

## WHEN MAGISTERIUM BECOMES IMPERIUM: PETER DAMIAN ON THE ACCOUNTABILITY OF BISHOPS FOR SCANDAL

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*[Archbishop Daniel Pilarczyk of Cincinnati has appropriately criticized the attempt to judge by today's standards those bishops who in the past routinely reassigned clerical sexual predators to other parishes. This article explores whether our theological tradition points to standards according to which the bishops could be held accountable. Drawing primarily on the theology of the Doctor of Reform, St. Peter Damian, the study demonstrates how an improper understanding of magisterial authority creates the conditions for scandal, and, secondly, suggests a strategy for reestablishing magisterial credibility.]*

WITH THE RELEASE OF "A Report on the Crisis in the Catholic Church in the United States," the question of the accountability of bishops for their decisions has come to the forefront of contemporary discussions about the Church.<sup>1</sup> In a response to the report, Archbishop Daniel Pilarczyk of Cincinnati tried to explain why bishops made the decisions that led to the crisis. First, he claimed that removing priests who abused minors from the clerical state or from ministry was "virtually impossible" under canon law prior to 2002.<sup>2</sup> Without the option of removing the offending priests, Pilarczyk concluded that bishops had little choice but to follow the

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<sup>1</sup> "A Report on the Crisis in the Catholic Church in the United States" (Washington: United States Conference of Catholic Bishops, 2004).

<sup>2</sup> Archbishop Daniel Pilarczyk, "What Were the Bishops Thinking?" *Origins* 33 (April 1, 2004) 734. On the following page he notes that until 2002 the canon law treating these matters made it practically obligatory to return offending priests to some sort of ministry.

advice of psychologists who assured that the sex abusers could be effectively treated. In addition to psychology and canon law, bishops also turned to civil attorneys for guidance.<sup>3</sup> Since bishops did not have today's knowledge and experience to guide their decisions, Pilarczyk identified attempts to judge bishops by today's standards as the fallacy of "presentism."<sup>4</sup>

Pilarczyk's defense of episcopal decisions, however, failed to consider the possibility that the Church has dealt with this type of crisis in the past. This leads to the impression that this is a new problem. If his account of bishops' decision-making process is accurate, then it is clear that magisterial officeholders rarely consulted Scripture or tradition on the matter. The reality is that scandals involving clerical sexuality and the abuse of minors have emerged periodically throughout history and there is a significant amount of material in our history and theological tradition addressing the issues surrounding sexual abuse in the Church. Some of the worst and most widespread outbreaks took place in the eleventh, twelfth, fourteenth, and fifteenth centuries. During this time, the clergy were formally exempt from secular or civil law, which pointedly raised the issue of how to hold them accountable if bishops failed to enforce discipline. Even with these limitations, the Church has been able to restore discipline in the past and we have every reason to hope for a renewed and purified clergy in the future.

The great medieval Doctor of Reform, Peter Damian (1007–1072), determined the root cause of systemic sexual abuse to be episcopal laxity resulting from a misunderstanding of the bishop's office. Instead of seeing the bishop as a teacher who leads people by his humble example, whose authority is based on his service for the community, and who seeks to persuade people freely to embrace a Christian life, a number of medieval bishops frequently understood their roles as princes or lords of the Church, whose office unequivocally demanded obedience, and who pronounced the moral law by fiat. For Peter Damian and the medieval reformers, scandal is the inevitable result of collapsing teaching authority into the power to govern.<sup>5</sup> This is a twofold corruption because it improperly extends teaching categories such as infallibility to episcopal decisions and it subjects the authority of Scripture and tradition to custom, which was a category Peter Damian used for local corruptions of canon law.<sup>6</sup> Nor was Peter Damian

<sup>3</sup> Ibid. 734–35.

<sup>4</sup> Ibid. 736.

<sup>5</sup> Gregory the Great's *Pastoral Care*, which was one of the first reform treatises aimed at the clergy in the West, was an almost universal source for this idea. There is an archaic English translation available: *Pastoral Care*, trans. Henry Davis (New York: Newman, 1950). The critical edition is *Règle pastorale / Grégoire le Grand*, ed. Floribert Rommel, trans. Charles Morel (Paris: Cerf, 1992).

<sup>6</sup> Peter Damian ascribed infallibility to canon law, but he believed the various collections of canon law contained many false decrees originating from human

alone in this diagnosis. Bernard of Clairvaux charged bishops who had these attitudes with being rebellious servants, of being teachers who set themselves up as lords.<sup>7</sup> To put this in our language, conditions are ripe for scandal when *magisterium* is seen as an unaccountable *imperium*.<sup>8</sup>

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customs. In effect, for him the existence of a canon does not prove its legitimacy. While a pope or synod could write a canon, Peter Damian actually judged the canons on the basis of Scripture and tradition. Instead of seeing bishops as the sources of Church laws, he understood bishops as being particularly bound and constrained by the canons. This makes more sense when one considers that a *magister* can be a civil servant roughly equivalent to a judge, but in the medieval period a civil servant was bound to uphold and to apply the laws of his lord or lady. Like most of the medieval theologians, Peter Damian was not entirely consistent on his understanding of the authority of canon law. He was consistent, however, in his understanding that ecclesial leaders become corrupt when they see themselves as lords. The idea that canon law had equal authority to Scripture or tradition would cause chaos in the latter part of the Middle Ages as people began to realize that many of the canons stemming from councils, synods, decretals, and papal bulls are irreconcilably contradictory. It was not until the Council of Trent that canon law was formally subjected to the authority of Scripture and the apostolic tradition concerning matters of faith and morals. For a detailed discussion of the matter, see George Tavard, *Holy Writ or Holy Church: The Crisis of the Protestant Reformation* (London: Burns & Oates, 1959) 196–209.

<sup>7</sup> Bernard of Clairvaux, *On Consideration*, 3.1.2: “Is not an estate made subject to a steward and a young lord to a teacher? Nevertheless, the steward is not lord of the estate nor is the teacher lord of his lord. So also, you should preside in order to provide, to counsel, to administer, and to serve. Preside so as to be useful; preside so as to be the faithful and prudent servant whom the Lord has set up over his family. For what purpose? So that you may give them food in due season; that is, so that you may administer, not rule.” The English quotation is cited from Bernard’s *Five Books On Consideration: Advice to a Pope*, trans. John D. Anderson and Elizabeth T. Kennan (Kalamazoo, Mich.: Cistercian, 1976) 80. The critical edition of this text can be found in *Sancti Bernardi Opera*, vol. 3, ed. Jean Leclercq and Henri Rochais (Rome: Editiones Cistercienses, 1957) 379–494.

<sup>8</sup> I began working on this idea of the *magisterium* becoming an *imperium* after reading Bernard Hoose’s article, “Authority in the Church,” *Theological Studies* 63 (2002) 107–22. Hoose described in that article some of the corruptions resulting from confusing the authority to teach with the authority to govern, such as the attempt to impose truth by decree. He did not consider how these corruptions might extend beyond the realm of theology and proclamation, which is the link I am attempting to make. The importance of issues surrounding authority and ecclesial governance, especially in the realm of morality, can be seen from the many books and treatises it has generated in the last 20 years. See *Governance and Authority in the Roman Catholic Church: Beginning a Conversation*, ed. Noel Timms and Kenneth Wilson (London: SPCK, 2000); Richard Gaillardetz, *Teaching with Authority: A Theology of the Magisterium in the Church* (Collegeville: Liturgical, 1997); William Spohn, “The Magisterium and Morality,” *Theological Studies* 54 (1993) 95–111; Louis Janssens, “The Non-infallible Magisterium and Theology,” *Louvain Studies* 14 (1989) 195–259; Ladislav Orsy, “Magisterium: Assent and Dissent,” *Theological Studies* 48 (1987) 473–98; Francis Sullivan, *Magisterium: The*

Of course, a good *magister* or teacher must do research. If bishops had consulted both church history and traditional sources in addition to canon law and psychology, they would have found that Peter Damian had written extensively about problems associated with clerical sexual abuse. While there are many sources on the subject of the sexual scandals of the clergy to which one could point from Gregory the Great (540–604) to Catherine of Siena (1347–1380) or from medieval penitentiaries to the decrees of councils, Peter Damian's treatment of the relationship between the bishops' lack of accountability and outbreak of scandal became foundational for reformers in the Church.<sup>9</sup>

Ironically, Pope Leo XII decided in 1823 to name Peter Damian the Doctor of Reform in order to bolster his claims that he had the authority to govern the Church without external manipulation by secular authorities and without internal opposition to his policies. The pope knew Peter Damian was one of the first theologians to argue for universal papal jurisdiction. But because the saint's writings were sanitized by Catholic scholars, Leo XII most likely did not know that Peter Damian had argued that everyone is subject to correction, including the pope. Further, he was probably unaware of Peter Damian's doctrine that lay persons have a duty to reform members of the clergy when they fail to reform themselves in light of divine revelation. Nonetheless, Peter Damian's theology was officially designated as the model for those who wished to reform the Church by an act of the papal magisterium.

After providing a brief biographical sketch of Peter Damian's life and of his historical context, I shall explain how he understood the cause, the effects, and the remedy for the sexual scandals in the Church of his day. I

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*Teaching Authority of the Church* (New York: Paulist, 1983). In the various documents generated by ecumenical dialogue, there are even more sources on the relationship between authority and governance.

<sup>9</sup> Gregory the Great, *Register*, 3.40, 3.42, 3.45, 4.24, 4.26, 5.18, 13.38; Burchard of Worms, *Decretorum libri XX*, 19.5; Bernard of Clairvaux, *On Conversion*, 19.32–22.40; Hildegard of Bingen, *Scivias*, 2.6.59–95; Fourth Lateran Council, Canons 10, 14, 30, and 31; Catherine of Siena, *The Dialogue*, 120–26. I find canon 30 of the Fourth Lateran especially relevant to the question at hand. It stated: "It is very serious and absurd that prelates of churches, when they can promote suitable men to ecclesiastical benefices, are not unafraid to choose unworthy men who lack both learning and honesty of behavior and who follow the urgings of the flesh rather than the judgment of reason. Nobody of a sound mind is ignorant of how much damage to churches arises from this. . . . Therefore he who has been found guilty [of installing unworthy men into ecclesiastical benefices] after a first and second correction is to be suspended from conferring benefices by the provincial council, and a prudent and honest person is to be appointed at the same council to make up for the suspended person's failure in this matter" (translation from *Decrees of the Ecumenical Councils*, ed. Norman P. Tanner (Washington: Georgetown University, 1990) 1.249.

then turn to consider his justification of lay leadership in reforming even the most prominent members of the clergy. Finally, I draw out implications of how his approach to correcting abuse and scandal could be applied to the current crisis.<sup>10</sup>

### PETER DAMIAN'S LIFE

Born in 1007 in Ravenna, Peter Damian experienced evil early in life. According to his medieval biography, Peter Damian's mother had willfully withheld food from him so that he would die and relieve the family of the burden of having another child to care for and feed. This was not an uncommon way of handling unwanted children, especially in times of famine. However, it was the mistress of a local priest who intervened and saved his life. As a child, he lost both parents and spent some time being raised by his siblings. His medieval biographer claims that he spent some of his childhood with an abusive older brother, but Peter Damian never confirms this in his own writings. Peter Damian did, however, reminisce warmly about a period of time that he spent under the care of one of his older sisters.<sup>11</sup> Finally, his brother Damian, the archpriest of Ravenna, took him under his care and saw to it that he was properly cared for and educated.

Peter Damian was an excellent student and eventually became a master rhetorician at schools in Parma and Ravenna. To appreciate his work, it is

<sup>10</sup> Peter Damian's reform theology was heavily grounded in the principles of rhetoric; and, as a result, applying his approach to episcopal problems demands strong rhetorical language. I agree with James Cone's statement in *Black Theology and Black Power* (New York: Seabury, 1969; reprint, San Francisco: Harper and Row, 1989) 3: "It may be that the importance of any study in the area of morality or religion is determined in part by the emotion expressed. It seems that one weakness of most theological works is their 'coolness' in the investigation of an idea. Is it not time for theologians to get upset?" The citation is from David S. Cunningham, "Theology as Rhetoric," *Theological Studies* 52 (1991) 409. For the purposes of this article, I leave the defense of rhetoric in Cunningham's capable hands. See also Bradford Hinze, "Reclaiming Rhetoric in the Christian Tradition," *Theological Studies* 57 (1996) 481–99. Hinze provides a wealth of bibliographical sources in the notes.

<sup>11</sup> For a recent review of the biographical sources see Owen Blum, "Introduction," in *Peter Damian: Letters*, vol. 1, trans. Owen J. Blum, *The Fathers of the Church: Medieval Continuation* (Washington: Catholic University of America, 1989) 3–4. All of the English translations of the letters are from this six-volume series. I have largely followed Blum's translation adjusting it from time to time for inclusive language. The numbering of the letters follows the critical edition *Die Briefe des Petrus Damiani*, ed. Kurt Reindel, *Monumenta Germaniae Historica: Die Briefe der deutschen Kaiserzeit*, vols. 1–4 (Munich: Monumenta Germaniae Historica, 1983). The critical edition is cited as *MGH*. I provide the volume and page numbers of the critical edition in addition to the traditional numeration employed by the English translation.

important to keep in mind that he was trained as a rhetorician using language and categories that would have appealed to eleventh-century sensibilities. As Jean Leclercq noted, his was an age that loved powerful language.<sup>12</sup> Though his language was strong, his goal was to call people to penance and to reform their behavior. While it is true that he wrote some sophisticated theology on issues such as divine omnipotence, it would be a mistake to read him as a philosopher.

Perhaps as a result of his early experiences of evil, Peter Damian was increasingly scandalized by the behavior of the students and professors at the diocesan cathedral schools. Town and gown fights, sexual immorality, simony, and clergymen jockeying for higher positions were just some of the behaviors that scandalized him. In 1035, at the age of 28, Peter Damian walked away from his promising career and joined a strict monastic community at Fonte Avellana. Once he was in the safe, if austere, environment of the monastery, he set about the task of reforming the Church through a series of widely distributed letters, treatises, and sermons.

Because of his growing fame as a preacher and a reformer, Peter Damian was plucked out of the monastery and appointed the cardinal bishop of Ostia in 1057. The reform issues facing the Church as an institution during his lifetime were simony, clerical concubinage, and the sexual immorality of monks and clergy. Simony, the buying and selling of sacred things, was a pervasive sin. He defended the moderate position that simoniacal and sexually active clerics could validly perform the sacraments for others—though their sacramental acts simply served to condemn them as vessels fit for destruction.<sup>13</sup> His most lasting institutional reform involved the process of electing the pope. Peter Damian and several of his fellow reformers established the system whereby the cardinals elected the pope in order to

<sup>12</sup> Jean Leclercq, *Saint Pierre Damien: Ermite et homme d'Église* (Rome: Edizioni de storia e letteratura, 1960) 193. Leclercq argued that it is important to keep his cultural context in mind and to realize that he was writing in a way that was acceptable to his contemporaries. Leclercq's study is the most recent biography of Peter Damian. For examples of his sermons and a description of his preaching methods, see chapter seven of C. Colt Anderson, *Christian Eloquence: Contemporary Doctrinal Preaching* (Chicago: Hillenbrand, 2004). Despite the title chosen by the press, my book is a history of doctrinal preaching and contains two new translations of Peter Damian's sermons by Dr. Ian Levy.

<sup>13</sup> Letter 40.12–13; *MGH*, vol. 1, 404: "Et tamen dicit apostolus, quia *indignus iudicium sibi manducat et bibit, non diiudicans corpus Domini* [1 Corinthians 11:29]. Si ergo et illud corpus Domini est, quod indignus accipit, perspicuum est, quia res bona malo vertitur in perniciem, quae bono utique provisa est ad salutem. Nec tamen res mala est dicenda, quia nocet, nec ideo esse sacramentum desiit, quia execrandus accaeipit. Sed potius asserendum est, quia indigno eadem res facta est occasio mortis, quae bonis procurata est ad remedium salutis." Given the controversial nature of some of this material, I include the Latin texts so that readers can see Peter Damian's words in their original context.

free papal elections from the direct control by the Roman nobility, the emperors, and other political powers.<sup>14</sup>

After several years in the vanguard of the reforming party of the Roman Curia, Peter Damian asked to be relieved of his duties so that he could return to the eremitical life of his monastic order. Still he never abandoned the cause of reform. He was a man deeply committed to the quiet life of contemplation even as he played a large role in international affairs involving both the Church and the state until his death in 1072. As a monk, he was a strong advocate of “the discipline” or self-flagellation but his sermons reveal a playfulness and delightfulness that seem inconsistent with his harsh ascetical practices and strident reform rhetoric.

### THE HISTORICAL CONTEXT

Peter Damian is the officially designated Doctor of Reform but he could just as easily have been honored as the Doctor of Discipline. His interest in discipline extended from the life of the individual believer to the enforcement of ecclesiastical laws. Many of the abuses he worked to correct resulted from the lack of order in the collections of canon law. Without any uniform standards of canon law, bishops were able to rule their dioceses absolutely as they personally saw fit.<sup>15</sup> Because they tended to treat the Church as their own property, many bishops did not succeed in maintaining ecclesiastical discipline.<sup>16</sup> Since the vast majority of them had bought their offices, it is not surprising that they would see the Church as a form of investment.

<sup>14</sup> For an excellent overview of the various historical issues, see Colin Morris, *The Papal Monarchy: The Western Church from 1050 to 1250* (New York: Clarendon, 1989) 45–107; Bernard Schimmelpennig, *The Papacy*, trans. James Sievert (New York: Columbia University, 1992) 130–50; and R. I. Moore, *The Origins of European Dissent* (New York: Basil Blackwell, 1985; repr., Toronto: University of Toronto, 1994) 46–81. Moore’s study provides a strong historical case that ecclesial claims to unaccountable power and authority are the very roots from which dissent sprouts and grows.

<sup>15</sup> Though canon law was seen as having absolute authority, the diversity of laws had led people to assume it was impossible to observe them. Abbot Siegfried of Gorze wrote in 1043: “it is sure and undoubtedly true that the authority of the canons is the law of God.” The quote is from Colin Morris, *The Papal Monarchy* 30–31. Heinrich Fichtenau points out that the general attitude in the tenth and early part of the eleventh centuries was that it was impossible to follow all the details of canon law in *Living in the Tenth Century: Mentalities and Social Orders*, trans. Patrick J. Geary (Chicago: University of Chicago, 1991) 118.

<sup>16</sup> The National Review Board has also indicated that this is a problem in many dioceses in the United States today because they are structured as a “corporation sole,” whereby the bishop owns all of the diocesan assets. This structure leads to a conflict of interest between the bishop and his diocese. See “A Report on the Crisis” 63–64.

The idea of the Church as a community had almost disappeared.<sup>17</sup> One of the key goals of the reformers was to root out simony and to recover a more communal understanding of the Church. Whereas prohibitions against simony were recognized to carry the force of tradition, the reformers were attempting to move people away from local customs. Additionally, they had to contend with the traditional status of the secular laws stemming from the proprietary church system established by Charlemagne and his heirs. Under this system, ecclesiastical positions were related to benefices associated with particular churches, dioceses, and abbeys. These benefices provided income to support the work of the monks and the clergy as well as resources for poor relief, but it was often the local nobility who held the right to install someone into a benefice. What had started as a means to provide income to the clergy had gradually led people to see churches as buildings that could be either owned or leased in the same way as a mill or an orchard.<sup>18</sup> The resulting sense of entitlement, both on the part of the laity who held the rights to the benefices and the men installed into these positions, paved the way for more serious abuses.

The most serious of these abuses often concerned clerical sexuality. Like simony, the ecclesiastical laws calling for clerical celibacy had for centuries been well established in the Western Church. Nonetheless, a significant number of the clergy in Europe were cohabitating. This state of affairs was possible because the culture placed little value on celibacy and cohabitation was an accepted institution in society.<sup>19</sup> Women who were sexual partners did not have the rights and protections granted to married women and were totally at the mercy of their clerical patrons. Both Roman law and Germanic custom favored personal property for women and in many places it was customary for a wife to have control over her dowry and inheritance.<sup>20</sup> In a society that had no status or protections for landless and unmarried women, the imbalance of power between the clerics and their unmarried partners led to much abuse; but most of the people who objected to clerical cohabitation were not concerned about the treatment of these women.

Most of the reformers were principally interested in ritual purity. The prohibitions against clerical marriage had originated out of concerns surrounding the purity of the priest or bishop, who was expected to abstain from sexual intercourse before performing his liturgical duties. Another concern was that many of these clerics had found ways to steal the communal property of the Church in order to provide land for their illegitimate

<sup>17</sup> Colin Morris has an extensive discussion of the roots of the reform movement in the first chapter of *The Papal Monarchy* 28–30.

<sup>18</sup> *Ibid.* 29.

<sup>19</sup> *Ibid.* 103.

<sup>20</sup> Heinrich Fichtenau, *Living in the Tenth Century* 107–10.



children. Even so, there was little discussion of the need to make the clergy personally more devout or to demand better pastoral care for the laity.<sup>21</sup> Peter Damian's efforts against clerical cohabitation shifted over time as he began to move beyond ritual concerns to seeing the inherent abuse of power involved in these relationships.

The worst problem with clerical sexuality was the priests and bishops who were seducing or compelling boys and adolescents to submit to sodomy. This was true even though a number of clergy had women sexual partners. Today, such behavior would be identified as molestation of children or minors. There were also problems involving coerced and consensual sexual acts between clergy and adult men as well. The medieval writers focused on sexual acts and not on tendencies, desires, or identity issues related to sexual orientation.<sup>22</sup>

Throughout his ministry, Peter Damian attacked all forms of sexual abuse committed by the clergy, but he found the leadership in the Church unwilling to face the problem. His words of warning to Pope Nicholas II possess an unmistakable resonance:

Indeed, in our day the genuine custom of the Roman Church seems to be observed in this way, that regarding other practices of ecclesiastical discipline, a proper

<sup>21</sup> "There is little in the whole literature of the papal reform movement about the need to make the clergy personally more devout, to build up their character, or to provide better instruction or pastoral care for the laity. Indeed, there is only a limited amount of discussion designed to define the priestly office in its inner character" (Colin Morris, *Papal Monarchy* 99). While I agree with Morris's description, he does not adequately take into account the medieval understanding of how external acts and discipline were seen as informing a person's character and how the priest was supposed to be a visible model for communal imitation.

<sup>22</sup> Mark D. Jordan has written two books about sodomy in the Middle Ages. His position seems inconsistent. While he argued that medieval moral theology has "absolutely nothing" to say about homosexuality, he concluded: "The idea that same sex pleasure constitutes an identity of some kind is clearly the work of medieval theology; not of nineteenth century forensic medicine." See *The Invention of Sodomy in Christian Theology* (Chicago: University of Chicago, 1997) 161–64. See also *The Silence of Sodomy: Homosexuality in Modern Catholicism* (Chicago: University of Chicago, 2000) 115. While I sympathize with Jordan's concerns over the ways that homosexuals have been marginalized, his interpretation of medieval ideas about sodomy as being related to sexual identity seems to me to play into the hands of those who nowadays wish to make homosexuals the scapegoats for the current crisis. For an example, see Randy Engel, "St. Peter Damian's *Book of Gomorrah: A Moral Blueprint for Our Times*, <http://www.ourladywarriors.org/articles/damian1.htm> (accessed August 7, 2004). I do not see how either of these anachronistic readings of Peter Damian can accomplish anything more than obscuring his critique of clerics who were abusing their positions of power in order satisfy their own desires. On Jordan's *The Invention of Sodomy*, see review by John W. Baldwin, *Speculum* 74 (1999) 438–40.

investigation is held; but a prudent silence is maintained concerning clerical sexuality for fear of insults from the laity (*saecularium*). But this is something that badly needs correction, so that precisely what all the people are complaining about should not be hushed up in council by the leaders of the Church. . . . Therefore, because of the ignominy involved, I do not see how something that is everywhere publicly discussed can be suppressed at the synod, so that not only the offenders be properly branded with infamy, but also those whose duty it is to punish them be found guilty.<sup>23</sup>

He goes on to say that when the law was enforced in these matters, it was not enforced impartially. "For we indeed punish the acts of impurity performed by priests in the minor ranks," he complained, "but with bishops, we pay our reverence with silent tolerance, which is totally absurd."<sup>24</sup>

When the clergy failed to reform themselves, Peter Damian believed it was the duty of the laity to discipline the clergy. Although he was completely in step with the papal policy of his day, deacon Hildebrand, who had been one of Peter Damian's colleagues, would eventually work to erode the idea that the laity could or should take any initiative to reform the Church.<sup>25</sup> Even so, Peter Damian's collaborative model of reform involving the laity, religious, and clergy was widely read and distributed throughout the Middle Ages. He recognized that clerical sexuality was an abuse of power analogous to the abuse of power inherent in incest.

### SPIRITUAL INCEST

In 1049, Peter Damian wrote his first treatise on sexual abuse among the clergy and forwarded a copy of it to Pope Leo IX. He judged the problem as resulting from a lack of discipline in the Church. In this letter, he reminded Leo that the mission of the Church was *cura animarum* and warned that laxity on the part of bishops was leading people to destruction. Initially, Peter Damian framed his attack on clerical sexuality in terms of ritual purity, canon law, and abuse of power. While this first attempt to address the issues surrounding clerical sexuality concentrated on priests

<sup>23</sup> Peter Damian, Letter 61.3; *MGH*, vol. 2, 208.

<sup>24</sup> *Ibid.* Letter 61.4; *MGH*, vol. 2, 208–209: "Porro autem nos contra divina mandata personarum acceptores in minoribus quidem sacerdotibus luxuria iniquamenta persequimur, in episcopis autem, quod nimis absurdum est, per silentii tolerantiam veneramur."

<sup>25</sup> Hildebrand, as Pope Gregory VII, called on the laity in Milan to withhold obedience from their clergy and to strike their sacramental services. He framed his call to action in terms of papal directives. While there is a role for the laity, it is clearly not collaborative in nature. Gregory VII's rhetoric verged on calling for acts of violence against the "precursors of the Antichrist" in Milan. See R. I. Moore, *The Origins of European Dissent* 54–55.

and bishops who were using the power of their offices to sexually abuse boys and young men, he also highlighted the abuses of power associated with clerical cohabitation.

Peter Damian condemned acts of sodomy among the clergy and with the laity, which he described as a pervasive problem in the Church of his day. "Unless immediate effort be exerted by the Apostolic See," he warned, "there is little doubt that even if one wished to curb this unbridled evil, he could not check the momentum of its progress."<sup>26</sup> Peter Damian explained that boys and adolescents who entered into the lower ranks of the clergy found themselves "enslaved under the iron rule of Satanic tyranny" because they were commanded or seduced into performing sexual acts such as masturbation, mutual masturbation, anal intercourse, and intercourse between the thighs.<sup>27</sup>

Peter Damian admitted that there is a distinction between one who pleasures himself and one who involves others in a sinful act. He complained that many bishops would only depose priests who had committed acts of anal intercourse.<sup>28</sup> His own list of punishable acts included solitary masturbation.<sup>29</sup> All four of the sexual acts he listed were in the eleventh century related to questions surrounding ritual purity.

<sup>26</sup> Letter 31.7, *MGH*, vol. 1, 287: "Et nisi quantocius sedis apostolicae vigor occurrat, non est dubium, quin effrenata nequitia cum restringi voluerit, a cursus sui impetu desistere nequeat."

<sup>27</sup> *Ibid.* 31.7–8; *MGH*, vol. 1, 287: "Sodomiticae igitur immunditiae cancer ita per clericalem ordinem serpit, immo velut cruenta bestia intra ovile Christi cum tantae libertatis saevit audacia, ut quampluribus multo salubrius fuerit mundanae militiae iugo deprimi, quam sub religionis obtentu tam libere ferreo iuri diabolicae tyrannidis mancipari . . . Ut autem res vobis tota per ordinem pateat, ex huius nequitiae scelere quatuor diversitates fiunt. Alii siquidem semetipsos polluunt, alii sibi invicem inter se manibus virilia contrectantes inquinantur, alii inter femora, alii fornicantur in terga." Since the minor ranks of the clergy contained boys and adolescents, who were under the power of their superiors, this was a serious problem with Church discipline. Peter Damian was presenting a polemic against clerical sexual abuse, but in his other writings he did not use the term "sodomy." The word appears only in the context of this polemic.

<sup>28</sup> Letter 31.9; *MGH* vol. 1, 288: "Quidam namque rectores aecclesiarum circa hoc vicium humaniores forsitan, quam expediat, absolute decernunt propter tres illos gradus, qui superius enumerati sunt, neminem a suo ordine debere deponi."

<sup>29</sup> Letter 31.8; *MGH*, vol. 1, 287–288: "Maior siquidem penitentia illis imponitur, qui cum aliis cadunt, quam hiis, qui per semetipsos egesta seminis contagione sordescunt et districtius iudicantur, qui alios in posteriora corrumpunt, quam hii, qui inter femora coeunt." In this case, solitary masturbation is considered the least offensive form of sexual sins. Why was he so concerned? On one level he was responding to Genesis 39:9–10, which states that Onan was struck down by God for spilling his seed on the ground. The medieval theologians explained why the sentence was so harsh in terms of the biology of the day, which was grounded in Stoic,

When he first embarked on his career as a reformer, Peter Damian, like many of his contemporaries, did not believe that sacramental or the ministerial acts performed by impure priests and bishops were valid. Thus he concluded that the failure to discipline men who fell into any kind of impurity, which could include nonsexual sins such as simony, dragged entire communities into the depths of sin. Since such men were supposed to act as intercessors for their community, he argued they could not perform this duty effectively. Peter Damian asked Pope Leo: "Therefore, if one is embarrassed to act as intercessor with a man with whom he is not at all acquainted, how can one dare to act as an intercessor for the people before God if, in view of his life, he knows that he is not on friendly terms with the grace of God?"<sup>30</sup>

Peter Damian was worried that God would not accept sacrifices from impure hands, and this called into question the validity of Masses celebrated by impure clerics.<sup>31</sup> Despite the fact that the eminent scholar of monasticism Jean Leclercq argued that Peter Damian never changed his theological doctrine, it can be shown that Damian did abandon his earlier position.<sup>32</sup> He shifted his thinking in this regard as he became more familiar with both the controversies of Augustine and Gregory the Great against the Donatists who denied the validity of the sacramental acts performed by clergy involved in serious and public sins. When Peter Damian began to recognize the pastoral implications of such a position, he reformulated his theology. He came to see that the people of God could not be dependent on the personal morality, holiness, or quality of their clerics because they could not know such things with certainty. This would have placed an impossible burden on the members of the Church.<sup>33</sup>

Peter Damian shifted the argument away from sacramental concerns and toward the questions of Church governance and discipline. He claimed that bishops were stimulating the growth of sexual abuse in the Church by failing to maintain proper order through the use of discipline. He reasoned that, because a sexually active cleric was more afraid to be despised by men than to be judged by God, they would do anything to avoid losing their

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Neoplatonic, and Aristotelian ideas. Their scientific sources essentially saw semen as containing a *homunculus*, a living embryo. For example, Peter Damian described having sex during pregnancy as a form of abortion, sowing seed upon seed. He was worried about the fetus, but he was also concerned about the effects on the sperm because it essentially contained human beings. See Letter 96.18; *MGH*, vol. 3, 58–59.

<sup>30</sup> Letter 31.50; *MGH*, vol. 1, 317.

<sup>31</sup> Letter 31.50–58; *MGH*, vol. 1, 317–19.

<sup>32</sup> Leclercq, *Saint Pierre Damien* 68–69.

<sup>33</sup> His argument is quite detailed. See Letter 40.76–77; *MGH*, vol. 1, 474–76.

clerical identities. When a cleric realized that he would not lose his status, Peter Damian argued that he would continue with his illicit acts. Bishops who refused to depose sexually active clerics, he concluded, were providing these men with opportunities to prey on the people under their care.<sup>34</sup>

Why did bishops behave thus? Damian suggested that they were motivated by a shortage of men who were able to celebrate divine services, which he identified as perverse thinking. He argued that it was better to leave the ecclesiastical office empty rather than to install the wrong person into it. Peter Damian reminded the bishops to consider that even in recent history, there had been extended periods of time when the Apostolic See of Rome had remained vacant until the right candidate could be installed.<sup>35</sup> An unworthy man who is arrogant enough to presume a position of honor in the Church, he explained, will not be the sort of person who would provide good pastoral care by observing the commandments and by practicing the disciplines prescribed for clerics.<sup>36</sup>

Convinced that the destructive plague of sexual abuse was raging throughout the Church because of the lack of episcopal leadership, Peter Damian offered the following admonition to the bishops of his day:

Listen, you do-nothing superiors of clerics and priests. Listen, and even though you feel sure of yourselves, tremble at the thought that you are partners in the guilt of others; those, I mean, who wink at the sins of their subjects that need correction and who by ill-considered silence allow them license to sin. Listen, I say, and be shrewd enough to understand that all of you alike “are deserving of death, that is, not only those who do such things, but also they who approve those who practice them” (Romans 1:32).<sup>37</sup>

<sup>34</sup> Letter 31.9; *MGH*, vol. 1, 288: “Quae proculdubio impia pietas non vulnus amputat, sed ut augeatur, fomitem subministrat, non perpetrati illiciti ausus praebet amaritudinem, sed perpetrandi potius tribuit libertatem. Carnalis quippe cuiuslibet ordinis clericus formidolosius expavescit in conspectu hominum despici, quam in superni iudicis examine condemnari. Ac per hoc mavult quamlibet districtae, quamlibet annosae penitentiae, quam sui gradus periculo subiacere. Et dum per indiscretam discretionem non timet statum sui honoris amittere, incitatur ad inexperta praesumere et in hiis, quae inulte praesumpsit, diutius permanere, atque, ut ita dixerim, dum illic non feritur, ubi acrius dolet, in eo quo semel corrui, coenosae obscenitatis volutabro molliter iacet.”

<sup>35</sup> Letter 31.13; *MGH*, vol. 1, 291: “Sed fortasse dicitur, necessitas imminet, persona, quae sacrum in ecclesia officium peragat, deest et congrue sententia, quae prius dura iusticia dictante depromitur, oblata rerum necessitate mollitur. Ad haec ego compendiose respondeo: Numquid et tunc necessitas non incubuerat, cum pontificalis sedes pastore vacabat? An pro utilitate unius hominis censura delebitur, quae in destitutione unius populi inconcussa servatur? Et quae non solvitur ad profectum innumerae multitudinis, violabitur ob personae commodum singularis?”

<sup>36</sup> *Ibid.*

<sup>37</sup> Letter 31.18 *MGH*, vol. 1, 294.

He went on to explain that bishops who did not correct their clergy were just as guilty as priests who were seducing boys and adolescents. Even worse, Peter Damian wrote that there were bishops who were sexually abusing their own clergy as well. These men would either seduce or compel the priests under their jurisdiction to engage in sexual actions. In order to avoid scandal, bishops would then either confess to these poor men or have them confess to him, so that they would be bound by the seal of confession from revealing what had happened.<sup>38</sup>

Drawing on the spousal model for the relationship between the bishop and the Church, Peter Damian charged bishops with a kind of spiritual incest. If the bishop is the husband and the Church is the bride, then he argued that all who are reborn in the Church could appropriately be called the bishop's children. In fact he used this image as a way of talking about piety, based on an analogy to the relationship between parents and children.<sup>39</sup> He also extended this metaphor to anyone who had pastoral duties and authority over others in the Church. Even godfathers who abused their relationships with their goddaughters by engaging in sexual relations with them were guilty of spiritual incest.<sup>40</sup>

Whereas a father who betrayed his relationship of power and trust with his children by sexually molesting them was subject to excommunication and exile under the canon and civil laws, Peter Damian argued that bishops who betrayed their spiritual children deserved a harsher punishment.<sup>41</sup> His reason for the harsher sentence was that the betrayal involved in spiritual

<sup>38</sup> Letter 31.21; *MGH*, vol. 1, 297: "Ut autem diabolicæ machinationis argumenta non lateant, sed quæ in officina veteris malitiæ inter suos secretarios fabricat, in lucem me pallificante procedant, illud absconsum iri non patior, quod quidam huius veneno criminis satiati, dum quasi ad cor redeunt, ne reatus ad aliorum notitiam prodeat, inter se invicem confitentur et, dum hominum faciem erubescunt, qui reatus auctores existunt, ipsi iudices fiunt et indiscretam indulgentiam, quam sibi quisque affectat impendi, gaudet alteri vicaria permutacione largiri."

<sup>39</sup> Letter 31.25; *MGH*, vol. 1, 299. See also Letter 61.11; *MGH*, vol. 2, 214–215.

<sup>40</sup> Letter 31.25; *MGH*, vol. 1, 299: ". . . luce clarius constat, quia eiusdem criminis reus est et qui cum carnali vel baptismatis filia fornicatur et is, qui cum filio penitentiae turpitudinem operatur. Et sicut is, qui cum ea lapsus est, quam carnaliter genuit, vel quam de baptismo suscepit, vel cui penitentiae iudicium posuit, ita etiam qui cum filio penitentiae per immunditiam labitur, iustum est, ut ab eo, cuius administrator est, ordine modis omnibus arceatur." Owen Blum translated "baptismatis filia" as goddaughter, but I believe these words could be interpreted as referring to the relationship between the clergy and baptized women in general.

<sup>41</sup> Letter 61.11; *MGH*, vol. 2, 214–215: "Plane si pater filiam suam incestuose corrupit, mox ab ecclesia proiecitur excluditur, communione privatur, et vel in carcerem traditur, vel in exilium destinatur. Quanto ergo deterius ipse abiciendus es, qui cum filia tua non quidem carnali, quod minus est, sed cum spiritali potius perire non metuis? Omnes quippe ecclesiae tuae filii tui proculdubio filii sunt. Et certe perspicuum est, quia spiritalis generatio maior est quam carnalis. . . . Qui ergo

incest ran deeper than familial incest. Even if the bishop never personally committed such a deed, Peter Damian concluded he was still guilty of the crime of spiritual incest if he allowed his clergy to sexually abuse boys, young men, mistresses, and even prostitutes.

Damian exhorted Pope Leo IX to enforce the canons of church law on the scandalous matter of priests seducing boys and young men. The law clearly prescribed the following penance:

Any cleric or monk who seduces young men (*adolescentium*) or boys (*parvulorum*), or who is apprehended in kissing or in any shameful situation, shall be publicly flogged and shall lose his clerical tonsure. Thus shorn, he shall be disgraced by spitting into his face, bound in iron chains, wasted by six months of close confinement, and for three days each week put on barley bread given him toward evening. Following this period, he shall spend a further six months living in a small segregated courtyard in the custody of a spiritual elder, kept busy with manual labor and prayer, subjected to vigils and prayers, forced to walk at all times in the company of two spiritual brothers, never again allowed to associate with young men for purposes of improper conversation or advice.<sup>42</sup>

In other words, such men were supposed to be confined to monasteries where they could be supervised for the rest of their lives. Since these sins require such a degrading, public penance, Peter Damian argued that they were grounds for deposing men from holy orders because canon law forbade men who had to perform public penance from assuming ecclesiastical offices.<sup>43</sup>

Leo IX was not moved by Peter Damian's arguments. He informed him that he did not believe clerics who had seduced boys and young men to commit acts of mutual masturbation and other sexual acts should be automatically deposed. In the name of acting humanely, Leo argued that these men could retain their offices as long as they had not engaged in such behavior for long periods of time or with many people. The pope did concede, however, that any cleric who had engaged in anal intercourse should be deposed.<sup>44</sup>

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cum spiritali filia tua committis incestum, qua conscientia dominici corporis audes tractare mysterium?"

<sup>42</sup> Ibid. 31.38; *MGH*, vol. 1, 298. Peter Damian is citing Burchard of Worms, *Decretorum libri XX*, 19.5. This is difficult to reconcile with Mark Jordan's assertion that Peter Damian called for confessions as a discreet and silent way to conceal the number of homosexuals in the clergy. See Jordan, *Silence of Sodom* 86–87. As previously noted, Peter Damian, at the opening of Letter 61.3, called upon the pope to bring abuses out into the open.

<sup>43</sup> Letter 31.39–40; *MGH*, vol. 1, 308–9.

<sup>44</sup> Letter 31.4; *MGH*, vol. 1, 286: "Sed nos humanius agentes eos, qui vel propriis manibus vel invicem inter se semen egerunt vel etiam inter femora ceciderunt, et non longo usu nec cum pluribus, si voluptatem refrenaverint et digna penitudine probrosa commissa luerint, admitti ad eosdem gradus, in quibus in scelere manen-

As far as Peter Damian was concerned, any sexual act by a member of the clergy with others, including contractual sex with prostitutes, was a form of sexual abuse that demonstrated the offender was unfit for holding a priestly office. This was true because of the imbalance of power and social standing between the participants. He was more concerned about the spiritual impact that it had on their victims, who were being seduced into mortal sin. He knew that he could not hope to raise these other issues with the pope and bishops if they were unwilling to act against clerics who were essentially raping boys. So Peter Damian continued to work for reform in other areas and waited until Rome was more receptive to his reasoning before again raising the issue of sexual abuse.

After Peter Damian had become a cardinal bishop, he returned in 1039 to the issue again and vented his frustration at a man whom he had helped to be elected pope. Writing to Pope Nicholas II, he made the following warning about bishops who had either participated in the sexual abuse of someone or who had tolerated it in their jurisdiction:

The day will come, and that certainly, or rather the night, when this impurity of yours will be turned into pitch on which the everlasting fire will feed, never to be extinguished in your very being; and with never-ending flames this fire will devour you, flesh and bones.<sup>45</sup>

Then he shifted his attention to Nicholas II and admonished him to remember that he would be subject to divine punishment for his inertia in failing to discipline his subjects, the bishops.<sup>46</sup>

Even when the laws concerning clerical sexuality were being enforced, Peter Damian complained that they were not being applied impartially. Those who held the higher offices of bishop and archbishop were able to escape punishment and even criticism for their sins. He argued that this

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tes non permanentes fuerant, divinae miserationi confisi volumus atque etiam iubemus, ablata aliis spe recuperationis sui ordinis, qui vel per longa tempora secum sive cum aliis vel cum pluribus brevi licet tempore, quolibet duorum feditatis genere, quae descripseras, maculati sunt, vel, quod est horrendum dictu et auditu, in terga prolapsi sunt.”

<sup>45</sup> Letter 61.13; *MGH*, vol. 2, 216.

<sup>46</sup> Letter 61.14; *MGH*, vol. 2, 217–18: “Tu autem, domine mi, venerabilis papa, qui Christi vice fungeris, qui summo pastori in apostolica dignitate succedis, noli pestem hanc per ignaviam ad incrementa perducere, noli connivendo et dissimulando crassanti luxuriae frena laxare. . . Absit igitur, ut sanctum cor vestrum segnitis Heli torpor emolliat, sed potius ad sceleris ultionem ingenui Finees zelus accendat. Deponantur hii, qui aecclesiasticae castitatis non verentur foedare mundiciam, et deiecti deterreant, quos male stantes ad turpis luxuriae contumeliam provocabant. Ad ultionem igitur se canonicus vigor exerat, et petulantium clericorum mala compescat, quatinus et beatitudini vestrae, quod absit, nevus non obrepat infamiae, et solitus nitor aecclesiasticae resplendeat disciplinae.”



way of enforcing the Church's discipline stood proper order on its head. The pope and the archbishops should imitate the way the Lord himself imposes discipline on his people. He appealed to the examples of Phinehas and Eli, two Old Testament priests, in order to show proper discipline and to illustrate the consequences of laxity.

### PHINEHAS AND ELI

Phinehas represented, argued Peter Damian, how metropolitans should act in enforcing the laws of the Church; Eli represented how the metropolitan bishops were acting. Phinehas was a priest who found one of the most prominent Israelite chiefs having illicit sex with a Midianite princess. As Peter Damian told the story, Phinehas seized a spear and, before all of the people, transfixed the pair through their genitals. Though many Israelite men were having sexual relations with pagan women in the worship of Baal, Peter Damian explained that Phinehas struck down only the most prominent and socially elite offenders. This action demonstrated that the laws would be enforced to the rest of the people. Certainly, it cooled their ardor.<sup>47</sup>

From this example, Peter Damian formulated the principle that the sins of more highly placed people must be more vigorously prosecuted than those of the anonymous and powerless. He argued that Phinehas was simply imitating the way that God punishes sinners. Peter Damian wrote:

This is why the Lord himself, while the whole Israelite people were no less guilty of this crime, was silent regarding commoners, but vented his fury in condign punishment only on their leaders. "And the Lord was angry and said to Moses, 'Take all of the leaders of the people and hang them on gallows in the full light of day, that the fury of my anger may turn away from Israel'" (Numbers 25.4).<sup>48</sup>

Thus the eminent must be punished more harshly and more publicly both to set an example and to turn away God's wrath. Whereas this example fit in well with Peter Damian's rhetorical style, it was a bit too gruesome and too graphic for later reformers. His use of Eli as an example of laxity and its consequences, however, became a standard piece of reform rhetoric in the Church's tradition.

The priest Eli was accused of honoring his sons more than God. The sons of Eli were spoiling the sacrifices to Yahweh but Eli failed to punish them. Though Eli had not actively participated in the sins of his sons, Yahweh declared a death sentence upon him together with his sons. Just as the one who had corrected sins was worthy of a blessing, Peter Damian concluded, so too the one who fails to punish sinners is likely to be cursed by God.<sup>49</sup>

<sup>47</sup> Letter 61.4; *MGH*, vol. 2, 208–9.

<sup>48</sup> Letter 61.4; *MGH*, vol.2, 209.

<sup>49</sup> *Ibid.*

To justify his position, he cited Gregory the Great's interpretation of this passage: "He who fails to correct, when it is possible for him to do so, makes himself guilty of the others fault."<sup>50</sup> Peter Damian asked the pope and the other metropolitan bishops how they thought God would judge them if they remained silent when they were confronted with the sins of the clerics under their jurisdiction.

Peter Damian saw the failure of bishops to enforce ecclesiastical discipline as bringing into disrepute the dignity of ecclesiastical office. Interpreting 1 Samuel 2:30-31, where God told Eli that he would lop off his limbs, Peter Damian wrote:

With these words, he said, as it were, "Since by granting you the dignity of the pastoral office I strengthened your arm against my enemies, although you refused to use force in punishing them, I will now cut off your arm, that is, I will take away the power of the priestly office, so that as you were lacking an arm in fighting for me, you will now be without a hand to defend yourself."<sup>51</sup>

Because of their failure to exercise appropriate episcopal oversight, he believed that God would strip bishops of the one thing they truly prized, the power and privileges associated with their ecclesiastical offices. Since they had refused to fulfill the duties demanded by their pastoral office, Peter Damian argued that bishops lost the privileges associated with those duties.

This argument also applied to the pope. Since the papacy itself had been strengthened by both lay and clerical reformers for the purpose of correcting ecclesial corruption, Pope Nicholas II would have seen how Peter Damian's warning was most directly aimed at him. The secular rights and privileges that the lay reformers Empress Agnes, Duke Godfrey, and Duchess Beatrice had given to the papal office could also be taken away by the laity. Peter Damian had developed strong arguments for papal primacy and fought to free papal elections from political influences, but he also maintained that the pope could be corrected and even deposed for malfeasance by lay authorities.<sup>52</sup>

Though they might escape a just judgment for the moment, Peter Damian warned the pope and bishops that they would never be able to escape the sentence of the heavenly judge. Over the course of his career as a member of the papal reform movement, Peter Damian came to see that people had to be persuaded to follow the law. Increasingly, his rhetoric shifted away from legal categories to spiritual ones such as the fear of God. Nonetheless, he worked to establish universal standards when it came to

<sup>50</sup> Letter 61.9; *MGH*, vol. 2, 212: "Facti siquedem culpam habet, qui potest, neglegit emendare." The quote can be found in Gregory the Great, *Commentary on Kings* 9.215.

<sup>51</sup> Letter 61.9; *MGH*, vol. 2, 213.

<sup>52</sup> Letter 40.109-14; *MGH*, vol. 1, 501-3.

canon law and the enforcement of the Church's discipline, but he learned reforming the laws of the Church meant little if bishops were too weak or apathetic to enforce them. In such cases, it was particularly important for the laity to collaborate with religious and clerical reformers in order to compel bishops to uphold appropriate discipline or to remove them from office.

### COLLABORATIVE REFORM

Peter Damian saw reform as involving all of the orders of the Church—a rather progressive attitude for a man of the eleventh century. He believed that the monastic and eremitical life was superior to other Christian vocations and that the clergy officially held places of leadership. As we have seen, he was arguably the strongest supporter of papal primacy; but he also believed that popes could be legitimately deposed by lay leaders. Further, he knew all too well that one cannot assume that officeholders fulfill the duties of their offices or that vowed persons observe their vows. Peter Damian's experience of the Church led him to oppose the idea that bishops or popes stood above the law, a judgment justified by a forged collection of canon law popular with the clergy, the *Pseudo-Isidorian Decretals*.<sup>53</sup>

Peter Damian argued that everyone is subject to correction. He applauded Henry III's deposition of the three popes he found when he went

<sup>53</sup> Letter 164; *MGH*, vol. 4, 168–169. Owen J. Blum has argued Peter Damian's opposition to the idea that the clergy are not accountable to the laity was a consistent component of his theology. He provided evidence that Peter Damian was not opposed to the intervention of secular, political power in regards to episcopal nominations and that he was not even opposed to lay investiture as long as simony was not involved. See *St. Peter Damian: His Teaching on the Spiritual Life*, Studies in Mediaeval History, ns 10 (Washington: Catholic University of America, 1947) 22, 173. Leclercq has also noted the very active and collaborative role of the laity in Peter Damian's reform theology in *Saint Pierre Damien* 111–17. Colin Morris focuses on Peter Damian's acceptance of the legitimacy of lay investiture as an issue that drove a wedge between Peter Damian and Hildebrand, who became Pope Gregory VII (*Papal Monarchy* 94–107). There are, however, some recent scholars who interpret Peter Damian as being hostile to the laity and to reform. Michel Grandjean has argued that Peter Damian was globally hostile to the laity in *Laïcs dans l'Église: Regards de Pierre Damien, Anselme de Cantorbéry, Yves de Chartres* (Paris: Beauchesne, 1994) 50–51. Phyllis Jestice claims that Peter Damian was actually an opponent of pastoral reform because he contended that hermits and monks should not take up the mission of preaching. See Phyllis Jestice, "Peter Damian Against the Reformers," in *The Joy of Learning and the Love of God: Studies in Honor of Jean Leclercq*, ed. E. Rozanne Elder (Kalamazoo, Mich.: Cistercian, 1995) 67–94. Bernard Schimmelpfennig, on the other hand, writes that it would be wrong to imagine these hermits as persons who had completely turned their backs to the world and that they were reforming by gathering supporters, over whom they had influence (*The Papacy* 139).

to Rome for his coronation, calling the imperial intervention a strike against the “multicephalous hydra” of the simoniacal heresy.<sup>54</sup> Though he encouraged lay authorities to uphold the laws of the Church when the clergy failed to do so, he did not believe that the laity should manipulate the Church or write canon law. Peter Damian went so far as to argue that a ruler who failed to respect the will of God as established by the canons could be rightfully overthrown by the people.<sup>55</sup>

In 1058 Peter Damian wrote a letter to his secretary Aripandus asserting the idea that no spiritual institution could survive without correction. He argued that St. Peter’s willingness to accept correction from St. Paul, who certainly in the minds of medieval Christians held a lower hierarchical place than St. Peter, was a model for all human institutions. Lifting up St. Paul’s example for imitation, he showed his medieval contemporaries that sometimes it is appropriate to reprove superiors publicly. While this idea was not new, Peter Damian went further and set out to refute the scriptural arguments that the clergy cited against publicly speaking out against superiors.<sup>56</sup>

There were basically two primary texts that were used to discourage people from speaking out against their superiors. The first was Matthew 18:15-17 when Jesus said:

If another member of the Church sins against you, go and point out the fault when the two of you are alone. If the member listens to you, then you have regained that one. But if you are not listened to, take one or two others along with you, so that every word may be confirmed by the evidence of two or three witnesses. If the member refuses to listen to them, tell it to the Church.<sup>57</sup>

This was difficult advice for a medieval Christian to follow. Bishops, abbots, abbesses, and nobles had tremendous power over the people in their jurisdiction. To think of confronting such a person privately, especially if they were wicked or abusive, was more than most people could imagine. In effect, it was asking people to confront privately the very people who had abused or wronged them. If the poor person survived the encounter unscathed, it was unlikely that he or she could find two or three others to privately accuse their superiors of a crime. Thus he or she could never fulfill the requirements to justify making a public charge.

The second text that discouraged open criticism was drawn from 1Timothy. St. Paul categorically stated: “Never be harsh with an elder (*presby-*

<sup>54</sup> Letter 40.109–14; *MGH*, vol. 1, 501–3.

<sup>55</sup> Blum, *St. Peter Damian: His Teaching on the Spiritual Life* 27.

<sup>56</sup> Letter 54.12–16; *MGH*, vol. 2, 145–47.

<sup>57</sup> Peter Damian cites this text in Letter 54.13; *MGH*, vol. 2, 146.

tero), but speak to him as a father” (1 Timothy 5:1).<sup>58</sup> Peter Damian turned to consider how Paul could ignore his own advice and the command of Jesus. How could Paul heap rebukes on Peter, who had the right to govern the whole Church, in the presence of everyone? Damian’s answer was that St. Paul could do so in the service of obedience. St. Peter had fallen away from maintaining the “orthodox” position he had formulated at the Council of Jerusalem in Acts 15:10-11, namely that gentiles should not be forced to follow Jewish observances. He wavered because of pressure from James and the other Jewish Christians in the Jerusalem community. Peter Damian claimed that by publicly shaming St. Peter, St. Paul had helped the “first pope” to recover the resolve he needed to lead the community.<sup>59</sup>

In other words, Peter Damian was arguing that it is legitimate to correct superiors harshly and publicly when they failed to follow the guidelines of Scripture and tradition. By defending the gospel and the decisions of the Council of Jerusalem, Paul was being obedient. Of course, Peter Damian had to defend such action because he was frequently correcting his superiors in exactly this way. One of the most interesting aspects of his work is that he argued that the duty to correct prominent members of the clergy was a duty that applied to women too.

In 1064 Peter Damian wrote a letter to Duchess Adelaide of Turin justifying the idea that women could correct and reform even the most preeminent members of the clergy and urging her to reform the dioceses in her territory. Peter Damian knew this idea would not be well received by his fellow clerics, especially since he was writing about clerical concubinage. He claims to have hesitated in writing the letter because he feared the “calumny of insulting clerics.”<sup>60</sup> So first, he wrote to the bishop of Turin in order to deflect criticism and seemed apologetic for his delay, writing:

Indeed, they would have complained and said, “See how shamefully and inhumanely he acts while preparing to destroy us, he who is unwilling to discuss this matter cautiously and discreetly with bishops or with other men of the Church, but brazenly publicizes to women what should have been handled in the sacristy.”<sup>61</sup>

Since the bishop of Turin had only one diocese under his jurisdiction and Adelaide controlled the Kingdoms of Italy and Burgundy, Peter Damian argued it was not improper for him to write to her concerning clerical sexuality. He knew Adelaide had the means to reform the behavior of the clergy by force.

For Peter Damian, one’s sex did not determine a person’s virtue or

<sup>58</sup> Ibid. For Peter Damian and his medieval audience, Paul was the author of 1 Timothy.

<sup>59</sup> Letter 54.14–16; *MGH*, vol. 2, 146–47.

<sup>60</sup> Letter 114.2; *MGH*, vol. 3, 296–97.

<sup>61</sup> Ibid.

power. Virtue comes from God. Peter Damian praised God for making Adelaide as strong as a man and for endowing her with more good will than temporal power. He urged her to follow the Old Testament example of Deborah, who sat in judgment and who ruled without the help of a man. Peter Damian affirmed Adelaide's own justification for her power over men. Defending her power to a petulant priest or bishop, she had said: "Why should one wonder, father, that almighty God saw fit to grant me, his unworthy servant, some small degree of power over men, since at times he endows even some despicable herb with wonderful qualities."<sup>62</sup>

Though Peter Damian asked Adelaide to collaborate with the bishop of Turin, he did not expect the bishop to be very cooperative. This is why he concentrated on the relationship between Deborah and Barak as an example for how she should behave. Deborah had commanded Barak to battle against Sisera, but Barak refused to go unless Deborah went as well. According to Peter Damian, Barak represents bishops whose reform efforts began with zeal but did not endure because they were weak and lazy. Sisera represents clerical impurity. Because of his reluctance, Barak does not slay Sisera. In the end, it is a woman named Jael who slayed the enemy by driving a tent stake through his skull. This story shows that sometimes God "uses women to achieve a more glorious triumph."<sup>63</sup> It also justified unilateral action on Adelaide's part if bishops failed to act.

Peter Damian provided Adelaide with an arsenal of scriptural citations justifying her action in reforming the male clergy. He pointed to the example of Judith on whom God afforded the glory of cutting off Holofernes's head as a reward for the harsh rebuke she gave to the weak and fearful priest Uzziah (Judith 8:12—13:20). He also cited the deeds of Esther who caused Haman to be hanged (Esther 7:9-10), the wise woman who cut off the head of Sheba and threw it to Joab (2 Samuel 20:16-22), the woman of Thebez who threw a stone that crushed the head of the general Abimelech (Judges 9:53; 2 Samuel 11:21), and Abigail who disobeyed her husband and thus saved her family from destruction (1 Samuel 25:14-35).<sup>64</sup> Peter Damian promised Adelaide, "You can also turn away the sword of God's anger from your own house and from the one's you have under your authority in these areas, if you strive to overcome impurity that is supported even in the highest circles of the Church by bishops who do not pay attention to it."<sup>65</sup>

Peter Damian's position on the right and the duty of the laity to correct

<sup>62</sup> Letter 114.4; *MGH*, vol. 3, 298.

<sup>63</sup> Letter 114.6; *MGH*, vol. 3, 299: "Talis enim victoria Deum valde laetificat, qui aliquando per feminas gloriosiori laude triumphat."

<sup>64</sup> Letter 114.8; *MGH*, vol. 3, 299–300.

<sup>65</sup> Letter 114.9; *MGH*, vol. 3, 300: "Tu quoque a domo tua et ab his, quibus premines regionibus, gladium poteris divini furoris avertere, si etiam episcopis

the clergy was increasingly at odds with papal reform movement as envisioned by Gregory VII. Nonetheless his justification for everyone, including women, to correct their “superiors” continued to influence reformers well into the sixteenth century. Peter Damian’s theology provided a counterbalance to the increasingly excessive claims of papal authority. Since temporal privileges such as wealth and coercive power were not inherent to any pastoral office, he argued that the laity could legitimately take these away from the clergy.

### PETER DAMIAN AND THE CURRENT CRISIS

Applying Peter Damian’s ideas about reform to the current crisis in the Church requires some care in terms of delineating his context from our own. First, the scope of the crisis in the eleventh century was much worse than the current scandal in the United States. Second, the medieval theologians were not concerned with sexual orientation; instead they concentrated on actions that they believed were impinging upon ritual purity or were manifestations of the abuse of power. Third, Peter Damian lived in a time when clerics were formally excluded from civil prosecution for crimes. Many bishops viewed this exclusion of the clergy from civil law as a divine right rather than as a privilege granted by the state—one that had a corrupting influence on the clergy as a whole. Even when one distinguishes between the eleventh-century context and our present situation, there are some remarkable parallels in terms of the failure of bishops to understand how clerical sexuality is an abuse of power similar to incest, the almost total divorce between the rights and duties of the men holding clerical offices, and problems with canon law.

One of the causes of the eleventh-century scandal was that there were so many disciplinary canons in ecclesiastical law that people felt it was impossible to observe the law. But, if Archbishop Pilarczyk is right, our problem is that canon law is essentially unenforceable. Another problem we face is the lack of ecclesiastical institutions to investigate, punish, and depose lax bishops. If there is a problem with our canon law, however, it is up to the bishops to reform the law. Bishops cannot simply wring their hands and point to the *Code of Canon Law* so as to absolve themselves of any responsibility.

Peter Damian’s argument as to why the sexually active cleric can only be restrained from his illicit activities by the fear of losing his office can also be applied to some bishops. Perhaps the lax bishop, like the sexually active cleric, is more afraid to be despised by people than judged by God. The

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neglegentibus luxuriam in ipsa aecclesiastici culminis arce subnixam elaboraveris expugnare.”

decisions of such men are driven by their fear of scandal rather than by considering what is truly just. Instead of disciplining offenders, they prefer to hide problems and to avoid conflict.<sup>66</sup> Peter Damian suggested that the only way to check the vices of such men is by having and enforcing laws that hold them accountable. The need for such laws does not, however, indicate a fundamental problem with the structures of the Church. Our need for laws and discipline arises out of the human problem of original sin, which is also why Catholics believe they need a visible and organic community to grow in holiness.

Seen from this perspective, the scandal has arisen both from deficiencies in canon law and from the individual weaknesses of clerics.<sup>67</sup> The two problems are, in Peter Damian's theology, inseparable. Ecclesiastical laws and disciplines are aids to help people (a category that includes bishops) overcome their moral deficiencies. However, the laws should be grounded in Scripture and tradition. When the laws are not in accord with revelation as it has been received, bishops are duty bound to reform the laws. If they are ignorant of the Scripture and tradition, which is the collective experience of the body of Christ, then they should not presume to accede to the rank of bishop.

The fact that in our day certain bishops failed to recognize sexual abuse of minors as both an abuse of office and an abuse of power is a telling sign of entrenched problems in the attitudes of some who hold episcopal office. It points to a sense of entitlement that finds its source in the contemporary issues over clerical identity and theology of the "indelible mark" of priesthood. Explaining the reasoning of bishops, Archbishop Pilarczyk writes: "Simply firing a priest was out of the question because the priest had been ordained for life and his bishop owed him sustenance for as long as he lived."<sup>68</sup> What the archbishop and other bishops failed to realize is that it

<sup>66</sup> Peter Damian's analysis of the causes for sexual scandal is strikingly similar to Justice Anne Burke's assessment of the current crisis. She wrote: "And perhaps the saddest discovery answers of why so many church leaders failed to respond to the seriousness of the problem over a long period of time. What was it? Fear of scandal, threat of litigation, failure to understand the extent of the harm suffered by the victims, reliance on treatment programs for abusers, putting the interests of priests above victims and the failure of the utilization of canon law to remove priests from ministry" ("What, Ultimately, the Church Has Been Engaged in since Dallas?" *Origins* 33 [April 1, 2004] 732).

<sup>67</sup> Richard Major, drawing on the theology of Peter Damian and Pope Leo IX, argues that until we grasp whether the scandal was the result of many weak men or of a diseased Church, the crisis will not be resolved ("Betrayal of Innocence, *The Tablet* [London] 258 [March 6, 2004] 7-8). I believe the dichotomy between the individual failures of clerics and systemic flaws in Church order is misleading by its nature.

<sup>68</sup> Archbishop Daniel Pilarczyk, "What Were the Bishops Thinking?" 734.



is the laity who provides sustenance for bishops and priests in return for their service. It is the workman, not the miscreant, who is worth his wages.

Peter Damian saw bishops who fail to fulfill their duties as essentially rebels. This was a position established by Gregory the Great who described such a bishop in this way:

He thus brings himself to be likeness of him about whom Scripture says: "He beholds every high thing, and he is the king over all the children of pride." He who aspired to singular eminence and disdained life in common with the angels, said: "I will place my seat in the North, I will be like the Most High." By a wonderful decree, therefore, he finds within himself the pit of his downfall, while outwardly exalting himself on the pinnacle of power. A man is made like the apostate angel when he disdains, though a man, to be like other people.<sup>69</sup>

Just as Satan never loses his "angelic mark," even after he was cast out of his angelic office, so too a priest or bishop can retain his "indelible marks" and be legitimately deposed. Gregory charged bishops and priests who forgot about their primary duty to their people with ignoring Christ's command: "Whosoever will be the greater among you, let him be your minister; and he that will be first among you shall be your servant. Just as the Son of Man did not come to be ministered to, but to minister" (Matthew 20:25–28).<sup>70</sup> By forgetting that they are servants, the clergy disrupt the proper order of the Church by transforming the *magisterium* into an unaccountable *imperium*.

For Peter Damian, proper order demanded that the worst offenses be made public. On one level, he was simply echoing the penitential disciplines of the ancient and medieval Church; but on another level, he was arguing that publicly revealing the worst sins was the means to preserve the credibility of the Church. This course of action was warranted by the scriptural examples of Phinehas and Eli. By exposing the worst offenses, bishops show they will expose all sins. Conversely, when bishops are lax in their discipline and cover up the misdeeds of the clergy, they signal that they are not serious about the Church's laws, tradition, and mission. By setting a bad example in terms of Christian order, Peter Damian believed bishops were impeding the Church's ability to save souls by undermining its authority. This laxity, he argued, stood in direct contradiction to Jesus' teaching in Matthew 5:19 on the importance of following the law.<sup>71</sup>

Despite the problems in today's Church leadership, there are promising signs of hope. First, the laity have recognized this hypocrisy quite clearly

<sup>69</sup> Gregory the Great, *Pastoral Care* 2.6. The English translation is from *Pastoral Care*, trans. Henry Davis (New York: Newman, 1950) 61–62. For the Latin see *Règle pastorale / Grégoire le Grand*, ed. Floribert Rommel, trans. by Charles Morel (Paris: Cerf, 1992) 206.

<sup>70</sup> *Ibid.*

<sup>71</sup> Letter 87.8; *MGH*, vol. 2, 510.

and have begun to act by using civil law to discipline the clergy or by withholding tithes, something which was not an option in the Middle Ages. Given the new environment, more bishops are beginning to collaborate with the laity in responding to the crisis. Second, the two reports by the National Review Board are an important initial step in recovering an appropriate role for the laity in the governance of the Church. Finally, the fact that offending priests are being scrutinized and removed from public ministry is, according to Peter Damian, an example of how God has been disciplining priests and bishops throughout history. Rather than seeing such correction as a source of despair, Peter Damian taught believers to see it as a hopeful sign of God's providence.

The idea that everyone needs to be accountable and be provided correction when necessary is a foundational aspect of the Catholic faith. Peter Damian showed us that reform has to include everyone and every institution in the Church. More importantly, he demonstrated that collaborative reform has worked in the past. This requires of believers patience to continue and expand collaborative reform initiatives. The "Report on the Crisis in the Catholic Church" states that the only way to combat sinfulness is with holiness; however, one must be careful to avoid interpreting the Report in a way that equates holiness with perfection or we risk impatience, bitterness, and division.<sup>72</sup> Though the Church was seriously flawed in the eleventh century, it cannot be argued that it was not holy. As a visible and organic community, all members of the Church will have to struggle with human propensity to sin, individually and collectively, until Christ returns and establishes his kingdom.

<sup>72</sup> "A Report on the Crisis" 91.