

SAINT PETER DAMIAN

ACTS OF MILAN ON THE PRIVI-
LEGE OF THE ROMAN CHURCH

Actus Mediolani de Privilegio Romanae Ecclesiae

SABBATISMUS

Saint Peter Damian (1007–1072)

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Privilege of the Roman Church

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This little work is entitled 'On the Privilege of the Roman Church': it is, however, a brief narrative of those things which happened to the most holy doctor himself during his legation in Milan; when, that is, having been sent as a legate from the Apostolic See against the Nicolaitan and Simoniac clergy of that same Church, he had undertaken to defend the laws of chastity no less than those of the Roman Church.

To the lord HILDEBRAND, venerable archdeacon, PETER, a sinner and monk, sends the sentiment of most sincere devotion.

How great the powers the privilege of the Roman Church has for preserving the rule of canonical equity and justice, and how much vigor it contains for ordering the discipline of the ecclesiastical state, only he clearly comprehends who is accustomed to labor in ecclesiastical affairs. Indeed, he who is inexperienced esteems this privilege lightly, while the experienced man embraces it. For just as he who is ignorant of combat does not care for arms, so, on the contrary, he who is spurred on to win the customary titles of victory eagerly girds himself with weapons. Moreover, I would not unfittingly compare the privilege of the Roman Church to arms, because while this one Church, made the head of the whole Christian religion through the chair of blessed Peter, rules over all the Churches in the world, like a leader before the battle line, supported by the wedges of the faithful, and fortified by the authority of a special prerogative, it both cuts off the necks of those who resist the truth with the

Evangelical sword, and inspires the entire army of Christ to fight most invincibly in the unanimity of one charity and faith. You, subtly weighing this as well as many other things, have frequently asked of me, with that charity which surpasses all things, that, going through the decrees or deeds of the Roman pontiffs, I should curiously excerpt from here and there whatever seemed to pertain specially to the authority of the Apostolic See, and forge it by the art of a new compilation into the unity of a small volume. Therefore, when I, being negligent, made light of this insistence of your petition, and judged it to be subject more to superstition than to necessity, it was brought about by divine agency, as I believe, that I should go to the city of Milan, serving as a legate of the most blessed Pope Nicholas.

For there was a rather turbulent sedition between the clergy and the people on account of two heresies, namely, the Simoniac and that of the Nicolaitans. Now, those clerics are called Nicolaitans who consort with women against the rule of ecclesiastical chastity. They plainly become fornicators when they enter into the bonds of foul intercourse; they are then rightly called Nicolaitans when they defend this deadly plague as if by authority. Indeed, a vice turns into a heresy when it is confirmed by the assertion of a perverse dogma. What more? After we had been received with the veneration due to the Apostolic See, and had made known the business that had brought us, on the next day a murmur suddenly arose among the people, stirred up by a faction

of the clergy, that the Ambrosian Church ought not to be subject to Roman laws, and that the Roman Pontiff had no right of judging or disposing in that see. "It is altogether unworthy," they say, "that she who under our forefathers always existed free, should now, to the shame of our confusion, be subject to another Church, which God forbid." Finally, the clamor of the rioters rises, they converge on the episcopal palace from different directions: then the bells ring loudly, and the whole city resounds with the blasts of the huge bronze trumpet that is there. Everything, so to speak, threatened me with death, and as was often suggested to me by my friends, some were thirsting for my blood. Moreover, what greatly fanned the flames of this fire was that, when the clergy of the entire Ambrosian diocese were gathered as if for a synod, I was accused of having placed the most reverend Archbishop of Milan on my left, while I sat, or rather presided, in the middle, and Anselm, the Bishop of Lucca, a man conspicuous for his prudence and holiness, on my right. Furthermore, what things might have been said by the raging populace it is not necessary to commit to writing, for it can be understood well enough on its own. And in truth, the lord archbishop himself, as soon as he was reminded of our presidency, readily offered, even voluntarily, to sit without dispute on the footstool that was under our feet, if I should so command. Let those who wish say that this was not done with a simple intention; we, however, do not ascribe this to the irritation of a zealous people, as is said, but

we attribute it to reverence for the Apostolic See. But to come to the point, I ascended the pulpit and, the people having scarcely been calmed, I began with words of this kind.

Let your charity know, most beloved, that I have not come here for the honor of the Roman Church, but to seek your glory, and to provide for you, with His help, if you permit, the salvation and grace which is in Christ. For in what way does she, who has received praises and proclamations from the mouth of the Savior Himself, need the honor of a mere man? And what province throughout all the kingdoms of the earth is found to be outside her jurisdiction, by whose judgment heaven itself is both bound and loosed?

For all the summits of any patriarchate, or the primacies of metropolitans, or the chairs of episcopates, or the dignity of churches of whatever order, were instituted by a king, or an emperor, or some mere man of whatever condition, and he established for himself the rights of special prerogatives according to his will or ability: but the Roman Church He Himself alone founded, He erected it upon the rock of the faith then being born (Matt. 16), He who committed to the blessed Key-bearer (*Clavigero*) of eternal life the rights of the earthly and at the same time the heavenly empire. Therefore, not any earthly decree, but that Word by which heaven and earth were made, by which, in fine, all the elements were created, founded the Roman Church. She certainly enjoys His privilege, she is supported by His authority. Hence there is no doubt that whoever detracts

from the right of any Church commits an injustice; but he who attempts to take away the privilege of the Roman Church, handed down from the supreme head of all Churches Himself, this one without a doubt falls into heresy: and while the former is noted as unjust, the latter must be called a heretic. Indeed, he violates the faith who acts against her who is the mother of the faith; and he is found to be contumacious against Him who is known to have preferred her above all Churches.

But, to leave other matters aside and come to that which is now at hand, your holy devotion ought not to be ignorant that the blessed princes of the apostles, Peter and Paul, just as they consecrated the Roman Church by their blood, so too, right from the very beginnings of the nascent faith, they won this Church of Milan for Christ through their disciples. Indeed Nazarius, a distinguished martyr, as the Scriptures testify, by the authority of Peter, received baptism from Linus, his successor; who afterwards, with the Blessed Celsus, was crowned with martyrdom in this holy city. Moreover, the holy martyrs Protasius and Gervasius are known to have had the blessed apostle Paul as their master and teacher, as the Blessed Ambrose himself also testifies. 78 "These are they," he says, "who, following my admonitions, spurning estates and riches, followed the footsteps of our Lord." Therefore, just as our Savior sent disciples two by two before His face (Luke 10:1); so in a way each holy apostle sent

from his own teaching a pair of preachers of the holy faith into this city.

Since, therefore, the authors of your salvation came forth from the discipline of the Roman Church, it follows, according to the order of equity, that the Roman Church is the mother and the Ambrosian the daughter. Moreover, so that it may not be doubted that this order between the two, namely the Ambrosian and the Apostolic See, did not arise recently but has held from antiquity, the Blessed Ambrose, when he lamented that the filth of the Nicolaitans was stinking to the ruin of many in this city, and could not restrain it by himself alone, immediately sought the aid of the Apostolic See; to which, indeed, he who then presided, Pope Siricius, dispatched three persons—a presbyter, a deacon, and a subdeacon—for the correction and punishment of this crime. With these, therefore, the most blessed pontiff cast out from the net of this city, like a bilge-water teeming with worms, those whom he could not correct. Hence, St. Ambrose himself professes that in all things he follows the Holy Roman Church as his teacher. Scrutinize your Scriptures, therefore, and inquire diligently by whatever means you wish; and if you cannot find among yourselves what we are saying, accuse us of falsehood: but if you can, do not resist the truth, do not cruelly attack your mother, but rejoice always to be refreshed by the solid feasts of heavenly doctrine from her whose breasts you have suckled for the milk of the apostolic faith.

And so, when these arguments concerning the prerogative and primacy of the Apostolic See had been presented, the people became entirely well-disposed and unanimously promised that they would carry out whatever I might enjoin. Then, indeed, I clearly perceived how valuable it is in ecclesiastical causes to know the privilege of the Roman Church, and how your holy prudence does not demand this idly. This, indeed, with God's approval, we will strive to fulfill, provided, however, that we first set in order the sequence of this affair. Why do I delay with many words? That very large assembly of clerics is present; each one is questioned, both collectively and individually, and scarcely anyone out of so great a number is found to have been promoted to an order without payment. For there was a genuine—or rather, an inordinate—order and an inescapable rule of that Church, that whoever was to approach for consecration to any order, or even to the episcopate, should first give a pre-established fee without any dispute. Here, indeed, not even an eloquent tongue can explain how many cares afflicted me, by how many goads of thought I was wearied, how many sighs, finally, I drew from the depths of my being. To profane all the churches of so vast a diocese, of so noble a city, with sacred mysteries seemed, in a way, the subversion of the Christian religion. But it was also contentious to be lenient with a few, when the fault was common to almost all, nor did it seem legitimate that a different sentence should be passed on them, when the case was the same for all. This

also increased our 79 distress, because unless this case received some sort of decisive judgment, the quarrels of the raging populace would not be settled except with great slaughter of men.

Then, amidst many disputes, that saying of Pope Innocent, discovered by the ancients, was brought forth: that what is sinned by many, goes unpunished. That discernment also came to mind, which the holy pontiffs and authentic founders of the canons devised concerning the Donatists, and the Novatians, and the rest who were ordained among various heresies. Nor did it escape us that Pope Leo IX, within our memory, re-ordained, as it were, many Simoniacs (*Simoniacos*) and those improperly promoted. As we meditated on these and many other things, and conferred with one another, that which the distinguished Pope Leo I wrote to Januarius the bishop also came to hand: «Having read, he says, the letters of your fraternity, we congratulate you on the vigor of your faith, which we knew of old, because you vigilantly carry out the pastoral care for the custody of Christ's flock, lest wolves, who have entered under the appearance of sheep (Matt. 7), tear apart the simple with bestial savagery, and not only do they themselves make no progress by any correction, but they also corrupt what is sacred. Lest this viperous deceit should prevail, we have thought it necessary to admonish your love, pointing out that it pertains to the peril of the soul if anyone of those who have lapsed from us into the sect of heretics and schismatics, and has in any way stained himself with

the contagion of heretical communion, should, upon repenting, be held in Catholic communion without a profession of legitimate satisfaction. For it is most salutary and most full of the utility of spiritual medicine that whether they be priests, or deacons, or clerics of any order, who wish to be seen as corrected, and who, having formerly embraced what they had admitted, now desire to return to the Catholic faith, they should first confess without ambiguity their errors and the authors of those errors as condemned. So that, with their wicked senses also destroyed, no opportunity for hoping may remain, lest any member be violated by the society of such men, when their own profession begins to oppose them in all things. Concerning whom we also command that constitution of the canons to be observed, that they should consider it a great benefit if, with all hope of promotion taken from them, they remain with perpetual stability in the state in which they are found, provided they have not been stained by a repeated baptism. He who should judge to promote such men to holy orders does not on this account incur a light fault before the Lord. For if promotion is granted to the blameless only with great examination, much more should it not be permitted to one who is suspect.» The same Leo also commanded Anatolius, bishop of Constantinople, thus regarding the reception of heretics: «Let those who, with full satisfaction, condemn their evil deeds and choose to accuse rather than defend themselves, rejoice in the peace and unity of our commu-

nion, so that what has been received against the Catholic faith may first be condemned with a worthy anathema. For otherwise in the Church of God, which is the body of Christ, neither are priesthoods valid, nor are sacrifices true, unless the true pontiff reconciles us in the property of our nature, and the true blood of the immaculate Lamb cleanses us. Therefore, the grace of our communion is neither to be harshly denied, nor to be rashly bestowed.» The same, writing to the bishop of Aquileia, says: «Let them condemn with open promises the authors of their proud error, and let them detest what the universal Church has abhorred in their doctrine. Let them declare in full, open, and handwritten protestations that they embrace and in all things approve all synodal decrees which the authority of the apostolic see has confirmed for the excision of the Simoniacal heresy. Nor did this escape us, where Fulbert, bishop of Chartres, is found to have given such counsel to his primate concerning a priest ordained for money, on the authority of the Council of Toledo (for he introduced this after other premises). ‘Therefore,’ he says, ‘you shall not re-ordain the deposed, but you shall restore to him his grades through the instruments and vestments which pertain to those grades, saying thus: I restore to you the grade of doorkeeper, and I reinstate you in that grade, and so on; In the name of God the Father, and of the Son, and of the Holy Spirit. Finally, you shall gladden him with a blessing, concluding thus: May the blessing of God the Father, and of the Son, and of the

Holy Spirit descend upon you, that you may be restored in the priestly order, and may offer pleasing hosts of praise for the sins and offenses of the people to almighty God, to whom is honor and glory forever and ever.' Nor did this pass from our memory, that the blessed Pope Gregory, by way of dispensation, for a time permitted to the English neophytes marriages forbidden by the canons. That apostolic discernment was also brought back to our memory, which imposed no other burden on the Gentiles newly converted to the faith, than that they should keep themselves only from things sacrificed to idols, and from blood, and from what is strangled, and from fornication. Placed, therefore, in a tight spot, because we could not correct the evils of that Church by the mere authority of the canons, we strove at least to put an end to its perverse customs and to provide for an order of gratuitous promotion for future times. We therefore required from then on an inviolable promise of gratuitous promotion, first through written documents, then by hand, and finally by the sacrament of the Gospel. And indeed, the promise, set down in writing, as we have it with us, may be simply transcribed here.

Pledge of the Archbishop of Milan.

Wido, by divine grace archbishop of the Church of Milan, to all the faithful of Christ, the clergy and people of the same Church, eternal salvation in the Lord.

Your holy devotion is not unaware, most beloved brothers and sons, what a reprobate, detestable, hateful to God, ignominious, and per-

verse custom, condemned by the authority of all the holy canons, has from ancient times grown strong in this holy Church which, with God as my author, I serve; and with how lethal and pestilential a leprosy it has drenched the souls of the innocent with its contamination—namely, the condemned and ever-to-be-condemned venality of the Simoniac heresy, and a pernicious negotiation of this kind, which customarily prevailed in this holy Church, such that whoever was to advance to clerical orders would give, as if by a pre-established rule of condition, a certain twelve coins for the subdiaconate, eighteen for the diaconate, and finally, for receiving the presbyterate, twenty-four. And so in this way, Simon Magus—alas, oh sorrow!—had made this holy Ambrosian church into a workshop, as it were, of his own perversity. The money-changer and minter of iniquity had his bellows, hammers, and anvil; and he fabricated nothing other than the common peril of all souls. But in our times, because our pious and merciful Savior grieved that His people, whom He had redeemed with His pious blood, should perish under this atrophy of deadly languor, He has, with the visiting grace of the Holy Spirit, concordantly incited your spirits as if to meet and virilely resist the voracious and virulent dragon: so that, with some of our own going to the apostolic see, the holy and worthy of God, Pope Nicholas, might know of so great a peril in this land, and so that, to restrain and utterly root out this crime, he might dispatch the lord Peter, Bishop of Ostia.

Wherefore, most beloved brethren, in the sight of almighty God, and of His Son Christ Jesus, who is to judge the living and the dead, and of the Holy Spirit, who especially condemns and destroys this plague, under the testimony of all the angels and all the saints of God, in the presence of the aforementioned lord Bishop Peter, and also of the venerable lord Bishop Anselm of Lucca, and of all of you, I condemn, detest, and judge as reprobate this perverse custom of trafficking, which has hitherto flourished in this church, and every Simoniacal heresy. Furthermore, I bind not only myself, but also all my clerics who are now present, and all our successors, and I constrain them with the inviolable knot of a most firm promise, that neither I, nor any successor of mine, nor an inquisitor, nor a *Rodolarius*, nor any such person, shall take anything for promoting men to ecclesiastical orders. But if, at the devil's persuasion, either any of us who are now present, or of our successors who will come after us, should become a violator of this most salutary promise, and should presume to take anything in the conferring of orders through pestilential trafficking: let both the giver and the receiver, together with Simon, the very author of this heresy, be bound by the perpetual chain of anathema, and, separated from the company of almighty God and of all the saints, be damned with Judas and Caiaphas, with Dathan and Abiram, under the atrocity of eternal damnation. We likewise condemn the heresy of the Nicolaitans, and we promise that not only priests, but also

deacons and subdeacons, shall be kept from the foul company of wives and concubines by our efforts, insofar as it is possible for us, under the same testimony as above. And that this may be more truly believed, we, with our clerics, affirm it by subscribing with our own hand, and we also command the impression of our seal to be affixed. Moreover, adding this and inviolably promising under the bond of the same pledge, that neither for the ordaining of abbacies, nor for the investing, ordaining, or handing over of chapels or any churches whatsoever, nor for the promoting of bishops, nor for the holy chrism, nor for the consecration of churches, shall we or our familiars take anything at all. May the Holy Spirit, who is the author of the holy chrisms, deliver us and our successors from every bond of the aforesaid curse: yet in such a way that He may grant us to fulfill this most salutary constitution perseveringly, who with the Father and the Son lives for ever and ever. Amen.

I, Guido, by the grace of God, archbishop of the Church of Milan, have affirmed, strengthened, and subscribed to this pledge made by me. I, Odaldericus, vicedominus and priest, have subscribed. I, Griberius, priest, have subscribed. I, Arderatus, priest, have subscribed. I, Atto, priest, have subscribed. I, Aripandus, unworthy deacon, have subscribed. I, Ardericus, deacon, have subscribed. I, Ambrosius, deacon, have subscribed. I, Acto, deacon, have subscribed. I, Adam, subdeacon, have subscribed. I, Lyprandus, subdeacon, have subscribed. I, Landulphus, subdea-

con, have subscribed. I, Acto, subdeacon, have subscribed, and others have subscribed.

The Archbishop's Oath.

Afterwards, the same archbishop, approaching the holy altar in the presence of the lord of Lucca, swore into my hand, saying: "If," he said, "I do not faithfully observe these things concerning the elimination and utter destruction of the Simoniacal and Nicolaitan heresy, may I be excommunicated and anathematized by almighty God and all the saints, and may I be found alien to all fellowship of Christians." Likewise, the vicedominus, and his chancellor, and all the other clerics who were present placed their hands in my hand and spoke these same words of excommunication and anathema. Then came Arnulf, the archbishop's nephew, an honorable and prudent cleric, one of whose hands the archbishop held, while he himself placed the other on the holy Gospel, and he swore, saying: "My lord, Archbishop Wido, who is here, will from this day forward faithfully observe what he has promised concerning the chastity of the clergy; and furthermore, he will never consecrate a cleric of any order in his diocese, except for monks, without making him swear before his promotion what is written in this brief document. So help me God, and these holy Gospels."

Form of the oath for those who are to be promoted. "For receiving ecclesiastical orders, whether through myself, or through an intermediary, or by any device whatsoever, I have neither given, nor promised, nor will I give anything

through promises. So help me God, and these holy Gospels."

The Archbishop's Penance. This being done, the lord archbishop immediately prostrated himself on the pavement with all humility and begged that a penance be enjoined upon him for the nefarious commerce of this venality; for although he was not the first author of this crime in that Church, he had not, however, been its extirpator as he ought to have been. Therefore, he imposes upon himself a penance of one hundred years, and fixed its redemption at a set amount of money for each year.

The Oath of the Archbishop and the People, Not Different. Soon, having entered the main church together, we ascended the pulpit. Then, before the abundant populace of the city and the clergy, I made his cleric swear, with his hands on the most holy Gospels, that the archbishop himself, as long as he lived and as far as he was able, (except for the giving of his own goods, if he did not wish to) would strive with all zeal and with all his strength to sincerely and faithfully extirpate these two heresies, namely that of the Nicolaitans and that of the Simoniacs; so that he would not permit any priest, deacon, or subdeacon to have a woman and his clerical rank at the same time, and would utterly prohibit all commerce of venality from the conferring of ecclesiastical sacraments. A very great part of the people, not only of the city but also of the suburbs, had already given this same oath against the Simoniacs and Nicolaitans, the mul-

titude of whom, it is said, exceeded the number of a thousand. These things having been done, and having considered the opinions of the holy Fathers whom we have mentioned above, and of others whom we have omitted for the sake of brevity, it seemed good to us that all those clerics, having accepted their penance, should be reconciled during the solemnities of the Mass, receiving their vestments from the hand of the bishop, just as we narrated above that Bishop Fulbert had given counsel; provided, however, that they first read before the holy altar that which is written below.

The Oath of the Clerics.

I, Arial dus, called deacon of the chapel of the Archbishop of Milan, by this writing, which I have written with my own hand, profess that I hold that faith which the seven holy councils confirmed by evangelical and apostolic authority, and which the most blessed Roman pontiffs have set forth in their preaching of the most lucid truth given to diverse people. I also anathematize in general all heresies that raise themselves up against the holy, catholic, and apostolic Church, and in particular and by name the Simoniac heresy, which attempts to introduce into the Church itself the cursed venality of sacred orders or offices; then, the equally abominable heresy of the Nicolaitans, which impudently barks that the ministers of the sacred altar ought to or can freely have wives, just as the laity do. Therefore, because in these days these two heresies, namely those of the Simoniacs and the Nicolaitans, more

grievously vex and assail the Church of God, I declare that all Simoniacs and Nicolaitans, with their dogmas, authors, and followers, are worthy of eternal anathema, swearing by the holy homoousian Trinity.

Penance of the clergy.

The penance of the clergy, however, is as follows. Those, to be sure, who only gave the fee for the rule established by the devil, so that some of them scarcely recognized this to be a sin, received a penance of five years. This was in such a way that at all times, in summer as well as in winter, they should fast on bread and water for two days a week, and for three days a week during the two Lents of the year, namely, those preceding Christmas and holy Easter. For those, however, who gave more, the penance is seven years, distinguished by the same amount of fasting; and after the seventh year, for as long as they should live, they were to fast on Friday. But he who cannot easily fast has permission to redeem one of these days each week, in such a way that he recites one psalter, or half with fifty prostrations (*metanoëis*), or feeds one poor person, and having washed their feet, gives them a coin. Moreover, the lord archbishop promised this: that he himself would send them all far away for the sake of prayer, that is, either to Rome or to Tours; the archbishop himself, however, was planning to set out for the venerable tomb of St. James, which is in Spain.

And so, with these men reconciled in such a manner, it was decreed that their office should

not be restored at once to all of them indiscriminately, but only to those who seemed honorable both in their learning, chastity, and gravity of morals; for the rest, it would suffice that they were inserted again into the holy Church by divine grace, from which they had hitherto been cut off by the scythe of divine judgment. Even those themselves to whom the license to minister is restored are not restored to their lost office by their old, ill-purchased ordination, but rather by that most efficacious authority of the blessed prince of the apostles, which he suddenly used on the blessed Apollinaris, saying: "Arise, receive the Holy Spirit, and with it the pontificate."

Behold, we have briefly set forth the entire order of that discretion exercised in the city of Milan; yet we still do not know whether it may please the judgment of the apostolic see. For we, if we have erred in anything, willingly approach the magisterium (*magisterium*) of Peter to be corrected, and we do not fear the reproach of retraction. For this is, so to speak, that smith's workshop over which He who was called the son of a carpenter presides, to whose standard all currency is rightly brought back; by whose line of rectitude whatever has been corrupted anywhere is reformed. But whether I have erred in the reconciliation of those men, I do not know. One thing, however, I hope for through the mercy of almighty God: that after so many kinds of oaths by which the archbishop confirmed these promises, after the sacraments of so numerous a people given upon the Gospel, after the oaths

certainly of all the clergy pronounced before the holy altar in writing and by their own mouth, both these heresies have been so crushed in that Church by the arguments of provident coercion that, with God as our author, they are not to be restored for renewed struggles in our times. Nevertheless, let the apostolic see discuss these matters to be re-examined in its presence, and let it decree from the censure of its own authority whether they are worthy of the point or the file.

Blessed be the name of the Lord.