to the extent that he is conscious and free. The canons, in this context, do not come to judge man, but to help him return to the state of communion with God.

In Orthodox theology, sin is not a simple mistake, but a disease of the soul, a form of existential error (Larchet 2001: 39). It is the source of guilt, and canonical theology is constituted precisely as an attempt to formulate, in normative language, an ordinance by which sin is recognized, assumed, and treated. The canons identify and classify various sins and establish the measure of epithymia appropriate to each case. But this classification is not a rigid or purely juridical one, it is rooted in a profoundly theological understanding of evil as disorder in relation to revealed good. Therefore, as I have already mentioned, in the Church, the emphasis does not fall on epithymia or on ecclesiastical punishment, but on the healing of the person. In this regard, the clarification in Canon 2 of St. Basil the Great is relevant: "healing should be established not according to time, but according to the type of repentance" (Perșa 2018 III: 9). In the text of Canon 3, the same Holy Father recalls: "A truer healing is the complete removal from sin..." (Perșa 2018 III: 97). It can be seen that, from the canonical point of view, the principle of retribution does not prevail, but the evaluation of the sinner's situation with spiritual discernment.

In the light of the Holy Canons, guilt appears especially in relation to deviations from church discipline, such as: heresies, schisms, immoral behavior, violation of liturgical ordinances, etc. Unlike secular law, where guilt is assessed in relation to objective and subjective elements, in the canonical tradition the assessment of guilt is rather a moral and spiritual one.

The Church does not limit itself to ascertaining the fact, but takes into account the intention of the perpetrator, the degree of repentance and, above all, the purpose of correction. Relevant in this regard is one of the fundamental canonical principles that underlie the activity of judgment in the Romanian Orthodox Church, namely "*the correction of persons...*" (*Regulation of the Canonical Disciplinary Authorities and of the Courts of Law of the Romanian Orthodox Church* art. 3, let. h).

The text of canon 102 trulan is a good example to highlight the emphasis that the Holy Canons place on

the correction of the person, that is, on his spiritual healing:

"Those who have received from God the power to bind and loose must consider the quality of the sin and the sinner's disposition to return, and thus apply the appropriate treatment to the disease, lest, by overusing both, they err in regard to the salvation of the sufferer. For the sickness of sin is not simple, but diversified and varied, and sprouts many shoots of corruption, from which evil spreads more and develops further, until it is stopped by the power of the healer (...) For all the care of God and of him to whom the pastoral direction has been entrusted is to turn the lost sheep and heal the one bitten by the serpent, so as not to push it to the brink of despair, nor to loosen its reins to degradation and contempt of life, but to stand in a certain way, either by the most bitter and constraining remedies, or by the most delicate and gentle, wholly against the passion, and to strive for the healing of the wound, examining the fruits of repentance and taking care wisely of the man called to bear the radiance of the highest. Therefore, we must know both, both those of acrimony and those of custom, but we must follow, with regard to those who do not accept rigor, the model handed down, as St. Basil teaches us" (Perşa 2018 I: 332-333).

It can be seen that, through the ordinances, canon 102 trulan provides for a form of penance applied as a canonical sanction, proportional to the gravity of the deed and to the inner state of the penitent. In the text of the canon, guilt is not expressed through guilt, but through a call to sincere repentance and through the reintegration of the person in the effort to achieve salvation. This perspective is general both in Sacred Scripture (Luke 15:7, 10; 2 Peter 3:9) and in canonical tradition (Apostolic Canons 41, 72 and 73, 12 Ecumenical Council I, Ecumenical Council 16, Ecumenical Fourth Council, 2, 5, 7 and 15 Local Council of Ancyra, etc.).

In church law, sanctions are not punitive in the legal sense, but pedagogical and therapeutic. They have a pronounced personal coordinate, because the main objective is the correction of the person, but also a community dimension, because spiritual healing, no matter how personal, is not carried out in isolation, but takes place in the Church, which is a space of communion. In the ecclesial sphere, the "guilty" man is not shackled and separated from society by "imprisonment" or deprivation of certain rights and freedoms, but, on the contrary, he becomes the subject of a profound process of reintegration into the order of things, that is, into natural communion with his Creator, God, and with other people.

Among the most common sanctions applied according to guilt (Dură 1987: 84-135 & 105-143), we mention: *reprimand*, applied in case of slight deviations; *stopping from Holy Communion*, for serious deviations, until correction; *excommunication*, in serious cases, when the person persists in a state of sin and refuses correction; *deposition from the stage*, for clergy who seriously violate their duties.

All these sanctions are conditioned by an assessment of guilt that includes the objective gravity of the act, but also intentionality, perseverance in sin and lack of repentance.

Therefore, in the Church's activity, guilt is understood above all as an indicator of the need for spiritual healing. In contrast to the strict juridical approach of secular law, ecclesiastical legislation values the dimension of repentance, forgiveness and the restoration of communion with God and the Church. The sanctioning of guilt always has a spiritual purpose: to correct the person, not to simply punish. This perspective gives the Holy Canons and ecclesiastical legislation a special depth, specific to his salvific and pastoral vocation.

The stages of establishing guilt in church law

In church law, guilt is not treated in a criminal or punitive sense, but from a theological and spiritual perspective. The goal is the restoration of communion with God and with the Church.

Even if the canonical provisions do not provide for a procedure identical to that of the lay judiciary, clear stages in establishing moral guilt can nevertheless be distinguished, especially in the context of ecclesial

discipline and pastoral care. These stages involve both a moral judgment and a canonical analysis of the deed, following both its nature and the state of mind of the person.

The first step in establishing guilt is the finding of a fact that contravenes ecclesiastical, moral or canonical norms. This can be an act of:

- morality (e.g. adultery, drunkenness, blasphemy),
- liturgical (profanation of the holy mysteries, service in a state of unworthiness),
- doctrinal (spreading heresies) or
- of canonical disobedience (schism, defiance of ecclesiastical authority).

The identification of the deed can take place directly (self-denunciation, confession) or indirectly (testimonies, pastoral observation, notification).

The Church treats this step with particular attention, since the mere appearance of guilt is not enough. A careful assessment of context and intent is needed.

After the ascertainment of the fact, a stage of spiritual analysis and canonical research follows.

This is usually done by:

- confessor, in the case of personal sins and confession, or
- bishop or ecclesiastical courts (diocesan consistory, disciplinary councils) in case of public or clerical misconduct.

Canonical research aims to:

- if the act was committed with intent (with knowledge and will) or out of ignorance,
- if the perpetrator acted under pressure or coercion,
- if there are aggravating or mitigating circumstances (repetition of the act, sincere repentance, etc.)

and, above all, what is the inner attitude of the person towards the committed act.

An essential stage in establishing guilt is the sincere confession, voluntarily, within the Sacrament of Confession (for lay people and clergy) (Dură 2014b: 99-127; Mititelu **2015: 10-18**), but also in the canonical audiences, in the situation of serious or clerical deviations. This stage is particularly important because: implies the recognition of personal responsibility; allows the process of repentance and correction to begin and provides the necessary framework for the application of a canonical epithymia (spiritual punishments or sanctions for pedagogical purposes).

Without this stage, the establishment of guilt remains incomplete in the spiritual perspective, because the Church does not seek only an objective ascertainment of the fact, but an inner transformation of the person.

Finally, after evaluating the act and the attitude of the perpetrator, the competent ecclesiastical authority (usually the bishop or the diocesan council) makes a canonical decision, depending on the seriousness of the offense and the level of guilt. Church sanctions may include: various epithymia (temporary bans on communion); canonical reprimands, warnings or penances; suspensions from service (for clergy); temporary or permanent exclusion from ecclesial communion in very serious cases (excommunication).

It is important to emphasize that these sanctions are not punitive in themselves, but spiritual therapeutic, in the sense of healing the soul and restoring lost communion.

The last stage, both spiritual and canonical, is the restoration of the person in full communion with the Church, through the fulfillment of the canon received and through the sincere proof of correction. This stage confirms that guilt is not the end, but only a necessary step in the process of dispassion and sanctification. Through the communion of the Holy Mysteries, especially the Holy Eucharist, the person is fully reintegrated into ecclesial life and recognized as a living member of the Body of Christ.

It should be noted that this reintegration or restoration of the fallen person is not a unilateral act; the

moral and spiritual healing of the sinner, that is, of the one guilty of committing a sin, is often a voluntary process, but it is achieved and produces effects only to the extent that the will of the person cooperates with divine grace (Mazilescu 1975: 23-34). If, according to Orthodox doctrine, man can partake of divine grace through the Holy Mysteries, then it is quite obvious that the beginning of the restoration of the man guilty of sin begins in the Church, with the Sacrament of Confession, and continues also in the Church, where all the means necessary for healing and dispassion are found. The Church thus becomes a hospital, not a prison, for those guilty of sin, the only place where assumed or conscious guilt leads to an ample process of healing and re-establishment in the naturalness of life.

Therefore, from an ecclesial perspective, establishing guilt is a complex spiritual process that involves pastoral discernment, moral evaluation, and spiritual guidance. The stages of this process, from the ascertainment of the deed to repentance and restoration, reflect the therapeutic and soteriological character of ecclesiastical law, whose basic purpose is not punishment, but the salvation of the soul. In this way, the Church combines canonical rigor with mercy and pastoral love, offering every believer the opportunity to rise by mistake and return to communion with God.

Forms of guilt in church law

The canons, far from being rigid and impersonal, reflect a profound understanding of the complexity of the human soul and of the way in which sin manifests itself in personal and community life. The Church does not apply canonical sanctions mechanically, but takes into account the form of guilt, the degree of intent, the level of awareness, and the circumstances in which the act was committed. This attention to the nature of guilt shows the personalistic and therapeutic character of canonical theology. Not every sin attracts the same order, and not every guilt is considered identical.

In canonical theology, the emphasis is on personal responsibility. Every person is called to answer before God and the Church for his or her own actions. Therefore, guilt has an obvious and undeniable personal dimension.

However, there are also situations in which guilt is of a collective nature, affecting the entire ecclesial body. It has a community dimension. For example, heresies or schisms were born as personal wanderings, but you became phenomena that involved entire communities. The canons treat such cases seriously because they endanger the unity of the Church. On the other hand, even in collective cases, the evaluation is also done at the individual level: who was the instigator, who followed out of ignorance, who showed repentance, who persisted stubbornly. This distinction between levels of involvement shows canonical subtlety and discernment.

In the Orthodox Church, man is not an isolated being. He is a member or part of the Body of Christ. In this capacity, individual sin affects the entire community, and personal guilt also has consequences at the ecclesial level. The canons come to restore both the individual's relationship with God and the order of church life. Stopping Holy Communion, for example, is a sanction, but also a signal of the fact that the person has distanced himself from the Eucharistic communion of the Body of Christ. His reintegration implies a healing, a cleansing of guilt through sincere repentance and the fulfillment of the ordained epithymia.

Guilt can also be conscious and unconscious. One of the most important distinctions made in the canons is that between willful guilt and unintentional guilt. This relationship can be seen in canons 56 and 57 of St. Basil the Great. If in the text of canon 56 it is stipulated that "he who has killed voluntarily, but has repented for it, shall be excommunicated from the Holy Houses for twenty years...", in canon 57 it is ordered that "he who has killed involuntarily shall be excommunicated from the Holy Houses for ten years..." (Perşa 2018 III: 126-127).

The distinction between voluntary and involuntary is essential for the moral and canonical evaluation of facts. Responsibility increases in proportion to the level of awareness and willpower. Thus, the Church proves a nuanced understanding of the human soul: not only the deed matters, but also the motivation, the inner state, and the discernment of the person at the moment of committing it.

The provisions of the Holy Canons are deeply contextual. The canons take into account age, discernment, external pressure, state of mind and even local traditions in assessing guilt. The same acts can be treated differently depending on who commits them and under what circumstances. An eloquent example is canon 74 of St. Basil the Great, which specifies that the same ordinance should not be applied to a sinner who has sincerely repented and given proofs of correction, as to one who persists in sin with stubbornness: *"If any of those who have been in the sins mentioned before become diligent and confess, then he who has been entrusted by God's love of men to bind and loose, if he becomes more lenient in diminishing the period of epithymia, because he has seen the depth of the sinner's confession, will not be worthy of judgment. For the account in the Scriptures makes it known to us that those who confess with greater sorrow quickly obtain God's love for men"* (Perša 2018, III: 132).

Therefore, the role of the confessor or hierarch is essential: he does not apply a "grid" of sanctions but evaluates the life of the person as a whole, with discernment, prayer and love for the human soul.

In ecclesiastical judgment, guilt is never reduced to a simple deed. It is evaluated according to an essential triad: the intention or how conscious and willful was the act committed?; the act or what is the objective gravity of the action?; consequences or what effects did it have on the person and on the Church?

This approach is reminiscent of the patristic vision of sin as an inner process that manifests itself externally and affects the relationship with God. For this reason, canons are not conceived as mere "laws". They are tools or means of healing. A serious deed committed out of weakness can be treated with mildness, while a less serious deed, but done with contempt for the ecclesiastical order, can attract severe epithymia.

A fundamental element in church life is the principle of economy or the discerning application of the canons, depending on the pastoral context. This principle allows the sanction to be adapted to the reality of human life and avoids legal formalism. Economy does not mean ignoring guilt, but evaluating it in the light of mercy and repentance. The Holy Fathers often applied economy in cases where severe epithymia would have led to despair. In such situations, the purpose of the canons remains the same: not condemnation, but healing.

In conclusion, the forms of guilt in the light of canonical theology and Church practice reflect a deep understanding of the human soul and the reality of sin. The Church judges the act, but taking into account the intention, the conscience, the inner state of the subject, as well as the consequences of the action. The canons are not applied uniformly, but with discernment, depending on the form of guilt. This nuanced and profoundly spiritual approach shows that ecclesiastical law is, in its essence, a path to restoration, a framework that offers every soul the possibility of return, correction and salvation. In the canonical approach, the Theological and Legal Foundation of Guilt in Orthodox Canon Law is also deeply anchored in the Church's teaching on man, sin and salvation. The canons are both rules and expressions of the Church's pedagogical love, which seeks to heal, not to condemn. Guilt is recognized, evaluated and dealt with in the light of revealed truth and God's mercy, with the ultimate goal of restoring lost communion.

The Therapeutic Purpose of the Canons and the Restoration of Communion

The canons are the expression of the life of the Church, of the spiritual and pastoral experience of the saints. Their purpose is not punitive, but therapeutic: they seek to heal sin, to restore man to communion with God and the Church, and to restore spiritual order in the ecclesial body. The canons are manifestations

of the Church's love and concern for the salvation of the souls of her faithful.

In this context, every canonical provision or rule must be understood as a means of pastoral care, of restoring the Eucharistic and existential communion of the guilty man with God. Canons are not legal reactions to a misconduct. This perspective is essential to penetrate the spirit of the canons and to understand their true function in the life of the Church.

The patristic tradition speaks of the Church, calling it a spiritual hospital in which Christ, the Great Doctor, heals the wounds of sin by His grace. In this paradigm, the canons are the means of treatment, and the spiritual father is the doctor who applies them according to the spiritual diagnosis of each person. St. John Chrysostom teaches that punishment in the Church is not for destruction, but for salvation. Canonical ordinances, including epithymia or stopping from the Holy Mysteries, are not acts of rejection, but steps or stages on the path of healing. Their goal is correction, repentance, and the regaining of lost grace.

Therefore, communion with God and with the Body of Christ, the Church, is the main goal of the Christian life. In this light, sin is a rupture of communion, a rupture of the unity between the person and God, but also of relationships with the other members of the Church. The canons intervene precisely to restore this communion, vertically and horizontally. The temporary stop from Communion does not mean definitive exclusion, but it is a time of waiting and inner work, in which the soul is called to return back to the arms of the Father. The restoration of man guilty of sin has an ontological and sacramental character: to return to the Eucharistic table means, in fact, the full restoration of communion with God, through communion with the Body and Blood of Christ. The canons, therefore, always have in mind this reintegration of the person into the ecclesial body.

The key to applying the canons is sincere repentance. The canons are not rigid or automatic, but presuppose a living dynamic between the conscience of the sinner and the economy of the Church (Vlaicu 2013: 45).

The canons of St. Basil the Great, St. John the Fasting or the apostolic canons constantly emphasize that repentance changes the character and duration of epithymia. St. John Cassian speaks of repentance as a second birth, and St. Isaac the Syrian called the tears of repentance "the second Sacrament of Baptism." In this context, the canonical sanction is not an end, but a pedagogical means, designed to help the soul to return sincerely and fully to the love of God. Also, the discernment of the confessor is essential, in that he applies a rule, but at the same time, he accompanies the soul on the way back, adapting the canonical treatment according to the sincerity and inner work of the penitent.

Orthodoxy has managed, through its entire canonical tradition, to maintain a fine balance between acrimonia (rigor) and economy (mercy). The canons are expressions of the truth of faith, but also of God's love for fallen man. Their application requires wisdom and prayer, so as not to destroy what is desired to be healed. Applying an indiscriminate epithymia can lead to despair, while an exaggerated economy can relativize the gravity of sin. That is why the purpose of the canons always remains the restoration of communion through truth and love.

The most profound sign of restoration is the sharing anew with the Body and Blood of the Lord. After the period of epithymia, when the sinner has sincerely repented and been released, he is readmitted to the Lord's table, in the liturgical community. This moment marks not only the end of the sanction, but the renewal of grace, belonging, and life in Christ.

In this way, the entire canonical order is oriented towards the Eucharistic reintegration of the person, the visible sign of a restored interior communion.

Summarizing the above, we can say that the ultimate goal of the canons of the Orthodox Church is not to punish the sinner, but to heal him, return to God and restore Eucharistic communion. The canons are the

expression of the therapeutic love of Christ, the Great Doctor, and their application must be done with discernment, gentleness and in a spirit of repentance. In this sense, ecclesiastical judgment is radically distinguished from worldly juridical systems, being rooted in the theology of salvation, in the life of the Church, and in the hope of restoring the divine image in man.

Conclusions. Through the present study, entitled *The Institution of Guilt. An evaluation from a canonical perspective and of ecclesiastical law*, I have proposed to highlight a fundamental theological truth, namely: in the light of the canons of the Church, guilt is not observed in a punitive, punitive context, but is closely linked to a spiritual dimension, in which the work of grace oriented to the correction and salvation of the person prevails. In contrast to the secular juridical logic, where guilt presupposes a sentence and a sanction proportional to the deed, at the ecclesiastical level, guilt is seen first as a rupture of communion with God and with the Church, and the sanction as a means of healing, not of condemnation.

This difference in essence emerges from the entire theological and pastoral framework in which the canons are applied. They are not cold, impersonal norms, or means of exclusion and alienation of believers. The canons are living instruments of divine love, at work in the ecclesial community. The canons express truth, but also mercy; they establish the order of the Church, but they also leave room for pastoral discernment, that is, economy, so that the fallen soul is not crushed, but raised.

Guilt, in this context, is no longer a legal label. It becomes a spiritual reality that requires repentance, assumption, tears and the restoration of the connection with God. Repentance thus becomes the key to the entire canonical process regarding guilt, an inner state without which no epithymia can bear fruit and no sanction makes sense.

Canonical sanctions, especially epithymias, have a therapeutic function: they are adapted to the person, the context, the intensity of the rupture, but above all to the capacity for spiritual healing of the one who is in sin. The Church, like a spiritual hospital, administers her treatments with gentleness and attention, with acrimony or economy, as the case may be, but always with the aim of restoring communion.

This restoration culminates in the reintegration of the person into the liturgical and sacramental life of the Church, especially through Communion with the Body and Blood of the Lord, a visible sign of the restored union with Christ and with the ecclesial community. Orthodox canonical theology, therefore, shows itself to be a right of communion, not of exclusion; a right of life, not of death.

In conclusion, the institution of guilt in canonical theology and ecclesiastical law is part of a profoundly different logic from the secular juridical one. It is an integral part of a theological vision in which man is not judged to be condemned, but to be recovered, forgiven and saved. The canons thus become a concrete form of the Church's loving work in the world, a love that rebukes but does not discourage; that corrects, but does not crush; that punishes, but only to heal.

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