**Saint Peter Damian’s *Letter* 164**

**On Episcopal Immunity from Valid Criticism**

*Now, since such incomparable, eminent, and lofty men did not bridle*

*at accounting to their subjects for their own actions, what a figure of arrogance,*

*what scornful pride is it, that in our day a bishop should feel so mighty*

*that he could hide behind the dignity of his office and not appear in court,*

*as justice required, to reply to the sons of his diocese*

*who insisted that they have been aggrieved.[[1]](#endnote-1)*

**Introduction**

To His Lord, Pope Alexander,[[2]](#endnote-2) the monk Peter the sinner offers his service.

(2) You have written to tell me that I should write to you; you have directed that I should frequently send you my trifling pages, even though they reflect my lack of culture. Truly, I would rather weep than write; in fact, I should weep the more because I am unable to weep. Consequently, I left the synod over which your holiness presided, then so worn out and drained, with my spirit so burdened with agenda and as unyielding as a rock, that it could not be softened by the rains of compunction, or lifted somewhat out of its doldrums by the grace of intimate contemplation. To my way of thinking, what was given to me as penance, was promised to the saints as a gift of grace. … Accordingly, what was granted to holy men as a reward, is inflicted to torment me as I deserve. Wherefore, I have made up my mind that as long as I live, I shall absent myself entirely from Roman synods , unless unavoidable necessity compels me to go.

(3) **Moreover, it seems to me that there are two practices frequently employed by the Apostolic See that need thorough correction, if this should meet with your approval: first, that an anathema is attached to almost all decretal letters, and secondly, that no member of any diocese, whether cleric or layman, is permitted to expose the failings of his bishop.**

(4) Your tender kindness is not unaware of the enormous danger to man’s salvation presented by the first of these, of the bottomless abyss opening up for those who are in sin, and of the disaster for souls that it occasions. For it is said in these documents that whoever does not observe this or that, or certainly, whoever makes void, what has previously been sanctioned, or violated in any way, let him be anathema. Here we should note how hazardous this is, and how great the danger of suddenly rushing to one’s damnation, so that even before one falls into the pit of eternal death, or is aware that he has been even slightly pushed, his foot, as it were, is already caught in the hidden snare, just as he thought he was walking along at a free and easy gait.

(5) Therefore, if anyone should fail to observe this apostolic ordinance, or should transgress in even some slight or minor matter, like some heretic or as one found guilty of the gravest crimes, he is at once made liable to the sentence of excommunication. And although, according to the norms of justice, a greater delict is punished in one way, and a lesser in another, here the same indistinguishable penalty, namely excommunication, , is assigned to all, whether they have sinned gravely or venially. Nor does one suffer either the loss of his freedom, or the confiscation of property , nor is he assessed a financial penalty, after the manner of the courts or the decisions of secular law, but is instead deprived of God, the author of all good things.

**Let the Punishment Fits the Crime**

(6) Thus, from another man a human being receives the kind of punishment that almighty God himself does not expect for a transgression of the law. For he states, “that who cares more for mother or father than for me,” and he does not immediately add , “let him be anathematized or cursed,” but says only “is not worthy of me,”[[3]](#endnote-3) and in the law it is stated that only “an eye for an eye, a tooth for a tooth, a bruise for a bruise, and a burn for a burn”[[4]](#endnote-4) shall be required, and one who is guilty is not promptly expelled from the synagogue, nor condemned with a curse. Nor do the stoics consider all sins to be equal and therefore subject to indiscriminate punishment, but the amount of penalty must always be meted out in keeping with the type of fault.

(7) I might add that neither Pope Gregory nor the other Fathers who from time to time presided over the Apostolic See, are known to have practiced this custom in issuing their decrees, except when they end with a short statement of the Catholic faith. Wherefore, if in your holy prudence you find it advisable, let the customary formula be removed in the future from decretal letters. In its place either an amount of pecuniary fine or some other penalty should be assigned for not observing them, lest what for some is seen as a means of safeguarding the provisions, should for others result in disaster for their souls.

**Next: The Issue of Ecclesiastical Immunity from Criticism**

(8) This statement, moreover, in which it is said: **NO MEMBER OF ANY DIOCESE IS ALLOWED TO BRING THE FAILINGS OF HIS OWN BISHOP, AND ANYTHING ELSE THAT IS IN NEED OF CORRECTION, TO THE ATTENTION OF THE GREATER CHURCH,”[[5]](#endnote-5) IS TOTALLY AWRY, AND COMPLETELY OPPOSED TO ECCESIASTICAL DISCIPLINE** (bold and caps added)**.** For, who is in a better position to hear the faults of bishops than he who holds the office of superior [the Pope]? And thus, he surpasses all brother-bishops, so that while others are not permitted to do so, he alone may correct the errors of bishops because of the privilege of his own see. What kind of arrogance is this, what haughty disdain , and finally, what an excess of pride to allow a bishop, right to wrong, to live as he will, and what is the extreme insolence, to deny his subjects the right to be heard? This is especially true, since they may not appeal to the courts of margraves or dukes, nor apply for a decision from secular judges, but must rather approach the Church and present episcopal affairs in need of judgement to their own bishop, so that a case which might be laughed out of court by going to secular authority, may be seriously and properly corrected when brought before an episcopal tribunal. There, to be sure, the charge will be equitably handled, so that one who is accused might give evidence of his innocence, or humbly confess that he is a sinner.

(9) Nor should one use the excuse of pleading that he ought not to be charged by those who are his subject, lest he appear to cover up his transgressions and escape justice, as he attempts to divert the injury rising from the allegations to someone else.

For who is unaware that Peter, the prince of the apostles, received power from on high, was given the authority of binding and loosing whatever he wished in heaven and on earth,[[6]](#endnote-6) walked on the water,[[7]](#endnote-7) healed the sick by having only his shadow fall upon them,[[8]](#endnote-8) killed liars with the sword of his word alone,[[9]](#endnote-9) and by his prayers brought the dead back to life.[[10]](#endnote-10) Yet when this man of such lofty merits went at the inspiration of the Holy Spirit to visit Cornelius, who was a Gentile,[[11]](#endnote-11) some of the faithful who had been converted from Judaism raised the issue of why he had gone into the house of strangers to the faith, presumed to eat with them, and, what was more, received them in baptism.

He, I say, who was endowed with the incomparable power of so many heavenly gifts and was outstanding in his performance of so many miracles, did not use his authority to rebuff the questions of his subjects, but humbly replied by citing his reasons, and, like a truthful reporter, properly explained the case: how he had seen a receptacle lowered from the sky, like a sheet of cloth, containing creatures that could walk or crawl or fly, and how he had heard a voice that said: “Up, Peter, kill and eat.[[12]](#endnote-12) He also told them how three men had come to him, asking him to go to Cornelius, and how finally the Holy Spirit had ordered him to go with them. And just as the same Holy Spirit had come down upon those who had already been baptized in Judea, he descended upon the Gentiles, even before they had received baptism.

(10) Therefore, when his disciples found fault with him, and Peter chose to conceal the authority over the Church that had been given him, he might have replied that the sheep committed to his care should not dare to accuse their shepherd. But if he had interposed his rightful prerogative against the complaint of the faithful, he would clearly not have been the doctor of clemency. Hence he did not curb them by using the preeminence of his privileged position, but rather appeased them by his humble reply; and just as though his own word did not suffice to establish his credibility, he also produced witnesses: “My six companions here,” he said, “came with me.”[[13]](#endnote-13)

(11) And so, when a bishop is challenged about his actions, he should learn to give an account in all humility, not haughtily playing on the eminence of his high office, nor thinking that he has been wronged when he is corrected by one of his subjects, but should consider him rather as a counselor or as a doctor who will attend to his wound.

**King David Bowed Before Nathan’s Charges**

When the prophet Nathan reproached David so harshly and severely, did he incur the anger of the king? Did the latter confront the prophet with the dignity of his royal authority, and repel him as if insulting him? Instead, as soon as he recognized he was sick, he gladly accepted the remedy, laid bare the wound, and did not shutter when the knife was applied. Take note of the humble patient who said: “I have sinned against the Lord,” and listen to how quickly the medicine took effect: “The Lord has laid on another the consequences of your sin: you shall not die.”[[14]](#endnote-14)

(12) King Ahab, on the other hand, by distaining to listen to the prophet who upbraided him, was unable to avoid the avenging sword that threatened him. The Lord said: “Because you let that man go when I had put him under the ban, your life shall be forfeit for his life, your people for his people.”[[15]](#endnote-15) And thus David, by listening with an open mind to the accusation of guilt leveled at him, escaped the sentence of death that he deserved, but Ahab, by revealing his anger when corrected, and by wickedly showing mercy to an unworthy king, was not pardoned.

(13) Did not the women who hospitably welcomed the Savior, quarrel among themselves, as one complained about the other for forcing her to get on with the work alone?[[16]](#endnote-16) But Mary might have answered after the fashion of our bishops: “You have accused me, and condemned my idleness and negligence.” Certainly, not every complaint is to be immediately called an accusation. For a compassionate complaint is one thing, while a jealous and hateful accusation is quite another. The former happens that some fault might be corrected, but the latter is meant to condemn someone who has sinned

**St. Peter Bowed Before St. Paul’s Correction**

(14) It is clear that Paul rebuked Peter and opposed him to his face, and in the presence of all told him was wrong.[[17]](#endnote-17) Yet Peter did not take offense at this accusation, but accepted it patiently and in good nature, since he obviously understood that it did no proceed from spite but from charity.

**True Shepherds Listen to Their Sheep**

(15) But now one will say: “I am the bishop, I am the shepherd of the diocese. I should not have to put up with these bothersome accusations from the sheep in my charge, and it is my prerogative, for the sake of the faith, to have them tolerate my wayward habits.” Yet tell me, whoever you might be, have you never read what is written in the Gospel: “If your brother sins against you, go and take up the matter with him, strictly between yourselves, and if he listens to you, you have won your brother over. If he will not listen, take two or three others with you, so that all the facts may be duly established on the evidence of two or three witnesses. If he refuses to listen to you, report the matter to the Church.”

(16) **THEREFORE, IF A CASE INVOLVING ANY OF THE BRETHREN IS TO BE BROUGHT TO THE ATTENTION OF THE CHURCH, WHY NOT ONE THAT INVOLVES BISHOPS ?** (bold and caps added)**.** Moreover, if a bishop who is a sinner in the Church refuses to be interrogated in the Church, who would then brook coercion by the laws of the Church? Again, as you claim, if it is not permitted the sons of the diocese even to hint at an accusation against you, are witnesses to be brought in from elsewhere, since by living outside the diocese they do not know you and what you are doing?

Blessed Job says, “Have I ever rejected the plea of my slave?”[[18]](#endnote-18) And you state, “God forbid that I should that I should stoop to be tried by my cleric.” And Almighty God exclaims in the words of Isaiah: “Give the orphan his rights, plead the widow’s cause, and then come and accuse me.”[[19]](#endnote-19) If he, who is the Judge of all things, does not consider it beneath his dignity to be accused by his servants, do you who are a servant flinch at appearing at a trial with your fellow servant? And you who are earth and ashes, worms and dust, do you find it something despicable to humble yourself according to the example of your Maker? You should especially remember what Scripture says, “If they have chosen you to be their ruler, do not put on airs; behave to them as one of themselves.”[[20]](#endnote-20)

Who, in fact, is unaware that the Israelites acted shabbily toward Samuel, and unjustly threw him out of office? And while he might deservedly have denounced them for acting improperly, he gave none of his accusers any further reason for charging him, and asked them whether he had ever been harsh in his dealings with them. “Here I am,” he said, “lay your complaints against me in the presence of the Lord and of his appointed king. Whose ox have I taken, whose ass have I taken? Whom have I wronged, whom have I oppressed? From whom have I taken a bribe, to turn a blind eye? Tell me, and I will make restitution.”[[21]](#endnote-21)

(17) Now, since such incomparable, eminent, and lofty men did not bridle at accounting to their subjects for their own actions, what a figure of arrogance, what scornful pride is it, that in our day a bishop should feel so mighty that he could hide behind the dignity of his office and not appear in court, as justice required, to reply to the sons of his diocese who insisted that they have been aggrieved.

(18) Therefore, this pernicious custom must be eliminated from the discipline of the Church; this clever attempt at subterfuge must be abrogated, so that anyone who would dare such perverse excuses based on pride, should not be afforded immunity for the crime he has committed. Consequently, a free approach must be provided for just complaints, and appeals to a primatial see must be allowed for those known to be oppressed by their bishop, lest he who in his pride refuses to consider his brothers as his equal, should boast of the uniqueness of his high prerogative. He, moreover, who wields the rod of correction over others, should be aware that the rigorous discipline of the Church is superior to him. And he who does not speak humanely , but like rolling thunder terrifies others with his booming voice, should at length recognize that he is a man, and in humility learn to speak in human words. And thus, as this arrogant prelate is deprived of his boastful eminence, and subjects are relieved by the authority of a greater church, conflict everywhere will be put to rest, and out of fear of a synodal trial, all members of the Church will live together in peace.

[[22]](#endnote-22)

1. Blum, P. 169. [↑](#endnote-ref-1)
2. Pope Alexander II, born of noble parents, ruled the Church and the Papal States from September 1061 until his death in April 1073. Like Peter Damian, the Milanese pope supported sanctions against the two greatest clerical scourges of the day - simony and clerical marriage, topics covered by this newsletter on other occasions. In 1068, Emperor Henry IV attempted to divorce his legitimate wife. Pope Alexander sent Peter Damian as a legate to the Emperor’s court and successfully persuaded him to end his plans for divorce, and welcome his wife back to court. [↑](#endnote-ref-2)
3. Matt 10.37. [↑](#endnote-ref-3)
4. Exod 21. 24-25. [↑](#endnote-ref-4)
5. Cf. Ryan, *Sources*, no. 284, p.129. [↑](#endnote-ref-5)
6. Cf. Matt 16.19. [↑](#endnote-ref-6)
7. Cf. Matt 14.29. [↑](#endnote-ref-7)
8. Cf. Acts 9.36-42. [↑](#endnote-ref-8)
9. Cf. Acts 5.5. [↑](#endnote-ref-9)
10. Cf. Acts 9.36-42. [↑](#endnote-ref-10)
11. Cf. Acts 10.17-23. [↑](#endnote-ref-11)
12. Acts 10.13. [↑](#endnote-ref-12)
13. Acts 11.12. [↑](#endnote-ref-13)
14. 2 Sam 12.13. [↑](#endnote-ref-14)
15. 1 Kgs 20.42. [↑](#endnote-ref-15)
16. Cf. Luke 10.38-42. [↑](#endnote-ref-16)
17. Cf. Gal 2.11-14. [↑](#endnote-ref-17)
18. Job 31.13. [↑](#endnote-ref-18)
19. Isa 1.17-18. [↑](#endnote-ref-19)
20. Sir 32.1. [↑](#endnote-ref-20)
21. 1 Sam 12.3. [↑](#endnote-ref-21)
22. [↑](#endnote-ref-22)