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Johannes Fried

**„DONATION OF
CONSTANTINE“ AND
„CONSTITUTUM
CONSTANTINI“**

MILLENNIUM-STUDIEN / MILLENNIUM STUDIES

Johannes Fried

Donation of Constantine and Constitutum Constantini



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Donation of Constantine
and *Constitutum Constantini*

The Misinterpretation of a Fiction
and its Original Meaning.

With a contribution by Wolfram Brandes:
“The Satraps of Constantine”

by
Johannes Fried

Walter de Gruyter · Berlin · New York

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For Maria R.-Alföldi
On the occasion of her
80th birthday
June 6th 2006

Preface

The study presented here has its origins in the conference “Referenz Rom” organised by Marie-Theres Fögen of the Max Planck Institute for European Legal History, Frankfurt am Main, and held on 28th-30th September 2003. The manuscript which grew out of my initial contribution, “Rom und Erinnerung”, soon exceeded the subject matter of the conference, and expanded to become more than a mere paper or a simple article. “Romreferenz” became a study of the history of memory and the Donation of Constantine, and of the sources of that high- and late-medieval fiction with all the tangible, explosive consequences it had through the centuries. In the light of the new results of Klaus Zechiel-Eckes’ work on the origins of Pseudo-Isidore, there was clearly a need for a new study of the “Constitutum Constantini”, the document upon which the fiction of the Donation was based.

On a number of occasions I was able to present various stages of this work, and to discuss it – in Cologne, Düsseldorf and Bonn. In Frankfurt I enjoyed a continuous exchange of views with Wolfram Brandes that bore more fruits than just those points which are documented in the references; his own contribution is included here as an appendix. Heribert Müller proved himself a critical and sharp reader of an early draft, while Barbara Schlieben, Kerstin Schulmeyer-Ahl and Olaf Schneider repeatedly demonstrated their endless patience and scholarship in discussions of both individual points and the work as a whole. I am grateful to Wolfram Brandes, Alexander Demandt, Helmut Krasser, Hartmut Leppin and Peter von Möllendorff for publishing this study as a supplementary volume of “Millennium: Yearbook on the Culture and History of the First Millenium C. E.”. Inclusion in the series made publication in English desirable, and David Wigg-Wolf carried out the work of translation with great care and attention, in spite of repeated addenda and new additions by the author which delayed completion. My deep-felt thanks go to all of them. Kerstin Simon, Martin Dallmann and Roland Scheel carried out editorial work on the manuscript tenaciously and thoughtfully; Andreas Weidemann was responsible for the layout. To them too I am indebted.

Finally, it is a pleasure to thank my friend Maria R.-Alföldi, with whom I was not only able on many occasions to discuss the Roman perspective of this un-Roman fiction, but whose extensive knowledge, help in “procuring” literature otherwise all but inaccessible to a medievalist, rigorous criticism and continued pressure made this book possible in the first place.

It is an honour to dedicate it to her.

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I. Introduction

The history of ideas and even of religion seem to decline. It would appear that they are no longer held in particularly high esteem. The fields that historians are destined to sow today are dominated by the long waves of social structure, that is social history, everyday history, history from below (whatever that may be), the cooperation and confrontation of the sexes and of civilisations, even the anthropological dimensions of historical change. It is the basic conditions of human existence that are to be examined, so that we ourselves can shape our future existence humanely.

Nevertheless in spite of this, it is the individuals in whom these structures are manifested, become incarnate and gain power, wake needs and articulate goals. It is in events, in “revolutionary” ideas, and religious sentiment that all change is gathered and compressed, and – like an earthquake – they reveal the short and long-term shifts of social or cultural tectonics, its faults and breaks, force ground-breaking renewal and demand reconstruction, while at the same time sending out their own far-reaching waves. Only through individuals, their voices and their behaviour, their actions and deeds, the articulation of their needs and fears, their ideas can such structures and dimensions be comprehended and recognised. One such revealing declaration, one that sent out its waves for centuries, is the focus of this study. It draws its name from Constantine the Great, the Roman emperor (306-337) who helped Christianity to gain acceptance and establish itself in the Roman Empire, and so in the world. At the time the document in question was both thought to be genuine and seen to be dangerous. Indeed, it is the most infamous forgery in the history of the world, yet it reveals the unforged truth about its time: the “Donation of Constantine”. Time and again this mysterious and widespread fiction is said to have transferred worldly and secular power over the whole West of the Roman Empire and, indeed, over all islands of the earth including America to the pope.

Priests and emperors sometimes used it as a weapon of aggression, sometimes as a shield of defence. No criticism of the papacy or accusation against it was possible without a reference to the “Donation”. Its direct material effects may have been limited, but it had great influence in the field of ideas and doctrine. Stood the pope above the emperor? Was the successor of St Peter and the Vicar of God the overlord of the supreme worldly sovereign? Was he himself the real emperor? Some events suggest a positive answer. During the conflict between emperor and pope in the 13th century for instance the “Donation” was a means of legitimating action. It was cast at Emperor Frederick II, as the papacy armed itself

for a final, deadly blow against his house (1236): “You see the necks of kings and princes prostrate at the feet of priests, and Christian emperors must subject their actions not only to the Roman Pontifex, but have to respect other priests just as highly.” Frederick may have remained silent at the time, but the world around him was not. It did not reject the words of the pope and the conscious expression of power, the words of the earthly representative of the Creator who guided events, and it knew the “Donation” as an old imperial call to duty against which more recent rulers could do nothing. Later the last emperor of the house of the Staufer¹ vainly demanded the papacy’s thanks for the Donation. He could do nothing to stop it being applied, only cast doubts on its legality at most², and he and his house still fell. It was a deadly power that Pseudo-Constantine’s gift legitimated. But who had given it such power?

Fictions have their past history, they make sense and belong to a historical moment. According to the surviving textual evidence and indications in various sources, this fiction began its triumphal procession as an imperial rescript, the so-called “Constitutum Constantini”³, only to become in the course of time an image of the past conjured up from memory, that is the “Donation of Constantine”⁴. At first, from the mid-9th century, the rescript made modest progress, only for the “Donation” to storm irresistibly ahead, intoxicated by success, from the mid-11th century. Both elements of the story, the document itself and the common knowledge of it, can be clearly separated, as will be shown (ch. II-III). Although not at the same time, both of them were drawn into the whirlpool of the centuries-long, often bloody struggle for spiritual and secular power, the struggles for the papacy and kingship, *sacerdotium* and *regnum*, for Reformation and Counter-Reformation. Their history reflects events central to all of the Middle Ages and the entire history of Europe.

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- 1 The imperial family is correctly called “Staufer”, not “Hohenstaufen”. The latter is the name of a mountain, meanwhile the family is named by her castle “*der stouf*”, which stood at the top of the mount Hohenstaufen; cf. Hansmartin Schwarzmaier, *Die Heimat der Staufer. Bilder und Dokumente aus einhundert Jahren staufischer Geschichte in Südwestdeutschland*, 2nd edition, Sigmaringen 1977. The wrong name is a misinterpretation of historians in the 19th century.
 - 2 The letter from Pope Gregory IX quoted: *Ex Gregorii IX registro epistola 703*, ed. by C. Rodenberg. In: *MGH Epp. saec. XIII 1*, Berlin 1888, pp. 599-605. On the context, cf. Ernst H. Kantorowicz, *Kaiser Friedrich der Zweite*, 2 volumes, Berlin 1927-1931, here 1, pp. 393-4 (p. 393 for the quote from the papal letter) and 2, p. 174; I here quote from the original edition of this often reprinted work, not from the most recent 4th edition, Stuttgart 1994; the emperor’s demand for gratitude (1240): *Historia diplomatica Frederici secundi*, ed. by Jean-Louis Alphonse Huillard-Bréholles, 6 volumes, Paris 1852-1861, here 5, pp. 309-12; also Kantorowicz 1, c. 1, p. 459; 2, p. 200; Wolfgang Stürner, *Friedrich II.*, 2 volumes, Darmstadt 1992-2000, here 2, p. 476; cf. also below p. 22. After Frederick’s death, doubts as to its legitimacy were also expressed by his son Manfred in a proclamation to the Romans: *Constitutio 424. Epistola ad Romanos*, ed. by Ludwig Weiland. In: *MGH Const. 2*, Hanover 1896, pp., 559-65.
 - 3 The definitive edition: *Das Constitutum Constantini (Konstantinische Schenkung)*. Text, ed. by Horst Fuhrmann (*MGH Fontes iuris 10*), Hanover 1968. The extensive introduction is quoted as Fuhrmann, Introduction, the text according to his numbering of the lines.
 - 4 On this, see below pp. 5 and 11-49.

Scholars were involved. Fired on, first in the 15th century by the heated discussions at the time of the Councils, above all by John Wycliffe and Johannes Hus, and then in the 16th century by confessional disagreements, hefty discussions about the authenticity of the “Constitutum Constantini” dominated the arguments of theologians and canonists, jurists, publicists, authors of histories and critical historians, well into the 19th century. Although in the Middle Ages doubts had been cast on whether the document discussed so often at synods and Councils was genuine, and it had even been recognised as a forgery, in particular by Cardinal Nicholas of Kues, the great humanist Lorenzo Valla, and the “Anti-Lollard” Reginald Peacock, the Reformation, which used the forged document as propaganda against the Roman pontiff, saw the papal side reassert its authority. This was proclaimed by a long series of canonistic authors; significantly, the commentary on Gratian by John of Torquemada, the learned canonist and formerly ‘anti-conciliarist’ cardinal, with its thoroughly unoriginal defence of the “Donation”, indeed of papal rule generally, was now printed (1553). It was promoted in an elaborate sequence of frescoes commissioned (from Giulio Romano and Gianfrancesco Penni) by Clement VII (1523-34) in the “Sala di Costantino” of the Vatican Palace, adapting those that Raffael had painted for Leo X (1513-1521), and at the end of the century in the Lateran Basilica by Clement VIII in 1597. Finally, at the beginning of the next century, even the great historian Cardinal Caesar Baronius insisted that the “Donation” was a historical fact, notwithstanding that the “Constitutum Constantini” was to be rejected as apocryphal⁵. The effects were to be long-lasting. Even in the 19th century the discussion still raged, influenced by the *Risorgimento* and Bismarck’s *Kulturkampf*⁶. Only then did the fire finally fade, and nobody seriously defends the pseudo-Constantinian fabrication any more. Only the forgery has remained.

Instead discussion now focused on the origins of the “Constitutum Constantini”, its date and context. Clues were recognised in the resurrection of the cult of St Sylvester at Rome under Pope Stephen II (752-757) and his brother and successor Paul (757-767); but above all in the text of the counterfeit document, which appeared to contain phrases which could apparently be localised in Rome

5 Gerhard Laehr, *Die Konstantinische Schenkung in der abendländischen Literatur bis zur Mitte des 14. Jahrhunderts* (HS 166), Berlin 1926; idem (†), *Die Konstantinische Schenkung in der abendländischen Literatur des ausgehenden Mittelalters*. In: QFIAB 23 (1931-1932), pp. 120-81, here pp. 140-8 on Wycliffe, Hus and Pecock, pp. 148-51 on the defensive reaction of the Councils of Constance and Basle, pp. 174-5 on Torquemada, pp. 178-9 on Clemens VIII, p. 179 on Baronius; on the Sala di Costantino: Rolf Quednau, *Die Sala di Costantino im Vatikanischen Palast. Zur Dekoration der beiden Medici-Päpste Leo X. und Clemens VII.* (Studien zur Kunstgeschichte 13), Hildesheim etc. 1979, on pp. 451-8 a list of defensive tracts of the 16th/17th centuries. – On early Roman imagery and iconography: Franz Alto Bauer, *Das Bild der Stadt Rom im Frühmittelalter. Papststiftungen im Spiegel des Liber Pontificalis von Gregor dem Dritten zu Leo dem Dritten (Pallia 14)*, Wiesbaden 2005, pp. 117-9.

6 One of the main opponents of its authenticity was: Ignaz von Döllinger, *Die Papstfabeln des Mittelalters*, Munich 1863 (New edition by Georg Landmann, Kettwig 1991).

and dated in the pontificate of Paul I. The separat manuscript tradition of the document is sparse, but can be traced back to the late 9th century, while the oldest manuscript of the forgery is part of the notorious pseudo-Isidorian decretals, which are not what they seem to be either.

The wording of the false constitution revealed linguistic similarities with genuine products of the papal chancellery of the 8th century, and in particular with the letters of Paul I to the Frankish King Pepin and his sons. This pointed the finger at the early phase of the establishment of the “States of the Church”⁷, which made the document and its date particularly explosive; in other words at the beginnings of papal secular authority, which in the Middle Ages and later unleashed conflict upon conflict, a chapter in the history of the world which still stirs up emotions today. Was greed for power the motive behind the forgery? This was an interpretation that matched the demise of the Staufer, the Confessional Wars, and a supposed thirst for world power. Yet, can the language of an anonymous forger provide definite answers? This we shall see.

Pseudo-Isidore’s mighty forgery exists in a long and a short redaction, and was certainly already known in the Frankish Empire just before the mid-9th century. It in turn contained the “Constitutum Constantini” either in full length, or in an abridged version that did not contain the passages that dealt with the actual Donations⁸. The widespread dissemination of Pseudo-Isidore then ensured that from the mid-11th century the “Constitutum Constantini” and the “Donation” were to have a significant effect on the course of history.

7 Paul Scheffer-Boichorst, *Neuere Forschungen über die Konstantinische Schenkung*. In: *MIÖG* 10 (1889), pp. 302-25 and 11 (1890), pp. 128-46, reprinted in: idem, *Gesammelte Schriften* 1, Berlin 1903, pp. 1-63 (from which quotes are taken); the results were widely accepted, see for example the enthusiastic comments in: Erich Caspar, *Pippin und die römische Kirche. Kritische Untersuchungen zum fränkisch-päpstlichen Bunde im VIII. Jahrhundert*, Berlin 1914, pp. 185-9; idem, *Das Papsttum unter fränkischer Herrschaft*. In: *ZKG* 54 (1935), pp. 132-266; published separately Darmstadt 1956 (from which the quotes here are taken), pp. 19-34; Wilhelm Levison, *Konstantinische Schenkung und Silvester-Legende*. In: *Miscellanea Francesco Ehrle* 2 (StT 83), Rome 1924, pp. 159-247, reprinted in: idem, *Aus rheinischer und fränkischer Frühzeit. Ausgewählte Aufsätze*, Düsseldorf 1948, pp. 390-465; Girolamo Arnaldi, *Le origini dello stato della chiesa*, Turin 1987, pp. 141-7. – For criticism, cf. Horst Fuhrmann, *Das frühmittelalterliche Papsttum und die Konstantinische Schenkung*. In: *SSAM* 20 (1972) [published 1973], pp. 257-329, here pp. 273-81. Cf. also below, p. 36 with note 104 and p. 53 with note 164. – The latest and most absurd mention of the “Donation of Constantine” to date in Teja Fiedler, *Die Päpste. Teil 1*, in: *Stern* 7/2005 from the 7th April 2005, p. 64.

8 On discussions on authenticity and tradition, cf. Horst Fuhrmann, *Konstantinische Schenkung und abendländisches Kaisertum. Ein Beitrag zur Überlieferungsgeschichte des Constitutum Constantini*. In: *DA* 22 (1966), pp. 63-178; idem, *Introduction* (as above, note 3); Schafer Williams, *The oldest Text of the Constitutum Constantini*. In: *Tr* 20 (1964), pp. 448-61 (this is the Constitutum of the oldest known manuscript of the long version of Pseudo-Isidore, including the variants of a further manuscript from the mid-9th century, and the two oldest manuscripts of the abridged version).

It was only Pseudo-Isidore who brought the “Donation of Constantine” to a wider public, as the first expert on the subject, Horst Fuhrmann, put it⁹. But when had Pseudo-Isidore taken up his pen? Where did this happen? Who was the man who hid himself behind the nom de plume Isidore Mercator? Why did he include the “Constitutum Constantini” in his own work? How did he get hold of it? Finally, who was the latter’s author? The questions are never-ending, and have been the subject of a long and heated debate¹⁰.

Yet any interpretation of the “Constitutum Constantini” is directly affected by the answers. There is rarely any agreement about the forger’s intentions, about how his readers reacted to the text, even today about what scholars believe they can see. At the same time, the most recent author on the subject stands “on the shoulders of giants” who have studied such questions before him, and is grateful for the view that he has from such lofty heights, even if he then travels off in a different direction to that the giants had taken. For it seems to me that insufficient attention has been paid to the exact wording of the text. It provides hints of a meaning that is very different to the “Donation of Constantine” as constituted by the Middle Ages since the late 11th and the 12th centuries, and scholars since then. Hopefully it will bring us closer to the author and his intention.

Thus the study presented here requires us to make a clear distinction between the “Constitutum” and the “Donation”. Whoever wishes to investigate the latter must take up the story in the 11th and 12th centuries and has to immerse himself in the bloody struggle that led to the decline of the Staufer. But whoever wants to learn about the former must, in my opinion, turn his attention to harmless matters involving the history of terms and concepts in the Early Middle Ages, to the 8th and 9th centuries, must investigate the past history of the papal palace, the Lateran and look at the history of the Patriarchates in the High Middle Ages; for these are matters that play an important part in the “Constitutum”. The results should be worthwhile. Whether or not struggles, even bloody wars contributed to its production and intentions will then be revealed.

9 Fuhrmann, *Das frühmittelalterliche Papsttum und die Konstantinische Schenkung* (as above, note 7), 259: „Erst Pseudoisidor brachte die Konstantinische Schenkung unter die Leute“.

10 For a summary of opinions regarding the time and place of origin, cf. Wolfgang Gericke, *Wann entstand die Konstantinische Schenkung?*. In: ZRG Kan. Abt. 43 (1957), pp. 1-88; Domenico Maffei, *La donazione di Costantino nei giuristi medievali*, Milano 1964, pp. 3-10; on the state of discussion about Pseudo-Isidore, cf. the contributions in: *Fortschritt durch Fälschungen? Ursprung, Gestalt und Wirkungen der pseudoisidorischen Fälschungen. Beiträge zum gleichnamigen Symposium an der Universität Tübingen vom 27. und 28. Juli 2001*, ed. by Wilfried Hartmann and Gerhard Schmitz (MGH Studien und Texte 31), Hanover 2002, pp. 1-28; further, cf. below p. 70 et seqq. The most recent summary of the history of the origin and the impact of the “Constitutum Constantini” is offered, albeit not without mistakes (e.g. on pp. 54-60 the two versions of the “*Actus b. Silvestri*” are not separated; on p. 66 Paris BN lat. 2777 is transposed to the beginning, as opposed to the end, of the 9th century; pp. 66-7 ignores the most recent research on Pseudo-Isidore) by Giovanni Maria Vian, *La donazione di Costantino (L’identità italiana 35)*, Bologna 2004.

II. The “Donation of Constantine”

Kunc Constantîn der gap sô vil,
Als ich ez iu bescheiden will,
dem stuol ze Rôme: sper kriuz unde
krône.
Zehant der engel lûte schrê
‘owê, owê zem dritten wê!’
Ê stuont diu kristenheit mit zûhten
schône:
Der ist nû ein gift gevallen,
ir honec ist worden zeiner gallen.
Daz wirt der werlt her nâch vil leit.

King Constantine he gave so much
As I wish to relate to you,
To the See of Rome: spear, cross and
crown.
Outright the angel loudly cried
‘Woe, woe, thrice woe!’
Once Christendom stood in fair
decorum:
Into which a poisoned gift has fallen,
Its honey has turned to gall.
To the world this will yet cause much
harm.

(25.11)¹¹

It was with great torment that Walther von der Vogelweide, a poet with close connections to the Kings of the Romans, recalled the Donation of Constantine. The minstrel’s angel was horrified by the emperor’s generous gift to pope Sylvester; it had poisoned the world and brought endless suffering upon Christendom. Many of Walther’s contemporaries shared his opinion, as did others in years to come. Perhaps the minstrel even realised that worse was to follow, for he sang these lines during the conflict between Philip of Swabia (1198-1208) and Otto IV (1198-1218) for the throne of the Holy Roman Empire, as the Empire was plagued by the ravages of civil war, plundering and endless bribery. While the two protagonists were busy heaping opulent gifts on the electors, they repeatedly gave Pope Innocent III the opportunity to intervene in the conflict over the heads of the electors, and even to settle the conflict and to present himself as lord over kings and nations. To Walther, Constantine’s donation seemed to elevate the pope above all earthly rulers, and to turn the proper order of the world upside down: “*die pfaffen wellent leien reht verkêren*” (“the clerics wish to twist

11 The Old German word “gift” has a double meaning that cannot properly be translated: on the one hand it has the same meaning as the English word “gift”, but it also means “poison”. Perhaps the expression “poisoned chalice” comes closest to expressing the deliberate ambiguity of Walter von der Vogelweide’s words.

laic rights”). Nothing could be done to change the situation, but nevertheless it was a tragedy, and the blame was squarely laid at Constantine’s feet.

But what did the poet really know about Constantine’s deed (which was only to be revealed as a fiction by the humanists of the Renaissance and modern scholars)? The angel’s voice was to resound from the heavens on a number of later occasions – a sign that Walther was propagating a current tradition that had no direct knowledge of the “Constitutum Constantini”, the original document that supposedly recorded the donation¹². Indeed shortly before Walther the Welsh chronicler Gerald de Barr (Giraldus Cambrensis) had already heard the angel lament Constantine’s donation, although he had never studied the document in detail himself. When he pronounced his judgement on the succession, even Pope Innocent acted solely on common knowledge of the “Donation”, whose depiction had been set up in the porticus of the Lateran Basilica either by Clement III (1187-1191) or Celestine II (1191-1198)¹³ (cf. plate 3). He made no reference to the “Constitutum Constantini” itself or its text. Indeed he rarely recalled it, and when he did then he did so it was in Rome, behind closed doors and only in vague terms, never explicitly. Yet, Innocent never doubted the core of the “Donation”: The entire Western Empire had been handed over to St Sylvester, while Constantine retained only the East for himself¹⁴.

Walther was just a travelling singer, with no Latin education, and was very probably illiterate¹⁵. His knowledge was based on oral tradition; fables and accounts of the kind that were nourished by sermons, rumour, colportage and

12 For the first time, and only shortly before Walther, in the “*Gemma ecclesiastica*” and in other writings by Giraldus Cambrensis c. 1197, cf. Laehr, *Die Konstantinische Schenkung in der abendländischen Literatur bis zur Mitte des 14. Jahrhunderts* (as above, note 5), p. 72, cf. pp. 172-3.

13 Ingo Herklotz, *Der mittelalterliche Fassadenportikus der Lateranbasilika und seine Mosaiken. Kunst und Propaganda am Ende des 12. Jahrhunderts*. In: *RJ* 25 (1989), pp. 25-95, here p. 50 (plate 18.) and pp. 63-5, on the date esp. p. 37; cf. below p. 23 seq. The portico was demolished in 1731.

14 “*Omne regnum Occidentis ei tradidit ...regnum sibi retinens Orientis*”: Migne PL 217, col. 481. For a summary of this discussion, see Kurt Zeillinger, *Konstantinische Schenkung, Kaisertum und Papsttum in salisch-staufischer Zeit (1053-1265)*. *Studien zur politischen Wirkungsgeschichte des Constitutum Constantini im Hochmittelalter*, unprinted habilitational thesis, Vienna 1984, pp. 104-5.

15 It is uncertain whether Walther enjoyed any clerical instruction; the assumption that he did is based solely on an analysis of rhetorical elements in his compositions. However, that is not to say that it was Walther who introduced such elements into poetry written in German; pure rumour was indeed part of the sources of the oral tradition; for a summary see Fritz Peter Knapp, ‘Waltherus de Vogelweide vagus’. *Der zwischenständische Sänger und die lateinische Literatur in ‚Österreich‘*. In: *Walther von der Vogelweide. Beiträge zu Leben und Werk*, ed. by Hans-Dieter Mück (Kulturwissenschaftliche Bibliothek 1), Stuttgart 1989, pp. 45-60; Franz Josef Worstbrock, *Politische Sangsprüche Walthers im Umfeld lateinischer Dichtung seiner Zeit*. In: *Walther von der Vogelweide. Hamburger Kolloquium 1988 zum 65. Geburtstag von Karl-Heinz Borck*, ed. by Jan-Dirk Müller and Franz Josef Worstbrock, Stuttgart 1989, pp. 61-80.

propaganda, and circulated at the meetings of goliards. In other words, it was hearsay¹⁶. Things got confused, and the picture of the past and the order of the world that was presented declared Rome to be the head of the world, and not just of the Church. Many motifs merged on the canvas; the tale of Constantine being cured of leprosy and expressing his thanks by converting to the religion of his saviour, the Princes of the Apostles and the successor of St Peter; of his being baptised by Sylvester, granting Christianity legal protection, founding churches, making generous gifts to the pope and the Roman church; and finally granting the latter imperial power over the Western Empire, before retiring to Byzantium where his successors still sat on the throne. Neither the poet nor his contemporaries realised that they had been fooled by a fake implanted in the cultural memory of Latin Christianity¹⁷. It had crept in through the side door of forgetting, misunderstanding and re-interpretation.

Yet Church and Kingdom can no more be seen or touched than Heaven and Hell. It requires revelation, myths and rituals to give form and substance to their existence. They live from belief. But they then speak in signs and symbols, and their actions are sanctioned by limitless power and irresistible authority. Their embassies now proclaim salvation or damnation; they demand loyalty and subservience, obedience and fear. Belief shapes the world, and the wise minstrel knew it.

So Walther thought that what he had heard was true, and an ill-fated right. In a manner it was; for as none other than Innocent III proclaimed in his sermon on St Sylvester's Day (December 31)¹⁸, the Bishop of Rome wears the crown as a sign of his imperial office (*imperium*), and the mitra as the sign of his pontifical office (*pontificium*). A picture formed of memories explained the current reality: the power of the Roman Byzantine Empire was restricted to the East and indeed collapsed, while the Roman church had actual power in the West, even over secular princes. It based its claim on Rome, which the Prince of the Apostles had made his seat, and from where his successors ruled Christendom. But the picture was based on distorted recollections; contemporary memory shaped the remembered past to suit its own present, and abstracted it from all legal and constitutional matters, from all history, even from the document itself, the "Constitutum Constantini".

Thus there was no tradition that Constantine had presented the Church with a spear¹⁹. On the other hand, "spear", "cross" and "crown", that is the holy lance,

16 Inns as locations for discussion and exchange of news: Ottonis Episcopi Frisingensis Chronica sive Historia de duabus civitatibus, ed. by Adolf Hofmeister (MGH SS rer. Germ. [45]), Hanover 21912 [first published 1867], p. 274. – The illiterate public's awareness of the "Donation of Constantine": below, note 71 (on Wezel).

17 On the implanting of cultural memory cf. Johannes Fried, *Der Schleier der Erinnerung. Grundzüge einer historischen Memorik*, Munich 2004, pp. 153-72.

18 As above, note 14.

19 The *contea* in line 225 of the "Constitutum" are not regal insignia.

and the imperial cross (the so-called "Reichskreuz", a reliquary with a huge splinter of the True Cross) and crown, were the defining insignia of the German Kings. By naming them Walther evoked the full glory of the "Holy Roman Empire", which had now been transferred to the pope. Its order had been stood on its head, and it had been stirred up and shattered by the "will of priests". Content and truth, the rationale behind the donation, were summed up in symbols. In the process the oral memory was subjected to interference, it became anachronistic, telescoped events, and updated them. It did so by referring to such symbols, visible signs and rituals in order to impress a picture of what was to be remembered on the contemporary audience. It sufficed itself with vague approximations of what had once actually happened, and avoided learned studies.

But should Walther not have known better? Should his audience not have been prepared to reject his political slogans on the grounds that they were quite obviously mistaken, and refused to pay him? The fact that they did not do so confirms the tradition that rated his lament of Constantine's gift just as highly as the rest of his songs. His audience accepted the distortion of memory that was part of the oral tradition simply because they didn't realise that there was any distortion. They had no way of countering it, in spite of the fact that the literary sources contained the knowledge required to correct it, and scholars could actually have done so. The culture of oral memory and the literary tradition were in fact not two separate lines, but were intertwined, influencing each other and reshaping themselves, before emerging in distorted forms as a new element in the cultural memory of the West. The exegetic advantages of knowledge based on writing were drawn from the same oral culture of discursive memory as that used by the poet, and this culture had a commanding grasp of the content of recollection. It produced new meanings and facts.

The observations that follow deal here with this re-formation of cultural memory through the practice of recollection (III). They then inspect the original wording, its meaning and the origin of the "Constitutum Constantini" (IV), before discussing its date and context (V-VI).

III. The origin and fate of the “Donation of Constantine” in the High Middle Ages

One medieval scholar who discussed the “Constantinian Donation” was the historian Otto of Freising, an uncle of the Emperor Frederick Barbarossa. He had studied the most modern techniques of dialectical exegesis in Paris, before joining the Cistercian order and finally becoming Bishop of Freising²⁰. He knew of the literary tradition of the story of Constantine’s baptism as propagated by the Romans (“*iuxta Romanorum tradicionem*”), the origins of which were indeed an ancient biography (“*Vita*” or “*Actus b. Silvestri*”). He was also aware of the “*Constitutum Constantini*”, which somehow owed its existence to the *Vita*, and so of the deed that documented the emperor’s donation to the Roman church – a deed that repeatedly described itself as “*constitutio*” (l. 11), “*institutionis pagina*” (l. 20), “*imperiale constitutum*” (l. 281) or “*decreti pagina*” (l. 293), and so explicitly claimed to be an imperial decree. However Otto did not quote the deed verbatim, so it is unclear to what extent he had taken in its actual wording. But in his “*Chronicle*”, which he wrote about 1143-46, he interpreted both baptism and donation as signs of the elevation of the church (“*exaltatio civitatis Dei*”), and to him that was what mattered²¹.

Critical scholar that he was, the Bishop of Freising compared this information with his other historical sources, without exception written documents, and noted glaring contradictions. The most obvious was Constantine’s baptism. The Roman legend of St Sylvester had the emperor healed of leprosy through the intervention of the pope, by whom he was then baptised and whom he thanked by making generous donations to the Roman church²². On the other hand from the late

20 For recent publications on Otto cf. Roman Deutinger, *Rahewin von Freising. Ein Gelehrter des 12. Jahrhunderts* (MGH Schriften 47), Hanover 1999, pp. 2-3.

21 *Chronicle IV, 4* (*Capitulatio*) ed. by Hofmeister, p. 22; *Chronicle IV, 4* p. 189. – On earlier doubts about the “*Vita*” (not the “*Donation of Constantine*”) cf. Thomas Grünewald, ‘Constantinus Novus’: Zum Constantin-Bild des Mittelalters. In: *Costantino il Grande dall’ Antichità all’Umanesimo I. Colloquio sul Cristianesimo nel Mondo Antico*, Macerata 18-20 dicembre 1990, ed. by Giorgio Bonamente and Franca Fusco, Macerata 1992, pp. 461-85.

22 The *Vita* is most easily accessible in the uncritical and erroneous edition of Boninus Mombritius, *Sanctuarium seu Vitae Sanctorum 2*, Paris 1910, pp. 508-31; on criticism of this cf. esp. Wilhelm Levison, *Konstantinische Schenkung und Silvester-Legende*, in: *Miscellanea Francesco Ehrle 2*, Rome 1924, pp. 159-247, also in: *Aus rheinischer und fränkischer Frühzeit. Ausgewählte Aufsätze*, Düsseldorf 1948, pp. 390-465 (quoted from there). Cf. below, notes 24 and 236. Tessa Canella, *Gli “Actus Silvestri”. Genesi di una leggenda su Costantino imperatore* (*Uomini e mondi medievali 7*), Spoleto 2006.

antique “*Tripertita hystoria*”, which he trusted deeply, Otto knew that Constantine “was baptised late in his life in Nicomedia” (Chr. IV,1), and he arrived at the following conclusion: “Thus what is written about (Constantine’s) leprosy and conversion in the life of Saint Sylvester would seem to be apocryphal” (Chr. IV,1). In the 13th century an anonymous reader was not pleased with such distrust of holy authority and hastily scribbled “The master is mistaken here” in the margin of the codex, “for the Roman curia assumes the opposite, and is to be preferred”²³. This was the work of ‘authoritative memory’. The Church recollected the truth, and its infallibility even misled scholars. No critical historian could succeed against it in the long term.

In spite of his scepticism of the “*Vita Silvestri*”, Otto also accepted the Constantinian Donation – although he again did qualify this: “as is required of the story circulated by the Romans (*ut Romanorum habet hystoria*)” (Chr. IV,3; cf. also VII, 27). How could the Bishop of Freising have realised that the *Vita* was no more than a historical novel, probably written in the beginning of the second half of the 5th, not in the 4th century²⁴, and that in spite of the fact that in the intervening years the “*Constitutum Constantini*” had taken its place in numerous collections of ecclesiastic law, it was no more than pure invention drawn from Pseudo-Isidore’s forgeries²⁵? Nevertheless, doubts plagued the critical historian in

23 Ed. by Hofmeister, p. 185.

24 On the *Vita* cf. Raymond-J. Loenertz, O. P., *Actus Silvestri. Genèse d’une légende*. In: RHE 70 (1975), pp. 426-39.; Wilhelm Pohlkamp, *Tradition und Topographie: Papst Silvester I. (314-335) und der Drache vom Forum Romanum*. In: RQ 78 (1983), pp. 1-100; idem, *Kaiser Konstantin, der heidnische und der christliche Kult in den Actus Silvestri*. In: FMSt 18 (1984), pp. 357-400; idem, *Privilegium ecclesiae Romanae pontifici contulit. Zur Vorgeschichte der Konstantinischen Schenkung*. In: MGH Fälschungen im Mittelalter 2: Internationaler Kongreß der MGH, München, 16.-19. September 1986. Gefälschte Rechtstexte. Der bestrafte Fälscher (MGH Schriften 33,2), Hanover 1988, pp. 425-90; idem, *Textfassungen, literarische Formen und geschichtliche Funktionen der römischen Silvester-Akten*. In: Francia 19/1 (1992), pp. 115-96; on the date of the earliest aspects of the tradition of the “*Actus*” (ca. 400) cf. Vincenzo Aiello, *Costantino, la lepra e il battesimo di Silvestro*. In: *Costantino il Grande dall’Antichità all’Umanesimo I. Colloquio sul Cristianesimo nel Mondo Antico*, Macerata 18-20 dicembre 1990, ed. by Giorgio Bonamente, Franca Fusco, Macerata 1992, pp. 17-58. Also Pohlkamp, *Textfassungen*, p. 149 with note 160 dating: “no later than the end of the 4th century”. For a different view: Garth Fowden, *The last days of Constantine: Oppositional versions and their influence*. In: JRS 84 (1994), pp. 146-70, here pp. 154-5 and *passim*, who assumes a date the mid-5th century. His thesis that the Latin legend of Sylvester and Constantine (*Actus b. Silvestri*) has Greek roots is not under examination here. Canella, *Gli “Actus Silvestri”* (as above, note 22) dates the A-version for good reasons to the second half of the fifth century and the B-version not much later, cf. her summary p. 267; see below, note 236.

25 *Decretales Pseudo-Isidorianae et Capitula Angilramni*, ed. by Paul Hinschius, Leipzig 1863. On this topic, see Horst Fuhrmann, *Einfluß und Verbreitung der pseudoisidorischen Fälschungen von ihrem Auftauchen bis in die neuere Zeit* (MGH Schriften 24/1-3), 3 volumes, Stuttgart 1972-1974; idem, *Stand, Aufgaben und Perspektiven der Pseudoisidorforschung*. In: *Fortschritt durch Fälschung? Ursprung, Gestalt und Wirkungen der pseudoisidorischen Fälschungen. Beiträge zum gleichnamigen Symposium an der Universität Tübingen vom 27. und 28. Juli 2001*, ed. by Wilfried Hartmann and Gerhard Schmitz (MGH Studien und Texte 31), Hanover

Otto, and prevented him from reaching a clear conclusion. His sceptical common sense wasn't prepared to accept cultural memory blindly, even though all he had to set against it was his own logic.

The bishop declared on the one side (Chr. IV, 3) that the emperor had handed over the "imperial insignia" (*insignia regni*) to the pope, and withdrawn to Byzantium. Since then "the Roman church claims the Western kingdoms as a right handed over to it by Constantine" ("*occidentalia regna sui iuris tanquam a Constantino sibi tradita affirmat*"). The argument was confirmed by the "tribute" that the pope collected from these provinces and countries – with the exception of the two Frankish kingdoms, that is the kingdoms of the West and of the "German" Franks.

On the contrary, the "imperial party", *fautores imperii*, offered an alternative interpretation: Constantine had not handed over the Empire in the manner suggested by the Bishops of Rome, "rather, out of respect for the Lord he had accepted these highest priests of God as fathers, who were to support him and his successors by anointing them and praying for them" (*patrocinium orationum*)²⁶. This was proved by Constantine's division of the Empire between his sons, one of whom had indeed received the West and been succeeded by Theodosius and other orthodox emperors. "Such a religious Princeps could never have granted to his sons, nor such a catholic emperor as Theodosius usurped, what had previously been granted to the Church." The scholarly historian took his sources seriously and undermined the very foundations of the papal doctrine that was embedded in the cultural memory of Latin Christendom. But he avoided taking a clear position on the matter: "It is not the task of this work to pronounce judgement on the issue" (Chr. IV, 3). It was the politician who let things be rather than researching into the truth talking here, not the historian who wanted to get to the bottom of matters. Throughout history the results are always disastrous.

The only certainty is the effect of Constantine's action. Otto, who relied on Orosius' "*Historiae adversus paganos*" and Rufinus' translation of Eusebius' "Church History" at this point, was quite right in recognising that the origins of Constantine's conversion are to be found in his cooperation with his co-emperors, Licinius and Maximinus (Chr. IV, 2-3), before Constantine alone gave the Church its final form: "The Lord raised up the Church. He gave to it the mightiest of all worldly empires, so that the Church could be even more sure of the promise of the

2002, pp. 227-62. Johanna Petersmann, Die kanonistische Überlieferung des Constitutum Constantini bis zum Dekret Gratians. Untersuchung und Edition. In: DA 30 (1973), pp. 356-449.

26 On papal protection through prayer: Johannes Fried, Der päpstliche Schutz für Laienfürsten. Die politische Geschichte des päpstlichen Schutzprivilegs für Laien (11.-13. Jahrhundert) (Abhandlungen der Heidelberger Akademie der Wissenschaften. Phil.-hist. Klasse 1980, 1), Heidelberg 1980, pp. 40-2.

Kingdom of Heaven" (Chr. IV, 4)²⁷. It sounded ambiguous, but that was the intention.

Recollection's aim is reality. However, for those who want to recognize it, social reality exists only in communicative memory, which in turn is dependent on the moment at which it is conjured up; in other words on the communicative environment. It changes with time and the experiences that lie between each episode of recollection, and there is no better example of this than the chequered history of the reception of the Constantinian Donation²⁸.

Nothing was self-evident. When it came to interpreting the poisoned gift, the door was wide open for controversy and strife, and the truth was at all times uncomfortable. Otto's contemporary, the Augustinian provost, Gerhoch of Reichersberg, initially (1128/29; 1138) went to great lengths to put the political effects of the "Constantinian Donation" into perspective. He maintained the strict division between secular and spiritual power as it had been laid down by medieval re-interpretation of the famous Doctrine of the Two Powers or Authorities. This was defined in a decretal of Pope Gelasius I, for example, or clarified by the Concordat of Worms (1122) in particular with regard to the division between the king's private goods and imperial possessions three years later. A careful distinction must be made in the case of Constantine's Donation. Thus Gerhoch drew a distinction between public property (*publicae facultates*), whatever it might be, the *res publica* and the *regalia* on the one hand, and the private fortune of the monarch (*res privata*) on the other. Only the latter could be disposed of independently, the former could only be alienated with the consent of the dukes. Constantine had taken great care to abide by this, as could be read in "his book written about his donations in Rome"²⁹. "He made generous gifts from his private property, but made the finest of distinctions when disposing of the regalia (*discretissime dispensavit*)". He honoured the church with them, "for he did not bid the pope to perform any royal duties, nor did he unrightly usurp any of the Church's powers." "Thus the confusion did not start with Constantine, but was the result of the accursed abuse of some later emperors." And then again:

27 Ed. by Hofmeister, p. 189. Only at one point did the obvious reservations of the Bishop of Freising show through: in the scheme of illustrations for his "Chronicle". In all probability it stems directly from him. While Augustus, the emperor at the time of the birth of Christ, as well as Charlemagne, Louis the Pious and Otto the Great – Christian emperors who had granted large properties to the Church of Rome – were distinguished with illustrations, the "Donor" Constantine did not merit one; cf. the edition of the Chronicle by Walther Lammers (*Ausgewählte Quellen zur Deutschen Geschichte des Mittelalters. Freiherr vom Stein Gedächtnis-Ausgabe* 16), Darmstadt 1960, plate 1-14.

28 See Laehr, *Die Konstantinische Schenkung in der abendländischen Literatur bis zur Mitte des 14. Jahrhunderts* (as above, note, 5).

29 There is also no indication that Gerhoch could possibly have meant Leo IX's "*Libellus*"; on this, see below, p. 16 with note 36. On the doctrine of the regalia cf. Johannes Fried, *Der Regalienbegriff im 11. und 12. Jahrhundert*. In: *DA* 29 (1973), pp. 449-528.

"The confusion did not raise its head with Constantine and Sylvester"³⁰. Saints do not cause chaos.

In other words here too there were doubts, but not about the Donation as such. Rather doubts about its content as it was generally propagated. Indeed neither Constantine nor the Carolingian authors of the forgery could have invented "regalia", inalienable imperial rights, or rights of the realm, for at the time they did not exist. A vague public awareness of Constantine's gift as it was outlined by Gerhoch circulated at the time, but no precise knowledge, and so it was to remain in the future. Constantine's Donation was to take the blame for all sorts of things with which it had nothing to do; it was a fetish and putty in the hands of scholarly and unscholarly interpreters. But what would the emperor really have donated if the division of power referred to by Gerhoch was valid? His advice was that the answer was to be found – in Rome. What devout faith in the ecclesiastical revolutionaries, what mistrust in the lively tradition, and what a misunderstanding of the actual sources themselves he revealed. And what disappointment would Gerhoch have endured had he known the genuine position of curials like Urban II, who really had set their sights on the *res publica*³¹.

As the waves of conflict towered ever higher, Gerhoch too came out in clear support of the hierocratic exegesis of the Donation, turning his back on his old position (1151-58). The gifts to "the highest King", to God, had not alienated a *res publica* from the Empire. And if – apart from the question of Constantine's baptism – there were certain discrepancies between the "*Aecclesiastica Ystoria*" and the "*Tripertita ystoria*", then his advice was to "listen to the Roman Bishops, who were unified in their pronouncement of the truth".³² This silently criticised and corrected Otto's of Freising view, whose doubts were unable to get rid of the "Roman history", and whose "Chronicle" could give rise to all kinds of anti-Roman speculation. Once again the authority-influenced memory triumphed over the critical doubts of historical scholarship and dialectic skill. Gerhoch presumably had had the real "Constitutum Constantini" never at hand.

These few examples serve to illustrate the dualistic-hierocratic discourse. It was not an old controversy, but from the outset it was the cause of heated debate and drew ever more theologians, jurists and scholars, even popes, cardinals and dukes into the rising flames of conflict. It had broken out in the second half of the 11th century, after the collections of canon law had taken the "Constitutum Constantini" from its hiding place in the pseudo-Isodorian decretals (that grandiose, 9th-century Frankish forgery, which at a very early stage, perhaps even

30 Opusculum de edificio Dei, ed. by Ernst Sackur. In: MGH LdL 3, Hanover 1897, pp. 136-202. Cf. Peter Classen, Gerhoch von Reichersberg. Eine Biographie, Wiesbaden 1960, p. 130 et seqq.; on the date, *ibid.* p. 407.

31 JL 5448 = Urban II, Epistolae et privilegia 50. In: Migne PL 151, Paris 1853, col. 329-30, here col. 329C (1091).

32 MGH LdL 3, p. 449. The commentary on the 64th Psalm quoted here exists in three versions dated to 1151, 1153 and 1158, Classen, Gerhoch von Reichersberg (as above, note 30), p. 419.

from the outset, had already included Pseudo-Constantine’s deed³³). It was dragged into an aristocratic world that was shaken by ecclesiastic reform and the Investiture Controversy, and was turned by Church reformers into a weapon against their enemies. It is unlikely that it was known to Burchard of Worms. Or did this great canonist of the early 11th century refuse to make use of the “Constitutum Constantini” in spite being well aware of it? If he did he was satisfied with a direct or indirect hint drawn from a Pseudo-Isodorian creation that the emperor’s “immense gifts” (“*donaria immensa*”) had mainly benefited the “workshop of the Church” (“*Fabrica templi primae sedis beati Petri*”)³⁴. Donations of this kind were also listed in the Papal history, the “*Liber pontificalis*”, but were in every way harmless and contained no poison³⁵.

It was the Alsatian Pope, Leo IX (1049-54), and his ally Humbert, the Cardinal-Bishop of Silva Candida († 1061), who ‘discovered’ the “Constitutum Constantini” and recognised its unique value for a Church in need of reform in its struggle with Byzantium³⁶. In the words of Horst Fuhrmann: “We know of no Papal document or pronouncement earlier than the mid-11th century that mentions the Constantinian Donation expressis verbis, or at least includes a reference that is beyond all doubt” – regardless of the copy of the forgery that was perhaps dressed up as the original and presented to Otto I by the stumpy-fingered Cardinal John (962), only to be rejected as a forgery by emperor Otto III, and a few decorative references that a certain Stephan borrowed from the “Constitutum” in the late-10th century. “The references are window-dressing, and there is the world of

33 Only in its long version; cf. above p. 4.

34 Decretorum libri viginti III, 5. In: Migne PL 140, col. 675, originally stems from the chapter “*De primitiva ecclesia et sinodo Niceno*” of Pseudo-Isidore, ed. Hinschius p. 248, 1et seqq., but had come down to Burchard via the “*Collectio Anselmo dedicata*”, cf. Fuhrmann, *Einfluß und Verbreitung 2* (as above, note 25), p. 474, note 138. This collection had drawn its excerpts from Pseudo-Isidore from an A2-manuscript that did not contain the part of the “Constitutum Constantini” that dealt with the Donation. Thus Burchard was also unable to lift the Donation from his copy. However independently of this he also seems to have made additional use of a long version of Pseudo-Isidore that indeed contained the passage covering the Donation (unless he obtained the chapters in question from an, as yet, unidentified original); cf. Fuhrmann, loc. cit., p. 478. However, if Burchard did indeed have a long version at his disposal, he would have been able to take the part of the “Constitutum” with the Donation from it, in which case he deliberately omitted it.

35 On the function of the “*Liber pontificalis*” cf. Thomas F. X. Noble, *A new look at the Liber pontificalis*. In: *AHP 23* (1985), pp. 347-58.

36 Before Leo: Fuhrmann, *Einfluß und Verbreitung 2* (as above, note 25); Leo IX utilised the “Constitutum” in 1053 for a “*Libellus*” to Michael Kerullarios of Constantinople and Leo of Ochrid which was never actually sent (JL 4302; *Acta et scripta quae de controversiis ecclesiae graecae et latinae saeculo undecimo composita extant*, ed. by Cornelius Will, Leipzig/Marburg 1861); on this, see Hans-Georg Krause, *Das Constitutum Constantini im Schisma von 1054*. In: *Aus Kirche und Reich. Studien zu Theologie, Politik und Recht im Mittelalter. Festschrift für Friedrich Kempf zu seinem fünfundsiebzigsten Geburtstag und fünfzigjährigen Doktorjubiläum*, ed. by Hubert Mordek, Sigmaringen 1983, pp. 130-58.

difference between this insertion of the “Constitutum Constantini” and the arguments of a Humbert of Silva Candida”, that is in the mid-11th century³⁷.

The most important collections of canon law from the period of ecclesiastic reforms – for example those of Bishop Anselm of Lucca, of Cardinal Deusdedit, Bishop Ivo of Chartres and others – quoted the deed word for word in short. The prelude of leprosy and baptism (l. 79-155) was excluded, as well as the introductory declaration of faith by the newly baptised emperor (l. 27-78), in other words – and we shall return to this later – passages with which the forger had taken great care, and so were in some way of particular importance to him. Pseudo-Isidore also thought them so important that he integrated them into his shortened version, while excluding the section on the Donation. All that interested the canonists in the age of ecclesiastic reform was the transfer of the symbols of power and honour, the assignment of land and ceremonial rights, in particular the special ‘authority’ (*potestas et dicio*) over Rome, Italy and the Western provinces, as well as the handing over of the city of Rome and Constantine’s withdrawal to Byzantium (l. 156-276), that is the second part of the “Constitutum”. The passage that deserves particular emphasis as regards the “Donation” states:

(...) tam palatium nostrum (...) quamque Romae urbis et omnes Italiae seu occidentalium regionum provincias, loca et civitates (...) pontifici (...) Silvestrio (...) contradentes atque relinquentes eius vel successorum ipsius pontificum potestati et ditioni (...) atque iuri Romane ecclesiae concedimus permanenda³⁸.

The phrasing of the original document was virtually unchanged in these collections³⁹. However the exegetes were soon to make use of it.

Only in the copy that Leo IX or his aides, first and foremost Cardinal Humbert of Silva Candida, had before them was the wording different. This recension announced an interpretation of the text that was to become important later, although Leo and Humbert don’t seem to have followed it, and the wording of this version was not to be spread any further. It said that the emperor had handed over to the pope the stated places and regions “and granted him and his successors power and rule” (“*ei vel successoribus ipsius pontificibus potestatem*

37 Fuhrmann, Konstantinische Schenkung und abendländisches Kaisertum (as above, note 8), p. 121 and pp. 128-78, also p. 178; cf. idem, Einfluß und Verbreitung 2 (as above, note 25), pp. 386-407. Hartmut Hoffmann, Ottonische Fragen. In: DA 51 (1995), pp. 53-82, here pp. 71-6; Hans-Henning Kortüm, “Gerbertus qui et Silvester”. Papsttum um die Jahrtausendwende. In: Deutsches Archiv für Erforschung des Mittelalters 55 (1999), pp.29-62, here esp.pp. 52-62. The only source for the activities of Johannes “the stumpy-fingered”, DO III 389 of the year 1001, does not reveal what exactly Otto III and his helpers thought that Pseudo-Constantine’s gift had been. D 389 also refers to the *pactum* of “a certain Charles”, and so to the territorial assignment of the imperial *pacta* to the Roman Church.

38 “(...) behold, we confer to the (...) pontiff (...) Sylvester (...) as well our palace (...) as also the city of Rome, all provinces, places and cities of Italy and the western regions and we (...) relinquish them to his and his successors’ power and rule, and we decree that they shall remain under the law of the holy Roman church.”

39 Fuhrmann, Einfluß und Verbreitung 2 (as above, note 25), p. 377 et seq.

et dicionem firmam”)⁴⁰. The emendations reveal exactly where a new, revolutionary textual exegesis had evolved, and in which direction the changes in the wording threatened the forgery. Here, in the ‘Leo-Humbert version’ of the “Constitutum Constantini”, the emperor furnished the pope with authority; in the ‘original’ forgery he handed over cities and regions to an authority that already existed. We shall return to this difference later⁴¹.

Leo did not deduce from the text, which he had actually held in his own hands and read with his own eyes⁴², anything that other Church reformers of his age did not also do. He raised no claim to the highest secular authority in the West, but only in the city of Rome and the “Patrimonium Petri”, and – as we shall see – this was no further than the exegetes of the 9th and 10th century had gone⁴³. The relationship with the Western Empire, which was of course also a Roman Empire, and which was at the heart of the conflict over “sacerdotium” and “regnum” that soon broke out, was still excluded. Nevertheless, Leo cleared the ground for the “Donation of Constantine” to find its way into the cultural memory of the West where it was to play a curiously visible-invisible, and generally fateful role. Later popes and Church reformers such as Gregory VII (1073-1085) or Urban II (1088-1099) went further down this path and discovered novel privileges that had not originally been mentioned by the forgery: that is power over the entire Western Roman Empire⁴⁴. From now on more and more “imperial” elements seem to have been included in the ritual of the coronation of the popes in the Lateran church and palace⁴⁵.

40 Cf. Petersmann, Die kanonistische Überlieferung des Constitutum Constantini (as above, note 25), p. 441; dito the manuscript of Anselm of Lucca, Rome, Bibl. Vaticana Barb. lat. 535.

41 Cf. below, p. 63.

42 *Libellus* c. 13, ed. by Will, p. 72, on this, see Krause, Das Constitutum Constantini (as above, note 36), p. 140; cf. also Axel Bayer, Spaltung der Christenheit. Das sogenannte Morgenländische Schisma von 1054 (AKuG. Beiheft 53), Cologne 2002, esp. p. 73, 81 and 122.

43 Cf. Hanna Vollrath, Kaisertum und Patriziat in den Anfängen des Investiturstreits. In: ZKG 85 (1974), pp. 11-44, here pp. 29-37; Krause, Das Constitutum Constantini (as above, note 36), p. 139 and 141; for a differing view Zeillinger, Konstantinische Schenkung, Kaisertum und Papsttum in salisch-staufischer Zeit (as above, note 14), pp. 11-7.

44 Cf. Das Register Gregors VII., ed. by Erich Caspar (MGH Epp. sel. 2, 1-2), Berlin 1955, V, 4; IX, 3 (p. 576); on this, see Josef Deér, Papsttum und Normannen. Untersuchungen zu ihren lehnrrechtlichen und kirchenpolitischen Beziehungen (Studien und Quellen zur Welt Kaiser Friedrichs II. 1), Cologne etc. 1972, p. 79 et seqq.; Zeillinger, Konstantinische Schenkung, Kaisertum und Papsttum in salisch-staufischer Zeit (as above, note 14), pp. 26-9. - Petrus Damiani, Epistola 89 [Disceptatio synodalis]. In: Die Briefe des Petrus Damiani 2, ed. by Kurt Reindel (MGH Die Briefe der deutschen Kaiserzeit 4, 2), Munich 1988, pp. 531-72, here p. 546.

45 Percy Ernst Schramm, Sacerdotium und regnum im Austausch ihrer Vorrechte: “imitatio imperii” und “imitatio sacerdotii”. Ein geschichtliche Skizze zur Beleuchtung des “Dictatus papae” Gregors VII. In: idem, Kaiser, Könige und Päpste. Gesammelte Aufsätze zur Geschichte des Mittelalters 4,1, Stuttgart 1970, pp. 57-106; idem, Die Imitatio imperii in der Zeit des Reformpapsttums. In: idem, Kaiser, Könige und Päpste. Gesammelte Aufsätze zur Geschichte des Mittelalters 4,1, Stuttgart 1970, pp. 180-91.

Only the most important of the early canonists, the famous but enigmatic Gratian, was unwilling to include the “Constitutum Constantini” in his *“Concordantia discordantium canonum”*, the two editions of which were produced between 1120 and 1150⁴⁶. But this was soon felt to be an omission, and the first decretists from Bologna were quick to include the vital text – even if only the second part, the supposed “Donation”, as in other collections. This was probably the work of Paucapalea (about 1148), who was the first to produce a *summa* to Gratian’s “Decretum”.

He (or whoever) dressed up a long excerpt from the “Constitutum” as “*Palea Constantinus*” (D. 96 c. 14), and added a summary or explanatory preface at the beginning (probably drawing on Anselm) in the form of a further *Palea* (D. 96 c. 13)⁴⁷: the latter stated that “The Emperor Constantine yielded (*concessit*) his crown (*corona*), and all his royal prerogatives (*dignitas*) in the city of Rome (*in urbe Romana*), and in Italy, and in the western parts (*in partibus occidentalibus*)” to the Apostolic [See]” (cf. appendix B IV.). This was exactly how Paucapalea himself had paraphrased what seemed to him to be the most important points in the document in his “*Summa*” of Gratian’s Decretum. How he saw it is revealed by his additional remark: “Finally Constantine handed over the entire empire and his own authority” to the pope (“*universum regnum ac proprium potestatem reliquit*”)⁴⁸. “Crown and dignity” had become “empire and imperial authority” in the entire West, and no distinction was made between *regnum* and *imperium*.

This brought the final breakthrough in the understanding of the text of the invented Constitution, and reveals the intentions behind the legal interpretation that made of the “Constitutum Constantini” the extensive „Donation of Constantine”. But, of course, it wasn’t Paucapalea who invented it. Otto of Freising’s references to the “story circulated by the Romans”⁴⁹ show that there was a tradition behind the doctrine presented by the decretist. Its origin can in fact be traced back to the age of Leo IX and Gregory VII, as the version of the text referred to above reveals. Reformers such as Petrus Damiani († 1072) had used a restricted interpretation of the “West” to read into the document that the *regnum Italiae* had been handed over; Placidus of Nonantola, a publicist of the early-12th century, interpreted the relevant passage as meaning the cession of the

46 The production of the “Decretum” (in two editions) and Gratian’s person have been the subject of a great deal of recent research, that cannot be summarised here. However, cf. Anders Winroth, *The making of Gratian’s Decretum* (Cambridge Studies in Medieval Life and Thought 4, 49), Cambridge etc. 2000; see also soon the Proceedings of the Twelfth International Congress of Medieval Canon Law, with several contributions on the subject; the congress took place in Washington, D.C. in 2004.

47 Rudolf Weigand, Fälschungen als Paleae im Dekret Gratians. In: Fälschungen im Mittelalter 2. Internationaler Kongreß der MGH, München, 16.-19. September 1986. Gefälschte Rechtstexte. Der bestrafte Fälscher (MGH Schriften 33, 2), pp. 301-18, here pp. 310-1.

48 Die Summa des Paucapalea über das Decretum Gratiani, ed. by Johann Friedrich von Schulte, Gießen 1890.

49 Cf. above, p. 11 seq.

occidentale regnum (something that Sylvester had certainly not assumed)⁵⁰; a generation later the theologian Honorius Augustodunensis believed that it was the *regni summa* that had been transferred⁵¹; soon after 1137 Petrus Diaconus, a monk from Montecassino who was proud of his Roman roots, followed the modified wording that was to win the day⁵².

This was to become the established tenor among the canonists, and finally to shape the text of the “Constitutum” itself⁵³. If I am right, the first time this occurred was in the “*Liber Censuum*” begun by Cardinal Cencius Savelli, later to become Pope Honorius III (1216-1227), in 1192. He emended and shortened the relevant passage, which thus took on a different meaning to before:

... ecce tam palatium nostrum quamque Romanam urbem et omnes Italiae seu occidentalium regionum provintias, loca, civitates beatissimo pontifici et universali pape Silvestro contradimus atque relinquimus et ab eo et a successoribus eius ... disponimus disponenda⁵⁴.

Potestas and *dicio* had been removed; the emperor had ceded to the pope his power over the areas mentioned. The identity of the verbs (*disponimus disponenda*) instead of the original distinction (*decernimus disponenda*) replaced the two different legal spheres with the identity of imperial and papal authority. But this was not to be the final version.

To be sure, at no time was there a definitive interpretation of the dubious document. Whoever studied it closely could always read into it something other than the ceding of imperial power. The decretist Damasus, for example, writing as early as the late 12th century, knew of “certain people, who claim that the emperor has his sword from the pope, since Constantine had handed over the Imperium to the Roman church (...) but in fact he has it from God, as Augustinus says”⁵⁵. In other words Damasus set a sacrosanct authority against a dubious opinion that

50 Placidus, *Liber de honore ecclesiae* c. 57, MGH Ldl 2, p. 591.

51 Honorius, *Summa Gloria* c. 17, MGH Ldl 3, pp. 71-2.

52 Herbert Bloch, *Der Autor der “Graphia aureae urbis Romae”*. In: DA 40 (1984), pp. 55-175, here p. 150; for the date of the relevant text, the “*Altercatio pro Romana ecclesia contra Grecum quondam*”, cf. *ibid.*, pp. 78-9.

53 It then also influenced the urban Roman opposition and heretical movement surrounding Arnold of Brescia that had made the “Donation of Constantin” a central point of their attacks on the pope. On this, see below p. 25 note 71 (the letter of Wezel the Arnoldist).

54 “... we confer and relinquish to the ... pontiff Sylvester ... as well our palace ... as also the city of Rome, and all the provinces, places and cities of Italy and the western regions and we order them to his and his successors’ order”, *Liber Censuum de l’Eglise romain*, ed. by Paul Fabre, Léopold Duchesne, 3 Bde. (Bibl. des Écoles Françaises d’Athènes et de Rome 2,6,1-3), Paris 1887-1952, here vol. 1, p. 367, 21 et seqq.

55 Quoted from A. J. Carlyle, *The Political Theory of the Roman Lawyers and the Canonists. From the Tenth Century to the Thirteenth Century* (A History of Medieval Political Theory in the West 2, ed. by Robert Warrand Carlyle), Edinburgh/London 1909, p. 212 note 2. Damasus may have been thinking of authors like Honorius Augustodunensis, the first author known to have expressed the interpretation proposed by the decretists, cf. Laehr, *Die Konstantinische Schenkung in der abendländische Literatur des ausgehenden Mittelalters* (as above, note 5), pp. 48-9.

also brought discredit on Constantine's Donation. Another author, who remained anonymous, was quite right in noticing that there was no reference to Constantine having resigned to Saint Sylvester "the *potestas imperii*, and having received it back from him" on the occasion of his first donation to the Church⁵⁶. Even Emperor Otto IV's learned English marshal, Gervase of Tilbury, writing around 1200, opposed the hierocratic exegesis, and made a distinction between "royal right" and "emperorship": Constantine had "handed over only to Pope Sylvester *potestas* in the Western areas" and so "constituted his royal right in the West", but it was not his wish that Sylvester [and his successors] should receive "the name and office of emperor"⁵⁷. However, the discussion will be pursued no further here, for, as we have already seen, none of these doctrines was to become definitive.

Gregory IX went furthest of all. In his programmatic letter to Emperor Frederick II he claimed that Constantine had granted the pope "primacy over things and bodies in the whole world" ("*rerum et corporum primatum*"), in analogy to his spiritual primacy over priesthood and souls *in toto orbe*. The pope had no difficulty in attributing to Constantine the submission of the emperorship to the Roman pontiff and the entire priesthood⁵⁸. It was one of the most extensive expressions of power that was ever based on the "Constantinian Donation", an open threat to the emperor. It would be superfluous to point out that none of this

56 Thus the anonymous summa *Reverentia sacrorum canonum* to D. 96 c. 11 v^o. "*a quo: cum nec legatur beato Silvestro imperii resignasse potestatem et ab eo eam recepisse, cum tamen primum ecclesiam Dei egregie dotavit*", quoted in Alfons M. Stickler, *Imperator vicarius papae. Die Lehren der französisch-deutschen Dekretistenschule des 12. und beginnenden 13. Jahrhunderts über die Beziehungen zwischen Papst und Kaiser*. In: *MIÖG* 62 (1954), pp. 165-212, here p. 181, note 41.

57 Gervase of Tilbury, *Otia Imperialia ad Ottonem IV. Imperatorem*, ed. by Gottfried Wilhelm Leibniz (*Scriptores rerum Brunsvicensium* 1), Hanover 1707, p. 882: "*Constantini gesta si memoramus, ab ipso collata legitur potestas in partes Occidentales tantum Sylvestro. Orientalis regio facta est caput Imperii. Licet vicario Christi Petro in tempore ejusque successoribus jus Regis in Occidente constituisset, diademate Caesaris ceterisque insignibus Sylvestro collatis ad gloriam: Non tamen imperii nomen aut Imperium ipsum transire voluit Imperator in Sylvestrum: quod sibi ac successoribus suis conservavit intactum, sola sede mutata, non dignitate.*" See now the new edition: Gervase of Tilbury, *Otia Imperialia. Recreation for an Emperor*, ed. and transl. by S. E. Banks and J. W. Binns (*Oxford Medieval Texts*), Oxford 2002, p. 10.

58 MGH Epp. saec. XIII, vol. 1, p. 604, 25 et seq.; the relevant passage in full: "*Constantinus (...) Romano pontifici signa et scepra imperialia, Urbem cum toto ducatu suo (...) nec non et imperium cure perpetuo tradidit et nefarium reputans, ut ubi caput totius Christiane religionis ab imperatore celesti disponitur, ibidem terrenus imperator potestate aliqua fungeretur, Italiam apostolice dispositioni relinquens (...)*"; the latter passage is reminiscent of the wording in the *Palea* D. 96 c. 14; on this and Frederick II's 'answer', see Kantorowicz, *Kaiser Friedrich der Zweite*, 1 (as above, note 2), pp. 393-4 and 2, p. 174; cf. above, p. 2, note 2; for a summary, see also Zeillinger, *Konstantinische Schenkung, Kaisertum und Papsttum in salisch-staufischer Zeit* (as above, note 14), p. 105-11; for the ideological context cf. Christian Jostmann, *Sibilla Erithea Babilonica. Papsttum und Prophetie im 13. Jahrhundert* (MGH Schriften 54), Hanover 2006, pp. 162-71.

was contained in the actual text of the extant forgery, not even in Gratian's excerpt, but it did conform to the current doctrine of the pope as "God's representative" (*Vicarius Dei*), as the "natural lord over all" ("*dominus naturalis omnium*")⁵⁹. Constantine seemed to have submitted himself and all his successors to such power, and Frederick II was the first to get a taste of it.

Thus a variety of diverse and contradictory opinions circulated, spread by publicists and propagandists, preachers, scholars and poets. Devoid of all foundation in actual knowledge, but modified to suit the needs of the moment, they had their effect within and without the church, and were aimed in particular at the emperor. We will never know whether Damasus ever actually saw the "Constitutum", for we do not have the Bologna master's manuscript of the decrees, his "*Liber magistri*"⁶⁰; yet, Gregory's letter contained a dangerous mixture of invention and verbatim echoes of the "*Palea Constantinus*" (D. 96 c. 14), of textual tradition and elaborate doctrine.

But it is not just words that bear witness to dealings with the "Constantinian Donation" in high medieval Rome. So too do pictures. However, the works of the artists, or those who commissioned them, are quite eclectic, always concentrating on individual aspects and scenes referred to in the "Constitutum"; here the pope's headdress, the *frygium*⁶¹ (cf. plate 4); there Constantine serving as *strator*⁶² (cf. plate 5), on one occasion the handing over of the deed (cf. plate 3). As far as we can tell, from the decades around the turn of the 13th century they generally followed the hierocratic interpretation of the canonists, although the illustration of the deed being handed is only found within the context of the centuries-old struggle between the Canons of the Lateran Church and those of St Peter's for supremacy in Rome which played such an important role in the 12th and 13th centuries (cf. plate 3). We learn about this in a "*Descriptio Lateranensis*

59 For comprehensive accounts: John A. Watt, *Theory of Papal Monarchy in the Thirteenth Century: The Contribution of the Canonists*, London etc. 1965; Ludwig Buisson, *Potestas and Caritas. Die päpstliche Gewalt im Spätmittelalter* (FKRG 2), Cologne/Vienna²1982; Jürgen Miethke, *De potestate papae. Die päpstliche Amtskompetenz im Widerstreit der politischen Theorie von Thomas von Aquin bis Wilhelm von Ockham* (Spätmittelalter und Reformation. Neue Reihe 16), Tübingen 2000.

60 On the question of the "*Libri magistrorum*", cf. Gero Dolezalek, *Repertorium manuscriptorum veterum Codicis Justiniani I* (Ius Commune Sonderheft 23. Repertorien zur Frühzeit der gelehrten Rechte), Frankfurt am Main 1985, pp.42-53; idem, *Libri magistrorum* and the Transmission of Glosses in Legal Textbooks (12th and 13th Century). In: *Juristische Buchproduktion im Mittelalter* (Studien zur europäischen Rechtsgeschichte 155), ed. by Vincenzo Colli, Frankfurt am Main 2002, pp. 315-50.

61 First attested in the depiction of Sylvester I in the Chapel of St. Nicholas in the Lateran Palace, which can be traced back to the Antipope Anacleto II (1130-38), cf. Gerhart B. Ladner, *Die Papstbildnisse des Altertums und des Mittelalters*, 3 volumes, Rome 1941-1984 (MAC 2, 4), vol. 1, pp. 202-18; for a summary of early evidence, cf. Christopher Walter, *Papal Political Imagery in the Medieval Lateran Palace*. In: *CahArch* 20 (1970), pp. 155-76 and 21 (1971), pp. 109-36; Herklotz, *Der mittelalterliche Fassadenportikus* (as above, note 13), pp. 80-8.

62 Cf. below, p. 24.

ecclesiae” dating to the time of Pope Alexander III (1159-1181)⁶³. The iconography, *titulus* and monumental inscription of the mosaic, which was prominently placed in the old portico of the Lateran Basilica, emphasised the supremacy of the bishop’s seat over all other churches, including that built over the grave of the Prince of the Apostles. The actual images involved are only known from baroque sketches. The emperor’s position documents his lower rank; he kneels before the enthroned pope like a founder before a saint, and hands him the deed of donation: “The king hands Sylvester his rights in the document”, “*Rex in scriptura Sylvestro dat sua iura*”⁶⁴. The donation is shown as an act of homage and humility.

The inscription on the architrave of the portico confirms that it was indeed the “Constantinian Donation” in the guise of the “Constitutum Constantini” that was meant, and at the same time gives details of those aspects of the *iura* that were of most relevance for the Lateran church: that the emperor and pope had decreed that the Lateran was “the mother and head of all churches”⁶⁵. But while the relevant quote from the “Constitutum Constantini” in the “*Descriptio Lateranensis ecclesiae*” mentions the Lateran’s rank as “head and summit of all churches in the entire globe”, “*caput et vertex omnium ecclesiarum in omni orbi terrarum*”⁶⁶, it omits the “Donation” of the city, Italy and the entire West. Only the arrangement of the two central figures illustrates the hierarchical difference between emperor and pope, a difference that not even the most priceless of gifts could cancel out. But this bore witness not so much to the forgery, as to Papal doctrine.

The earliest pictorial reference to individual elements in the “Constitutum Constantini” that is certainly of Roman origin was no less programmatic. The cycle of frescoes in the Chapel of St Sylvester in SS Quattro Coronati, dedicated in 1247, was painted around the mid-13th century, during the reign of Innocent IV, when the conflict between pope and emperor was at its peak. It had its own way of combining the legend of Sylvester with Constantine’s supposed privilege, and – as far as the “Donation” was concerned – probably followed the text and interpretation of the *palea* to Gratian’s Decretum; perhaps also the excerpt of the “Constitutum” in the “*Liber Censuum*” of the Roman church⁶⁷. The paintings were most likely commissioned by Cardinal Stefano Conti, *Vicarius Urbis* at the time. He avoided all reference to the argument between the

63 As far as it concerns the “Constitutum Constantini”: Codice topografico della città di Roma 3 (Fonti 90), ed. by Roberto Valentini and Giuseppe Zucchetti, Rome 1946, pp. 329-34.

64 Recorded by Giustino Ciampini, *De sacris aedificiis a Constantino Magno constructis*. Synopsis historica, Rome 1693; quoted after Herklotz, *Der mittelalterliche Fassadenportikus* (as above, note 13), p. 62.

65 “*Dogmate papali datur ac simul imperiali // Quod sim cunctarum mater caput ecclesiarum (...)*” cf. Herklotz, *Der mittelalterliche Fassadenportikus* (as above, note 13), p. 89.

66 Codice topografico 3 (as above, note 63), pp. 331-2.

67 In his commentary on the decretals Innocent IV explicitly cites D. 96 c. 14, cf. below, note 78. *Liber censuum* 1, ed. by Fabre, pp. 366-8.

papal basilicas over supremacy, instead concentrating solely on the hierocratic message. The frescoes show the *frygium*, *regnum* or *tiara*, as the Papal crown was known in Rome at the time⁶⁸, being handed to Sylvester (cf. plate 4), as well as Constantine acting as *strator*, a service he is supposed to have performed for the pope who wears the *regnum* now that the insignia had been handed over to him (cf. plate 5).

The frescoes may not be a masterpiece, but since the 19th century their uniqueness has brought them fame⁶⁹. Both emphasise Constantine’s homage before the throne of St Peter’s successors. In one the pope is seated on a throne while the emperor presents his gift to him with bended knee, as he would to a saint. In the other he attends on the newly crowned pope. Everything is left to the interpretation of the observer; there is no inscription explaining the intention of either the commissioner of the work or the artist, and there is absolutely no representation of power over the western provinces of the Roman Empire. What the scenes remind us of instead is once again the actual position of secular power and authority that the “Vicar of Christ” and successor of St Peter enjoyed according to contemporary canonistic doctrine. This had been expounded by Innocent IV in his commentary on the decretals, and recently put into practice by him when he deposed Frederick II (1245)⁷⁰. The imagery shows Constantine submitting to the pope’s position by means of both gift and attendance. In this way the frescoes evoked the “Donation of Constantine” while at the same time avoiding any direct reference to the embarrassing content (because the “Donation” derived the pope’s powers from an imperial grant), and decently set the imperial gifts within the doctrinal context created by publicists, theologians and canonists.

To sum up, “Constantine’s Donation” was the subject of much argument. But it would seem that those actively involved did not, or did not always have access to the text of the “Constitutum Constantini”, and rarely had much knowledge of it, if any at all. However, regular ignorance does not exclude the possibility of occasional knowledge, and so the omnipresent “Donation of Constantine” was only a vague, but nonetheless dangerous figure in the collective memory of the later Middle Ages. It had distanced itself noticeably from its roots in the “Constitutum Constantini”, and in turn few knew of the latter’s origins. What had the emperor actually donated? Was his donation legal? Was it valid, in spite of the fact that the Empire and the regalia were inalienable? These were the kinds of questions that were discussed in the streets, in inns or at the courts of princes.

68 See below, p. 60.

69 Ladner, *Papstbildnisse* 3 (as above, note 61), p. 300 seq. On the political constellation: Andreas Sohn, *Bilder als Zeichen der Herrschaft. Die Silvesterkapelle der Kirche in SS Quattro Coronati*. In: *AHP* 35 (1997), pp. 7-47.

70 Peter Herde, *Ein Pamphlet der päpstlichen Kurie gegen Kaiser Friedrich II. von 1245/46 („Eger cui lenia“)*. In: *DA* 23 (1967), pp. 468-538; Wolfgang Stürmer, *Friedrich II.*, vol. 2 (as above, note 2), pp. 533-9.

Even "shopkeepers and women" would expose the donation as a forgery and educate the "scholars"; at least that was the word among the Roman populace in the mid-12th century⁷¹.

But the scholars remained silent. The "*Palea Constantinus*" (D. 96 c. 14) was not dealt with in ordinary lectures at universities, and it was only later, once the papacy's hierocratic doctrine had won the day about 1230, that more attention was paid to Constantine's gift. But even then only in extraordinary lectures. Jurists now also regularly took part in the discussion⁷². However, the "*Palea Constantinus*" never became the subject of a comprehensive commentary dealing with the entire text and its legal aspects, and a "communis opinio" was never reached. The object of memory was not the document itself, but rather a gesture of power that was praised by some and damned by others. Even in Dante's vision Constantine appears twice: the poet gives him a virtual appearance in Hell when his name is mentioned, and Dante then goes on to meet him as he wanders through paradise⁷³. For this theoretician on the "monarchy" Constantine was a truly difficult holy figure.

In spite of this the way for the success of the curious charter was paved by the re-discovery of the universal church during the reforms of the 11th century. Constantine's gifts provided the kind of material foundation without which a religious movement is doomed to failure, and gradually in Rome and elsewhere the document, long known but the object of little attention, was remembered. Most of the writings bearing witness to this process were written either in Germany and Italy, for the "Holy Roman Empire" was most directly affected, in the universities of the Late Middle Ages, or in the States of the Church⁷⁴. Few Spanish, French or English voices are to be heard, and it was just as rare for the Apostolic See to use the document to legitimate or even justify its claims; papal decretals never referred to the imperial donation. But nevertheless soon the whole

71 Wezel's famous letter to Frederick Barbarossa (Wibald of Stavelot, ep. 404. In: Monumenta Corbeiensia, ed. by Philip Jaffé, Bibliotheca rerum Germanicarum 1, Berlin 1864, p. 542) has *mercennarii et mulierculae* teaching even *doctissimi* about the forgery (*mendacium*) of the Donation, cf. Laehr, Die Konstantinische Schenkung in der abendländischen Literatur bis zur Mitte des 14. Jahrhunderts (as above, note 5), p. 67; Zeillinger, Konstantinische Schenkung, Kaisertum und Papsttum in salisch-staufischer Zeit (as above, note 14), pp. 31-47.

72 Maffei, La donazione di Costantino (as above, note 10).

73 Dante, Divina commedia Inf. XIX, 115-7 ("*Ahi, Costantin, di quanto mal fu madre, / non la tua conversion, ma quella dote / che da te prese il primo ricco padre!*") and Par. XX, 55-60 ("*L'altro che segue, con le leggi e meco, / sotto buona intenzion che fe' mal frutto, / per ceder al pastor si fece greco: / Ora conosce come il mal dedutto / dal suo bene operar non gli è nocivo, / avvegna che sia il mondo indi distrutto.*"). Cf. Werner Kaegi, Vom Nachleben Constantins. In: SZG 8 (1958), pp. 289-326, here pp. 310-1; Luigi Banfi, Costantino in Dante. In: Costantino il Grande dall'antichità all'umanesimo 1 (as above, note 21), pp. 91-103 (with further evocations).

74 According to the survey in Laehr, Die Konstantinische Schenkung in der abendländischen Literatur bis zur Mitte des 14. Jahrhunderts (as above, note 5), *passim*.

world thought that it knew where the pope's authority came from; from Constantine's gift.

Clearly there was a remarkable range of layers to the manner in which popes and jurists approached the Donation. They rarely used the "Constitutum Constantini" to protect the freedom of the Church, its property and rights, or even to justify the prerogatives of the Apostolic See and the Roman church. On the contrary, they went to great lengths to counter the preconception that it was Constantine who had granted the Roman church privileges even over secular princes, a belief that had become an integral part of the cultural memory of Latin Christendom, and would later regularly be taken up by heretical groups⁷⁵. The angel's "thrice woe" also echoed in the ears of the curials. In a sermon delivered on the occasion of his coronation, which took place on the feast of the Chair of St Peter, Innocent III had already put the matter quite precisely: "As a sign of the spiritual (the Prince of the Apostles) had given him the mitra, as a sign of the temporal the crown: the mitra for the priesthood, the crown for kingship"⁷⁶. But the new pope did not state just how far this Petrine kingship extended.

The authority of the Church was the will of God, not the work of man, and the emperor could do no more than recognise the fact. It was a matter of preserving the independence of the Roman church; its "power" was to be derived directly from God and his representative, not from the Roman emperor. On the other hand, neither the Apostolic See nor the reformers wanted to discard the "Constitutum Constantini", for it appeared to legitimate the pope's earthly dominion within the contest of secular laws like no other document.

So it was that in a provocative pamphlet intended to incite Christendom against Frederick II, Pope Innocent IV, or rather one of his eloquent aides, corrected the error and turned the Donation on its head. The gift was no longer a gift, but an act of atonement. Constantine resigned the illegal tyranny which as a heathen he had exercised outside the Church ("*inordinatam tyrannidem, qua foris antea illegitime utebatur*"), and received in its place from the hand of Christ's representative, and legitimated by God, dominion over the Empire ("*a Christi vicario [...] ordinatam divinitus imperii potestatem*"). For the "King of Kings" had given to the Apostolic See absolute power on earth (*plenitudo potestatis*), and with it power over the empire (*principatum*), both naturally as well as potentially (*naturaliter* and *potentialiter*). God had granted the Apostolic See both episcopal and regal monarchy⁷⁷. However, according to Innocent IV

75 Laehr, Die Konstantinische Schenkung in der abendländischen Literatur bis zur Mitte des 14. Jahrhunderts (as above, note 5), p. 175 et seqq.

76 "*In signum spiritualium contulit mihi mitram, in signum temporalium dedit mihi coronam; mitram pro sacerdotio, coronam pro regno*": Migne PL 217, col. 665.

77 The quotes are from the polemic *Eger cui lenia*, possibly not from the pope's own hand, but from his immediate entourage. Ed. Herde, Ein Pamphlet der päpstlichen Kurie (as above, note 70), here p. 517, pp. 520-2, recently: Das Brief- und Formelbuch des Albert Behaim, ed. by Thomas Frenz and Peter Herde (MGH Briefe des späteren Mittelalters 1), Munich 2000, pp. 105-6, here p. 102, note 1, the most important work on the pamphlet; also Carlo Dolcini,

Constantine had only been able to hand back the Western provinces of the Roman Empire, and not the whole world, and in his commentary on the decretals the pope paid close attention to the difference between part and the whole⁷⁸.

But it was in a strange contradiction of Church doctrine that the first Christian emperor had used his "privilege" to grant the Roman church much more: "the four principal seats, Alexandria, Antioch, Jerusalem and Constantinople, as over all the churches of God in the whole earth." He had made the Bishop of Rome "emperor (*princeps*) over all the priests of the whole world", and declared "that in Rome holy law shall exercise the *caput principatus*," in other words the primacy of the pope. This was imperial confirmation of the secrets of papal doctrine.

However, that was the language of a past era and another Church. In the age of a reformed papacy, of the "Gratian's Decretum" and the decretals, and of the emergence of the universal power of the pope as God's representative on earth, it could no longer be tolerated. Leo IX already referred in this context to the "stronger right" of the Church, and to "the Lord who wished to build his Church"⁷⁹. Not even the most dangerous opponents of a hierocratic papacy, Frederick II or Louis IV the Bavarian, argued that the spiritual sword had been bestowed in this manner by imperial hand⁸⁰. Thus extensive passages in the "Constitutum" were clearly the object of a taboo, and did not play a part in public discussion. The Papacy claimed a *plenitudo potestatis* that was essentially universal and of divine origin, and which extended to Christians and heathens alike, in fact to all of creation; and no Constantine could ever have legitimised this.

But in the shallow waters of political debate the sources of legitimation got confused, and the "Donation of Constantine" was used to put "the wealth of powers" that was derived from the succession of St Peter into concrete terms. Some popes set a fine example, for instance when claim was laid to papal supremacy over islands such as Corsica, Sardinia and Sicily, later over England and Ireland, and finally even over America. Urban II, Hadrian IV, Alexander III

"Eger cui lenia" (1245/46): Innocenzo IV, Tolomeo da Lucca, Guglielmo d'Ockham. In: RSCI 29 (1975), pp. 127-48; Wilhelm von Ockham, Dialogus. Auszüge zur politischen Theorie. Ausgewählt, übersetzt und mit einem Nachwort versehen von Jürgen Miethke (Bibliothek klassischer Texte), Darmstadt 1992, pp. 198-9, notes 91-2.

78 On X 3.34.8 v^o *compensato*, quoted in Carlyle, The Political Theory (as above, note 55), p. 324, note 2. The context there is not given entirely correctly. Whereas Innocent invokes papal imperial authority over the West in D. 96 c.14, this only serves as a substitute in the case the other prerogatives of the Apostolic See do not suffice; following the passage quoted by Carlyle it states: "*sed si non potest facere tanquam imperator, potest facere ex aliis praedictis causis vel ad minus imperator potest facere*", ed. Venice 1570 fol. 256ra. The pope's claim is an argument *de iure*, not a political dictum of papal actions. On the interpretation cf. Herde, Ein Pamphlet der päpstlichen Kurie (as above, note 70).

79 *Libellus* c. 15, ed. by Will, p. 74.

80 For an overview cf. Jürgen Miethke, Arnold Bühler, Kaiser und Papst im Konflikt. Zum Verhältnis von Staat und Kirche im späten Mittelalter (Historisches Seminar 8), Düsseldorf 1988; Jürgen Miethke, De potestate Papae (as above, note 59).

and some of their successors were not afraid of employing the ominous gift to legitimate their claims, although they were quite discreet about it⁸¹. They made assertions that the "Constitutum Constantini" did not contain; but nobody was bothered when instead of "property on various islands" ("*praedia [...] in [...] diversis insulis*") without nearer specification of which ones, as in the original text of the pseudo-Constantinian charter, suddenly "all islands" ("*omnes insulae*") were claimed as the property of the Apostolic See; in other words all the islands of the earth⁸². This was how a distorted memory of Constantine's gift guided public discussion and the actions of contemporaries in eloquent silence.

Information was coupled with misinformation, Constantine's alleged donation with real ignorance of the invented privilege. Only about a third of the 12th and 13th-century manuscripts of the "Decretum" followed Paucapalea's amendment and included the "Constitutum Constantini" in the text. This was noticed by the humanist Lorenzo Valla when he proved it was a forgery. Nor were there many commentaries. The "*Glossa Ordinaria*" of Johannes Teutonicus, the standard commentary on the "Decretum", notes laconically (about 1215): "This *Palea* is not read in the schools". But Johannes went to greater lengths to add his own dualistic, anti-hierocratic interpretation: he states that the *palea* "contains the privilege that Constantine had granted the Roman church (*concessit Romanae ecclesiae*), that it had primacy among all churches; in this privilege he had also granted it property and the insignia of its dignity. Constantine did this at the same time as he retired to the East, since there should not be two *Pontifices* in the same place". This last point was, of course, a historical argument, for Constantine was indeed still Pontifex Maximus when he transferred his capital to Constantinople. But where the commentator drew this information from is unclear, perhaps he was thinking of references made by Gelasius I⁸³. At any rate the German scholar did not mention the relinquishment of the West.

Here is not the place to follow the history of the text of the "Donation" in the High and Late Middle Ages more closely. It was tightened up and concentrated, and at the same time its hierocratic aspects sharpened. From now on it stated: Constantine gave over and relinquished "to the aforesaid our most blessed pontiff, Sylvester, the universal pope, as well our palace, as has been said, as also the city of Rome, and all the provinces, places and cities of Italy and the western regions" and retired to Constantinople ("*Romanam urbem et omnes Italiae seu*

81 Cf. Laehr, Die Konstantinische Schenkung in der abendländischen Literatur bis zur Mitte des 14. Jahrhunderts (as above, note 5), pp. 60-2. Luis Weckmann, Las bulas alejandrinas de 1493 y la teoría política del Papado medieval. Estudio de la supremacía papal sobre islas 1091-1493, Mexico 1949.

82 Thus Urban II in JL 5448 = Migne PL 151, col. 329C (1091) und JL 5449 = *ibid.* col. 330-1; cf. Alexander III in JL 12162 = Migne PL 200, col. 884B.

83 Cf. the passage already quoted by Carlyle, The Political Theory (as above, note 55), p. 190, note 1, later also employed by Hincmar of Reims, *ibid.*, p. 254 with note 3.

occidentalium regionum provincias, loca et civitates praefato beatissimo Pontifici nostro Sylvestro universali Papae contradimus atque relinquimus”⁸⁴. The result was the long postulated “Donation”, but the price was the original wording and its meaning. In the Middle Ages nobody, apart from a few scholars, looked at the original texts, conducted textual criticism of them, or thought about the discrepancies that had been noticed! What critical scholarship brought to light got in the way of politicians. From now on the canonistic wording prevented any dualistic interpretation.

It was in this distorted form that later manuscripts and the first printed editions of the “Decretum” presented the “Constitutum Constantini”. Even Emil Friedberg’s “critical” edition adopted the amendments of the younger Bologna canonists and banished the original version to the notes on the variants⁸⁵. The effect on scholarly research on the Early Middle Ages was obvious. Albert Hauck, to name just one important modern church historian, may quote the pseudo-Isodorian text, but interprets it in the sense of the textual understanding of the decretists; in other words that the “Donatio Constantini” “was the first expression of Papal claims to earthly power”, and that Pseudo-Isidore did not know what to make of the Donation of Constantine. Both claims are wrong. The authoritative memory of the Middle Ages dominated even early modern scholarship, and earlier interpretations still led more recent scholars astray⁸⁶.

The jurists of the High and Late Middle Ages, the scholars of secular Roman law – apart from exceptions such as Bartolus⁸⁷ – disagreed with what was said about Constantine’s donation. It was not included in their legal texts, and they only dealt very abstractly with the actual case of the donation. Some of them even questioned its authenticity. They only quoted juristic sources, and paid no special attention to the wording of the “Constitutum” as presented in the “Decretum”. They already knew what was under discussion, and their interpretations were based on what was commonly known.

84 According to the “*Palea Constantinus*” in the Decretum Gratiani (D. 96 c. 14, cf. also c. 13) in the Late Medieval manuscripts and the printed versions of the Decretum. The original text is quoted above, p. 19. I have so far not been able to find out when exactly and under which circumstances the wording got change and the new version established itself.

85 Decretum magistri Gratiani, ed. by Emil Friedberg (Corpus Iuris Canonici 1), Leipzig 1879, col. 344-5.

86 Albert Hauck, *Der Gedanke der päpstlichen Weltherrschaft bis auf Bonifaz VIII.*, Leipzig 1904, pp. 2-6, the quotes are from p. 3 and p. 6. – The most recent example: Hans Hubert Anton, *Solium Imperii und Principatus sacerdotum in Rom, fränkische Hegemonie über den Okzident/Hesperien. Grundlagen, Entstehung und Wesen des karolingischen Kaisertums*. In: *Von Sacerdotium und Regnum. Geistliche und weltliche Gewalt im frühen und hohen Mittelalter. Festschrift für Egon Boshof zum 65. Geburtstag*, ed. by Franz-Reiner Erkens and Hartmut Wolff (Passauer Historische Forschungen 12), Cologne etc. 2002, pp. 203-74, here pp. 224-40.

87 Maffei, *La Donazione di Costantino* (as above, note 10), pp. 66-7.

Azo, the most influential of Bologna’s jurists, writing about 1200/1220, did not even recognise the pope’s claim to Rome⁸⁸, while in his “*Glossa ordinaria*” of the “*Corpus Iuris Civilis*” Accursius, and above all the French, doubted the very validity of the “Donation”. Accursius conceded that while it was not for the jurists to decide upon the “factual solution” of the argument (*solutio facti*), according to “imperial law” (*de iure*) the donation was invalid⁸⁹. This was how in his “*Lectura Aurea*” (a summa to Justinian’s “*Institutiones*”) Pierre de Bellperche (Petrus de Bella Pertica, † 1308), one of the court jurists of Philip the Handsome of France, interpreted the case: “when Constantine was still on the throne he granted some province (*quandam provinciam*) to the Roman church. Is the donation valid? The gloss states: ‘No’; for the emperor is *semper augustus*, the ‘eternal enlarger of the Empire’. ... Others say that the donation is indeed valid, for the law (*lex*) states that Constantine enlarged the Church ... thus he could have granted the province to the Church ... I am of the opinion that according to common law the donation is not valid. Firstly because the emperor is called ‘enlarger’ ... Furthermore it is clear that Constantine only administered the Empire, ... and the object of his administration could not be given away”; the argument then continued along the same lines⁹⁰. What is more, at no time was France subject to this rotten Donation, for the *regnum Francie* had never been part of the *Imperium*.

Even a circumspect scholar like Lorenzo Valla, who in 1440 exposed the Donation of Constantine as a forgery, only criticised the younger Bologna version and not the original⁹¹; even had he done so, his task would probably not have been any easier. The canonistic version reflected knowledge that was generally held, but hardly the intentions of the actual author of the forgery⁹². The public

88 Gloss *nostram* on D. 1.12.1.4, quoted from Maffei, *La Donazione di Costantino* (as above, note 10), p. 70; cf. Hugolinus Presbyteri, *ibid.*, p. 71.

89 The gloss *conferens generi* on Nov. 6 pr. (Authenticorum Coll. I tit. VI *Quomodo oporteat*); quoted from Maffei, *La Donazione di Costantino* (as above, note 10), pp. 66-7.

90 Petrus de Bella Pertica, *Lectura aurea super librum Institutionum*, on Rubr. Inst. Ed. Paris 1513 (copy in the Universiy Library Heidelberg) fol. Iiii r. Cf. Maffei, *La Donazione di Costantino* (as above, note 10), pp. 120-7; Mario Conetti, *L’origine del potere legittimo. Spunti polemici contro la donazione di Costantino da Graziano a Lorenzo Valla*, Parma 2004, pp. 70-2.

91 Lorenzo Valla, *De falso credita e emendata Constantini donatione*, ed. by Wolfram Setz (MGH QQ zur Geistesgesch. 10), Weimar 1976; an English translation: *The Treatise of Lorenzo Valla on the Donation of Constantine. Text and Translation into English* by Christopher Bush Coleman, New Haven 1922; cf. Laehr, *Die Konstantinische Schenkung in der abendländischen Literatur des ausgehenden Mittelalters* (as above note 5), pp. 157-63; Wolfram Setz, *Lorenzo Vallas Schrift gegen die Konstantinische Schenkung De falso credita et emendata Constantini donatione. Zur Interpretation und Wirkungsgeschichte* (Bibliothek des Deutschen Historischen Instituts in Rom 44), Tübingen 1975; Conetti, *L’origine* (as above, note 90). – On the general historical and spiritual context cf. Wolfgang Speyer, *Italienische Humanisten als Kritiker der Echtheit antiker und christlicher Literatur* (AAWLM.G 1993, 3), Stuttgart 1993, esp. pp. 27-9.

92 I was unable to determine when this change in the text first occurred. The manuscripts of Gratian from the 12th century do not seem to contain it, cf. Petersmann, *Die kanonistische Überlieferung des Constitutum Constantini* (as above, note 25), p. 441 on line 267. It would

discourse passed over the details of the pseudo-Constantinian document, and certainly did not bother with the history of the text or its terminology. Yet this was vital for any understanding of its original content. The basis of the discussion was a broad consensus rooted in a collective memory of the character of the "Donation" as the foundation of papal power on earth. This was what the truncated "Constitutum Constantini" stood for, it did not exist in its own right. It was a myth rather than a legal text, but myths have long lives.

Lorenzo only mentioned in passing that the popes perhaps did not always fully understand Constantine's donation, although one of them will probably have written it⁹³. Nevertheless even this veiled criticism brought down the wrath of many of the curials. But he also had influential supporters: the Cardinals Nicholas of Kues (who had already used historical arguments to declare that the "Donation of Constantine" was apocryphal⁹⁴) and Johannes Bessarion; the future popes, Nicholas V and Calixtus III, who were his friends; as well as King Alfonso and King Ferdinand of Naples, in whose service he had written his work. Without their support the courageous scholar would have become a victim of the Inquisition. But the Apostolic See no longer needed the forgery, it could afford to sacrifice it to the truth in a humanistic gesture.

Valla's work only became widely known in Germany later, but its affect was all the more dramatic. An unknown publisher (Strasbourg 1506) and Ulrich von Hutten (1517 or soon thereafter) printed it, and a German translation soon followed (before 1526)⁹⁵. Martin Luther read Hutten's (second) edition of Valla's verdict in 1520 when he finally began to distance himself fully from Rome. The

appear though that the later manuscripts have it, cf. the edition by Friedberg, pp. 344-5. The *Correctores Romani* adopted the changed wording as self-evident.

- 93 Valla, *De donatione* § 79 (at the end): *tam et si ab aliquo eorum [sc. paparum] ortam esse hanc fallaciam reor*; cf. also § 83.
- 94 Laehr, *Die Konstantinische Schenkung in der abendländischen Literatur des ausgehenden Mittelalters* (as above, note 5), pp. 153-5; Erich Meuthen, *Nikolaus von Kues und die Geschichte*. In: *Das Menschenbild des Nikolaus von Kues und der christliche Humanismus. Die Referate des Symposions in Trier vom 6.-8. Oktober 1977 und weitere Beiträge*. Festgabe für Rudolf Haubst zum 65. Geburtstag, ed. by Martin Bodewig, Josef Schmitz, Reinhold Weier (*Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 13), Mainz 1978, pp. 234-52. Martina Hartmann, *Spätmittelalterliche und frühneuzeitliche Kritik an den pseudoisidorischen Dekretalen. Nikolaus von Kues und Heinrich Kalteisen als „Wahrheitszeugen“ bei Matthias Flacius Illyricus und den Magdeburger Centuriatoren*. In: *Fortschritt durch Fälschungen? Ursprung, Gestalt und Wirkungen der pseudoisidorischen Fälschungen. Beiträge zum gleichnamigen Symposium an der Universität Tübingen vom 27. und 28. Juli 2001*, ed. by Wilfried Hartmann and Gerhard Schmitz (*MGH Studien und Texte* 31), Hanover 2002, pp. 191-210., here p. 199, note 43 from "*De concordantia catholica*" II, 152.
- 95 *Des Edlen Römers Laurentii Vallensis Clagrede wider die erdicht und erlogene Begabung so von dem Kayser Constantino der römischen Kirchen soll geschehen sein*, ed. by Wolfram Setz, Basel/Frankfurt am Main 1981 (facsimile of the original from ca. 1526); Horst Fuhrmann, *Zu Lorenzo Vallas Schrift über die Konstantinische Schenkung*. In: *SM 3^e Serie* 11 (1970), pp. 913-9, here pp. 916-9; Setz, *Lorenzo Vallas Schrift gegen die Konstantinische Schenkung* (as above, note 91), pp. 151-66 (on Hutten); pp. 180-1 (on the German translation).

revelation of the forgery was now final evidence of Rome’s hypocrisy; “a pretty, fat, bloated, well stuffed and thoroughly Papal lie/*eine weidliche, fette, dicke, wohlgemeste, eine rechte Bepstliche Luegen*” which the holiest of fathers in Rome had claimed was one of the most important articles of the Christian faith, as Luther put it when he translated it in to German himself (1537). It was proof of *w h o* really ruled on the banks of the Tiber: “the murderous, damned, red whore of Rome”⁹⁶, proof that an or even the Antichrist sat on the papal throne. This was not the first time that popes were exposed as the authors of this forgery – guided by the zeal of the Reformation and blinding anger – but the results were longer-lasting. The echoes of this attribution are still to be heard today – even among Catholics. Who could have put forward the cogent claim that the pope had power on earth, if not Rome herself?

Luther’s attack rallied the opposition. Although cardinals, popes and papal notaries had already admitted that the “*Constitutum Constantini*” was a forgery, they felt they had now to defend its authenticity. Even Juan Torquemanda’s arguments, which ignored the accusation of forgery, (written about 1457) were resurrected⁹⁷. The *Correctores Romani* of Gratian’s “*Decretum*”, who were thorough and not uncritical, and had made a careful study of the sources for their edition of the “*Decretum*”, acted similarly. They had to deal with the accusation that the “*Constitutum Constantini*” was forged, in spite of the fact that the two “*Paleae Constantinus*” had become an integral part of their legal text. They could not remove them, nor could they recognise them as a forgery. These scholars of textual criticism circumnavigated the cliffs of forged law by uncritically following the canonists of the 11th century Anselm of Lucca and Deusdedit. They attributed the text of the “*Donation*”, which they quoted at length and word for word, to the “*Gesta seu acta sancti Sylvestri*”, which themselves could be traced back to Antiquity. The “*Constitutum*”, which Lorenzo Valla had revealed as a forgery together with “*Constantine’s Donation*”, had never been part of the late-antique text, although since the 11th century some manuscripts of the “*Actus*” linked them⁹⁸. Thus the “*Correctores*” claimed that the “*Constitutum*” had been approved by ecclesiastic authorities – including the “*Decretum Gelasianum*”, which was specially tailored to do so⁹⁹ – and was accepted by earlier historians¹⁰⁰.

96 Cf. Laehr; *Die Konstantinische Schenkung in der abendländischen Literatur des ausgehenden Mittelalters* (as above, note 5), pp. 172-3; cf. Setz, *Lorenzo Vallas Schrift gegen die Konstantinische Schenkung* (as above, note 91), pp. 166-73.

97 Cf. above, note 5; on this Maffei, *La donazione di Costantino* (as above, note 10), pp. 310-2.

98 Fuhrmann, *Einfluß und Verbreitung 2* (as above, note 25), p. 360, note 12.

99 *Das Decretum Gelasianum De libris recipiendis et non recipiendis in kritischem Text*, ed. by Ernst von Dobschütz (*Texte und Untersuchungen zur Geschichte der altchristlichen Literatur* 3,8,4), Leipzig 1912.

100 *Corpus iuris Canonici academicum, emendatum et notis P. Lancellotti illustratum, in duos tomos distributum, usuique moderno ad modum Christoph. Henr. Freiesleben*, Cologne 1757, pp. 207-8, with reference to D. 15 c. 3 § 19; cf. Petersmann, *Die Kanonistische Überlieferung des Constitutum Constantini* (as above, note 25), pp. 368-9 and p. 416.

The forgery was shown to be truly ancient, to have been accepted by the Church, and so must be valid – valid but not correct. Cultural memory, a myth removed from its context, albeit distorted, celebrated a final triumph over all proof of forgery. Thereafter the “Donation” was drawn ever deeper into the confessional conflicts, from which it was only freed by recent scholarship.

IV. The wording and meaning of the “Constitutum Constantini”

Recollection plays base tricks with past reality; it reconstructs it and constantly creates it anew. This applies equally to individual and to collective memory. It changes its reference as and when it pleases. The reality of forgeries is not immune from such distortions, and once they have become the subject of memory they themselves can be forged and altered dramatically. So it was that memory altered the pseudo-Constantinian creation, and made of it something that it had never been; there was a substantial shift in the system of reference of cultural meaning. In order to demonstrate this we must leave behind the “Donation” and its monumental effects, and turn instead to its apparently harmless earlier history, that is to the actual text of the “Constitutum Constantini” and its origin. What did the forger originally write (and Pseudo-Isidore and the early manuscripts of the *Decretum Gratiani* preserve?) How was it to be understood? What effects did it have at the time?

The original wording of the text takes us back to another age, to another society, to other memories of Rome, other discourses, other concepts and another understanding of the text. Once it had been made part of history the context, legal consequences and entire intention of Constantine’s donation changed. So what had Constantine, at the behest of the forger, ‘donated’? What did his curious *decreti pagina*, the figure of memory in the “Constitutum Constantini”, announce? Once again we must remember that each memory is linked to its temporal context and to its needs. When and where had Constantine’s gift been recalled? Who was it who remembered it and turned it into the forgery? What was his intention?

There is general rather than universal agreement, even if the arguments are not c o n c l u s i v e. It is claimed to have been written in the second half of the 8th century, quite probably during the reign of Paul (757-767), and was therefore the work of the Roman Patriarchium, the residence of the papal administration in the 8th and 9th centuries¹⁰¹. The “Constitutum Constantini” is thought to have been

101 The best summary of this and the following is to be found in: Fuhrmann, *Das frühmittelalterliche Papsttum und die Konstantinische Schenkung* (as above, note 7). On the names of elements of the papal court, cf. Karl Jordan, *Die Entstehung der römischen Kurie: Ein Versuch; mit Nachtrag* (Libelli 91), Darmstadt 1962. According to this the *Patriarchium Lateranense* is encountered for the first time in the “*Liber Pontificalis*” under Sergius (687-701), the (*Sacrum*) *palatium Lateranense* in 813 in a procedural document of Leo III, more often thereafter, but regularly only from the mid-10th century, cf. Reinhard Elze, *Das “Sacrum*

drafted there as an expression of the pope’s view of his own position, and “to settle the Papacy’s accounts with Byzantium” (Erich Caspar). In other words as a pseudo-legitimation of the de facto legal situation¹⁰². Proof for this thesis, as already mentioned above, is seen in the resurrection of the cult of St Sylvester by Paul and his elder brother¹⁰³, and in the style and wording of the document, which seems to resemble most closely the usage of the chancellery during Paul’s reign. But while this may be true to a certain degree, it is not clear to what extent it is positive proof, for to date no analysis has been made of whether the peculiarities noted – on the whole no more than similarities in phrasing – were possible or impossible elsewhere and at a later date¹⁰⁴.

For example, the forgery refers to the Blessed Sylvester, who was as blessed as the Prince of the Apostles himself, Constantine’s *illuminator* in Christianity (l. 109). This supposedly matches the style within the chancellery at the time of Paul I, and indeed a letter from Paul I to King Pepin describes the same holy pope, St Sylvester, as *Christianorum illuminator*¹⁰⁵. But this tells us little about the pseudo-Constantinian document, for a forger working later, or even outside Rome, could of course have picked up elsewhere and used the word *illuminator*. Whoever takes a closer look at the style of the “Constitutum Constantini” and notes that it is indeed full of quotes and references gathered together from a variety of sources (in spite of the doubts voiced by Paul Scheffer-Boichorst¹⁰⁶),

palatium Lateranense” im 10. und 11. Jahrhundert. In: Studi Gregoriani 4 (1952), pp. 27-54. - Le Liber Pontificalis. Texte, introduction et commentaire par L’Abbé Louis Duchesne, vol. 1, Paris 1892, pp. 371-82; the “*sacrum palatium* in which the *primati iudicum et exercitus Romanae militiae vel cleri (...) plurima pars et praesertim sacerdotum atque civium multitudo*” met on the occasion of the contentious papal election is the (recently renovated) imperial palace (cf. Liber Pontificalis 1, ed. by Duchesne, p.371 with note 11, p. 377), not the papal *Patriarchium* (as Bernhard Schimmelpfennig, Die Bedeutung Roms im päpstlichen Zeremoniell. In: Rom im hohen Mittelalter. Studien zu den Romvorstellungen und zur Rompolitik vom 10. bis zum 12. Jahrhundert. Reinhard Elze zur Vollendung seines siebzigsten Lebensjahres am 28.7.1992, ed. by Bernhard Schimmelpfennig und Ludwig Schmutge, Sigmaringen 1992, pp. 47-63, here p. 56 asserts); as the same papal biographies state, at the time each of the papal candidates had occupied one part of the *Patriarchium*.

102 Settling accounts: Caspar, Pippin und die römische Kirche (as above, note 7), p. 189; idem, Das Papsttum unter fränkischer Herrschaft (as above, note 7), p. 33; self-image: Arnaldi, Le origini dello Stato della chiesa (as above, note 7), pp. 142-4; legal situation: August Franzen, Remigius Bäumer, Papstgeschichte. Aktualisierte Neuauflage, Freiburg i. Br. 1988 [first published 1974], p. 110.

103 On this, see the “Concilium Romanum“ of 761: Concilia aevi Carolini 12, ed. by Albert Werminghoff. In: MGH Conc. 2,1, Hanover/Leipzig 1906, pp. 64-71. Yet the confessor Sylvester appears only as one of several patrons of the monastery founded by Stephen and Paul.

104 Cf. Scheffer-Boichorst, Neuere Forschungen über die Konstantinische Schenkung (as above, note 7) with further literature.

105 Codex Carolinus, ed. by Wilhelm Gundlach. In: MGH Epp. 3, Berlin 1892, pp. 469-657; on the subject: Scheffer-Boichorst, Neuere Forschungen über die Konstantinische Schenkung (as above, note 7), p. 19.

106 Scheffer-Boichorst, Neuere Forschungen über die Konstantinische Schenkung (as above, note 7), p. 22.

will have no difficulty with such a suggestion¹⁰⁷. Thus the term “enlightener” (“*illuminator*”) could have been drawn from a different source that has nothing to do with Paul’s chancellery; for example a letter or sermon of Leo I, who on occasion refers to Paul the Apostle as “teacher of the gentiles and enlightener of the entire world” (“*doctor gentium et totius mundi illuminator*”), as “teacher and enlightener of the gentiles” (“*doctor et illuminator gentium*”) ¹⁰⁸. Leo himself, the saintly pope, could be “the enlightener and pillar of the Church” (“*illuminator et columna ecclesiae*”) ¹⁰⁹. Christian saints and ambassadors of the faith are simply the “enlighteners” of the world¹¹⁰. All this was known not just in Rome.

What is more, the papal letters in question are only known from the Frankish realm; in 791 Charlemagne had had them collected together in the “Codex Carolinus”, and they were only available at the royal and imperial courts. Anyone who later had access to the ‘original codex’ at the royal court, and was able to have a copy made, could have been an ‘expert’ on the ‘Roman’ style, and this point should be kept in mind¹¹¹. The only existing manuscript of the collection, the Vienna manuscript lat. 449, is certainly not identical with the “original codex” of 791, but a copy of it made perhaps as early as the mid-9th century and which once belonged to Archbishop Willibert of Cologne (870-899)¹¹². So how did this collection of letters get to Cologne?

The earliest reference to the content of the forgery was believed to be recognisable during the pontificate of Hadrian I (772-795), and it was thought to have first been quoted word for word when his successor, Leo III (795-816) was in office – but on closer inspection neither assumption proves to be conclusive¹¹³.

107 On this technique, see below p. 103 seq.

108 Leo the Great, Epistola 7 [to the bishops in Italy]. In: Migne PL 54, Paris 1846, col. 620-2; Leo the Great, Sermo 5 [In natali Sancti Pauli]. In: Migne PL 56, Paris 1846, col. 1138-59.

109 Epistola sive Libellus orthodoxorum episcoporum orientalium contra Anthimum, Severum aliosque acephalos oblati Agapito. In: Migne PL 66, Paris 1866, col. 67-76.

110 Amalarius of Metz, Eclogae de ordine Romano. In: Migne PL 105, Paris 1852, col. 1315-1332: *doctores ecclesiae, id est illuminatores* = Amalarius, Opera liturgica omnia III. Liber de ordine Antiphonarii – Eclogae de ordine Romano, ed. by Johannes Michael Hanssens (StT 140), Città del Vaticano 1950, p. 240.

111 See below pp. 104-107.

112 See Wilhelm Gundlach in: MGH Epp. 3, Berlin 1892, p. 479; the editor did not have the actual manuscript himself. On the manuscript, cf. below p. 104-107.

113 Fuhrmann, Das Frühmittelalterliche Papsttum und die Konstantinische Schenkung (as in note 7), esp. pp. 264-8; the objection of Hans Hubert Anton, Beobachtungen zum fränkisch-byzantinischen Verhältnis in karolingischer Zeit. In: Beiträge zur Geschichte des Regnum Francorum. Referate beim Wissenschaftlichen Colloquium zum 75. Geburtstag von Eugen Ewig, ed. by Rudolf Schieffer (Beihefte der Francia 22), Sigmaringen 1990, pp. 97-119, here pp. 114-7 fails to address the issue inasmuch as the verses from the so-called “Paderborner Epos”, cited as a parallel, are not actually a parallel to the imperial title of the “Constitutum Constantini”; a re-assertion of his statement by Anton, Solium Imperii (as above, note 86), p. 226, note 41 offers no new aspects (the corrupted verses: Tituli saeculi octavi I, Epytaphia civitatis Papiiae XIII. In altare. In: MGH Poetae latini aevi Carolini 1, ed. by Ernst Dümmler, Berlin 1881, p. 106, cf. Anton loc. cit. p. 234, cannot be used as evidence). – The reasons cited

Thus it is claimed that the double trinitarian invocation of the “Constitutum Constantini”, which was perhaps inspired by a phrase in the “*Actus b. Silvestri*”¹¹⁴, was already quoted in 798 by a Roman synod under Leo III. However, the reference to the praefatio of the synod is inexact and dates to the 16th century, and in no way supports such a conclusion. The situation may have been the other way round; the forger, whose use of excerpts is well documented¹¹⁵, could have quoted the Roman synod¹¹⁶. All that is in fact recorded is a single invocation of the Trinity, and that was certainly not a quote from the “Constitutum Constantini”. Recently the papal title *summus pontifex et universalis papa*, which was the correct one and not unusual and which Charlemagne employed when he addressed Leo III in 801, has been mistakenly connected directly with the “Donation of Constantine” (where it is indeed not absent)¹¹⁷.

by Nicolas Huyghebaert, Une légende de fondation: le Constitutum Constantini. In: MA 85 (1979), pp. 177-209, here pp. 179-83 to support an origin among the Lateran clergy in Rome are much too general to be conclusive; any literate Frank could have been capable of the same effort. – I would like to thank Wolfram Brandes for drawing my attention to: Leontios Presbyteros von Rom, Das Leben des heiligen Gregorios von Agrigent. Kritische Ausgabe, übersetzt und kommentiert von Albrecht Berger (Berliner byzantinische Arbeiten 60), Berlin 1995, where in c. 91 (p. 255, 6-11; p. 328, on this, see introduction pp. 41-3) Constantine the Great’s donation of half of the city of Agrigentum is mentioned. Berger tries to relate this to the “Donation of Constantine”, yet this conclusion is in no way warranted by the wording. Also, he sees the Vita, of whose author nothing more is known, as having originated in Rome before 830, when Agrigentum was captured by Muslims. But this date is not compelling either; as it would call for Rome to recognise the conquests at that time as definitive and legally binding.

114 *Actus Silvestri*, ed. by Mombritius p. 528, 20-2: “*Deus Abraam, Deus Isaac et Deus Jacob qui trina invocatione in his tribus patriarchis ideo te invocari voluisti, ut manifestaretur nobis per dominum nostrum Jesum Christum, quod in trinitate pater cum filio et spiritu sancto unus sit deus verus pater verum filium habens ex se genitum verum spiritum sanctum ex utroque procedentem: una deitas in trinitate.*”

115 On this, see below p. 108 seq.

116 Quote from the forgery: Ernst-Dieter Hehl, 798 – ein erstes Zitat aus der Konstantinischen Schenkung. In: DA 47 (1991), pp. 1-17. Admittedly the invocation in question is not recorded, but only deduced from this allusion: “*concilium post invocationem sanctae trinitatis sic incipit*” together with the correct dating of the synod of 798 that follows. But some uncertainty remains. Indeed, without any further argument Hehl presupposes the ‘early dating’ of the “Constitutum Constantini”. The records in question of the papal synod of 798 will have been known to the participants at the synod of Aix-la-Chapelle in Oct. of 798, but in any case both synods were known and their ‘Acta’ accessible to the court of Charlemagne (cf. JE after 2499). Thus, the “Constitutum” could have quoted the invocation of the synodal records which, according to Hehl, are a quote from the false.

117 So Matthias Becher, Die Kaiserkrönung im Jahr 800. Eine Streitfrage zwischen Karl dem Großen und Papst Leo III. In: RhV 66 (2002), pp. 1-38, here pp. 19-28. Becher makes no strict distinction between titles applied by the popes to themselves, and those used for them by others. The title in question shows no allusion whatsoever to a “quasi-imperial” status of the pope around 800; it represents one of the correct forms of addressing the pope according to protocol. This is the form in which it is presented by the only passage of the “Codex Carolinus” 13 ([Senate and People of Rome to Pepin], ed. by Wilhelm Gundlach. In: MGH Epp. 3, Berlin 1892), pp. 508-10, not originating from the papal chancellery, but addressed to a pope (Paul I.)

What the “Constitutum Constantini” proclaimed was something different to what the canonists and propagandists of the 11th, 12th and 13th centuries believed they could read into it. Other Roman memories and other Roman references had taken on a legal aspect. This claimed that the emperor had not only founded the Lateran Church and both of the churches in Rome dedicated to the apostles, St Peter’s and Paul’s, the first donated together with his palace, the other two enriched with gold and silver as well as extensive latifundia in the East and the West, in the North and the South, throughout his empire (l. 196-208)¹¹⁸; he had not only invested the pope with the insignia of imperial authority and robes (l. 214-217). Above all Constantine had granted the Roman church “the supremacy (...) over the four principal seats, Alexandria, Antioch, Jerusalem, and Constantinople, as also over all the churches of God in the whole earth” (“*principatum [...] super quattuor praecipuas sedes [...]*”, l. 171-2) and decreed that “the pontiff (...) shall be (...) *princeps* over all the priests of the whole world, and according to his judgment everything which is provided for the *cultus Dei* and for the stability of the faith of Christians is to be administered” (l. 171-177). Thus the emperor granted the Roman church its rank as universal church (*decernentes sancimus*, l. 171), and rendered this visible ritually by handing over “imperial” insignia.

As a final donation Constantine now “conferred (...) as well our palace [which had already been granted to the Roman Church (l. 219)] (...) as also the city of Rome, and all the provinces, places and cities of Italy and the western regions”, and “relinquished them to the power and rule of (Sylvester) and his successors”, and he decreed “that they shall remain under the *ius* of the holy Roman Church” (“*tam palatium nostrum, ut praelatum est, quamque Romae urbis et omnes Italiae seu occidentalium regionum provincias, loca et civitates [...] pontifici [...] Silvestrio [...] contradentes atque reliquentes eius vel successorum ipsius pontificum potestati et ditioni [...] atque iuri Romane ecclesiae concedimus permanenda*”, l. 264-70). The emperor did not grant any new authority, but assigned the places and regions mentioned to the existing authority of the bishop of Rome. What should we make of this? What do *potestas*, *dicio* and *ius* actually mean? As far as I can tell the question has not yet been asked¹¹⁹.

(ed. by Gundlach, MGH Epp. 3, p. 509, 33-4). If therefore Charlemagne uses this title for Leo III, he is only duly following usual diplomatic practice; there is no connection to the “Constitutum Constantini”.

118 On the utilisation of royal treasures in the Early Middle Ages cf. Matthias Hardt, *Gold und Herrschaft. Die Schätze europäischer Könige und Fürsten im ersten Jahrtausend (Europa im Mittelalter 6)*, Berlin 2004, pp. 235-299; the “Constitutum Constantini” however was not mentioned.

119 However, see Hermann Grauert, *Die Konstantinische Schenkung 1*. In: HJb 3 (1882), pp. 3-30; part 2 in HJb 4 (1883), pp. 45-95, here pp. 83-4; Caspar, *Das Papsttum unter fränkischer Herrschaft* (as above, note 7), pp. 29-32.

These terms were by no means unambiguous in the 8th and 9th centuries: *potestas* and *dicio* could certainly be taken to mean the same thing¹²⁰. Both were used to describe some sort of legitimate power, but exactly what sort was not defined. Furthermore, the phrase *potestas et dicio* can also be used together as a pair to refer to just a single concept (hendiadys). The correct meaning can only be established from the relevant context. For example, a (fictional) formula for a papal letter preserved in St-Denis offers two different meanings in one and the same sentence: the narrower *dicio* of the Roman Pontifex, and the wider *dicio* of St Peter, in whose name the pope acted by virtue of privileges he had received¹²¹. Whatever the pope’s *dicio* means here, that of the Prince of the Apostles belonged to the sphere of spiritual jurisdiction, not the secular.

It was also important who had this “power”. As far as the “Constitutum Constantini” is concerned, we must distinguish between the two Princes of the Apostles as the epitome of the Roman church on the one hand, and the successor of St Peter, the Pontifex of the City of Rome, on the other. It was only the latter who possessed *potestas* and *dicio*, and it was only through him that the rich gifts entered the law of the Roman church (*ius Romanae ecclesiae*). Thus this law involved a competence which may have been part of the *ius* of the Roman church, but which only the pope could exercise; and it was quite distinct from any right of ownership – as is clear from the gift of the Lateran Palace, which was most certainly not granted twice and to different parties in each case: first of all to the Princes of the Apostles, and through them to the pope, and then to the pope and through him to the Roman church. Indeed the formula *potestas et ius* could refer to the ‘protection’ that the pope (and not the Roman church) afforded other churches¹²². But this interpretation can hardly describe the facts of the case as far as the “Constitutum Constantini” is concerned.

Although at the time the phrases *potestas*, *dicio* or *potestas et dicio* were repeatedly used to include an aspect of legal ownership¹²³, and – as in the so-called “Ludowicianum” of 817, privileges granted by Louis the Pious to Pope

120 According to Hrabanus Maurus in his Excerptio de arte grammatica Prisciani. In: Migne PL 111, Paris 1852, col. 613-78, here col. 674B (*ditione id est potestate*).

121 Formulae collectionis sancti Dionysii, Formelsammlung von St-Denis, ed. by Karl Zeumer. In: MGH Formulae Merovingici et Karolini aevi, Hanover 1886, pp. 493-511, here p. 498, 22 et seqq.: “*apostolici sedis presules non solum sup ditione nostra constitutis, sed etiam in ceteris regionibus possitis postulata semper indulgenda sanxerunt, presertim in regione Francorum, dum profectu cuncta usque ad fines terre et oceani maris terminum sup beati Petri principis apostolorum ditione consistant; unde oportet, omnes (...) oboedire, quae per beati Petri auctoritate apostolice sedis postulata dinoscitur oboedire*”.

122 Fried, Der päpstliche Schutz für Laienfürsten (as above, note 26), p. 84.

123 See e.g. *formula* 89 of the Liber Diurnus Romanorum pontificum ex unico codice Vaticano, ed. by Theodor E. von Sickel, Vienna 1889, p. 118, 11; Liber Diurnus Romanorum pontificum, ed. by Hans Foerster, Bern 1958 offers a parallel printing of all three manuscripts. However, there is no evidence for the use of the dispositive part of *formula* 89 in papal documents, cf. Leo Santifaller, Liber Diurnus. Studien und Forschungen (PuP 10), Stuttgart 1976, p. 59 and pp. 91-2 (JE 2437 is to be eradicated).

Pascal I over the patrimonies of the Roman church – an earthly authority of the pope which is interpreted as “administrative sovereignty” (not as “a position of independent power”)¹²⁴; when they were transferred both property and administration were dealt with as objects. Thus in pope Hadrian I’s view Constantine transferred to the Roman church “authority [that is over the property that had been handed down] in the western (or Italian?) regions” “*potestatem in his Hesperiae partibus*”¹²⁵. Finally, imperial or royal authority could be regarded as *potestas et dicio*¹²⁶.

But none of these three possibilities can be applied to the “Constitutum Constantini”. The first can be excluded since a similar transfer of property, including the Lateran Palace, had already been referred to earlier (l. 202-6, 214-20: “*predia contulimus; [...] concessimus; concedimus [...] atque [...] contradimus palatium [...] Lateranense*”), and the pope will certainly not have received any personal property¹²⁷. The second interpretation is to be rejected, not only because it would have implied a parallel secular order besides the emperor, or an interim authority between the emperor and holders of office, for neither of which there is any evidence¹²⁸; but also because before Constantine the Bishop of

124 Pactum Hludowici Pii cum Paschali pontifice [Hludowicianum], ed. by Alfred Boretius. In: MGH Capit. 1, Hanover 1883, pp. 353-5, here p. 353, 12, p. 354, 33 (‘property’!), synonymous to *ius, principatus ac ditio* (p. 354, 5 and line 19); annotated text in: Adelheid Hahn, Das Hludowicianum. Die Urkunde Ludwigs d. Fr. für die römische Kirche von 817. In: AfD 21 (1975), pp. 15-135, here pp. 130-5 the text (I quote from the MGH edition). “Administrative autonomy”: Hahn p. 62 (with reference to older literature, the “*Liber Pontificalis*” and the “*Codex Carolinus*”). The “Ludowicianum” (resp. its preliminary documents), also reveals further analogies to the “Constitutum Constantini”: for instance the Inscriptio (Ludowicianum p. 353, 10-1; Constitutum line 214-8) or the eternity-formula *usque in finem seculi* (p. 354, 4). - Cf. on the further development of the privilege: Edmund E. Stengel, Die Entwicklung des Kaiserprivilegs für die römische Kirche 817-962. Ein Beitrag zur ältesten Geschichte des Kirchenstaats. In: idem, Abhandlungen und Untersuchungen zur mittelalterlichen Geschichte, Cologne/Graz 1960, pp. 218-248, here pp. 245-8).

125 Codex Carolinus 60 [Hadrian I to Charlemagne], ed. by Wilhelm Gundlach. In: MGH Epp. 3, Berlin 1892, pp. 585-7, here p. 587. On the “Hesperia” (the West!) cf. Peter Classen, Italien zwischen Byzanz und Frankenreich, in: Nascita dell’Europa ed Europa carolingia: un’equazione da verificare (SSAM 27), Spoleto 1981, pp. 919-71, here pp. 961-67 [again published in: idem, Ausgewählte Aufsätze (VuF 28), ed. by Josef Fleckenstein, Sigmaringen 1983, pp. 85-115, here pp. 111-5]; Anton, Solium Imperii (as above, note 86), p. 228 (though Anton overlooked the partitive element in the passages he quoted).

126 Cf. e.g. Louis the Pious, Diplomata ecclesiastica 135 [for St-Maixent]. In: Migne PL 104, Paris 1851, col. 1160-1, here col. 1160C/D. – On these layers of meaning in general cf. Caspar, Pippin und die römische Kirche (as above, note 7), pp. 176-9, here p. 187: the formula supposedly describes the “papal dominion” (p. 187 and p. 189).

127 If in the later passage the meaning “property” had indeed been intended, the object of the donation would have to have been specified more precisely. No emperor could give away another’s property, neither in the Roman nor in the Carolingian Age. And not “all provinces” were part of the emperor’s “property”.

128 For the areas recorded in the “Ludowicianum”, Caspar, Das Papsttum unter fränkischer Herrschaft (as above, note 7), p. 27 assumes a “parallel order”, Hahn, Das Hludowicianum (as above, note 124), p. 62, note 333 an “intermediate” power.

Rome cannot possibly have received any secular *potestas* to which the emperor could have transferred any cities or provinces. We can also dismiss the third possibility on the grounds that neither was the pope already emperor, nor did the pseudo-Constantinian Constitution assign him any imperial authority and so did not make him emperor. This only changed with Gregory VII, and it was only the canonists and publicists of the 12th and 13th centuries (including Emperor Otto IV’s marshal, Gervase of Tilbury) who declared that the pope was the true emperor. Boniface VIII (1294-1303) then took the idea to a peak from which the only way back was down: “Ego sum Caesar, ego imperator.”¹²⁹ So we must look for another level of meaning for *potestas et dicio*. It turns out not to be hidden, but in fact quite visible.

As the formula from St-Denis discussed above shows, on a number of occasions in the 8th and 9th centuries *potestas* or *dicio* described what was later to be called the jurisdiction (*iurisdicio*) of a bishop. Together with the power of ordination (*potestas ordinis*) and of teaching (*potestas magisterii*), it was one of their three powers of episcopal office¹³⁰. This kind of *dicio* did not correspond to the concept of secular power or authority in Roman law¹³¹, but to its later early medieval development in c h u r c h law. Such a power could not be transferred by an emperor, he could only grant it over areas that had previously been exempt. The twin phrase *potestas et dicio* could therefore describe a bishop’s e c c l e s i a s t i c power of office¹³², and this was well known to the early Frankish ‘experts’ on the “Constitutum Constantini” in the monastery of St-Denis. They included the forgery in the same formulary as the formula of a papal letter discussed above (formula no. 3), and so produced the oldest separate textual tradition of the pseudo-Constantinian document. For the formula provided a

129 Kantorowicz, Kaiser Friedrich der Zweite, 1 (as above, note 2), p. 39 and 2, p. 19 (from which the quotes here are taken); Horst Fuhrmann, “Der wahre Kaiser ist der Papst.” Von der irdischen Gewalt im Mittelalter. In: Das antike Rom in Europa, ed. by Hans Bungert (Schriftenreihe der Universität Regensburg 12), Regensburg 1985, pp. 99-121, without notes again in idem, Einladung ins Mittelalter, Munich 1987, pp. 121-34 and p. 288.

130 Cf. Willy Szaivert, Die Entstehung und Entwicklung der Klosterexemption bis zum Ausgang des 11. Jahrhunderts. In: MIOG 59 (1951), pp. 265-98, here p. 282 et seqq.; cf. e.g. Paul I’s charter for S Salvatore in Brescia dating from 762 (JE 2350), on this, see Szaivert p. 293; Wilhelm Schwarz, Jurisdicio und Condicio. Eine Untersuchung zu den Privilegia libertatis der Klöster. In: ZRG Kan. Abt. 45 (1959), pp. 34-98, here p. 71 on *formula* 3 from St-Denis (cf. further below, note 133); Josef Semmler, Episcopi potestas und karolingische Klosterpolitik. In: Mönchtum, Episkopat und Adel zur Gründungszeit des Klosters Reichenau (VuF 20), ed. by Arno Borst, Sigmaringen 1974, pp. 305-95. On the position of bishops during the High Middle Ages: Kenneth Pennington, Pope and bishops. The papal monarchy in the twelfth and thirteenth centuries, Philadelphia 1984.

131 Cf. Hermann Gottlieb Heumann, Emil Seckel, Handlexikon zu den Quellen des römischen Rechts, Jena⁹1907, s.v.

132 Overlooked by Grauert, Die Konstantinische Schenkung (as above, note 119), and *ibid.*, pp. 525-617, moreover idem, Zur Konstantinischen Schenkung. In: HJb 5 (1884), pp. 117-20, here vol. 4 (1883), pp. 83-4 and Caspar, Das Papsttum unter fränkischer Herrschaft (as above, note 7), p. 29-32, also Anton, Solium Imperii (as above, note 86), p. 225.

detailed parallel not only for the Princes of the Apostles and the pope, but also for the powers of office of bishops. This meaning is also found elsewhere¹³³.

In the 8th and 9th centuries, as indeed later, the creation and the drawing up of ecclesiastic administrative boundaries, and in particular of dioceses and church provinces, was a matter for secular authority, although it was carried out in cooperation with the relevant bishop and the pope. Charlemagne and Louis the Pious did so on many occasions; Otto the Great founded an Archbishopric in Magdeburg; Otto III the Archbishopric of Gnesen; and Henry II the Bishopric of Bamberg soon afterwards¹³⁴. Thus the assignment of particular provinces to the administrative responsibility of the Bishop of Rome by Pseudo-Constantine in no way ran contrary to the generally recognised competence of the emperor or king. This context in turn provides a framework in terms of ecclesiastic rather than secular law for the transfer of the western provinces of the Roman Empire to Sylvester’s *potestas et dicio*. It was the assignment of the western provinces (at the time of writing of the forgery all that was left was in effect the Frankish Kingdom and England, at the most also Venice, Dalmatia, South Italy and Sicily) to the spiritual and ecclesiastic “authority” of the Bishop of Rome.

The introductory explanation of the reasons for the assignment of palace, city, Italy and the western provinces to the pope’s *potestas et dicio* certainly fits in well with an interpretation of the “Constitutum Constantini” in terms of church law and spiritual authority. The recipient was the “universal father” (“*universali papae*”, l. 266), and it was intended to ensure that the “supreme pontificate

133 The formulary from St-Denis (Formulae collectionis sancti Dionysii, Formelsammlung von St-Denis, ed. by Karl Zeumer. In: MGH Formulae Merovingici et Karolini aevi, Hanover 1886, pp. 493-511) no. 11 is the oldest (the so-called “Frankish”) version of the “Constitutum Constantini”, no. 3 is a formula for a papal letter which knew a *ditio* of both the pope (p. 498, 23, moreover – here explicitly referring to spiritual jurisdiction – p. 500, 1) and of the Prince of the Apostles (p. 498, 26), as well as an episcopal, spiritual *potestas* (p. 499, 17), a bishop’s spiritual *ditio aut potestas* (p. 500, 3) and finally the jurisdictional *potestas aut ditio* of the vicedominus or archdeacon of the diocese in question (p. 499, 26-7). - Cf. also JE 2551 from Ravenna from 819 (original): “... *monasteria ... sub ditione et potestate sanctitati vestrae subiaceant*”, cf. Schwarz, Jurisdicio und Condicio (as above, note 130), p. 44; the Archbishop of Cologne possibly already received a privilege from Pope Leo III endowing him with exclusive *potestas atque ditio* over properties and rights within the archdiocese (cf. JE 3469; Epistolae selectae pontificum Romanorum 4 [Leo III. to Charlemagne], ed. by Karl Hampe. In: MGH Epp. 3, Berlin 1899, pp. 59-60). – Paschasius Radbertus used the term *potestas* describing as well worldly power – like that of kings – as the bishop’s power in his dioceses. On the episcopal power, he wrote: “*Quapropter arguendi sunt nunc in tempore quidam qui dicunt non debere arguere reges aut potestates huius saeculi neque durius increpare ne forte atrocius commoveantur ad iram sicut a quodam audiui episcoporum. Quia rex sub nullius inquit redactus est protestate neque sub cura alicuius regiminis eo quod omnibus in commune est et non in una commoratur parroechia.*” (Pacatii Radberti Expositio in Matheo libri XII [V-VIII], ed. by Beda Paulus [CCCM 56A], Turnhout 1984, p. 735, 1427-32).

134 Rudolf Schieffer, Papsttum und Bistumsgründung im Frankenreich. In: Studia in honorem Eminentissimi Cardinalis Alphonsi M. Stickler (Studia et textus historiae iuris canonici 7), ed. by Rosalio Josepho Card. Castillo Lara, Rome 1992, pp. 517-28.

(“*pontificalis apex*”) may not deteriorate (*vilesca*t), but may rather be adorned with glory and power even more than is the dignity of an earthly rule” (l. 261-3). Only pontifical, spiritual glory can be greater than imperial, earthly dignity; it alone could receive imperial territories without receiving ‘imperial authority’.

According to the invented “privilege” Constantine submitted his current official residence, the Lateran Palace, which had already been made the property of the Roman church, together with Rome, Italy and the entire Western Empire, including all places and cities (*civitates*: in other words existing and all future seats of bishops) to the ecclesiastic jurisdiction of St Peter’s successor. In doing so he defined the authority of the pope as patriarch, although this is not explicitly stated. Seen from a legal viewpoint this was different to the pope’s universal primacy (which Constantine had already constituted, or at least sanctioned with his imperial authority), and did not coincide with it¹³⁵. This is all that the forgery states, but also no less. It described ecclesiastic jurisdiction as it existed at the time; according to the formulary from St-Denis it explicitly included the Frankish Kingdom (“*presertim in regione Francorum*”¹³⁶), and this was accepted by the emperor. For the pope this jurisdiction did not elevate the Bishop of Rome to a “Western” or “co-emperor”, it did not grant him parallel or intermediate authority within the Empire¹³⁷; although Constantine’s decree gave the pope the same rank as the emperor in ritual and ceremonial terms, it did not make him the supreme earthly ruler, and granted him no imperial or secular power over the West¹³⁸. At no point was an “Imperium” (or the “Regnum”) ceded to the Bishop of Rome, as high and late medieval authors claimed¹³⁹; only the *frigium* (and here it probably represented the other symbols of power and dignity that Constantine handed to Sylvester) was given to all his successors “in imitation of our power”, *ad*

135 This jurisdiction is clearly separate to the “princiate” over the four “*praecipuae sedes* and *super omnes in universo orbe terrarum dei ecclesias* transferred in line 171-7. This princiate refers to: *quaeque ad cultum dei vel fidei Christianorum stabilitatem procuranda*” (line 176-7); it has nothing to do with temporal *potestas* and *dicio*. On the dispersion and different interpretations of the idea of the patriarchy in the Early Middle Ages: Horst Fuhrmann, *Studien zur Geschichte mittelalterlicher Patriarchate*. Part I in: ZRG Kan. Abt. 39 (1953), pp. 112-76; part II in: ZRG Kan. Abt. 40 (1954), pp. 1-183; part III in: ZRG Kan. Abt. 41 (1955), pp. 95-183. On the formation of the “pentarchy“ esp. I, pp. 122-31; on the patriarchal rights of the Bishop of Rome esp. II p. 1-14 (on the papal vicariate in the Frankish Empire). On the dispersion of the term: Rudolf Schieffer, *Der Papst als Patriarch von Rom*. In: *Il primato del vescovo di Roma nel primo millennio. Ricerche e testimonianze*. Atti del Symposium storico-teologico Roma, 9-13 Ottobre 1989 (Pontificio Comitato di Scienze Storiche, Atti e documenti 4), ed. by Michele Maccarrone, Città del Vaticano 1991, pp. 433-51. The present Pope Benedict XVI is the first not to assume the title of Patriarch.

136 *Formulae collectionis sancti Dionysii*, ed. by Karl Zeumer, p. 498, 24. “(...) *et presertim interventu excellentissimi filii nostri, predicti regis, super hoc privilegium suis scriptis enixius expetiti, postulata concessimus*” (line 28 et seqq.).

137 Cf. also Caspar, *Pippin und die römische Kirche* (as above, note 7), pp. 187-8.

138 Lines 168-70 does not define the geographical extent of the *potestas* conceded here, nor does it define it as imperial.

139 Cf. above p. 18 seqq.

imitationem imperii nostri (l. 259-61). The term *imitatio imperii* was new and without precedent¹⁴⁰. It is not to be interpreted as a programme. But imitation leads neither to equality, nor the assumption of the same legal position, nor succession. The “power, and dignity of glory, and vigour, and honour imperial”, “*potestas et gloriae dignitas atque vigor et honorificentia imperialis*”, which Constantine granted the Apostolic throne first of all (“*sedes sacratissima beati Petri*”, l. 168), and which surpassed earthly imperial authority, were quite clearly analogous to the investiture of St Peter as *vicarius filii dei (in terris)* (l. 180). Thus the pope was distinguished in imperial fashion as “prince over all the priests of the whole world” (“*princeps cunctis sacerdotibus totius mundi*”, l. 175-6), and not as the successor of Constantine in the West of the Roman Empire.

As far as earthly power and dominion were concerned, and as expressed at the end of the document, the “righteous” goal was more modest; “where the supremacy of priests and the head of the Christian religion has been established by the heavenly emperor (sc. Rome), it is not right that there an earthly emperor should have jurisdiction” (l. 274-6). Not power over the entire West, but only over the City of Rome was granted to the successor of St Peter¹⁴¹. However, in the opinion of the forger Constantine had created the basis for the Bishop of Rome’s special ecclesiastic power of jurisdiction over the entire western Latin Church. Thus what the forger described in the “Constitutum Constantini” were widely known facts of current ecclesiastic law or claims made by the Church at the time. What drove him to do this?

The formulary of St-Denis offers a second parallel to the “Constitutum Constantini”, if on a smaller scale. Formula 9 from Tours granted an episcopal privilege, and refers to formula 2, a papal privilege. It granted a privilege and freedom to a monastery in the bishop’s city (*privilegium atque libertatem*). In honour of St Martin the *fiscus* had exempted the city, granted it freedom and named it as its heir. Thanks to the saint’s miracles, so the bishop, “our city” had won complete immunity from the kings, first and foremost King Dagobert. By virtue of this grant (*munus perpetratum*) the bishop now granted in turn his privilege of freedom. Although the city had received royal privileges and been made heir to the *fiscus*, and although the immunity granted belonged to the secular legal sphere, the bishop acted on the basis of the royal grant; the “Kings of

140 As far as is known, similar wording occurs only in Magnus Aurelius Cassiodorus, *Variarum libri XII*, ed. by Åke J. Fridh (Corpus Christianorum Series Latina 96), Turnhout 1973, p. 9, 18-9: “*Regnum nostrum imitatio vestra est, forma boni propositi, unici exemplar imperii.*” This phrase probably was not a model for the “Constitutum Constantini”. “*Imitatio imperii*” only became an interpretative phrase with Percy Ernst Schramm, *Die Imitatio imperii* (as above, note 45), who however assumed it had been developed under Gregory VII.

141 This did not conflict with the “Ludowicianum” (as above, note 124), according to which the City of Rome and its Duchy, as well as parts of Tuscany and Campania were within the *potestas et dicio* of the Princes of the Apostles and their representatives. This document remains silent (in contrast to the Exarchate, the Pentapolis and several further regions, all of them accorded to the Church of Rome by Louis’ father, Charlemagne) on where and when these rights originated.

all Gaul” accepted his action by themselves granting the monastery a privilege of protection “*ad reprimendas laicorum infestations*”¹⁴².

In as much as it only fitted the model of the separation of spiritual and secular power, this all corresponded with Carolingian policy towards the Apostolic See, as practised by Charlemagne, or shaped later – in the tradition of Charlemagne – by figures such as Wala of Corbie as imperial advisor in Italy and Rome, or Hilduin of St-Denis in a similar function in the 820s. The effects of the policy were to be felt for a long time. Within their kingdom the Carolingian emperors, above all Louis the Pious¹⁴³, did indeed claim authority over the Church down to all levels, as well as imperial power over the *patrimonium Petri*; thus was proclaimed by the *Pacta* that they had concluded with the popes¹⁴⁴, or the short “*Libellus de imperatoria potestate in urbe Roma*”, probably written in the late-9th century¹⁴⁵. But the “Constitutum Constantini” restricted this power over the Church, perhaps even called its very existence into question. The pope, fitted out with wide-ranging powers, was to take the place of the king, or at least to compete with the king and emperor.

142 *Formulae collectionis sancti Dionysii*, ed. by Karl Zeumer, p. 501, 33-502, 5: “*Nec immerito (...) eisdem (...) hoc privilegium supervenire poterit, qui (...) patrono famulantes, placere piissimo Christo contendunt, (...) atque suis monachis libertatem dare, cuius honorem fiscus totum dedit et census, libereque vivere nomenque instituit heredis. Cuius (...) miraculis coruscante a regibus singulariter emunitatem urbs nostra tota promeruit, prestante piissimo Dagoberto quondam rege, integram emunitatem suscepit, dignum arbitro munus ab eodem inpetratum eidem (vel) in suo viventibus patrocinio trementibus ulnis proferre*”. The royal edictum: p. 502, 40 et seq.

143 Johannes Fried, Ludwig der Fromme, das Papsttum und die fränkische Kirche. In: *Charlemagne’s Heir. New Perspectives on the Reign of Louis the Pious (814-840)*, ed. by Peter Godman and Roger Collins, Oxford 1990, pp. 231-73. – I was not convinced by the various objections of Philippe Depreux, Empereur, Empereur associé et Pape au temps de Louis le Pieux. In: *RBPhH 70* (1992), pp. 893-906 (cf. also idem., *La pietas* comme principe de gouvernement d’après le Poème sur *Louis de Pieux* d’Ermold le Noir. In: *The Community, the Family and the Saint. Patterns of Power in Early Medieval Europe*, ed. by Joyce Hill and Mary Swan [International Medieval Research 4], Turnhout 1998, pp. 201-24, cf. p. 215) and Wilfried Hartmann, Zur Autorität des Papsttums im karolingischen Frankenreich. In: *Mönchtum-Kirche-Herrschaft 750-1000*, ed. by Dieter R. Bauer et al., Sigmaringen 1998, pp. 113-32. – This is not the place for a detailed discussion. Only so much: out of what I term “distance to Rome”, Depreux made “un sentiment anti-romain” (p. 896 and rep.) or even “hostilité” (p. 897). I find his interpretation of Ermoldus Nigellus and of BM² 801 flawed (*ad nomen et potestatem imperialem coronari* does not mean “Louis reconnaît avoir reçu son pouvoir ... des mains de l’évêque de Rome” [p. 897]); my interpretation of the “Ludovicianum” of 817 differs from that of Depreux. – Hartmann, for example, ignores the differences between Frankish and Gothic authors.

144 Stengel, *Die Entwicklung des Kaiserprivilegs* (as above, note 124), passim; Anna Maria Drabek, *Die Verträge der fränkischen und deutschen Herrscher mit dem Papsttum von 754 bis 1020* (Veröffentlichungen des Instituts für österreichische Geschichtsforschung 22), Vienna 1976; Hahn, *Das Hludowicianum* (as above, note 124), passim.

145 Cf. *Libellus de imperatoria potestate in urbe Roma*. In: *Il Chronicon di Benedetto, monarca di S Andrea del Soratte e il “Libellus de imperatoria potestate in urbe Roma”* (Fonti 55), ed. by Giuseppe Zucchetti, Rome 1920.

Only the City of Rome enjoyed special status – just as was proclaimed at the end of the “Constitutum”¹⁴⁶: “for where the supremacy of priests and the head of the Christian religion has been established by the heavenly Emperor, it is not right that there an earthly emperor should have jurisdiction.” (l. 274-6)¹⁴⁷. The earliest evidence for knowledge of Constantine’s Constitution outside the pseudo-Isidorian corpus, Ado of Vienne’s “Chronicle” and the “*Liber adversus Graecos*” by Aeneas of Paris, both of which date from c. 870, confirm this view. Whereas the Bishop of Paris claims that besides *diversa regnorum predia* only *Romanam dicionem* was subject to the Apostolic See,¹⁴⁸ according to Ado Constantine merely ceded the “*caput totius imperii (...) Romanam*”¹⁴⁹. Hincmar of Reims’ understanding of Constantine’s gift was not different: “*urbem scilicet Romanam papae Silvestro edicto privilegii tradidit*”¹⁵⁰. These Carolingian authors agreed with the “Constitutum” that the newly baptised emperor’s gift of secular authority was restricted to the City of Rome. We may assume that *urbs* meant the Roman

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- 146 On Rome in the Carolingian Empire cf. Thomas F. X. Noble, *The Republic of St. Peter. The Birth of the Papal State 680-825*, Philadelphia 1991; on papal rule in the city: Othmar Hageneder, *Das crimen maiestatis, der Prozeß gegen die Attentäter Papst Leos III. und die Kaiserkrönung Karls des Großen*. In: *Aus Kirche und Reich. Studien zu Theologie, Politik und Recht im Mittelalter. Festschrift für Friedrich Kempf zu seinem fünfundsiebzigsten Geburtstag und fünfzigjährigen Priesterjubiläum*, ed. by Hubert Mordek, Sigmaringen 1983, pp. 55-79, esp. p. 72-8. – The special status of Rome was not uniformly interpreted under the Franks either, although it had been settled by Lothars I’s *Constitutio Romana* from 824, cf. esp. c. 1 and the judge’s oath: *Capitularia regum Francorum* 161. *Constitutio Romana* 824 m. Novembr. [Richtereid], ed. by Alfred Boretius. In: *MGH Capit. 1*, Hanover 1883, pp. 322-4.
- 147 After Charlemagne, only one Carolingian emperor entered the City of Rome (as opposed to St Peter’s, outside the city, or “Leo’s Town”), and then only once: Louis II under exceptional circumstances in the year 872, cf. RI 1. *Die Regesten des Kaiserreichs unter den Karolingern 3. Die Regesten des Regnum Italiae und der burgundischen Regna, Teil 1. Die Karolinger im Regnum Italiae 840-887* (888), ed. by Johann Friedrich Böhrer, revised by Herbert Zielinski, Cologne/Vienna 1991, no. 349, cf. also no. 350.
- 148 Aeneas, bishop of Paris, *Liber adversus Graecos*. In: *Migne PL* 121, Paris 1852, col. 683-762, here col. 758B.
- 149 Ado, archbishop of Vienne, *Chronicon in aetates sex divisum*. In: *Migne PL* 123, Paris 1852, col. 23-138, here col. 92B. – In a document preserved in an original copy from the year 967, King Lothar of the West Franks referred to the donations of Constantine: “*prediis muneribusque ditavit ecclesiam sanctorum apostolorum Petri et Pauli and omnem dignitatem imperatoriam Deo sanctisque predictis apostolis perpetuali iure contradidit; noluit enim inibi principari quo Deus clavigerum regni celestis ... delegit rectorem ecclesiarum*”. The extent of the gift was not defined any closer geographically. But since Constantine remained emperor *omnis* must clearly be restricted. Probably *inibi* indeed only refers to Rome: *Recueil des actes de Charles II le Chauve roi de France 1*, ed. by Georges Tessier, Paris 1943, pp. 340-2, here p. 72, no. 29.
- 150 Hincmar of Reims, *De ordine palatii*, ed. by Thomas Gross and Rudolf Schieffer (*MGH Fontes iuris* 3), Hanover 1980, p. 56. – At St-Denis Constantine’s gift was later still understood in this way, cf. Grauert, *Die Konstantinische Schenkung* (as above, note 119), vol. 4 p. 52 with note 3 and vol. 5, pp. 557-8.

duchy as well. At the end of the millennium, even in the mid-11th century, Constantine’s Constitution was interpreted not differently¹⁵¹.

However, the Roman church derived its right of primacy from other sources: from God, the installing of St Peter and his succession. No emperor was needed. The forger knew this, of course, and went to great lengths to incorporate the verses that record Peter’s installing, Mathew 16, 18-19: “That thou art Peter, and upon this rock I will build my church”. The almost narrative manner in which he did so (l. 144-55) betrays just how “un-Roman” his work ended up being, although this is not the place to discuss the matter in detail. The “Constitutum Constantini” lacks the programmatic aspects which are otherwise found in the text and illustrations, or in the letters, of the “Codex Carolinus”, as well as in the formulae for papal documents in the St-Denis formulary which, as we have already seen, contains a separate version of the “Constitutum”. Conversely, no official document that traces the pope’s universal primacy over the Church back to an emperor was sent out from the Patriarchium¹⁵². It is highly unlikely that the Roman clergy made up for this in the second half of the 8th century.

There are clear consequences for the identification of the origin of the “Constitutum Constantini”. Very different, non-Roman powers were at work here. They were not interested in extending or reflecting on papal authority, but in restricting the borders of the emperor’s power within the context of current Frankish supremacy, and its sacrosanct, irreversible legitimisation in a form that was also binding on the Franks and their emperor¹⁵³. The borders were set where the first Christian emperor, the *vir religiosissimus* Constantine had once set and recognised them: short of spiritual authority. This is exactly how the infamous Pseudo-Isidore understood the text of the “Donation”, as is shown by his including the pseudo-Constantinian document after his passage on his “*De primitiva ecclesia et sinodo Nicena*”. He states that although Constantine may have presided over the synod, he carefully propounded a distinct division of jurisdiction: “You shall be judged by no-one” he declared before the assembled bishops, “for yours alone is the court of God, and you are called gods. You can be judged by no man”. Ecclesiastic and secular business are separated. This was supported by the forger with a quote from the Synod of Paris of 829, and in his

151 *Annales Quedlinburgenses*, ed. by Martina Giese (MGH SS rer. Germ. 72), Hanover 2004, p. 400-1. To what extent the chronicler from Quedlinburg had herself read the “Constitutum Constantini” remains an open matter. – On Leo IX and his contemporaries: above p. 18 seqq.

152 The “privilege of the fourth day”, which is vaguely hinted at in passing by the Acts of Sylvester, can hardly be regarded as an official statement by the papacy on the origin of its primacy: “*privilegium (...) contulit, ut in toto orbe Romano sacerdotes ita hunc [sc. Romanum pontificem] caput habeant sicut omnes iudices regem*” (Actus Silvestri, ed. by Mombricitus, p. 513, 18-9).

153 A Frankish origin for the “Constitutum” was already contemplated by Grauert, *Die Konstantinische Schenkung* (as above, note 119), here vol. 4 passim, cf. vol. 5, p. 117-9.

own words in his summary: "For the tasks (*negotia*) of secular and church authorities are different"¹⁵⁴.

The "Constitutum Constantini" did no more than draw the legal consequences from this historical construct. It defined the rights of "the most sacred seat of the Blessed Peter" (l. 168), the insignia of the pope, the pope's special spiritual powers of jurisdiction, the possessions of the Roman church as well as its sovereignty over the City of Rome and in all probability its duchy¹⁵⁵; documented their recognition by the emperor, once pagan, now a baptised believer; and, in the usual manner of contemporary diplomacy, clothed both content and recognition in the language of a privilege. But where was such a construct necessary? When? Who used it, and to what ends?

IVa. Constantine's "departure" from the City of Rome

The idea that Constantine relinquished Rome and departed for ever from the City of Rome in order not to rule as emperor where the *Princeps pontificum* held office is of central importance to the "Constitutum Constantini". But it was by no means self-evident. Where did this idea originate? Where did it appear for the first time? Answers to these questions are likely to be of use in the search to identify the time and place of the forgery of the Pseudoconstantinianum. The legend of Sylvester certainly provides no clues, and as far as we can tell the motif of Constantine's departure doesn't seem to have played a part in the formation of the Papal State. The close connection between the *Res publica Romanorum* and St Peter or the Roman church which is indeed recurrently visible in the letters of the popes to the Carolingian kings from the second half of the 8th century did not seek legitimisation by an imperial grant¹⁵⁶. As long as the Exarch, as representative of the emperor, still resided before the gates of the Eternal City in Ravenna, then there could be no talk of a departure from old Rome. The idea was actually developed gradually, outside Rome, and outside Italy.

We can assume that in the 8th or 9th centuries it was generally known that Constantine had founded Constantinople, as recorded, for example, in the work of

154 *Decretales Pseudo-Isidorianae et Capitula Angilramni*, ed. by Paul Hinschius, Leipzig 1863 p. 247 et seqq. – the quote p. 248.

155 Nikolaus Gussone, *Thron und Einsetzung des Papstes von den Anfängen bis zum 12. Jahrhundert. Zur Beziehung zwischen Herrschaftszeichen und bildhaften Begriffen, Recht und Liturgie im christlichen Verständnis von Wort und Wirklichkeit* (Bonner Hist. Forschungen 41), Bonn 1978, p. 1602; cf. below p. 87 seqq.

156 *Res publica Romanorum*: cf. the assessment in Caspar, *Pippin und die römische Kirche* (as above, note 7), pp. 154-69; Bernard Bavant, *Le duché byzantin de Rome. Origine, durée et extension géographique*. In: *Melanges de l'école française de Rome. Moyen Age et temps modernes* 91 (1979), pp. 41-88.

the historian and contemporary of St Augustine, Orosius¹⁵⁷. His work had been used by the Venerable Bede, whose fame and work had soon reached the Frankish Kingdom. In his “Chronica minora”, one of our most important sources for the state of historical knowledge at the time of the Carolingians, the Anglo-Saxon author had written that Constantine had founded a city in Thrace which he had named after himself, and which “he wanted to be the centre of the Roman Empire and head of the entire East”¹⁵⁸. But this does not in any way mean that old Rome was abandoned.

Bede’s contemporary, Aldhelm of Malmesbury, another author who was soon to be widely read on the continent, and others combined the foundation of Constantinople with the legend of St Sylvester and a tale of a vision that the emperor had once had in a dream when he slept in Byzantium. He had seen how an ugly old hag had changed into a beautiful virgin in the bloom of youth. His imperial eyes rested in delight on her, but modesty led him to quickly cover her with his purple cloak and crown her with his diadem. His mother Helena told him that she was his and would not see death until the end of the world. A second dream then produced the explanation: the old hag was the old city of Byzantium, and the emperor was to restore its youthfulness and make it the “queen of all cities” (“*reginam omnium urbium*”). However, it was Sylvester who explained the dream, and the emperor promptly did as the dream had commanded and built the old city anew. The rejuvenated city now bore his name: *Civitas Constantini, Constantinopolis*¹⁵⁹. Here too there is no mention of a departure from Rome, and that Constantine “left” the City for ever.

A century later Charlemagne had the main hall in the new palace in Ingelheim decorated with an extensive cycle of frescoes illustrating the history of rulers over the world, from Cyrus and Ninus, to Alexander and Augustus, and finally himself¹⁶⁰. The artist, or whoever was responsible for the pictorial programme, also illustrated the couplet: “*Constantinus uti Romam dimittit amore, //*

157 Paulus Orosius, *Historiarum adversus paganos libri VII*, ed. by Karl Zangemeister (CSEL 5), Wien 1882, c. 7, 28, 27, pp. 504-5.

158 Bede the Venerable, *Chronica maiora ad a. DCCXXV. Eiusdem Cronica minora ad a. DCCIII*. In: MGH Auct. Ant. 13, ed. by Theodor Mommsen, Berlin 1898, pp. 223-333, here p. 296.

159 Aldhelm, *De virginitate* 25 (about St Silvester). In: *De virginitate. I. Prosa*. In: Aldhelmi opera, ed. by Rudolf Ewald (MGH Auct. Ant. 15), Berlin 1913, pp. 257-60.

160 We know this from Ermoldus Nigellus, who did not write before 830. On the programme of frescoes he describes cf. Walther Lammers, *Ein karolingisches Bildprogramm in der Aula regia von Ingelheim*. In: *Festschrift für Hermann Heimpel zum 70. Geburtstag am 19. September 1971*, vol. 3 (Veröffentlichungen des Max-Planck-Instituts für Geschichte 36, 3), Göttingen 1972, pp. 226-89; reprinted (quotes are from this edition) in idem, *Vestigia mediaevalia. Ausgewählte Aufsätze zur mittelalterlichen Historiographie, Landes- und Kirchengeschichte (Frankfurter Historische Abhandlungen 19)*, Wiesbaden 1979, pp. 219-83, here esp. pp. 247-72. Contrary to Lammers I do not date the frescoes to Louis the Pious, but to the last years of Charlemagne’s reign before his coronation as emperor, cf. Johannes Fried, *Imperium Romanum. Das römische Reich und der mittelalterliche Reichsgedanke*. In: *Millennium 3* (2006), pp. 1-42, here p. 8, note 11.

Constantinopolim construit ipse sibi"¹⁶¹. In other words here was written for all to read that Constantine had "left Rome" and built Constantinople. For the first time it was explicitly stated "left Rome – out of love", and in the context of Aldhelm's account we must add, love for the beautiful virgin Constantinopolis¹⁶². This historical construct then spread, perhaps indeed originally from Ingelheim, for it was one of Louis the Pious' favourite palaces, and one he visited frequently. This will have meant that the idea was well known to learned visitors to the Frankish court, as well as its members. Nevertheless, Frechulf of Lisieux did not (yet) have recourse to it when he wrote his Chronicle for the court, using ancient sources. It was not until the "Constitutum Constantini" that the story of the departure from Rome found favour, becoming one of the standard pictures of the history of Constantine the Great¹⁶³. Was the Constantinian forgery perhaps created within the environment of the court? This is something that must be looked at more closely.

161 Ermoldus Nigellus, *In honorem Hludowici christianissimi caesaris augusti Ermoldi Nigelli exulis elegicum carmen* IV, 245-82. In: Ermoldus Nigellus, *Carmina*. In: MGH Poetae 2, ed. by Ernst Dümmler, Berlin 1884, pp. 1-93, here pp. 65-6 (= Ermold le Noir, *Poème sur Louis le Pieux et Épitres au Roi Pépin*, éd. by Edmond Faral [Les classiques de l'histoire de France 14], Paris 1932, p. 164, v. 2152-3).

162 For example Aldhelm's *De virginitate* was known at Corbie: St. Petersburg, Lat.F v XIV 1 (in ab-script; following Ganz a copy of 793); also in Vat. Reg. Lat. 329, cf. David Ganz, *Corbie in the Carolingian Renaissance* (Beihefte der Francia 20), Sigmaringen 1990, p. 142, p. 50, and p. 154.

163 Frechulf of Lisieux, *Historiarum libri XII*. In: *Opera omnia*, ed. by Michael J. Allen (CCCM 169A), Turnhout 2002, pp. 9-724, here *Historiae* II, 3, 21, p. 612. *Constitutum Constantini*, ed. by Fuhrmann, c. 18, 271-6: "*nostrum imperium (...) orientalibus transferri ac transmutari regionibus (...) in Byzantiae provincia (...) nostrum illic constitui imperium; quoniam, ubi principatus sacerdotum et christianae religionis caput ab imperatore caelesti constitutum est, iustum non est, ut illic imperator terrenus habeat potestatem*". Cf. Johannes Scotus Eriugena, *Versus Romae*. In: MGH Poetae 3, ed. by Ludwig Traube, Berlin 1886, pp. 555-6: "*(...) Deseruere tui tanto te tempore reges // Cessit et ad Graecos nomen honosque tuus*".

V. The origin of the “Constitutum Constantini”

There is no evidence whatsoever that Stephen II, Paul I, Hadrian I or Leo III ever knew of the “Constitutum Constantini”, let alone had it passed it to the Frankish kings Pepin or Charlemagne. This in spite of the fact that both hesitated to fulfil the territorial promises they had made to the Apostolic See, and there were therefore several suitable occasions on which a pope might have had recourse to Constantine’s Constitution, had it existed. Furthermore, had the forgery been created at this time, and more precisely in the milieu of Paul I about 760, then shouldn’t we expect the “Patricii” to be specifically included among Constantine’s entourage; that is the rank that had recently (since 755) somehow been connected with the Carolingian kings, the *Patricii Romanorum*? Yet there is no mention of them in the long list of addressees in the *sanctio* of the forgery (l. 281-4), and according to the false constitution, only Roman clergy are promoted to “patricians and consuls“, or granted equal rank with them (l. 231), not independent kings. However, the authority and power of the *Patricii (Romanorum)* had become obsolete with Charlemagne’s coronation as emperor in 800. There is in fact no reference in the document, not even the textual tradition, that points to the Frankish kings, but without any it would not have been topical in the 8th century. The fact that the *Patricii* are not mentioned provides a terminus post quem for the forgery: it must have been composed after the Frank Charlemagne had become Emperor of the Romans.

The same applies to the Basileus in Constantinople. As far as we can tell he was not the recipient of the forgery either. It has been argued convincingly that there was no earlier Greek version of the Latin text, nor is there any trace of an old 8th-century translation into Greek, which would be expected if the basileis were the addressees. The forgery first reached Constantinople in the 11th century¹⁶⁴, and the existing Greek translations are significantly younger than the Latin text¹⁶⁵. Nor are forgeries directed at their own authors; and an internal

164 Paul J. Alexander, *The Donation of Constantine at Byzantium and its Earliest Use Against the Western Empire*, in: idem, *Religious and Political History and Thought in the Byzantine Empire*, London 1978, pp. 11-26a, – Caspar, *Das Papsttum unter fränkischer Herrschaft* (as above, note 7), p. 21 described the “Constitutum“ as “settling accounts with Byzantium”.

165 Enzo Petrucci, *I rapporti tra le redazioni latine e greche del costituto di Costantino*. In: *BISI* 74 (1962), pp. 45-106. Three translations are known, of which the youngest (and the only complete one) probably only dates to the 14th century; the oldest was used by Theodoros Balsamon around 1170, and only covered the part dealing with the Donation, cf. Krause, *Das Constitutum Constantini* (as above, note 36), pp. 148-58; for the Greek text: Augusto Gaudenzi, *Il costituto di Costantino*. In: *Bollettino dell’Istituto Storico Italiano* 39 (1919), pp. 9-112; Werner

programmatic declaration from the Patriarchium, whether intended for the East or the West, had no need of an invented “Constitutum”, and most certainly not this one. In short, the forgery made no sense in Rome.

Nevertheless, Constantine could be referred to as an earlier donar there – for example Hadrian I did so in a letter to Charlemagne in 778¹⁶⁶. He recalled his well-known role as a model for all kings: no other had raised the church higher, nor granted it such favours, foundations and patrimonies throughout the empire. His favour had positively rained down on Rome in particular, where during the Carolingian period the first Christian emperor was omnipresent – in the form of monumental churches, inscriptions and legends. This was proclaimed by the “Acts of Sylvester”, which were well-known (“*Actus b. Sylvestri*”); according to late-medieval information, the Chapel of St Petronilla at St Peter’s, the private chapel of the Frankish kings, including Charlemagne, was decorated with frescoes of the life of Constantine which were probably inspired by the “Acts of Sylvester”¹⁶⁷. Here, in Rome, the king of the Franks liked to tread in Constantine’s footsteps, and we know that, as Gregory of Tours says of Chlodwig before him, he would have himself celebrated as the new Constantine from time to time. But this is hardly likely to have been a reaction to the “Constitutum Constantini”¹⁶⁸. Constantine’s function as a “role model” did not require a forgery.

Nothing forces us to attribute the forgery to Rome¹⁶⁹ – neither the literary style¹⁷⁰, nor Constantine’s imperial title. On the basis of the similarities in the

Ohnsorge, *Das Constitutum Constantini und seine Entstehung*. In: Ders., *Konstantinopel und der Okzident. Gesammelte Aufsätze zur Geschichte der byzantinisch-abendländischen Beziehungen und des Kaisertums*, Darmstadt 1966, pp. 93-162 (for the edition see pp. 108-22). Cf. Pietro De Leo, *Il Constitutum Constantini. Compilazione agiografica del sec. VIII (Ricerche sui falsi medioevali 1)*, Reggio Calabria 1974. According to Alexander, *Donation* (as above, note 164), the earliest possible date for a translation into Greek is the late-10th century.

166 *Codex Carolinus 60* [Hadrian I to Charlemagne], ed. by Wilhelm Gundlach. In: *MGH Epp.* 3, Berlin 1892, pp. 585-7. Hadrian I by no means only cites Constantine’s donations, he also refers to the gifts of several princes and benefactors, the records of which were to be found in the archives of his church.

167 Caspar, *Das Papsttum unter fränkischer Herrschaft* (as above, note 7), p. 23; for doubts, most recently: Franz Alto Bauer, *Das Bild der Stadt Rom* (as above, note 5), p. 93.

168 Cf. the hymns to Charlemagne’s *adventus* in Metz v. 10 in: Henri Leclercq, Metz. In: *DAcL* 11, ed. by Henri-Irénée Marrou, Paris 1933, col. 856; on this, see: Otto Gerhard Oexle, *Die Karolinger und die Stadt des heiligen Arnulf*. In: *FMS* 1 (1967), pp. 250-364, here pp. 301-11, who thought that the verses were intended for Charlemagne and not – as assumed by Percy Ernst Schramm or Ernst H. Kantorowicz – for the arrival of Charles the Bald; for a different view: Grünewald, ‘Constantinus Novus’ (as above, note 21), pp. 476-85. – On the image of Constantine in the Early Middle Ages cf. Eugen Ewig, *Das Bild Constantins des Großen in den ersten Jahrhunderten des abendländischen Mittelalters*. In: idem, *Spätantikes und fränkisches Gallien. Gesammelte Schriften (1952-1973)*, ed. by Hartmut Atsma (*Beihefte der Francia* 3, 1), Zürich/Munich 1976, pp. 74-113 [first published 1956].

169 The arguments of Ludo Moritz Hartmann, *Die Loslösung Italiens vom Orient (Geschichte Italiens im Mittelalter 2, 2)*, Gotha 1903, pp. 224-31, are of a much too general nature to be conclusive, although Caspar, *Das Papsttum unter fränkischer Herrschaft* (as above, note 7),

triumphal title in the “Constitutum Constantini” – “*pius, felix, victor ac triumphator semper augustus*” – and the so-called “*Divisio regnorum*” of 806, which regulated the succession to Charlemagne¹⁷¹, Walter Schlesinger suggested that the latter was derived from the forgery¹⁷². But this would pre-suppose that the pseudo-Constantinian document was earlier, not prove it. The opposite could equally be true, that the “*Divisio*” influenced the forgery, and arguments can be found to support this.

Charlemagne’s regulation of the succession could have drawn important elements of the titles it used from a number of sources: from the so-called “*Collectio Avellana*”, a collection of letters from Late Roman emperors, a few copies of which were accessible north of the Alps; Late Antique inscriptions from the Frankish Empire which were recorded in texts such as the “*Anonymous Einsidlensis*”; from the inscriptions which were still visible in situ, for example in Verona, a Carolingian royal residence, or in Rome¹⁷³. Charlemagne himself is known to have taken such inscriptions into account when he was searching for a suitable imperial title after he had been crowned emperor on Christmas Day 800¹⁷⁴. Nothing prevents us from assuming that the relevant elements of his title in the “*Divisio*” were indeed the result of just such a search. Thus, as Horst Fuhrmann has already emphasised¹⁷⁵, the Carolingian chancellery had no need of forgeries in order to choose Charlemagne’s imperial title. It could well have been the chancellery’s own creation, indeed it probably was.

But the “*Divisio regnorum*” circulated widely in the Frankish Empire, for the notables of the Empire would have to swear allegiance to the imperial and royal

p. 28 with note 13 thought they were compelling proof for the Roman, as opposed to a Frankish, origin of the forgery.

170 Cf. above p. 37 and below p. 104 seqq.

171 *Capitularia regum Francorum* 45. *Divisio Regnorum* 806. Februar. 6. In: MGH Capit. 1, denuo ed. by Alfred Boretius, Hanover 1883, pp. 126-30.

172 Walter Schlesinger, *Kaisertum und Reichsteilung. Zur Divisio regnorum von 806*. In: *Forschungen zu Staat und Verfassung. Festgabe für Fritz Hartung*, ed. by Richard Dietrich and Gerhard Oestreich, Berlin 1958, pp. 9-51; again published in: idem, *Beiträge zur Deutschen Verfassungsgeschichte des Mittelalters* 1, Göttingen 1963, pp. 193-232 and p. 345 (cited thereafter) and again in: *Zum Kaisertum Karls des Großen*, ed. by Gunther G. Wolf (WdF 38), Darmstadt 1972, pp. 116-36; Schlesinger is followed by Peter Classen, *Karl der Große, das Papsttum und Byzanz. Die Begründung des karolingischen Kaisertums, nach dem Handexemplar des Verfassers* hrsg. von Horst Fuhrmann und Claudia Märkl (*Beiträge zur Geschichte und Quellenkunde des Mittelalters* 9), Sigmaringen 1985, pp. 89-90 with note 342.

173 The evidence is presented in Classen, *Karl der Große* (as above, note 172), p. 90, note 342.

174 Peter Classen, *Romanum gubernans imperii. Zur Vorgeschichte der Kaisertitulatur Karls des Großen*. In: idem, *Ausgewählte Aufsätze*, ed. by Josef Fleckenstein (VuF 28), Sigmaringen 1983, pp. 187-204.

175 Fuhrmann, *Das Frühmittelalterliche Papsttum und die Konstantinische Schenkung* (as above, note 7), pp. 266-8 (arguing against Classen’s devaluation of the importance of the evidence of inscriptions).

successors. We can now trace some 11 separate textual traditions¹⁷⁶, and their trails all lead to the Frankish Empire, not to Rome, in spite of the fact that the “*Divisio*” was indeed originally sent to the city to be probably deposited at the “*Confessio b. Petri*”. The document dividing up Charlemagne’s empire, originally drawn up in 806, was again employed in 830/831, and assumed a peculiar topicality. When Louis the Pious planned to divide up his empire further between three of his four sons, he made use of the wording of the original from 806 for his own version, as is recorded in the so-called “*Regni divisio*”, probably written in 831¹⁷⁷.

With the “*Divisio regnorum*” its triumphal imperial title was once again recorded and this could easily have been the inspiration behind the title found in Pseudo-Constantine’s constitution. The fact that thereby only a few words were borrowed from the older, genuine document of 806, is characteristic of contemporary forgeries, and of the “*Constitutum Constantini*” in particular. In other words, it is possible to turn around the direction of the influence between the texts that is normally assumed. And given that there is no proof that the forger was interested in either the “*Collectio Avellana*” or ancient inscriptions, do we now perhaps have an indication of the “*terminus post quem*” of the “*Constitutum Constantini*”: after 806, perhaps even after 831¹⁷⁸? We have to check whether this can be the case.

As we have said, neither the language nor formal aspects of the “*Constitutum Constantini*” provide conclusive evidence for a Roman origin, and the evidence for Frankish forgers is just as strong, if not stronger. Nor are the other arguments for a composition in Rome about 760 any more convincing. The renewal of the cult of St Sylvester by Stephen II and Paul I is just as little proof of Roman authorship, although it is often presented as such. There was in fact a precedent of sorts for the “renewal”: Carloman († 754), mayor of the palace and uncle of Charlemagne, founded the monastery of St Sylvester at Monte Soratte, to where he retired when he renounced office as mayor of the palace (747). And when Paul I founded the monastery S Silvestro in Capite in Rome in 761, he made no

176 In addition to the six cited by Schlesinger, *Kaisertum und Reichsteilung* (as above, note 172), pp. 197-8 (on the manuscripts cited cf. recently Hubert Mordek, *Bibliotheca capitularium regum Francorum manuscripta. Überlieferung und Traditionszusammenhang der fränkischen Herrschererlasse* [MGH Hilfsmittel 15], Munich 1995, p. 1086). I am indebted to Matthias T. Tischler for the information that the figure of some 11 manuscripts also takes into consideration early printed editions, which are often derived from lost hand-written manuscripts; cf. idem, *Die Divisio regnorum von 806 zwischen handschriftlicher Überlieferung und historiographischer Rezeption*, forthcoming in: *Herrscher- und Fürstentestamente im westeuropäischen Mittelalter*, ed. by Brigitte Kasten; the volume will be published in the series “Norm und Struktur”.

177 *Capitularia regum Francorum* 194. *Regni divisio* 831 Febr. (?), denuo ed. by Alfred Boretius and Victor Krause. In: *MGH Capit. 2*, Hanover 1897, pp. 20-4, cf. Schlesinger, *Kaisertum und Reichsteilung* (as above, note 172), pp. 194-7.

178 On the date cf. below p. 73 resp. 88.

reference whatsoever to Constantine¹⁷⁹. Neither the knowledge of the Roman clerical hierarchy and church ceremonies that are apparent in the “Constitutum Constantini”, nor occasional references to Constantine’s generous gifts to the Roman Church which are to be found in papal letters and other texts, are in themselves conclusive evidence for the forgery having been composed in Rome. They reflected a historical reality that will have been apparent to anyone who visited Rome.

On the contrary, the Lateran Basilica was widely known to be the “Constantinian Church”, the *Basilica Constantiniana* that he had founded. Throughout the Frankish Empire, and in particular in the centres of learning north of the Alps, men of letters will have had relatively good knowledge of the topography of the city¹⁸⁰, its liturgical functions and robes, as well as the extravagant processions that are reflected in the forgery. This will have been drawn from those liturgical “*Ordines Romani*”, which had become common in Latin Christendom before the Age of Charlemagne, as well from written guides for pilgrims, and accounts by pilgrims themselves and church dignitaries who had visited Rome. This means that references to such details, however direct or indirect, are not convincing proof that the “Constitutum Constantini” saw the light of day in Rome¹⁸¹. A conclusion like that would require information to which nobody had access outside the city. This is a methodological requirement that has all too often been neglected; yet, no such evidence is offered by the forgery itself.

On the other hand, deviations from Roman practices would be particularly significant, and a compelling indication of a non-Roman origin of Pseudo-Constantine’s deed. Such departures from Roman rituals are obvious. The word *frygium* for the tall conical headwear that originally emperors had worn (i.e. a tiara) for instance, and which the pope is said to have received from Constantine¹⁸², was generally called the *regnum* or *corona* in Rome, only from

179 On the foundation cf. the synodal record of 761: Concilia aevi Carolini 12. Concilium Romanum 761 Iul. 4, ed. by Albert Werminghoff. In: MGH Conc. 2,1, Hanover/Leipzig 1906, pp. 64-71. On the church: Corpus Basilicarum Christianarum Romae. Le basiliche cristiane antiche di Roma (sec. IV-IX) (MAC 2, 2), ed. by Richard Krautheimer, Spencer Corbett, Wolfgang Frankl, Città del Vaticano 1970, pp. 148-62.

180 On guides to Rome cf. Gerd Tellenbach, Die Stadt Rom in der Sicht ausländischer Zeitgenossen (800-1200). In: Saec 24 (1973), pp. 1-40, here pp. 2-3; revised in: idem, Ausgewählte Abhandlungen und Aufsätze 1, Stuttgart 1988, pp. 265-304, here pp. 266-7, Bernhard Schimmelpfennig, Romreisen im Mittelalter. In: Reisen und Wallfahrten im Hohen Mittelalter, mit Beiträgen von Wolfgang Georgi u.a. (Schriften zur staufischen Geschichte und Kunst 18), Göttingen 1999, pp. 128-45, here pp. 130-3.

181 For a summary and further reading on the processions, see Thomas F. X. Noble, Topography, Celebration, and Power of a Papal Rome in the Eighth and Ninth Centuries. In: Topographies of Power in the Early Middle Ages, ed. by Mayke De Jong and Frans Theuvs with Carine van Rhijn (The Transformation of the Roman World 6), Leiden etc. 2001, pp. 45-91, here pp. 83-91.

182 On the *frygium* (not the *camelaucum*!) cf. Josef Deér, Byzanz und die Herrschaftszeichen des Abendlandes. In: BZ 50 (1957), pp. 405-36, again in: idem, Byzanz und das abendländische Herrschertum. Ausgewählte Aufsätze (VuF 219), Sigmaringen 1977, pp. 42-69, here pp. 55-61; Gerhart B. Ladner, Der Ursprung und die mittelalterliche Entwicklung der päpstlichen Tiara. In:

the 12th century a tiara. This suggests that the author of the relevant passage was Frankish rather than Roman; because in “Francia” the word seems to have been common. At the beginning of the 8th century Pope Constantine (who came from the East) is recorded in the “*Liber Pontificalis*” as having worn a *camelaucum* in the procession: its shape is not known, but it too was certainly one of the imperial insignia¹⁸³.

Tainia. Roland Hampe zum 70. Geburtstag, ed. by Herbert A. Cahn and Erika Simon, vol. 1., Mainz 1980, pp. 449-81 and vol. 2, pp. ix-xii and plate 86-93. On the insignia mentioned here and in the following cf. also Klaus Wessel, Elisabeth Piltz, Corina Nicolescu, Insignien. In: RbK 3, Stuttgart 1978, col. 369-498.

- 183 References to papal headwear of the period in question are confined to the vita of Pope Constantine in the “*Liber Pontificalis*” (*camelaucum*) (Le Liber Pontificalis. Texte, introduction et commentaire par L’Abbé Louis Duchesne, vol. 1, Paris 1886, p. 390), the “Constitutum Constantini” (*frygium*) and the “Ordo Romanus” 36 (revised on the basis of Roman sources after 897 in the Frankish Empire, possibly in St. Gallen: Les Ordines Romani du haut Moyen Âge 4, ed. by Michel Andrieu [Spicilegium Sacrum Lovaniense. Études et documents 28], Louvain 1956, c. 55, p. 205, *regnum*). Later tradition (on this subject, see Les Ordines Romani, ed. Andrieu, loc. cit. pp. 169-84) shows that *frygium* was generally used on French territory, but *regnum* and *corona* in Rome and Italy, as well as in the ‘German Empire’. Thus Petrus Damiani, for instance, made of the *frygium* of the “Constitutum” an *aurea corona* (Petrus Damiani, Epistola 89 [Disceptatio synodalis]. In: Die Briefe des Petrus Damiani 2, ed. by Kurt Reindel [MGH Die Briefe der deutschen Kaiserzeit 4,2], Munich 1988, pp. 531-72). It is also significant that Calixtus II, a ‘Frenchman’ on the Apostolic throne, knew he had been crowned with the *frygii corona*, JL. 6852. Yet the ‘anonymous’ election, consecration and coronation *ordo* from the 12th century (Bernhard Schimmelpfennig, Ein bisher unbekannter Text zur Wahl, Konsekration und Krönung des Papstes im 12. Jahrhundert. In: AHP 6 (1968), pp. 43-70, here, II, 21, p. 65, with note 86; again published in: idem, Papsttum und Heilige. Kirchenrecht und Zeremoniell. Ausgewählte Aufsätze, ed. by Georg Kreuzer und Stefan Weiss, Neuried 2005, pp. 1-29, here pp. 23-4) had the pope received “*regnum, quod alio vocabulo frygium dicitur*”; later (III, 15, p. 68) the same headwear is called the *mitra*. At the end of the 12th century, the *ordo* of Cardinal Albinus, which is related to the *ordo Romanus*, uses the term *frygium* (Liber Censuum de l’Eglise romain, ed. by Paul Fabre, Léopold Duchesne, vol. 2 [Bibl. des Écoles Françaises d’Athènes et de Rome 2, 6, 2], Paris 1905, p. 124a). In all probability the model for this *ordo* is to be dated to before 1145 (Schimmelpfennig, loc. cit. p. 55); when and where it was revised is not known. Otherwise the papal *ordines* refer to the pope’s headwear as *regnum*, cf Ernst H. Kantorowicz, Constantinus Strator. Marginalien zum Constitutum Constantini. In: Mullus. Festschrift für Theodor Klauser (Jahrbuch für Antike und Christentum Ergänzungsband 1), ed. by Alfred Stuiber and Alfred Hermann, Münster 1964, pp. 181-9, here p. 185. As far as we can tell, Albinus was not a Roman and probably had studied in France (Orléans?), cf. Uta-Renate Blumenthal, Cardinal Albinus of Albano and the *Digesta pauperis scolaris Albini*. Ms. Ottob. lat. 3057. In: AHP 20 (1982), pp. 8-49, here pp. 11-33; Werner Maleczek, Papst und Kardinalskolleg von 1191 bis 1216. Die Kardinäle unter Coelestin III und Innocenz III (Publikationen des Historischen Instituts beim österreichischen Kulturinstitut in Rom Abt. 1, Abhandlungen 6), Vienna 1984, pp. 76-7. – According to the index, the “*Liber Censuum*” (vol. 3) has four passages on the *frygium*, two of these in the excerpt from the “Constitutum Constantini” (vol. 1, p. 367a/b), the third in the Ordo of Albinus, the fourth in Benedict’s reference to the “Constitutum” in his “*Liber politicus*” (2, p. 167a); otherwise we regularly find *regnum*. – From the Septuagesima Sunday until Easter the pope does not wear the *aurofrisiata mitra* (i.e. the tiara decorated with gold braiding) (Liber Censuum 1, p. 294a). In his New Year’s Eve (St Sylvester) sermon alluding to the Donation of Constantine (Innocent III,

So too the term *superhumerales* (instead of “humerales”) for the imperial *loros* (l. 221-2) which Pseudo-Constantine is supposed to have added to the papal vestments, points not to Rome but to the Frankish Empire¹⁸⁴. Furthermore, the derivation of the *superhumerales* from the imperial *loros* was too inaccurate – indeed it was incorrect – to have been the work of the papal Patriarchium, for the latter was well aware of Eastern Roman or Byzantine ritual and parament¹⁸⁵. What the forger meant was the papal pallium, a vestment that was reserved for the pope himself in the 8th and 9th centuries. The “Constitutum Constantini” seems to have confused two different Roman ritual vestments that were both worn over the shoulder, or at least combined them both into one: the pallium and the humerale (or *amicthus*), which is recorded for the first time in the “*Ordo Romanus I*”¹⁸⁶, and which originally the pope alone was allowed to wear. Only the former was connected with the *loros*, but at no time was it called “(super)humerales” in Rome.

The ceremonial shoes which the “Constitutum Constantini” records Constantine as having granted to the Roman clergy (“*clericis diversis ordinibus*” (l. 227) in imitation of the Senate, and explicitly to all ranks (“*calciamenta utitur cum udonibus*”, l. 240), are also introduced in a very un-Roman way. In Rome a distinction was made between the various types of shoes. The liturgical footwear of the pope, bishops and deacons consisted of *campagi* and *udones*, that is ceremonial shoes with white stockings; priests, sub-deacons and acolytes, on the other hand, wore so called *subtulares*, which (according to Joseph Braun) were like slippers – and which incidentally were granted together with the stockings by Stephen II to the Abbot of St-Denis¹⁸⁷. The Roman clergy did not all have the same footwear, as the forger incorrectly seems to assume (cf. l. 237-241), and this too suggests that the work was written away from Rome¹⁸⁸. And why of all the ceremonial vestments of the Roman clergy were only horse blankets, shoes and stockings mentioned? Where they the only elements known to the forger? And

Sermo VII [In festo D. Silvestri pontificis maximi]. In: Migne PL 217, Paris 1855, col. 481-4), Innocence II spoke of the *aurofrisium circulare* worn by the pope; here the *fygium* from the pseudo-Constantinian “Constitutum” was obviously reinterpreted into a gold-braided tiara, cf. Ladner, *Tiara* (as above, note 182), p. 474, note 145, for Innocence III normally also wore the *regnum*, cf. *ibid.*, p. 473.

184 On the “humerales”: Joseph Braun, *Die liturgischen Paramente in Gegenwart und Vergangenheit*, Freiburg i. Br. ²1924 [first published 1904], pp. 67-73, *superhumerales* *ibid.*, p. 69 with reference to Hrabanus Maurus and Amalar of Metz; on the imperial *loros*: Deér (as above, note 182), p. 45.

185 Raymond-J. Loenertz, O. P., *Constitutum Constantini. Destination, destinataires, auteur, date*. In: *Aevum* 48 (1974), pp. 199-245, here pp. 202-4.

186 Here under the name: *anagolaium*, (*id est amictum*): *Les Ordines Rpmni du Haut Moyen Âge 2. Les Textes (Ordines I-XIII)*, ed. by Michel Andrieu, Louvain 1960, I, c. 34, p. 78; here p. 51 on the date and pp. 52-64 on the Roman origin.

187 Cf. below note 226, *formula* 4 (JE 2330).

188 On the footwear: Braun, *Die liturgischen Paramente* (as above, note 184), pp. 158-63; cf. also Loenertz, *Constitutum Constantini* (as above, note 185), pp. 200-2. – Cf. below pp. 105 seq.

can this provide an indication of where he worked? As we shall see below, there are good reasons for thinking that this may be the case.

During the Carolingian period the emperor did not serve as “strator” to the pope in Rome in the manner described in Pseudo-Constantine¹⁸⁹. Ernst H. Kantorowitz demonstrated that the kings only carried out this service in honour of the pope during the ceremony celebrating the “adventus” of a pope who had already been crowned. This is how the office was indeed illustrated in the 13th century in the relevant scene in the Chapel of Sylvester in SS Quattro Coronati¹⁹⁰. It is not recorded for an encounter which took place before the coronation of the Bishop of Rome, as described in the forgery. This very un-Roman service as “strator” by the emperor in the “Constitutum Constantini” suggests that an author was at work here who may have been thinking of the public papal ceremonies in which the *fygium* was set on the pope’s head and the Roman “strators” then acted as marshals, but who had only a fleeting knowledge of the internal details of actual Roman usage, if any at all.

The Sylvester vita in the “*Liber Pontificalis*” offered a number of references to the over-generous gifts of the first Christian emperor: numerous extravagant grants of estates and land with opulent income in the City and outside the walls, in Italy, Sicily, Sardinia, Greece, the Orient, on the Euphrates, in Africa and in Egypt, not to mention the imperial church foundations in Rome; even a number of islands were specifically mentioned¹⁹¹. This information was easily accessible at the time, for manuscripts of the “*Liber Pontificalis*” had been distributed across the continent since the early 8th century. The Venerable Bede had one, Leo III probably sent a copy to Charlemagne which Archbishop Hildibald of Cologne had copied, and Walahfrid of Reichenau quoted from it. Abbot Hilduin of St-Denis probably also had a copy¹⁹². Furthermore, the “*Novellae*” and the

189 Robert Holtzmann, *Der Kaiser als Marschall des Papstes. Eine Untersuchung zur Geschichte der Beziehungen zwischen Kaiser und Papst im Mittelalter* (Schriften der Straßburger Wissenschaftlichen Gesellschaft in Heidelberg N.F. 8), Berlin/Leipzig 1928, pp. 21-5; Eduard Eichmann, *Das officium stratoris et strepae*. In: *HZ* 142 (1930), pp. 16-40; Robert Holtzmann, *Zum Strator- und Marschalldienst. Zugleich eine Erwiderung*. In: *HZ* 145 (1932), pp. 301-50. Holtzmann’s assumption of a contemporary insertion has quite rightly not been accepted, cf. Kantorowicz, *Constantinus strator* (as above, note 183), p. 182; Fuhrmann, *Das frühmittelalterliche Papsttum und die Konstantinische Schenkung* (as above, note 7), p. 271 with note 32.

190 Kantorowicz, *Constantinus strator* (as above, note 183).

191 *Le Liber Pontificalis. Texte, introduction et commentaire* par L’Abbé Louis Duchesne, 2 volumes, Paris 1886-1892, here 1, pp. 172-84; *Liber Pontificalis, nella recensione di Pietro Guglielmo OSB e del card. Pandolfo*, glossato da Pietro Bohier OSB, vescovo di Orvieto. Introduzione, testo, indici a cura di Ulderico Prerovsky, 3 vols., Rome 1978, here 2, pp. 47-76 already made use of the “Donation of Constantine”. – Islands: p. 178, 15, p. 179, 9 and p. 183, 17-9. – For a summary of Constantine’s church buildings, see Hugo Brandenburg, *Roms frühchristliche Basiliken des 4. Jahrhunderts*, Munich 1979; Richard Krautheimer, *Rom. Schicksal einer Stadt 312-1308*, Munich 1987 (original: Rome. Profile of a city, 312-1308, Princeton 1980), esp. pp. 33-9.

192 On the textual tradition cf. the register of manuscripts in the edition by Duchesne. The Venerable Bede: Wilhelm Levison, *Bede as Historian*. In: *Bede, his Life, Times, and Writings*.

“*Epitome Juliani*” (const. 7) referred to papal patrimonies that, according to Nov. Const. 7, had been the property of Constantine; yet, only the “*Epitome*” was certainly common at least in Italy in the Early Middle Ages¹⁹³.

But above all, an unavoidable reference to Constantine’s gifts was provided by what was for the Franks the most important spot in all Rome: the apse and triumphal arch of old St Peter’s. A mosaic (probably of the Early Middle Ages) at the top of the arch showed Constantine as the founder of the basilica with what was most likely the original dedicatory inscription: “*QUOD DUCE TE MUNDUS SURREXIT IN ASTRA TRIUMPHANS/ HANC CONSTANTINUS VICTOR TIBI CONDIDIT AULAM*” (“Because under your [sc. Christ’s] leadership the world rose triumphant to the heavens, Constantine the victor had founded this hall for you”). It has been suggested that *mundus* = ‘the world’ was confused with *mundus* = ‘pure’ by a population that had to spell the inscription out letter by letter, and that if this was applied to Constantine it could have given rise to the legend of his leprosy¹⁹⁴. Be that as it may, this kind of awareness of Constantine’s foundations and donations drawn from the “*Liber Pontificalis*”, could easily have been combined with the “Acts of St Sylvester”, both textual traditions of which

Essays in Commemoration of the Twelfth Century of his Death, ed. by A. Hamilton Thompson, Oxford 1935, pp. 111-51; again in: idem, *Aus rheinischer und fränkischer Frühzeit. Ausgewählte Aufsätze*, Düsseldorf 1948, pp. 347-82, here p. 368 with note 3. – Leo III to Charlemagne: Bernhard Bischoff, *Die Kölner Nonnenhandschriften und das Scriptorium von Chelles*. In: idem, *Mittelalterliche Studien. Ausgewählte Aufsätze zur Schriftkunde und Literaturgeschichte 1*, Stuttgart 1966, pp. 16-34, here pp. 18-9; cf. also Joachim M. Plotzek, *Zur Geschichte der Kölner Dombibliothek*. In: *Glaube und Wissen im Mittelalter. Die Kölner Dombibliothek. Ausstellungskatalog*, ed. by Joachim M. Plotzek etc., Munich 1998, pp. 22-3; Walahfrid Strabo, *Libellus de exordiis et incrementis quarundam in observationibus ecclesiasticis rerum*, ed. by Alfred Boretius and Victor Krause. In: *MGH Capit. 2* Hanover 1897, pp. 473-516, here c. 25 and c. 27, p. 504, 8-9 and p. 509, 26-8; Hilduin: Bauer, *Das Bild der Stadt Rom* (as above, note 5), p. 31.

193 *Epitomae Juliani*, ed. by Gustav Haenel. Cf. Nov. 7 proem.

194 Joseph Wilpert, *Die römischen Mosaiken der kirchlichen Bauten vom IV.-XIII. Jahrhundert*, ed. by and revised Walter N. Schumacher, Freiburg/Basel/Vienna 1976 [first published 1916], p. 61 and p. 73, note 6 and 9. Hans Belting, *Die beiden Palastaulen Leos III. im Lateran und die Entstehung einer päpstlichen Programmkunst*. In: *FMSt 12* (1978) pp. 55-83, see plate I-X, here p. 65 with note 36; Bauer, *Das Bild der Stadt Rom* (as above, note 5), p. 118. – In St Paul’s Outside the Walls, where Constantine founded only a modest oratory, there was probably no picture of the emperor; the text of the foundation inscription refers to the emperors Theodosius and Honorius, Wilpert, *Die Mosaiken der kirchlichen Bauten* (as above, note 194), p. 85; but in the Middle Ages the church was thought to have been founded by Constantine. – Knowledge of the foundation of the *Basilica Constantiniana* (later St John Lateran) was equally old and firmly rooted in the “*Liber Pontificalis*”, ed. by Duchesne, vol. 1, Paris 1886, p. 172. Another representation of Constantine as benefactor could have been located here during the Carolingian Era. – The Petronilla Chapel, situated near St Peter’s and assigned to the Frankish kings, was according to a late-medieval information decorated with frescoes with scenes from the life of Constantine which were older than the “Constitutum Constantini”, cf. Caspar, *Das Papsttum unter fränkischer Herrschaft* (as above, note 7), p. 23 with note 3. Speculations on *mundus*: Levison, *Konstantinische Schenkung und Silvester-Legende* (as above, note 7), p. 411. Cf. above p. 54, with note 167.

were among the sources that the “Constitutum Constantini” quoted to assemble its mosaic-like patchwork¹⁹⁵.

In the 8th century no forgery was needed to remind Charlemagne of Constantine’s munificence, and Leo III required no “Constitutum Constantini” in his famous triclinium in the Lateran palace, when he compared a mosaic of the Prince of the Apostles, himself and the King of the Franks on the one hand with Christ, Peter and Constantine – if it indeed represented Constantine, which is extremely doubtful¹⁹⁶ – on the other. Charlemagne had been in the presence of the Constantine of the mosaic in St Peter’s often enough, and he had read the golden letters of the inscription in the arch as he prostrated himself to pray there. Furthermore, if we take the relevant passage to be the provision of a donation, then when it mentioned “all provinces (...) of the western regions” (l. 264-5) Constantine’s privilege went far beyond the wildest dreams or any plans that we can identify on the part of the Bishops of Rome. When they brought up the subject of restitution, then the popes always talked only in a ‘partitive’ sense of their property in the West of the Roman Empire, now disintegrated, or in Italy: *in his Hesperiae partibus*¹⁹⁷. The forger’s intention was – as we have seen – another. But it was still highly political¹⁹⁸.

195 According to it, Constantine also discarded his crown (*diadema*) (Actus Silvestri, ed. by Mombrinius, p. 513, 26); this could easily be the “crown of Constantine” with which Stephen IV crowned Louis the Pious in 816. The “Constitutum” was not required for this. On the use of both textual traditions: Levison, Konstantinische Schenkung und Silvesterlegende (as above, note 7), pp. 458-64.

196 The reconstruction of the side of the triclinium mosaic with Constantine is extremely uncertain. It is attributed to Cardinal Francesco Barberini, based on a drawing which only he knew of, and which promptly disappeared and is still missing today. It seems that Barberini wanted to provide an “ancient” authority for the “Translatio imperii” which the Reformers contested. In 1617/21 Giacomo Grimaldi maintained he had seen the Apostle Paul here. Cf. most recently Sebastian Scholz, Politik – Selbstverständnis – Selbstdarstellung. Die Päpste in karolingischer und ottonischer Zeit (Historische Forschungen im Auftrag der Historischen Kommission der Akademie der Wissenschaften und der Literatur 26), Stuttgart 2006, p. 118-20.

197 This applies especially to the famous letter of Hadrian I to Charlemagne 778, Codex Carolinus 60, ed. by Wilhelm Gundlach. In: MGH Epp. 3, Berlin 1892, pp. 585-7, here p. 587. This draws a clear distinction between the “barbarian nations of all Hesperia and of the Western part of the Empire” (“*omnis Hesperiae occiduæque partis barbaras nationes [...] prosternens*”) that according to Hadrian Charlemagne had subdued: JE 2448 to Emperor Constantine VI and Irene; on this, see Erich Lamberz, Studien zur Überlieferung der Akten des VII. Ökumenischen Konzils: Der Brief Hadrians I. an Konstantin VI. und Irene (JE 2448). In: DA 53 (1997), pp. 1-43; Erich Lamberz, “Falsata Graecorum more”? Die griechische Version der Briefe Papst Hadrians I. in den Akten des VII. Ökumenischen Konzils. In: Novum Millennium. Studies in Byzantine History and Culture presented to Paul Speck, ed. by Claudia Sode, Aldershot 2001, pp. 213-30. Not taken into account by Anton, Solium imperii (as above, note 86), esp. p. 228 and p. 231, although in *ibid.*, note 46 he offers numerous examples for this partitive interpretation. The “certainty” of the “Constitutum’s” 8th-century origin is not shared by the specialists, cf. Fuhrmann (as above, note 175).

198 Huyghebaert, Une légende de fondation (as above, note 113) denies that the church had any political aims.

Several other aspects militate against Rome as the source of the forgery. The text was aware of the patriarchies of Christendom, and Rome was to have primacy over “A n t i o c h , A l e x a n d r i a , Constantinople and Jerusalem” (l. 171-3). But this is the incorrect order, as Horst Fuhrmann has pointed out¹⁹⁹. Had the “Constitutum” been composed in the Roman Patriarchium, then the order would have had to be Rome, A l e x a n d r i a , A n t i o c h , for this “Petrine triad” had long been the accepted hierarchy of the Universal Church there. Whoever invented the “Constitutum Constantini” cannot have been a particular profound or sensitive expert on the church hierarchy that was followed at Rome, and was certainly no Roman²⁰⁰. Nevertheless, he took great care to give his work the impression of being an authentic Roman product by following the list of Constantine’s donations to St Peter’s given in the “*Liber Pontificalis*”, where Antioch is indeed mentioned before Alexandria²⁰¹ – an inconspicuous but highly revealing error.

Indeed, the forger lacked any intimate knowledge of the Roman Church, and had no feeling for Roman sentiments. He drew on the “*Actus b. Silvestri*”, which had long been widely known and were probably written in the beginning of the second half of the 5th century, sometimes quoting them word for word²⁰². According to the legend recounted there Constantine had contracted leprosy, and his pagan doctors had said he could be healed by bathing in the blood of innocent children. The orders had already been given, and the mothers stood weeping with their children in their arms, compelled to let them be slaughtered, when the emperor took pity on them. In celebration of the emperor’s change of mind, the Acts of Silvester, which were written in Rome, cry “the piety of the Roman Empire was victorious over the cruelty of the pagan priests”, and confirm that “the dignity of the Roman Empire was born from the spring of *pietas*.” But that alone was not enough. Constantine himself speaks out and confirms the

199 Fuhrmann, Studien zur Geschichte mittelalterlicher Patriarchate I. (as above, note 135), p. 122-31, esp. p. 122, note 37 and p. 130, note 65 at the end; idem, Konstantinische Schenkung und abendländisches Kaisertum (as above, note 8), p. 79, note 35.

200 The corrected order – following the Roman tradition (i.e. Rome, Alexandria, Antioch) – is to be found in the Leo-Humbert-group of the “Constitutum Constantini” (Constitutum Constantini, ed. by Fuhrmann, pp. 15-17 and p. 82) as well as in the “Donation of Constantine” given in Gratian’s Decretum (D. 96, c. 14 [Palea]).

201 Liber Pontificalis I, ed. by Duchesne, p. 177.

202 Typical of those arguing for the forgery’s origin in the Roman patriarchy is Caspar, Das Papsttum unter fränkischer Herrschaft (as above, note 7), p. 21-34; though the reasons he gives fail to convince. They merely refer to issues generally known in the 8th and 9th centuries, and fail to exhibit any specifically Roman features. All veneration for St Peter aside, no cultured Frank would have been able to claim that any church other than the Lateran was “the head and summit of all churches of the entire world”; nobody at the time would have been able to deny that the Lateran really was a palace; and it will have been evident to any visitor to Rome who knew something of East Rome that the ceremonial for the pope and the Roman clergy was similar to that for the emperor (but cf. also Caspar [as above, note 7], p. 26). For the date of the “*Actus*” see above, n. 24.

source of his mercy: “Roman *pietas* demands that the children be returned to their mothers”²⁰³. Roman sense of duty, piousness, love, mercy, fear of God, self sacrifice, *pietas*, Roman ethos had brought about the miracle of the conversion of the pagan emperor²⁰⁴.

The “Constitutum” retained not a single word of this outburst of Roman self-assuredness and self-awareness that fitted in so well with Rome’s renewal as a centre of the Christian church. Not even *pietas* is mentioned by it in connection with Constantine before his baptism, and only in his dream does “the basin of [godly] love”, the *piscina pietatis*, baptism, play a part (l. 101). “Our Majesty” shows bland, colourless “mercy” (“*serenitas nostra, misertus*”) (l. 90-1), ‘Romeless’. All *pietas* and all Romanness had vanished from the man. The Constantine of the forgery had no Roman conscience. His “Constitutum” was not a Roman product. But why did the author avoid what was a central feature of Roman-Christian devoutness? Had it been discredited by something that had happened at

203 Actus Silvestri, ed. by Mombricitus, p. 510, 51 (“*vicit crudelitatem pontificum pietas Romani imperii*”); p. 510, 53-4 (“*Romani imperii dignitas de fonte nascitur pietatis*”); p. 511, 23 (“*Iussit pietas Romana filios suis matribus reddi*”); the unusual *pietas Romana* maybe to be explained with the metonymic use of *Romanum imperium* for the emperor. – On *pietas* in Antiquity and the Early Middle Ages: Josef Liegle, *Pietas*. In: *Zeitschrift für Numismatik* 42 (1932), pp. 59-100, again published in: *Römische Wertbegriffe* (WdF 34), ed. by Hans Oppermann, Darmstadt 1967, pp. 229-73; Carl Koch, *Pietas*. In: *RE*, Stuttgart 1941, col. 1221-32; James D. Garrison, *Pietas from Vergil to Dryden*, University Park, Pennsylvania 1992; John Scheid, *Religion et piété à Rome*, Paris 2001 [first published 1985]; Bruno Bon, Anita Guerreau-Jalabert, *Pietas. Réflexion sur l’analyse sémantique et de traitement lexicographique d’un vocable médiéval*. In: *Médiévales* 42 (2002), pp. 73-88; Alexander Weihs, *Pietas and Herrschaft. Das Bild Ludwigs des Frommen in den Vitae Hludovici* (Theologie 65), Münster 2004; Thomas Zotz, *Ludwig der Fromme oder Ludwig der Gnädige. Zur Herrschertugend der pietas im frühen und hohen Mittelalter*. In: *Nova de veteribus. Mittel- und neulateinische Studien für Paul Gerhard Schmidt*, ed. by Andreas Bihrer and Elisabeth Stein, Leipzig 2004, pp. 180-92. – In particular liturgical texts and formulae for prayers included *pietas* – for instance in the phrase *pietas actionum*, cf. Walter Dürig, *Pietas liturgica. Studien zum Frömmigkeitsbegriff und zur Gottesvorstellung der abendländischen Liturgie*, Regensburg 1958, esp. pp. 52-4. And yet, *Pietas Romana* is not to be found in liturgy. The unusual phrase corresponds nevertheless to ἡ Ῥωμαϊκὴ εὐσέβεια in the Early Medieval Greek translation of the “*Actus*”, ed. by François Combefis, *Illustrium Christi Martyrum lecti triumphi: vetustis Graecorum monumentis consignati; latine redditi et notis illustrati*, Paris 1659, p. 275 – here too I would like to thank Wolfram Brandes, Frankfurt am Main, for information on this.

204 Attention is briefly drawn to three coin types of Constantine the Great that could possibly have served as a model for the motif of the mothers with their children in their arms: 1) a gold multiple celebrating the emperor’s vicennalia in 325/26: obv.: Fausta, Constantine’s wife; reverse: enthroned female figure (empress Fausta) with two children on her lap, “PIETAS AVGVSTAE”. - 2) Solidus 325/26: obv.: Fausta; rev.: standing female figure with two children in her arms, “SALVS REI PVBLICE” (cf. plate 1a). - 3) Small bronze (“*folliis*”) 337-340: obv.: Theodora, the second wife of Constantius Chlorus and the stepmother of Constantine; rev.: female figure with two children in her arms, “PIETAS ROMANA” (cf. plate 1b). I would like to thank Maria R.-Alföldi and Helmut Schubert, both Frankfurt am Main, for their advice and the illustrations.

the time of the forgery? Quite possibly. But where did *pietas* play such a dubious part, that nearly all memory of it had been banished?

Constantine’s creed was just as un-Roman as his conscience. It precedes the emperors cornucopia of gifts to the Roman Church and was – as Wilhelm Levison noticed – a highly complicated network of the forger’s own wording together with numerous older creed-formulae. Significantly, the evidence of the surviving manuscripts suggests that many of the written documents containing such formulae were not widely disseminated at the time. In his doctoral thesis Wolfgang Stürner came to the unexpected conclusion that this “Fides” made use of sources that – as far as we can tell today – were only available in Northern France and Western Germany (in a few cases also in North Italy), but not in Rome²⁰⁵. Three of the manuscripts in question point to Corbie and St-Denis²⁰⁶, and as we shall presently see, this is of great significance. Stürner drew the cautious conclusion that the “Fides Constantini” in the “Constitutum” was a product of Northern France, and certainly not of Rome.

But what was so important to the forger about Constantine’s creed that he took such trouble over it. The “*Actus b. Silvestri*” and the *Basilica Constantinana* had ensured that Constantine’s orthodoxy was well accepted in Rome, but was this perhaps not the case elsewhere? For example in the area where the sources for the “Fides Constantini” were to be found, in other words in the centres of Frankish power? Indeed, at the relevant time (in the 820s) a work did exist at the imperial court which raised such doubts. The Empress Judith had ordered it for the education of her son Charles: the Chronicle of Frechulf of Lisieux, or to be more precise, its second book, written shortly before 830. The first book had been commissioned by Helisachar, Louis’ chancellor, first of all in Aquitaine, later in Aachen, who had insisted that the ancient Christian and pagan sources were used²⁰⁷.

205 Wolfgang Stürner, Die Quellen der Fides Konstantins im Constitutum Constantini (§§ 3-5). In: ZRG Kan. Abt. 55 (1969), pp. 64-206.

206 Stürner, Die Quellen der Fides Konstantins im Constitutum Constantini (as above, note 205), p. 196, on this, see p. 80 (Paris BN lat. 3836, St-Denis), p. 103 (Paris BN lat. 11611, St-Denis) and pp. 84-5 (Munich, Bayerische Staatsbibliothek lat. 5508, influence of St-Denis).

207 On the basis of a reference in the prologue to his first book (Frechulf of Lisieux, *Historiarum libri XII*. In: *Opera omnia*, ed. by Michael J. Allen [CCCM 169A], Turnhout 2002, pp. 9-724, here p. 17, 1 and p. 17, 9-10: “*Domino praeceptoris desiderantissimo Elisacharo Frechulfus; ... mi dilectissime et amore insaciabilis sophiae venerande praeceptor*”), Frechulf was assumed to be a pupil of Helisachar; but Allen was surely right to call this into question (on Frechulf’s origin: idem, *Frechulfi Lexoviensis Episcopi Opera omnia. Prolegomena. Indices* [CCCM 169], Turnhout 2002). According to Allen Frechulf came from the East Frankish or Alemannic region, and had probably been a monk in Fulda before he entered service at court – though this last point remains pure hypothesis. – On the commission from Helisachar: Frechulf, *Historiae Prol. I*, ed. by Michael Allen, pp. 17-22; from Judith: *ibid. Prol. II*, pp. 435-7. – On the sources cf. *Prol. I* p. 18, 14-7 and p. 20, 51-7; further *II*, 3, 16 p. 601, 98-105. – On Frechulf briefly: Philippe Depreux, *Prosopographie de l’entourage de Louis le Pieux (781-840) (Instrumenta 1)*, Sigmaringen 1997, no. 101, pp. 197-8 (is no. 103 Frechulf the same person as the Bishop of Lisieux?)

Frechulf did so, and based his account of Constantine’s story on the Chronicle of Eusebius of Caesarea and Rufinus’ Latin translation. He also used Cassiodorus’ “*Historia tripartita*”²⁰⁸. None of these sources included any mention of Constantine’s leprosy and miraculous cure, and so the legend was not included by Frechulf in his Chronicle. What he did record was what the ancient sources had to say about Constantine’s baptism, that it was conducted in Nicomedia by the arian bishop of the city; and this will have been common knowledge at the time²⁰⁹. Thus the forger of the “Constitutum Constantini”, whose intention was to attribute the legal foundation of the Roman Church and its special, patriarchal power in the entire West to the first Christian emperor, had every reason to emphasise Constantine’s orthodoxy, and this is something that must be born in mind.

It was by no means obvious that Helisachar should have insisted that Frechulf rely on the ancient historians, for their informations had political connotations. Papal Rome, the “*Liber Pontificalis*” and the “*Actus b. Silvestri*” had long propagated in the East and West of the old Roman Empire a very different story of Constantine’s conversion to that contained in Eusebius-Rufinus and Cassiodorus, and the papal version was evident everywhere in the Frankish Empire, above all at the imperial court. If Helisachar and Frechulf, perhaps also Empress Judith, were hostile to the “Roman” sources, then this was in effect a conscious attack on the “*Actus b. Silvestri*”, which carried no weight in the intellectual circle of the Aquitanian Helisachar. Frechulf himself made his first appearance in the service of the court when he travelled to Rome to investigate the disputed cult of icons there, and reported on his findings in November 825 to a synod that assembled in Paris to discuss the controversy. “The plague of this [iconodulist] superstition has spread to become the most dreadful custom in Rome”, the Bishop of Lisieux ranted²¹⁰, and in particular denounced religious practices in the city and papal processions involving icons. His judgement was so

208 On Constantine’s baptism: Frechulf II,3,15, ed. by Allen, pp. 594-600 and 3, 20, p. 607 with II, 4, 2-3, pp. 618-9 (on the arian Bishop of Nicomedia).

209 See on this as well as Eusebius-Rufinus or the “*Historia tripartita*” also the Chronicle of Hieronymus for 337: *Die Chronik des Hieronymus (Eusebius Werke 7 = Die griechischen christlichen Schriftsteller der ersten Jahrhunderte)*, ed. by Rudolf Helm, Berlin 2nd edition 1956, p. 234; further Isidore of Sevilla, *Chronica maiora (MGH Auct. Ant. 11)*, ed. by Theodor Mommsen, Berlin 1894 pp. 391-488, here p. 466. For the historical knowledge in Rome cf. Wolfram Brandes, *Konstantin der Große in den monotheistischen Streitigkeiten des 7. Jahrhunderts*. In: *οι σκοτεινοί αιώνες του Βυζαντίου – The Dark Centuries of Byzantium (7th to 9th c.)*, ed. by Eleonore Kuntura-Galake (National Hellenic Research Foundation. Institute for Byzantine Research; International Symposium 9), Athens 2001, pp. 89-107.

210 *Concilia aevi Carolini 44B. Libellus synodalis Parisiensis 825. Nov. 1*, ed. by Albert Werminghoff. In: *MGH Conc. 2, 2*, Hanover 1908, pp. 480-532, here p. 482, 11-7. On synods and the iconographic controversy: Fried, Ludwig der Fromme, *das Papsttum und die fränkische Kirche* (as above, note 143), pp. 260-2; Wilfried Hartmann, *Die Synoden der Karolingerzeit im Frankenreich und in Italien (Konziliengeschichte Reihe A: Darstellungen)*, Paderborn et al. 1989, pp. 168-71.

harsh that the emperor ordered the next ambassadors that he sent to Rome about the iconoclastic controversy to behave more discreetly in their dealings with Pope Eugene II. In other words, when Frechulf turned his back on the historiographic traditionalism of the City of Rome, he also rejected the city’s cult traditions.

Thus the sources on Constantine’s baptism posed more than just a methodically relevant problem as to which authorities were to be relied on. It also revealed the differing intellectual backgrounds of various factions at the Francish court, and their political discourse in the lead-up to the serious conflict involving Louis the Pious which was to shake the Carolingian Empire from 829/830. Seen in this context, it can hardly be irrelevant that elsewhere a different viewpoint can be seen – for example at the important monastery of Corbie with its abbots Adalhard, Wala and Paschasius Radbertus, or at St-Denis under Hilduin, who were soon to appear on the political stage as leaders of the opposing faction. The “*Actus b. Silvestri*” were held in high esteem at both monasteries, while the Late Antique historians, although known there, were disregarded – as will be shown presently²¹¹. Does the “Constitutum Constantini” somehow belong to the context of this discourse?

The suppression of *pietas* would also make sense in this context. The addressee of the criticism voiced by the abbots was Louis the Pious, that is the emperor who had made *pietas* a central feature of his programme, whose *pietas* was praised by Bishop Claudius of Torino in words borrowed from the “*Actus b. Silvestri*”²¹² – for which Claudius was soon to be heavily criticised by his colleagues – and whose programme was claimed by the same opponents to have been a failure; yet, under his government peace was broken, but peace – and this was common knowledge – should not be preached in such a way that falsehood could overcome piety²¹³. Did Louis’ failure colour the text of the “Constitutum

211 Paschasius Radbertus, Vita S. Adalhardi Corbeiensis abbatis. In: Migne PL 120, Paris 1852, col. 1507-56, here col. 1519D; see below pp. 70 seq. The “*Actus*” in Corbie and St-Denis: below p. 103-105 and p. 112 seq. Cassiodorus’ “*Historia tripartita*” is to be found as a copy (ab-script) in the St Petersburg manuscript F.v.I.11 (a “working copy” of Pseudo-Isidore, see Zechiel-Eckes, below note 221); Eusebius-Rufinus in Maurdrannus-miniscule in Paris BN lat. 12527 (cf. Ganz, Corbie [as above, note 162], p. 141).

212 When he sent his commentary on *Ephesians* to Louis the Pious in 816 (Claudius of Torino, Epistola 4. In: MGH Epp. 4, Berlin 1895, pp. 597-9), in his preamble Claudius of Torino probably quoted the wording from the “*Actus b. Silvestri*” exactly, adapting it to the Frankish emperor: “*Imperatori, cuius imperii dignitas ex fonte horta est pietatis*”, p. 597, 19, cf. Levison, Konstantinische Schenkung und Silvester-Legende (as above, note 7), p. 398; cf. later e.g. Dante, De monarchia 2, 5. – On Claudius, see Johannes Heil, Kompilation oder Konstruktion? Die Juden in den Pauluskommentaren des 9. Jahrhunderts (Forschungen zur Geschichte der Juden Abt. A: Abhandlungen 6), Hanover 1998, here pp. 225-30.

213 In the encomium of Ermoldus Nigellus, composed before 830 to win back the emperor’s lost favour, *pietas* is the most important feature of Louis’ reign: Ermold le Noir, Poème sur Louis le Pieux et épitres au roi Pépin, ed. by Edmond Faral (Les classiques de l’histoire de France 14), Paris 1932, passim and esp. the end: “*Sed pietas immensa ... Deprecor ut nostri sit memor exilii.*” How far Ermold met with success is not discernible. Cf. Walter Berschin, Karolingische Biographie: 750-920 n. Chr. (Biographie und Epochenstil im lateinischen Mittelalter 3 [=

Constantini”? The possibility cannot be excluded. It was precisely *pietas* that the useless emperor’s main opponent, his uncle the abbot Wala of Corbie possessed²¹⁴. Yet, Constantine was the archetype of the Christian emperor, and as such he was represented by Louis. So when was the forgery composed?

Constantine’s penance before his baptism (l. 121-4) is more suggestive of the Frankish Empire than of the Roman liturgy. Although its basic form was already to be found in the “*Actus b. Silvestri*”, the forger removed certain important elements that were part of the practice normal in Rome in the 8th century. The Silvester of the “*Actus*” demanded only a week of fasting in the clothing of a penitent, together with prayer and a confession of guilt. This wasn’t enough for the forger, who vaguely extended the period of penitence and ordered “nightly vigils, fasting, weeping and prayer.” The “*Actus*” demanded the closure of the temples and the banning of pagan sacrifice, as well as acts of charity, the release of prisoners and the distribution of alms; the forger omitted all this. The result was a penance for Constantine that corresponded to attempts in the Frankish Empire to restore “public penance” that were based on Roman practices, but did not copy them exactly²¹⁵.

Quellen und Untersuchungen zur lateinischen Philologie des Mittelalters 10]), Stuttgart 1991, p. 220-3. The two vitae of Louis by the so-called Astronomer and Thegan accentuate his *pietas*. – Peace and piety: Alcuin to Charlemagne: “*Sic exercenda est predicatio pacis, ne sub nomine pietatis inducatur assertio falsitatis. Nam sicut pacem rumpere pessimum est, ita veritatem negare blasphemum. Multum sibi denique concinunt verax unitas et pacifica veritas.*” (Alcuin, Epistola 132. In: MGH Epp. 4, Berlin 1895, pp. 189-9, here p. 199) – On the general context cf. Thomas F. X. Noble, Louis the Pious and his piety reconsidered. In: RBPhH 58 (1980), pp. 297-360, here pp. 297-316; Rudolf Schieffer, Ludwig ‚der Fromme‘. Zur Entstehung eines karolingischen Herrscherbeinamens. In: FMSt 16 (1982), pp. 58-73; Depreux, La *pietas* comme principe de gouvernement (as above, note 143); Weihs, Pietas und Herrschaft (as above, note 203), esp. p. 69-80 and pp. 113-21, further pp. 145-62; Zotz, Ludwig der Fromme oder Ludwig der Gnädige (as above, note 203), pp. 181-5. – On the failure of Emperor Louis cf. Radbert’s Epitaphium Arsenii, ed. by Ernst Dümmler (Philosophische und historische Abhandlungen der Königlich Akademie der Wissenschaften zu Berlin aus den Jahren 1899 und 1900), Berlin 1900, esp. pp. 63-4.

214 Epitaphium Arsenii, ed. by Dümmler, p. 20 (Adeodatus twice), p. 24 (Severus), p. 68 (Paschasius) „*commota sunt omnia viscera eius* (sc. Arsenii-Walae) *pietatis affectu*”. – The phrase *piissimus cesar* referring to Louis the Pious was merely a stereotype; *ibid.*, p. 72 (line 1), as the entire preceding and following account refers to *pietas*-less government.

215 *Actus Silvestri*, ed. by Mombricitus, p. 512, 24 et seqq. – On penitence cf. John T. McMeill, Helena M. Gamer, *Medieval Handbooks of Penance. A translation of the principal libri poenitentiales and selections from related documents*, New York 1990 [first published 1938], p. 26; Mayke De Jong, Power and humility in Carolingian society: The public penance of Louis the Pious. In: *Early Medieval Europe* 1 (1992), pp. 29-52; several authors, article “Buße”, in: *Theologische Realenzyklopädie* 7, Berlin 1981, pp. 431-96; Arnold Angenendt, *Geschichte der Religiosität im Mittelalter*, Darmstadt 1997, pp. 626-44. – As a model the “*Actus b. Silvestri*” (ed. by Mombricitus, p. 512, 40 et seqq.) could only offer two days of fasting for the urban roman clergy.

The subsequent baptism also reflected Gallican rather than Roman practices. The “*Actus b. Silvestri*” offered no model, but in Rome (and in particular in the second half of the 8th century, when the “Constitutum Constantini” is supposed to have been written) particular attention was still paid to the seven scrutinies (*scrutinia*) prior to the actual act of baptism itself. Furthermore, in a second anointment with holy oil the pope confirmed the candidates in a liturgical act connected to the baptism, while a priest performed the first anointment. But Pseudo-Constantine was only anointed once by the bishop responsible, which was the usual practice in the Frankish Empire at the time²¹⁶.

The reference to the *Cultus Dei* in the “Constitutum Constantini” (l. 176) also sounds ‘Frankish’. In this context the phrase did not convey the age-old call for missionising²¹⁷, it was directed at the steadfastness of belief within Christendom and its entire internal order, its peace. In this sense the *Cultus Dei* was the Frankish King’s most important task and – as Nikolaus Staubach has shown – the central point in the political programme of the Frankish Empire as outlined by Charlemagne, and further developed and propagated by Louis the Pious. But even if this programme was now extended to include the *princeps* of all priests, it was still not at home in Rome, and is a further indication of a Frankish origin for the “Constitutum Constantini”²¹⁸: a memory of Rome, therefore without Rome; in its place appeared a doctrinal construction and the elevation of the pope to be the emperor’s rival in ecclesiastic matters.

If not each of the previous arguments is in itself certain proof of the non-Roman but Frankish origin of the “Constitutum Constantini”, on the whole they make it incontestable.

Va. The early textual tradition of the “Constitutum Constantini”

The early textual tradition of the “Constitutum” also makes a Roman origin unlikely, for it did not play a significant role there before the 11th century. All roads lead not to Rome but to the Frankish Empire, more precisely Corbie and St-Denis. The history of the text allows us to identify several phases in the process of its transmission, of which only the first two are of interest here: its

216 Arnold Angenendt, *Der Taufritus im frühen Mittelalter*. In: *Segni e riti nella chiesa altomedievale occidentale* (SSAM 33), Spoleto 1987, vol. 1, pp. 275-321, here pp. 309-14; in brief also idem, *Geschichte der Religiosität* (as above, note 215), p. 471.

217 As for instance for Leo I for Vienne JE 407, quoted by Agobard of Lyon, *Epistola* 16. In: MGH *Epp.* 5, Berlin 1899, pp. 226-8, here c. 3, p. 227. In his founding privilege for S. Silvestro in Capite, Paul I spoke of his endeavours for “*quae ad Dei cultum et dignam sanctorum eius pertineant venerationem*”: *Concilia aevi Carolini* 12. *Concilium Romanum* 761 Jul. 4, ed. by Albert Werminghoff. In: MGH *Conc.* 2, 1, Hanover/Leipzig 1906, pp. 64-71, here p. 66, 7 and p. 68, 32.

218 Nikolaus Staubach, ‘Cultus Divinus’ und karolingische Reform. In: *FMS* 18 (1984), pp. 546-81.

composition and early dissemination²¹⁹. Two traditions can be distinguished: the “Frankish” version which was transmitted separately and can first be found in St-Denis, and the version that figures in Pseudo-Isidore’s monumental forgery²²⁰. But this mighty fiction is a product of the monastery of Corbie under the abbots Wala and, above all, Paschasius Radbertus – this is the new, radical and, I believe, unavoidable conclusion of Klaus Zechiel-Eckes’ work. The oldest manuscript of the long A/B version (Vat. Pal. Lat. 630, soon after the middle of the 9th century) and the Leipzig fragment of the same age (University library II.8) are both from Corbie. But it seems from the existing manuscripts that “hands” trained in scriptoria other than Corbie were involved in its early dissemination²²¹. Yet this need not concern us further here. It will suffice to note that as far as the “Constitutum Constantini” is concerned we once again have an indication of cooperation between Corbie and St-Denis.

Pseudo-Isidore’s text of the false constitution became the one that was to enter history. Together with two manuscripts of the false decretals, it is already recorded about the middle of the 9th century, or soon thereafter²²², in other words earlier than the separate version, which only appears at the end of the same century in the St-Denis formulary that was copied at the time. However, as Horst Fuhrmann has shown in his analysis of the – admittedly few – variants of the text, it is the latter that has the older wording²²³. We shall have to see whether there is more to this than pure coincidence in the transmission of the text. Since the youngest formula in the St-Denis formulary is dated to 802, some scholars

219 On the following, see Fuhrmann, Introduction (as above, note 3), *passim*.

220 As is generally known, Pseudo-Isidore exists in two editions, a short and a long version (A1 and A2 according to Hinschius’ classification), of which (according to Hinschius) only the older A1-version includes the complete “Constitutum Constantini”, while the A2-manuscript has only the first part: creed, conversion and baptism of Constantine; cf. Fuhrmann, Introduction (as above, note 3), *passim* and esp. p. 14.

221 Klaus Zechiel-Eckes, *Auf Pseudoisidors Spur oder: Versuch, einen dichten Schleier zu lüften*. In: *Fortschritt durch Fälschungen? Ursprung, Gestalt und Wirkungen der pseudoisidorischen Fälschungen*. Beiträge zum gleichnamigen Symposium an der Universität Tübingen vom 27. und 28. Juli 2001, ed. by Wilfried Hartmann and Gerhard Schmitz (MGH Studien und Texte 31), Hanover 2002, pp. 1-28, for further studies on the same subject, p. 5, note 18 – Doubts as to an origin from Corbie alone: Fuhrmann, *Stand, Aufgaben und Perspektiven der Pseudoisidorforschung* (as above, note 25), *passim*, summarised pp. 251-3. However, *idem*, *Einfluß und Verbreitung* (as above, note 25), vol. 1, pp. 195-6, note 1 offers further indications for Corbie, particularly the *Ecclesiasticus* version of the forgeries, which is only known from there, also *ibid.*, pp. 178-9 with note 89; furthermore *idem*, *Pseudoisidor und die Bibel*, in: *DA 55* (1999), pp. 183-91, here p. 187, note 19, in particular the reference to the *Parisiensis* BN lat. 12217 with the “*Liber contra Varimadum*” used by the forger, as well as its use of Ennodius. Also summed up by: Klaus Zechiel-Eckes, *Ein Blick in Pseudoisidors Werkstatt*. Studien zum Entstehungsprozeß der falschen Dekretalen. Mit einem exemplarischen editorischen Anhang (Pseudo-Julius an die orientalischen Bischöfe, JK † 196). In: *Francia 28/1* (2001), pp. 37-90, here p. 60, note 81; on Paschasius Radbertus’ use of Ennodius *ibid.* pp. 59-60.

222 *Città del Vaticano*, *Bibl. Apost. Vat. Lat. 630* (from Corbie) and *Ottob. 93*; cf. above, note 221.

223 Fuhrmann, Introduction (as above, note 3), *passim*.

suggest that the entire collection was assembled while abbot Fardulf (c. 793-† 806) was still alive, and so date the “Constitutum” earlier, that is to the 8th century. However, this argument is not conclusive, as Horst Fuhrmann pointed out, for a later inclusion could not be ruled out. A closer analysis of the formulary in fact suggests that this may be the case²²⁴. Roughly speaking this collection consists of two sections (I: formulae nos. 1-15 and II: nos. 16-25), which can be further divided into four different parts, and which in all probability were composed at different times. The second section consists of letters which were actually sent, or other documents from Fardulf’s time as abbot. They were turned into formulae of a fairly standard pattern by omitting the names. We need not concern ourselves with this part.

The first section is arranged chronologically, and contains Ia: four older formulae from Tours (nos. 1-3 and 9); Ib: exclusively papal letters and privileges, with one exception (no. 10) for St-Denis when Fulrad and Maginar were in office, Fardulf’s direct predecessors; and finally Ic: the “Constitutum Constantini” (no. 11), as well as the remnants of a letter of admonition and exhortation from the Irish or Anglo-Saxon Cathwulf to Charlemagne written about 775 (no. 15²²⁵). It is not clear when this heterogeneous material was assembled and arranged, and it could equally have been before or after Fardulf’s collection of documents. Apart from Ia, the formulae in I and II reveal obvious differences in the way the texts are dealt with, which indicates that the individual collections or parts thereof originated at different times. The abysmal state of Cathwulf’s letter suggests that the copy from St-Denis was made some time after the original was written.

In a strange way the arrangement of section I corresponds with the content of the “Constitutum Constantini”²²⁶; it’s climax is also a “sanctio”, sternly warning

224 *Formulae collectionis sancti Dionysii, Formelsammlung von St-Denis*, ed. by Karl Zeumer. In: MGH *Formulae Merovingici et Karolini aevi*, Hanover 1886, pp. 493-511. On this, see Wilhelm Levison, *Das Formularbuch von Saint-Denis*. In: NA 41 (1919), pp. 283-304; Levison mainly deals with part II of the formulary.

225 *Epistolae variorum Carolo magno regnante scriptae 7* [Cathuulfus to Charlemagne], ed. by Ernst Dümmler. In: MGH *Epp.* 4, Berlin 1895, pp. 501-5. On the spiritual and historical context of the letter cf. Hans Hubert Anton, *Pseudo-Cyprian. De duodecim abusivis saeculi und sein Einfluß auf den Kontinent, insbesondere auf die karolingischen Fürstenspiegel*. In: *Die Iren und Europa im frühen Mittelalter 2*, ed. by Heinz Löwe (Veröffentlichungen des Europa-Zentrums Tübingen. Kulturwissenschaftliche Reihe), Stuttgart 1982, pp. 568-617, here pp. 597-600.

226 The subjects of the respective *formulae* (*Formulae collectionis sancti Dionysii, Formelsammlung von St-Denis*, ed. by Karl Zeumer. In: MGH *Formulae Merovingici et Karolini aevi*, Hanover 1886, pp. 493-511) are: no. 1 (*formula* of Tours) expiation; no. 2 (*formula* of Tours) papal protection for a monastery, papal apostolic *auctoritas* over bishops; according to the papal privilege, the kings of Gaul are to protect the monastery from *infestationes laicorum*; no. 3 (*formula* of Tours) cf. above p. 43; no. 4 (for St-Denis) *ornamentum apostolici vestimentis* for the abbot; no. 5 (for St-Denis) “*stola dalmaticae decoris*” for six deacons; no. 6 (for St-Denis) hospital at St Peter’s in Rome for the abbot; no. 7 (for St-Denis) the same; no. 8 (for St-Denis) exemption for some of his churches; no. 9 (*formula* of Tours) episcopal decree as a result of no. 2, comp. above p. 43; no. 10 Pope Zachary to the Frankish clergy; no. 11 “Constitutum Constantini”; no. 12 (for St-Denis) papal privilege; no. 13 (for St-Denis) forgery of an

the king to recognise his duties and limits. Formula no. 9, which explicitly refers to no. 2, makes it quite clear that the collection was not assembled randomly, but was carefully arranged. No. 9 is the only episcopal decree in the bundle, and it concluded the section that dealt solely with internal matters at the monastery. The next formula, no. 10, opened the ‘royal’ and ‘imperial’ part of the collection. It recalls the decisive cooperation between the pope and the King of the Franks; no. 11, that is the “Constitutum Constantini”, outlines the legal basis for papal action in the Frankish Empire; nos. 12-14 deal with the resulting advantages for the legal position of the monastery within the Frankish Empire²²⁷; finally no. 15 provides the climax with Cathwulf’s advice to the king.

In other words the formulary deals in detail with papal-apostolic authority in the entire world²²⁸, in particular within the Frankish Empire, as well as with royal protection for the Church. Pseudo-Constantine’s “Constitutum” fits seamlessly into this environment. The impression even arises that the whole dossier was assembled in order to promote the forgery inconspicuously. Although there was no connection in content, it was arranged systematically after a letter from Stephen II (and not just because another emperor Constantine, the fifth with this name, was mentioned in the date, as was long believed). The whole collection opened with a formula on atonement for sins (no. 1).

It must be admitted that it remains uncertain when all this was collected and arranged. It could have been at any time from the late 8th century until the production of the manuscript at the end of the following century. The result is that the St-Denis formulary neither forces us to date the “Constitutum Constantini” to the 8th or early 9th century, nor to attribute it to Rome. On the other hand the peculiar arrangement of the collection suggests that it was produced in a situation in which the monastery needed protection in the face of royal or imperial pressure, and this could provide us with an indication of the date of the “Constitutum Constantini”.

exemption; no. 14 (for St-Denis) JE 2491; no. 15 the admonition of Cathwulf, in the manner of general advice to a king.

227 On this, cf. Schwarz, *Jurisdicio und Condicio* (as above, note 231), pp. 95-8.

228 Cf. *Formulae collectionis sancti Dionysii*, ed. by Zeumer, esp. no. 3, p. 498, 24 et seqq.

VI. The date and context of the composition of the “Constitutum Constantini”

St-Denis and Corbie now play a central part in all further considerations²²⁹. The pseudo-Constantinian creation also provides four, albeit vague, indications of “termini post quos” for its composition. Do they suit the two Frankish monasteries? The first – a short quote from the Roman synod of 769 that in its brevity is typical of the forger’s methods²³⁰ – renders a date during the pontificate of Paul impossible; the second, the absence of the “Patricii” in the “Sanctio” places it after Charlemagne’s coronation as emperor; the third, the quote from the so-called “Divisio regnorum” of 806 discussed above, and which probably refers to the so-called “Regni divisio” of 831²³¹, is surely also an indication of a 9th century date²³²; finally we have the repeated reference to the papal *Palatium Lateranense* (ll. 121, 189-90, 219), which is never called *sacrum* in the “Constitutum Constantini” as should be expected if the document had been composed in Rome. The earliest reference to a palace of this name is to be found in the “*Actus b. Silvestri*”, but there it is an imperial palace, and there is no mention of it being presented to the pope. But since when had the popes explicitly had possession of the “Lateran Palace”, and how had this come about? The answer to these questions requires us to take a closer look at the history of the building and its topographical location. What did the forger know about it, and what does his knowledge tell us? How are we to interpret the three prominent references to the Lateran Palace that are at the heart of the “Constitutum Constantini”?

229 The first to suggest St-Denis was Grauert, *Die Konstantinische Schenkung* (as above, note 119), esp. part 2, pp. 575-93 and p. 603. His most important argument was the connection between the forgery and the St-Denis formulary in the manuscript Paris BN lat. 2777. These arguments were never refuted, but seem simply to have been regarded as obsolete in the face of the postulated Roman origin.

230 It is to be found in Constantine’s titulature: “*uno ex eadem sancta Trinitate*” (line 3), on this, see *Concilia aevi Carolini* 14. *Concilium Romanum 769 Apr. 12-14*, ed. by Albert Werminghoff. In: *MGH Conc. 2, 1*, Hanover/Leipzig 1906, pp. 74-92, here p. 79; already pointed out by Levison, *Konstantinische Schenkung und Silvesterlegende* (as above, note 7), p. 462.

231 Cf. above p. 56.

232 Cf. above p. 56 (the absence of the office of Patricius in the sanctio) and p. 8888 (the possibility of a date after 806).

VIa. The *Palatium Lateranense*

The origin of the papal residence is extremely poorly documented, and raises a number of questions that have been the subject of heated debate, with no solution in sight. Recently none other than Paolo Liverani, the director of the Department of Antiquities at the Vatican Museum, has investigated the matter²³³, but without managing to convince his Roman colleagues. The literary, epigraphic and archaeological evidence must all be considered, but this still leaves a great deal of room for interpretation and at present absolute certainty is an impossibility. So we must consider the plausibility of various suggestions for the solution to the Lateran question.

The “*Actus b. Silvestri*” offer a groundbreaking key piece of evidence that to date has not received due attention. Both the oldest versions (A1 and B1) refer to the imperial *Palatium Lateranense*²³⁴. In fact they are the earliest evidence for it. From here it entered the “Constitutum Constantini”, one of the poisoned chalices that the medieval angel bewailed.²³⁵ Unlike the somewhat younger Latin B1 version, the manuscript tradition of the A1-version does not go back as far as the 8th century²³⁶. However the former, as well as the Greek translation which already existed in the 6th century (the oldest manuscript is from the 10th century) and the Syrian “*Historia Ecclesiastica*” attributed to the Zacharias Rhetor that used excerpts from the “*Actus*”, mention the “Lateran Palace”²³⁷. All told, their

233 Paolo Liverani, Dalle “*Aedes Laterani*” al Patriarchio Lateranense. In: RivAC 75 (1999), pp. 521-49; idem, L’area Lateranense in età tardoantica e le origini del patriarcato. In: MEFRA 116 (2004), pp. 17-49.

234 For the A1-version, see *Actus Silvestri*, ed. by Mombricitus, p. 512, 53: “*in palatio suo Lateranensi*”; cf. Pohlkamp, Kaiser Konstantin (as above, note 24), p. 372 and p. 375, note 74; idem, *Privilegium ecclesiae Romanae pontifici contulit* (as above, note 24), p. 482; note 252. A later allusion – *Actus Silvestri*, ed. by Mombricitus, p. 513, 40-1 – may simply be to the Lateran Basilica: “*intra palatium suum Lateranensem* [thus Mombricitus; *Lateranensis* Pohlkamp] *basilicae fabricam coepit*” [sc. Constantinus]; on the text, cf. Pohlkamp (s.o.), c. 1, p. 377, note 81. – On the “Lateran” generally, albeit without any chronological distinction of the name: Philippe Lauer, *Le Palais de Latran. Étude historique et archéologique*, Paris 1911; *Il Palazzo Apostolico Lateranense*, ed. by Carlo Pietrangeli, Rome 1991, here esp. Mariano Delle Rose, *Il patriarcato*. Note storico-topografica, pp. 19-27. Neither author pays particular attention to the terms and their history.

235 Cf. above pp. 7 seqq.

236 The oldest trace of the “*Actus*” is to be found in a 5th-century palimpsest fragment (Klagenfurt, Perg. Hs. 48); the oldest textual witness in a hagiographical manuscript, a B1-version (the so-called *Codex Velseri*, Munich Bayer. Staatsbibliothek clm 3514), belongs to about the mid-8th century and has lost a number of pages (cf. Levison, *Konstantinische Schenkung und Silvesterlegende* [as above, note 7], p. 418); the earliest A1-source is at best late-9th century, cf. Pohlkamp, *Textfassungen*, (as above, note 24), pp. 128-9. Cf. above, note 24.

237 Levison, *Konstantinische Schenkung und Silvesterlegende* (as above, note 7), p. 447. François Combeffis, *Illustrium Christi Martyrum lecti triumphum: vetustis Graecorum monumentis consignati; latine redditit et notis illustrati*, Paris 1660 (the Latin translation included is by the ed.): ἐν τῷ παλατίῳ αὐτοῦ τῷ λεγομένῳ Λατερανησίῳ, c. 1, p. 283 (the *Codex Velseri*, as

textual tradition is too homogenous for the name to be a later, eventually Carolingian inclusion by the copyists²³⁸. And the fact that the copyists repeatedly compared existing versions of this “historical novel”²³⁹, as Wilhelm Levison described the “*Actus*”²⁴⁰, does nothing to change this. Nor the fact that the earliest A-version, as Levison again pointed out, could be the result of an already “mixed” text²⁴¹. Without doubt the *Palatium Lateranense* was indeed an original element in the “*Actus*” (from the 5th century). But this is not without consequences when we come to consider the papal residence and the papal Lateran Palace.

The “*Actus*” provide a very good indication of the picture that people had of the Constantinian City and its imperial centre when they were composed in the 5th century, more than a hundred years after the first Christian emperor²⁴². Constantine was thought to have had his sole residence in the Lateran Palace, had himself baptised in the palace *piscina*, and founded a *basilica* there on the ninth day after his baptism. When the foundations were laid, he himself carried twelve baskets of earth in memory of the Apostles²⁴³.

The details in the “*Actus*” allow us to locate the supposed imperial palace exactly. It was on the Caelian hill, near the present Lateran Basilica and its baptistery. The basilica and the baptistery, real buildings as they are, force us to accept that the imperial *Palatium* was also a real (and not a fictional) building, which, whatever it might actually have been, was now declared to be a palace. To

above, note 236), has lacunae at this point). *Historia ecclesiastica Zachariae Rhetori vulgo adscripta*, interpretatus est Ernest W. Brooks (CSCO. Scriptores Syri 3, 5-6), Louvain 1924, I, 7, p. 47, 15.

238 On the textual tradition cf. above, note 236; see Levison, *Konstantinische Schenkung und Silvester-Legende* (as above, note 7). According to Amnon Linder, Constantine’s ‘Ten laws’ series. In: *MGH Fälschungen im Mittelalter 2. Internationaler Kongreß der Monumenta Germania Historica*, München, 16.-19. September 1986. *Gefälschte Rechtstexte. Der bestrafte Fälscher* (MGH Schriften 33, 2), Hanover 1988, pp. 491-507, the three London manuscripts (from the 10th/11th-13th centuries) he examined (one each of the A1-, the B2- and the C-version) have “*intra palatium suum Lateranensi baselice fabricam cepit; in palatio suo Lateranensi basilicae fabricam coepit*; and *intra palatium quoque suum Lateranense eodem modo basilice fabricam cepit*” (loc.cit., p. 495).

239 Levison, *Konstantinische Schenkung und Silvester-Legende* (as above, note 7), p. 399 and p. 437; Pohlkamp, *Textfassungen* (as above, note 24), pp. 147-8.

240 Levison, *Konstantinische Schenkung und Silvester-Legende* (as above, note 7), p. 436.

241 Levison, *Konstantinische Schenkung und Silvester-Legende* (as above, note 7), p. 400.

242 There is also a vague allusion in the apocryphal “*Vindicta Salvatoris*” c. 27 (BHL 4221), the story of the miraculous cure of Emperor Titus, who then conquered Jerusalem. It has a messenger sent “*ad dominum suum Lateranensem Tiberium imperatorem*”. The later version from England makes of this the “*Castellum quod vocatur Lateranum*” of Tiberius: *Evangelia apocrypha. Adhibitis plurimis codicibus graecis et latinis maximam partem nunc primum consultis atque ineditorum copia insignibus*, ed. by Konstantin von Tischendorf, Leipzig 1876 [first published Leipzig, 1853], pp. 471-86, here p. 482. Cf. Liverani, *L’area lateranense* (as above, note 233), p. 22, note 17. The date of this legend remains uncertain, but Tiberius’ leprosy and the “Lateran emperor” suggest a later date than the “*Actus b. Silvestri*”.

243 *Actus Silvestri*, ed. by Mombritus, p. 513, 40-6.

be sure, at no point does the text of the “*Actus*” allow us to assume that Constantine had donated this centre of imperial power to the Roman Church. It does not even claim that the basilica was donated to the Roman Church or the pope. But this “temple was built in the name of Christ” (“*templum eius nomine construamus*”), and the *populus christianus* was allowed to worship the divinity of Christ (*deitas eius*) there together with the emperor. The latter phrase would seem to be a reference to the inscription on the Arch of Constantine. In other words the basilica was handed over to the church public²⁴⁴. Both buildings, church and palace, were geographically separate, for the Augustus “returned” to the *Palatium* from the *Basilica*²⁴⁵. Thus *Palatium* has two meanings in the “*Actus b. Silvestri*”: on the one hand it is used to describe an area where several monumental buildings stood, but it was also used in a closer sense to describe just the imperial palace. Was perhaps the latter at least later granted to the pope, as the “Constitutum Constantini” would have us believe?

The location of the building that in the “*Actus*” is referred to as the *Palatium* could provide us with an answer if it could be identified among the structures that have been investigated archaeologically in the neighbourhood of the baptistery and the Lateran church. P. Liverani located the building in question where the emperor is supposed to have resided in the present (papal) Lateran: more precisely under the “*Sancta Sanctorum*”, the popes’ private chapel, and the “*Scala Santa*” (cf. plate 2). Ancient remains in the foundations here could indeed date from the relevant period, but the other proofs he offers do not confirm Liverani’s theory²⁴⁶. What is more, it seems quite impossible when we look at the “*Actus b.*

244 *Actus Silvestri*, ed. by Mombricitus, p. 513, 42-4.

245 *Actus Silvestri*, ed. by Mombricitus, p. 514, 50-1.

246 Liverani, Dalle “*Aedes Laterani*” (as above, note 233) correctly remarks that the archaeological material does not allow us to localise the exact site of these *Aedes Laterani*, which he identifies with the papal *Episcopium Lateranense*, and he is forced to rely on the textual tradition. The only evidence, letter 77, 4 of Jerome, which locates the Lateran Basilica above the house of the Plautius Lateranus who was executed by Nero (cf. below, note 77), is to be rejected. Beneath the Basilica were supposedly the “*Castra Nova Equitum Singularium*”, and beneath these the remains of two houses, the older of which was post-Neronian (p. 77) and is probably Domitianic (Paolo Liverani, *Domus Laterani*. In: *Lexicon Topographicum Urbis Romae* 2, Rome 1995, p. 127). There are two other pieces of evidence to consider: a declaration by Theodoric the Great at the synod of Rome in 501, as well as the evidence of Prudentius, *Contra Symm.* I, 585-6. However, Theodoric’s instructions prove nothing, as they only mention the *Domus Lateranensis* (*Acta synodi A. DI [501]. Anagnosticum regis*. In: *MGH Auct. Ant.* 12, ed. by Theodor Mommsen, Berlin 1904, pp. 425-6), in other words a house situated in the area referred to by the term *Lateranensis*. Such a designation was necessary, since the popes also possessed real estate in other parts of the city. Certainly the wording by no means allows an identification of the building mentioned with the *Aedes* or *Domus Laterani*, either of Plautius or of T. Sextius Lateranus. As far as the passage in Prudentius is concerned, the situation is somewhat different. The poet was indeed referring to the *Aedes Laterani*, (*Prudentius, Contra Symmachum*, ed. by Giovanni Garuti [Collana di Filologia Classica 9], L’Aquila 1996, p. 62, p. 115 and p. 164) which Liverani would like to identify with the Papal Palace. But Prudentius placed this *Aedes* alongside the grave of St Peter on the Vatican (I, 583-4), clarifying its character with the

Silvestri”; for when the “hagiographic” novel was composed it was inconceivable for an imperial residence to be turned into a bishop’s residence²⁴⁷; but the author of the legend in fact claimed no such thing anyway. Both buildings, the actual bishop’s residence – which, when the “*Actus b. Silvestri*” were written, probably already stood on the site of its medieval successor – and the postulated imperial palace existed at the same time, and so not on the same spot. Although they are both called Lateranense, the papal and the imperial residences were not identical. The significance of this will soon be apparent.

But where is the building that in the 5th century could be interpreted as an imperial palace to be found? It was named after the family of the *Laterani*, who are recorded as having held the consulate and owning extensive properties on the Caelian Hill in the late-1st and early-2nd centuries. In the 1st century Juvenal had praised the beauty of the estate (10, 15-8 and Schol. Iuv. 10, 15, 2): *egregias Lateranorum aedes*. The family had somehow been involved in the Pisonian conspiracy, and the property had been confiscated by Nero after he had had the head of the family, Plautius Lateranus, consul designate for 65, executed.

On the basis of a letter from St Jerome (77, 4), it was previously thought that this *aedes* was to be found beneath the Lateran basilica. But P. Liverani has shown that this is not the case²⁴⁸. The barracks of the *Equites Singulares*, an imperial bodyguard that had fought on the wrong side at the Battle of the Milvian Bridge and been dissolved by Constantine, had previously stood there. Septimius Severus had built their *Castra Nova* more than 100 years earlier. Several Late Antique texts mention buildings and refer to their locations with phrases such as *iuxta Lateranis*. The term would seem to have been used to refer to a comparatively large area on the West of the Caelian Hill stretching almost as far as the Porta Asinaria, and where later Constantine’s basilica, the baptistery and the papal palace, as well as several other buildings stood. Lead water pipes stamped with their owners’ names allow us to identify some of the buildings in

additional comment: “*unde sacrum referat (sc. vulgus) regali chrismate signum*” (I, 586). But *chrisma* is not dispensed in any Papal Palace; in fact it is related to the liturgy of baptism, denoting the oil with which those who had been christened were then confirmed by the pope in the Lateran Church (thus also Prudentius, ed. by Garuti, c. 1). Thus, in analogy to the Vatican Hill and St. Peter’s, the *Aedes* is identical with both the region around the Lateran Church and the Church itself. In other words, there is no conclusive evidence for the identification of the *Aedes (Domus) Laterani* with the later *Episcopium, Patriarchium* or *Palatium Lateranense*.

247 On the Late Antique and Early Medieval fate of the urban Roman imperial palaces cf. the summary by Andrea Augenti, *Palatia. Tra la tarda antichità e l’alto medioevo*. In: *Aurea Roma. Dalla città pagana alla città cristiana*. Roma, Palazzo delle Esposizioni, 22 dicembre 2000-22 aprile 2001, ed. by Serena Ensoli and Eugenio La Rocca, Rome 2000, pp. 91-6; Mariarosaria Barbera, *Dagli horti Spei Veteris ad Palatium Sessorianum*. In: *Aurea Roma (loc. cit.)*, pp. 104-12.

248 St. Jerome, *Epistula 77* [to Oceanus]. In: *Sancti Eusebii Hieronymi Epistulae 2*, ed. by Isidor Hilberg (CSEL 55), pp. 37-49, here p. 40: “*basilica quondam Laterani, qui Cesariano truncatus est gladio*”; on this Liverani, *Domus Laterani* (as above, note 246), p. 127 and above, note 233.

the North and Northwest of this extensive area²⁴⁹. The *Castra Nova Equitum Singularium* was also situated here, but there was no Neronian *basilica quondam Laterani* beneath it, as Jerome had assumed, but only two more recent houses. It would seem that, far away from Rome as the saint lived when he wrote his letter, he had assumed that the adjective *Lateranensis* in his information referred to the previous owner, and not to the area *iuxta Lateranis*.

At the time the new guards' barracks were built, at the end of the 2nd century, an *Aedes* (or *Domus*) *Laterani*, the house of the brothers T. Sextius Lateranus and Sextius Torquatus certainly was to be found on the Caelian Hill; this was a sign of their friendship with the emperor, Septimius Severus. Although we cannot attribute the water pipes that bear the brothers' names with a particular group of buildings, if they were supplying water to the house, then it must have been somewhere to the (North-?)West of the Lateran church.

Even if it cannot be proved, it is probable that the 2nd-century house of the younger Laterani wasn't just any house, but that Septimius Severus had returned part of the old family estate. The only reference to such an act by the emperor, a phrase in Pseudo-Aurelius Victor's "*Epitome de Caesaribus*"²⁵⁰, which was written soon before 400, is not conclusive, but would seem to indicate that property had indeed been returned: the emperor had presented T. Sextius Lateranus and other friends with reasonably priced houses, we read there, the most important of which was the "House of the Parthians, that was also known as the House of the Laterani" ("*In amicos inimicosque pariter vehemens [sc. Septimius], quippe qui Lateranum, Citonem, Annullium, Bassum ceterosque alios ditaret aedibus quoque memoratu dignis, quarum praecipuas videmus Parthorum quae dicuntur ac Laterani*"). Since the *aedes* in question were being returned, it is highly unlikely that they got their names from their new owners²⁵¹. But if the *Aedes Parthorum* (so named from its decoration or previous occupants) could also be called the *Aedes Laterani*, then it must be identical with the famous house that once belonged to Plautius Lateranus, whom Nero had executed, or at least parts of it. Certainly this is what Pseudo-Aurelius Victor, Jerome, the *Historia Augusta* and others in Rome and elsewhere assumed in the 4th/5th century, and

249 On the location of these houses cf. Liverani, Dalle "Aedes Laterani" (as above, note 233) and idem, L'area lateranense (as above, note 233); Liverani does not wish to establish any connection between the pipes and the houses in which they were found, rather he interprets the pipes as feeders to the houses of the 'pipe-owners' which are to be sought elsewhere. This to me seems rather unlikely. With a single exception, the pipes were found in concentrations related to the ruins of individual, distinct buildings (cf. the site sketch-maps in: Liverani, L'area lateranense [loc. cit.], p. 35 and p. 36). But how then did these pipes come to be in houses to which they did not belong?

250 Pseudo-Aurelius Victor, *Epitome de caesaribus*, 20, 6. In: Sexti Aurelii Victoris liber de caesaribus, ed. by Franz Pichlmayr, Leipzig 21966, pp. 131-76.

251 Here I do not follow the interpretation by Liverani, Dalle "Aedes Laterani" (as above, note 233), p. 522 et seqq. Liverani wishes to identify the Lateranus mentioned by Pseudo-Aurelius Victor with the recipient of the gift.

that is what matters when we try to interpret the “*Actus b. Silvestri*”. The water pipes prove that the *Aedes Parthorum* which was given to the Laterani definitely was situated on the Caelian Hill. But where exactly?

Perhaps there will never be a definite answer, but the building is to be sought somewhere to the West of the present Lateran church. Not only does the literary and the epigraphic evidence point in this direction, so too do a few archaeological features. P. Liverani, who as we have seen thought that it was beneath the “*Sancta Sanctorum*”, made the same mistake in his interpretation of *Lateranensis* that he had quite rightly corrected in Jerome’s letter 77,4²⁵². Furthermore, as long as no new evidence is found that could solve the matter, the situation does not allow us to identify the *Aedes Laterani* with a papal *Domus Lateranensis* mentioned in 501, nor the *Episcopium Lateranense*. Both names do no more than locate the ‘house’ in question somewhere in the extensive area *iuxta Lateranis*, and do not identify it with the older structure. What is more, the *Aedes* of T. Sextius Lateranus and the *Castra Nova Equitum Singularium* appear in the sources at the same time, so it is unlikely that a building which is now recorded for the first time should have given its name to the large area referred to as *iuxta Lateranis*, a name that was already in use then. More probably it is an older name that had been used since the 1st century for both the house and the area where Septimius Severus later built the guards’ barracks. Its last appearance in what would appear to be a secular, non-papal context came about 400, in a funerary inscription for “*Quintus lactearius (...) qui fuit de domum Laterani*”²⁵³.

My hypothesis is not a totally new suggestion. In his plan of the City of Rome published in 1551, Bufalini placed Constantine’s palace to the west of the Lateran

252 Ernest Nash, *Convenerunt in domum Faustae in Laterano*. S. Optati Milevitani I, 23. In: RQ 71 (1976), pp. 1-21; Valnea Santa Maria Scrinari, *Il Laterano imperiale* (MAC 2, 11), 3 volumes, Rome 1991-97; Patrick Bruun, *The Church triumphant – “intra muros”*. In: *Quaderni ticinesi di numismatica e antichità classiche* 10 (1981), pp. 353-74 [first published 1958]. The discrepancies between these three authors regarding the interpretation of archaeological features, upon which there is no general agreement, and the historiographical sources cannot be solved here. However, the authors do agree that the estate of the Laterani in question was located to the (North-)West of the present-day Lateran Church and its baptistery. Nash suggested that the main building directly adjoined the Lateran Church, a building that plays no role whatsoever in Santa Maria Scrinari and which Bruun attributes to the former barracks. Bruun’s version seems to me the most probable, with what remained of the buildings that had belonged to the Laterani after the construction of the barracks located slightly further to the (North-)West, as proposed by Santa Maria Scrinari and Bruun. For a summary, cf. Liverani, *Domus Laterani* (as above, note 246); idem, *Domus Faustae*. In: *Lexicon Topographicum Urbis Romae* 2, Rome 1995, pp. 97-9; on Liverani’s diverging assumption and for the *Domus Lateranensis* mentioned in the text, cf. above, p. 76 with note 246. – Cf. also Pohlkamp, *Privilegium ecclesiae Romanae pontifici contulit* (as above, note 24), p. 479, note 244. – Here I would like to express my gratitude to Maria R.-Alföldi, Frankfurt am Main, for her support and advice on a number of occasions.

253 For the inscription, see Liverani, *Dalle “Aedes Laterani”* (as above, note 233), pp. 534-5. Liverani identifies the *Domus* mentioned as the papal palace near which Quintus supposedly pursued his business.

basilica, in the area proposed above, which was never built over until the present time (cf. plate 6). Recently, the remains of a palace-like building with figural frescoes were uncovered here, whose various structural phases date from the 1st to the 4th centuries²⁵⁴. In one of the (originally subterranean) rooms some 7,000 small bronze coins (“nummi”) were found. It is an extraordinary hoard; the earliest coins date from the mid-4th century and it closes with issues struck just before 408, the year of the deposition and murder of Stilicho, the *magister militum* who was closely related to the imperial family by marriage and who was guardian of the emperor Honorius while he was still a minor. The concealment and non-recovery of the hoard could well be linked to these events, and in this case would confirm the high status of the building and its occupants and explain why it was thought to be an imperial palace²⁵⁵. Could this be the *Domus Laterani*? The date would certainly fit, and the possibility cannot be excluded; but it cannot be proved either. However, be that as it may, as far as we can tell the *Domus Laterani* lay to the (North-?)West of the present Lateran basilica.

On the other hand, the bishop’s residence was built some 400-500 metres further east, near the present “Scala Santa”. According to the “Anonymus Einsidlensis”, who wrote his description of Rome about 800, at the time the road from the Colosseum to the Porta Asinaria passed between the papal palace, the *Patriarchium Lateranense*, on the left and the Church *sancti Johannis in Lateranis* on the right²⁵⁶. This *Patriarchium* can in no way be connected with either the structure or the institution of the *Aedes* or *Domus Laterani*, but was situated nearby, *iuxta Lateranis*²⁵⁷. Yet the biography of Sylvester in the “*Liber Pontificalis*”, which was probably also composed in the 5th century and made use

254 See Santa Maria Scrinari, *Il Laterano imperiale* (as above, note 252), site A (equated with the *domus Faustae*). According to the author, the chalk inscriptions discovered here are to be dated to the time of the Constantinian dynasty. But they do not allow us to draw any conclusions about the owner of the estate, and if their date is indeed correct, they would militate against the building being related to the imperial family; also rejected by Liverani, *Domus Faustae* (as above, note 252). On Bufalini’s map cf. Laura Donadono, *La Scala Santa a San Giovanni in Laterano* (Monumenti, Musei e Gallerie Pontificie), Rome 2000, p. 10.

255 I would again like to express my gratitude to Maria R.-Alföldi, director of the Mainz Academy project “Fundmünzen der Antike”, for providing details of this unpublished hoard and its chronological composition. On the excavation cf. Santa Maria Scrinari, *Il Laterano imperiale 2* (as above, note 252), p. 87, fig. 96 (in the room of the “smith”).

256 *Codice topografico della Città di Roma 2* (Fonti 88), ed. by Roberto Valentini and Giuseppe Zucchetti, Rome 1942, p. 197; *Die Einsiedler Inschriftensammlung und der Pilgerführer durch Rom* (Codex Einsidlensis 326). Facsimile, Umschrift, Übersetzung und Kommentar, ed. by Gerold Walser (Historia, Einzelschriften 53), Stuttgart 1987, pp. 143-211, here p. 153; see Franz Alto Bauer, *Das Bild der Stadt Rom in karolingischer Zeit. Der Anonymus Einsidlensis*. In: *Römische Quartalsschrift* 92 (1997), pp. 190-228; idem, *Einsiedler Pilgerführer*. In: *799. Kunst und Kultur der Karolingerzeit. Karl der Große und Leo III in Paderborn. Katalog zur Ausstellung Paderborn 1999*, ed. by Christoph Stiegemann and Matthias Wemhoff, vol. 2, Mainz 1999, pp. 607-9.

257 Cf. below, p. 82, with note 265.

of the “*Actus*”²⁵⁸, mentions neither the (papal) Lateran nor a (papal) Lateran palace, although it had cause enough to do so²⁵⁹. We do not know of a specific name for the pope’s residence at this early stage anyway: an episcopal *Domus Lateranensis* is not recorded before 501, *Episcopium Lateranense* is found from the mid-7th century, and in the 8th century it was known as the *Sacrum patriarchium Lateranense*²⁶⁰.

But another old idea can also be resurrected. The earliest reference that connects the Bishop of Rome with the Lateran is a brief mention in the diatribe against the Donatists written by Optatus of Mileve in 365²⁶¹. According to this a synod met at Rome on the orders of Constantine the Great in 313, and was chaired by Pope Miltiades. K. Ziwsa’s edition of the text states “in the House of Fausta in the Lateran” (“*convenerunt in domum Faustae in Laterano*”). Optatus was an African who knew little of the topography of Rome, and could well have misunderstood his source. What is more, the reference to the “Lateran” is highly problematic, indeed anachronistic, and so incorrect. *Lateranus* or *Lateranum* (as a topographical term) is not found before the late 11th/early 12th century²⁶². In fact the manuscripts of Optatus erroneously have *in Laterani* at this point, which Ziwsa anachronistically emended to *in Laterano* but which should be read as *in Lateranis* or *iuxta Lateranis* – two possibilities that can be deduced from the lettering of the surviving text without requiring any great changes, and would suit the 4th century better than Ziwsa’s *in Laterano*. In other words, Fausta’s house, just like the Lateran Church itself, must have been situated in the neighbourhood of the Laterani.

It was always assumed that this Fausta was Constantine’s wife, Flavia Maxima Fausta, sister of Maxentius who was defeated in 312. Ernest Nash was the first to doubt this, but there is no reason why Constantine should not have

258 Cf. *Liber Pontificalis* 1, ed. by Duchesne, p. 170, 2-4.

259 Neither the basilica (*Liber Pontificalis* 1, ed. by Duchesne, p. 172), nor the font (according to the biography of Sylvester, Constantine was christened in Rome!) (*ibid.*, p. 174) were associated with the “Lateran” or a “Lateran Palace”. But the *Palatium Sessorianum* is mentioned (S. Croce in Gerusalemme) (*ibid.*, p. 179, 10).

260 501: above, note 246. The “*Liber Pontificalis*” first mentions the *Episcopium Lateranense* in the Vita of Martin I (649-653) (*Liber Pontificalis* 1, ed. by Duchesne, p. 336), cf. also his letters JE 2078 and 2079, thereafter regularly; similarly from the 8th century onwards it mentions the *Patriarchium Lateranense* (for the first time on the occasion of the election of Sergius I [687-701], *Liber Pontificalis* 1, ed. by Duchesne, p. 371). - Loenertz, *Le Constitutum Constantini* (as above, note 184) does not deal with the history of the Lateran Palace, but with the “triumph” of the “*Constitutum Constantini*” in the 11th and 12th century.

261 *Sancti Optati Milevitani libri VII*, ed. by Karl Ziwsa (CSEL 26), Prague etc. 1893, p. 26 (De schism. Donat. I, 23).

262 Cf. Liverani, *L’area lateranense* (as above, note 233), p. 22, note 17; comp. *idem*, Dalle “*Aedes Laterani*” (as above, note 233), p. 526 with note 17. The Vita s. Bonifatii by Willibald, which has the accusative *Lateranem*, probably draws on letter 59 by Boniface (*in patriarchio Lateranense*), i.e. a misunderstanding (Willibald, *Vita Bonifatii*. In: *Vitae sancti Bonifatii archiepiscopi Moguntini* (MGH SS rer. Germ 57), ed. by Wilhelm Levison, Hanover/Leipzig 1905, pp. 1-58, here p. 28 and p. 169).

presented the house (as imperial property) to his wife after his victory²⁶³, and that – perhaps after the family tragedy of 326 – it became the pope’s official seat. The entire area around the old estate of the Laterani and the *Castra Nova Equitum Singularium* must have been imperial property, for how could there have been any private property here? The archaeological features beneath the “Sancta Sanctorum” certainly do not contradict this possibility, and in fact suggest a Constantinian date²⁶⁴.

Be that as it may, in the 6th, 7th and 8th centuries the episcopal buildings were described as being *iuxta Lateranis* or simply *Lateranis*²⁶⁵, in other words “in the neighbourhood of the Laterani” but quite definitely not “on the Lateran”, as the eastern part of the Caelian Hill was later called, or “in the Lateran” (*in Laterano*)²⁶⁶. But as we have seen, the “*Actus b. Silvestri*” had combined the *Domus Laterani* with Constantine’s Palatium, wherever this may have been situated, to produce the imperial “Lateran Palace”²⁶⁷. Perhaps the fate of the *Palatium Sessorianum* in Late Antiquity and the Early Middle Ages can provide an indication of how this could have come about, for the emperor’s mother Helena is supposed to have resided in this imperial palace, and to have built a basilica which made use of the existing structure of part of the palace²⁶⁸. The Lateran was the only imperial palace that is mentioned in the “*Actus*”, but this does not exclude the possibility of their being others in the city. However, the “*Actus*”, which were of course an important source for the “Constitutum Constantini”, do not at any point suggest that this or any other palace was

263 The identity of this Fausta has only been contested since Nash’s article; see Nash, *Convenerunt in domum Faustae in Laterano* (as above, note 252). He points out that Constantine’s spouse had left Rome as a child and never returned again. Thus, the equation of the owner of the house with the empress would be incorrect. Here Nash followed Liverani in his articles quoted above, note 233. For the contrary view, Mario Cempanari, Tito Amodei, *La Scala Santa* (Le Chiese die Roma illustrate Nuova Serie 23), Rome 1989, p. 13 with note 5; Santa Maria Scrinari, *Il Laterano imperiale 1* (as above, note 252), esp. p. 45 and p. 112. The matter merits reassessment, as it is neither impossible nor unimaginable that Constantine, after his victory over her father and brother, indeed endowed his wife with an estate in Rome, even if this was never actually claimed by her. Who in the year 313 could have known that the empress was not to visit the city on the Tiber again?

264 See Liverani, *L’area lateranense* (as above, note 233), pp. 23-9. On the building, see Donadono, *La Scala Santa* (as above, note 254).

265 Thus in the *Vita Vigili* (537-555) in the *Liber Pontificalis* 1, ed. by Duchesne, p. 297, 16-7.

266 For the 6th-7th centuries, see Nash, *Convenerunt in domum Faustae in Laterano* (as above, note 252), p. 20 and p. 18, note 78; for the 8th century *Liber Pontificalis* 1, ed. by Duchesne, p. 475. – The sole (pretended) early mention of the phrase *in Laterano* is to be found in the edition of Optatus of Mileve’s diatribe against the Donatists, see above, p. 81 seq.

267 Cf. above, pp. 74-7, notes 234, 237 and 238 (after Combefis).

268 On the Sessorium and its history, for which the earliest sources are from the 6th century, cf. Federico Guidobaldi, *Sessorium*. In: *Lexicon Topographicum Urbis Romae* 4, ed. by Eva Margareta Steinby, Rome 1999, pp. 304-8; also in *Lexicon Topographicum Urbis Romae* 5, Rome 1999, p. 290.

presented to the pope. It was the forger who drew this conclusion for the first time.

Finally, the last Roman-Byzantine emperor to visit Rome was Constans II, who came in 662 and went “to the Laterani to bathe and dine with the pope there in the Basilica Vigili” (“*venit imperator ad Lateranis et lavit et ibidem pransit in basilica Vigili*”)²⁶⁹. As far as we can tell, the baths he visited, the *Balneus Lateranensis*, lay to the West of the baptistery; they had probably been renovated in the late 7th century and were still (at least partly) functioning²⁷⁰ (cf. plate 2). There is no mention of an imperial “Lateran Palace”, and a p a p a l Lateran Palace does not feature in any way. The latter was first mentioned in 813, and then on a number of occasions in the 9th century²⁷¹.

Thus we must be careful to distinguish between two Lateran Palaces: the *Palatium Lateranense* that is said to have once belonged to Constantine, but had never existed, and which was identified by the author of the “*Actus b. Silvestri*” (and as far as I can tell, only by him²⁷²) with the *Domus Laterani*, which was still inhabited in 400. It was in the neighbourhood of this residence, or in part of it, that the emperor is supposed to have built the baptistery and the basilica. The other *Palatium Lateranense* is the complex of the *Patriarchium Lateranense*, which was erected at some distance from the church and did indeed exist. It is first mentioned in 813²⁷³. According to the early sources, including the “*Actus*”, at no time was the first *Palatium* presented to the Bishop of Rome²⁷⁴. The second was no more than a new name, invented at the time of Leo III and Charlemagne. The Constantinian *Palatium* had nothing to do with the latter; it was only in the “*Constitutum Constantini*” that it was lumped together with the papal “Lateran Palace”, and only in the course of time did the origin of the papal residence then become an imperial Lateran Palace.

The result is the following constellation: since the reign of Constantine the seat of the “Bishop of Rome” had probably been established in the “House of Fausta” in the neighbourhood of the Laterani, a senatorial family that had produced a consul in the late-2nd century; in the 5th century the complex of episcopal buildings was then extended. Not a single word of the “*Actus b. Silvestri*” suggests that Constantine had presented either the Lateran Palace (in

269 Liber Pontificalis 1, ed. by Duchesne, p. 343, 12. For Constans’ visit to Rome, cf. Lauer, Le Palais de Latran (as above, note 234), p. 89; Pasquale Corsi, La spedizione italiana di Costante II, Bologna 1983, p. 155 and p. 163.

270 Cf. the plans in: Nash, Convenerunt in domum Faustae in Laterano (as above, note 252), pp. 13-7; cf. the vitae of Stephen III and Hadrian I in the Liber Pontificalis 1, ed. by Duchesne, p. 471, 8 and p. 504, 26-7; see also Lauer, Le Palais de Latran (as above, note 234), p. 100 (for the uncertainty of the location of the papal baths).

271 Cf. below p. 84.

272 But cf. also above, note 242 the “*Vindicta Salvatoris*”, c. 27.

273 Cf. below, p. 85 with note 281.

274 Lauer, Le Palais de Latran (as above, note 234), p. 27 erroneously has the Lateran Palace already granted to the pope by the “*Actus*”.

other words what was left of the Laterani’s civilian buildings) to the Roman Church, or any imperial palace that he might have used. Indeed, the splendid house with the 7,000 coins – the site remained unbuilt until the 20th century – was never at any time claimed by the papacy. This would have been quite unthinkable at the time the “*Actus*” were written²⁷⁵, and it was only the “Constitutum Constantini” that did so later. Yet its author declared that the *Palatium* which he found in the “*Actus*”, and which he believed was the only imperial palace in the city, had been given as a present to Sylvester by Constantine. How was that possible?

It was not until the later Middle Ages that, influenced by the “Constitutum Constantini”, the Roman sources adopted this identification, although anyone who was acquainted with the topography of the city will have known it was impossible. Only Gregory the Great’s biographer, John the Deacon, writing between 872 and 880, confused the imperial palace chapel on the Palatine, S. Cesario, where the portraits of the emperors once stood, with the chapel of the same name in the papal Lateran Palace. But that does not prove that he confused the imaginary imperial palace with the real papal one, either by mistake or intentionally²⁷⁶.

The forger wasn’t satisfied with a single mention of the palace; he calls special attention to the *Palatium Lateranense* on three occasions, and emphasises its uniqueness: it was “the foremost of all ‘palaces’ in the whole world”, and exceeded them all, “*omnibus in toto orbe terrarum praeferitur atque praecelet palatiis*” (ll. 219-20). But in no way could the “*Actus b. Silvestri*” or later Roman sources be read as promoting the Lateran in this way. It was an original ingredient of the programme of the “Constitutum Constantini”. But when did a reason for such a promotion exist? Which ‘palaces’ was the Lateran meant to exceed? Which were to be put in their place? In whose interest was it?

It can hardly have been the imperial palace at Constantinople. According to the “Constitutum” Constantine’s *Imperium* in the East was not disputed by the West, just as it had also been the case in the West earlier. The forger was not interested in this East and its “Palatia”. Nor can the imperial palace on the Palatine, which lay in ruins in the mid-8th century, have been meant, for the forger states that Constantine’s palace was the only one in the city. The palace of the Lombard kings in Pavia or the former palace of the Exarch in Ravenna are even

275 On imperial Rome in Late Antiquity and the Early Middle Ages, cf. Peter Classen, *Der erste Römerzug in der Weltgeschichte. Zur Geschichte des Kaisertums im Westen und der Kaiserkrönung in Rom zwischen Theodosius dem Großen und Karl dem Großen*. In: *Festschrift für Walter Schlesinger*, ed. by Helmut Beumann, Cologne/Vienna 1974, pp. 325-47, again in: *idem, Ausgewählte Aufsätze*, ed. by Josef Fleckenstein (VuF 28), Sigmaringen 1983, pp. 23-43; somewhat different: Anton, *Solium Imperii* (as above, note 86), *passim* (though Anton accepts the claims of various parties as truth or facts).

276 John the Deacon, *Sancti Gregorii magni vita*. In: *Migne PL 75*, Paris 1849, col. 59-242, here col. 185B. See Ingo Herklotz, *Der Campus Lateranensis im Mittelalter*. In: *RJ 22* (1985), pp. 1-43, here p. 39.

more unlikely targets for the forgery, and about 750/770, when the “Constitutum Constantini” is generally supposed to have been composed, the palace of the Frankish kings certainly made any promotion of the Lateran Palace from a papal viewpoint superfluous. But Constantine’s withdrawal to Byzantium, an invention of the forger, only made sense when the Lateran was given special attention. When did this take place? His construction once again reveals a poor knowledge of details about Rome on the part of the man who created the “Constitutum Constantini”. What is more, it provides a clue to the aim – but which one? – of the “Constitutum”, and by confusing the two palaces provides a “terminus post quem” for the work.

This brings us on to another topic. In the 8th and 9th centuries the Frankish or Langobardian palaces were centres of (secular) jurisdiction and secular power. The same was true of the *Palatium Lateranense* of the Bishop of Rome. It was only once the pope had become a judge over secular matters²⁷⁷ that his *Patriarchium* – as the episcopal administrative centre of the Roman Church was generally called in the 8th and 9th century – also became a *Palatium*. Just like the *Patriarchium* it was situated “near the Laterani”, *iuxta Lateranis*.

John VII (705-707) had intended to move the seat of the papal administration to the Palatine, above S. Maria Antiqua, but nothing came of the plan²⁷⁸. Pope Zachary (741-752) then began to renovate the Lateran *Patriarchium*, which had fallen into a state of disrepair. The most important buildings were erected where the “Scala Santa” stands today²⁷⁹. There is no evidence that like his predecessors²⁸⁰ Zachary needed the permission of the emperor or the exarch in order to reuse material from antique buildings. The Lateran remained the residence of the popes until they moved to Avignon, and from the second half of the 11th century of the papal curia too. It is first referred to as a *Palatium*, as we have already seen, in 813 in a judgement of Leo III for the (Frankish influenced) monastery of Farfa, and again in 829 in another judgement for the same monastery²⁸¹. It was Leo who

277 On papal secular jurisdiction in the 9th century cf. Hageneder, *Das crimen maiestatis* (as above, note 145); Pierre Toubert, *Les structures du Latium médiéval. Le Latium méridional et la Sabine du IX^e siècle à la fin du XII^e siècle*, 2 volumes, Rome 1973, esp. vol. 2, pp. 1192-1201.

278 *Liber Pontificalis* 1, ed. by Duchesne, pp. 385, 6-7.

279 *Liber Pontificalis* 1, ed. by Duchesne, p. 432, 1-8; on this subject, see Cempanari/Amodei, *La Scala Santa* (as above, note 258), p. 20.

280 Cf. Herklotz, *Der Campus Lateranensis im Mittelalter* (as above, note 276), p. 35.

281 Jordan, *Entstehung* (as above, note 101), p. 11 with note 2; Elze, *Das “Sacrum palatium Lateranense”* (as above, note 101), p. 27. On the *Palatium Lateranense* in general, see Lauer, *Le Palais de Latran* (as above, note 234); Paolo Verzone, *La distruzione dei palazzi imperiali di Roma e di Ravenna e la ristrutturazione del palazzo Lateranense del IX secolo nei rapporti con quelle di Costantinopoli*. In: *Roma e l’età carolingia. Atti delle giornate di studio 3-8 maggio 1976 a cura dello Istituto de storia dell’arte dell’Università di Roma*, Rome 1976, pp. 39-54. – On the papal administration at the time: Pierre Toubert, quoted from idem, *L’Europe dans sa première croissance De Charlemagne à l’an mil*, Paris 2004, pp. 419-61. – It was solely on the grounds that the “Constitutum Constantini” is generally dated to the time of Paul I that it was

for the first time claimed papal jurisdiction even in cases of treason²⁸², and carried out an extravagant programme of extensions to the papal residence²⁸³. It is generally claimed by scholars that the term *Palatium* was taken from the “Constitutum Constantini”. But in fact it was the other way round, for no Roman before Leo III had called the *Patriarchium* a *Palatium*. Later, in the 9th century, the name seems to have been misunderstood for the first time; John the Deacon, the author of the life of Gregory the Great, made of the *Lateranense Palatium* that he knew well a *Latiale Palatium*, a “Palace of Latium”²⁸⁴.

However, the new designation as *Palatium* did not manage to establish itself. The centre of the papal administration was still known as the (*sacrum*) *Patriarchium (Lateranense)*. Leo III’s life in the “*Liber Pontificalis*” only uses the latter term, and for Leo the royal Carolingian court was simply the *Palatium*²⁸⁵. Only the biographer of Pope Valentine (827), who reigned for less than two months, refers to the papal *Palatium* at this time; it is the oldest occurrence in the “*Liber Pontificalis*”²⁸⁶. During the reign of Leo IV (847-855)

influential in Leo III’s renaming of the *Patriarchium* as the *Palatium*. This must be corrected on the evidence of the theory presented here.

282 Hageneder, Das *crimen maiestatis* (as note 145). On Leo III recently: Klaus Herbers, Das Bild Papst Leos III. in der Perspektive des Liber pontificalis. In: Erzbischof Arn von Salzburg, ed. by Meta Niederkorn-Bruck and Anton Scharer, Vienna/Munich 2004, pp. 137-54.

283 Belting, Die beiden Palastaulen Leos III. (as above, note 194); Herklotz, Der Campus Lateranensis (as above, note 276), pp. 36-7; Noble, Topography (as above, note 181), pp. 52-3, Manfred Luchterhandt, Pöpstlicher Palastbau und höfisches Zeremoniell unter Leo III. In: 799. Kunst und Kultur der Karolingerzeit. Karl der Große und Leo III. in Paderborn. Katalog zur Ausstellung Paderborn 1999, ed. by Christoph Stiegemann and Matthias Wemhoff, Mainz 1999, pp. 109-22; Franz Alto Bauer, Die Bau- und Stiftungspolitik der Päpste Hadrian I. (772-795) und Leo III. (795-816). In: 799. Kunst und Kultur der Karolingerzeit (loc. cit.), pp. 514-28, here p. 523; idem, Modello di Palazzo. In: Carolo Magno a Roma. I giubilei nella storia della chiesa: Atti del Congresso internazionale in collaborazione con l’École Française de Rome sotto il patrocinio del Comitato Centrale per il Giubileo del 2000, ed. by Walter Brandmüller (Atti e documenti: Pontificio Comitato di Scienze Storiche 10), Città del Vaticano 2001, pp. 167-72. – It would seem that Leo IV attributed the “palace rules” to Leo III, cf. below, p. 87 with note 289. – For a discussion of the subject of the Lateran and liturgy, not pursued here in detail, cf. Sible de Blaauw, Cultus et Decor. Liturgia e architettura nella Roma tardoantica e medievale. Basilica Salvatoris, Sanctae Mariae, Sancti Petri. 2 volumes (StT 355-356), Città del Vaticano 1994 [first published in Dutch, Delft 1987].

284 John the Deacon, Sancti Gregorii magni vita. In: Migne PL 75, Paris 1849, col. 59-242, here II, 13, col. 91D.

285 Liber Pontificalis 2, ed. Duchesne, p. 4 and 7; Ratio de symbolo fidei inter Leonem III. Papam et missos Caroli imperatoris. In: Das Konzil von Aachen, ed. by Harald Willjung (MGH Conc. 2 suppl. 2), Hanover 1998, pp. 285-300, here p. 294,4 (i.e. Leo III’s discussion in 810 with Charlemagne’s *missi*, Bernard of Worms, Jesse of Amiens and Adalhard of Corbie, on the creed passed at the synod of Aix-la-Chapelle in 809 that included the “un-Roman” *filioque*).

286 Jordan, Entstehung (as above, note 101), p. 11 with note 1. – This is probably not just a peculiarity of the author of the vita. On the two pages or so of print taken up by his account (*Liber Pontificalis*, ed. by Duchesne, pp. 71-2), the *Palatium (Lateranense)* is mentioned a total of four times, the *Lateranense Patriarchium* only once. It was in the latter that he placed the enthronement of Valentine, who had been proclaimed pope “in the Lateran Palace” (*in*

Patriarchium Lateranense was regularly used²⁸⁷. Only occasionally did papal notaries use the word *Palatium*, and then almost exclusively in the context of the law court, the secular administration of the palace, or the exercise of the pope's secular authority²⁸⁸. Thus it would appear that Leo IV was the first to draft the "Rules of the Palace"²⁸⁹, and invited the nobles "to hurry to the Lateran Palace so that plaintiffs and supplicants might receive judgement and justice", "*omnes nobiles ad Lateranense palatium recurrant et querentibus ac petentibus legem ac iustitiam faciant*"²⁹⁰.

In the life of Leo IV's successor, Benedict III, *Patriarchium* is the only term used, but never in the secular function. Under Nicholas I (858-867), who generally exercised office in the *Patriarchium*, a synod was held in *Lateranensi palatio*²⁹¹, while Hadrian II (867-872) again is only attested in the *Patriarchium*. And although in the 9th century so many popes had building work carried out in the latter, none of them is recorded as having done so in the "Palace". It would seem that *Palatium* described a function rather than a physical structure. It was only in the mid-10th century, perhaps at the time of the coronation of Otto I (962), that things changed; the term *Palatium* was now regularly used and *Patriarchium* vanished, probably as a direct result of the adoption of the "Constitutum Constantini" at long last in the Eternal City²⁹². In other words, had the forger been writing in Rome at the time of Paul I, then not only would he have made use of a name that nobody in Rome would have understood. His identification of two

Lateranensi palatio) by bishops, the nobility and all of the people of the city, but who was now in S. Maria Maggiore at the time. Subsequently, the scene moved "from the Palace" to the consecration at St Peter's, and from there "back to the Palace", where gifts were distributed to the *sacra plebs* and "the senate and the people of Rome". Valentine's career had begun with his promotion to sub-deacon by Paschal II, ordering him "to serve in the Lateran Palace". It would seem that several different functions of the papal seat of office were distinguished by the use of different terms. Valentine's enthronement is the oldest relevant record of this ceremony, cf. Gussone, *Thron und Einsetzung des Papstes* (as above, note 155), pp. 175-77.

287 Klaus Herbers, *Leo IV und das Papsttum in der Mitte des 9. Jahrhunderts. Möglichkeiten und Grenzen päpstlicher Herrschaft in der späten Karolingerzeit* (PuP 27), Stuttgart 1996, pp. 230-9.

288 The only exception until the middle of the 9th century is the account in the *vita* of Valentine. Of four mentions of the papal *Palatium* in the *vita* of Leo IV (*Liber Pontificalis* 1, ed. by Duchesne, 109,23; p. 118, 6; p. 121, 11; p. 134, 8) only one (p. 121, 11) refers to an ecclesiastic measure. The *Patriarchium* is also mentioned four times; the *Pontificium* only once (p. 115, 25).

289 *Liber Pontificalis* 2, ed. by Duchesne, p. 109; his *vita* connects it with the renovation of the "hall" (*accubitum*) of Leo III, probably the famous "*triclinium*".

290 Leo IV, *Epistolae Selectae*, 23. In: *Epistolae selectae Sergii II, Leonis IV, Benedicti III, Pontificum Romanorum*, ed. by Adolf von Hirsch-Gereuth. In: *MGH Epp.* 5, Berlin 1899, pp. 581-614, here p. 599, cf. Herbers, *Leo IV und das Papsttum* (as above, note 85), p. 233 with note 197. The mention of the *Palatium* dating to the Carolingian Age (?) which Lauer, *Le Palais de Latran* (as above, note 234), pp. 122-3 would like to attribute to the Lateran Palace also alludes to this court: "*consistorium id est domus in palatio magna et ampla, ubi lites et causae audiebantur (...)*"

291 *Liber Pontificalis* 2, ed. by Duchesne, p. 166, 23-5.

292 Elze, *Das "Sacrum palatium Lateranense"* (as above, note 101), pp. 27-9.

different buildings as one and the same would have caused confusion, and would have anticipated a constellation and a function that nobody on the Tiber could possibly have foreseen at the time. In brief, he would have postulated conditions that nobody would have properly been able to comprehend, but which then survived for decades, concealed, before timidly and without any plan being applied by the papal chancellery, and then only on the periphery (Farfa). But that makes no sense.

In fact things must have happened the other way round: Frankish influence will have resulted in the centre of papal secular power on occasions being referred to as a *Palatium*, that could exceed all the *Palatia* of the Frankish kings. The forger will quite naturally have regularly used a term that was part of the standard vocabulary of the Franks, and avoided the normal term, *Patriarchium*. The use of *Palatium* to denote the administrative seat of the Bishop of Rome is well dated, and so can provide an appropriate “terminus post quem” for the forgery. The “Constitutum Constantini” cannot be placed all too close to the reign of Charlemagne. But how does this chronology and the outstanding position of the once imperial, now papal palace fit in with St-Denis and Corbie, and the “terminus post quem” of 831 that was proposed above²⁹³?

Vib. Wala of Corbie and Hilduin of St-Denis

There was indeed a period when the two monasteries and their abbots, Hilduin and Wala, cooperated closely. This was a critical period in their history, a phase that decided their fate and had an enormous effect on the history of the Frankish Empire. All of the evidence presented so far for the localisation of the phrase *Palatium Lateranense*, as well as the spiritual, liturgical, and culture-historical context, and the date of the composition of the “Constitutum Constantini” come together here. Both the latter coincide with the tensest phase in the reign of Louis the Pious, from 829, as the abbots, two of the most eminent personalities of their time in the Frankish Empire – one of them Louis’ ex-archchaplain²⁹⁴, the other a Carolingian on his father’s side and a cousin of Charlemagne – joined the leaders of the opposition to Louis the Pious. Other prelates supported them – such as Archbishop Ebbo of Rheims, or Agobard of Lyon. They all wanted to preserve

293 On this, cf. above, p. 56 and p. 73.

294 Grauert, *Die Konstantinische Schenkung 2* (as above, note 119), pp. 575-97 already suggested that Hilduin was one of the initiators of the forgery. However, his thesis was not widely accepted, as the evidence cited was unconvincing, apart from his argument concerning the textual tradition. – For a summary of objections to the thesis presented by Grauert and others – which matched numerous older opinions – of a close relationship between the forger of the “Constitutum Constantini” and Pseudo-Isidore, cf. Fuhrmann, *Einfluß und Verbreitung 2* (as above, note 25), pp. 364-72: with the result (p. 372): “The Constitutum was not written by Pseudo-Isidore”.

the unity of the Empire in the face of the threat of division, and Wala at least wanted to push through a radical reform of ‘Empire’ and ‘Church’, the two *ordines* of kingship and priesthood²⁹⁵. This opposition was led by the emperor’s son and co-emperor, Lothair, who stood for the unity of the Empire. At first they were successful, managing in 833 at the “Field of Lies” near Colmar to have Lothair’s father, who was infatuated with division, arrested, deposed and confined to a monastery. But they succumbed themselves the next year, and experienced the revenge of Louis after he had reasserted his power. They were unable to prevent the decline and disintegration of the Frankish Empire²⁹⁶.

But the history of the decline of Charlemagne’s great empire, and the development of the smaller empires that were later to give rise to Germany and France, is not the subject of this book²⁹⁷. It will suffice to point out that both abbots, and in particular Wala, had close ties with the papacy, were on the side of Louis’ opponents, and so were among the losers. However, both strove to reform the Frankish Church, seeking a clearer division between imperial power (*potestas*) and episcopal authority (*auctoritas pontificum*) and to strengthen the judicial powers of the Pope. At the Synod of Paris in 829 they and allies such as Ebbo of Rheims, Jessé of Amiens or Halitgar of Cambrai²⁹⁸, as well as bishops

295 For a summary of the events, see Bernhard Simson, *Jahrbücher des Fränkischen Reiches unter Ludwig dem Frommen* (JdG 6), vol. 2, Leipzig 1876, pp. 31-78; Lorenz Weinrich, *Wala. Graf, Mönch, Rebell. Die Biographie eines Karolingers* (HS 386), Lübeck/Hamburg 1963, pp. 70-83; Fried, *Ludwig der Fromme, das Papsttum und die fränkische Kirche* (as above, note 143), pp. 265-72; Egon Boshof, *Ludwig der Fromme (Gestalten des Mittelalters und der Renaissance)*, Darmstadt 1996, pp. 178-212.

296 The two abbots had already cooperated closely a decade earlier, again during a conflict with Louis the Pious, cf. Fried, *Ludwig der Fromme, das Papsttum und die fränkische Kirche* (as above, note 143), p. 258.

297 Simson, *Jahrbücher des Fränkischen Reiches* (as above, note 295); Charlemagne’s Heir. *New Perspectives on the Reign of Louis the Pious (814-840)*, ed. by Peter Godman and Roger Collins, Oxford 1990; Boshof, *Ludwig der Fromme* (as above, note 295); Johannes Fried, *Der Weg in die Geschichte. Die Ursprünge Deutschlands bis 1024* (Propyläen Geschichte Deutschlands Bd. 1), Berlin 1994; *The New Cambridge Medieval History II. C. 700-c. 900*, ed. by Rosamond McKitterick, Cambridge 1995 (Janet L. Nelson; Johannes Fried, pp. 110-68.); Rudolf Schieffer, *Die Karolinger, 4. überarbeitete und erweiterte Auflage*, Stuttgart 2006 [first published 1992], pp. 112-69. – I also draw attention to my specific study: *Ludwig der Fromme, das Papsttum und die fränkische Kirche* (as above, note 143).

298 Archbishop Ebbo seems to have had particularly close contacts with Wala of Corbie. Wala certainly recommended to him Ansgar, a monk from Corbie and Corvey who later became the first Archbishop of Hamburg(-Bremen), as a missionary, cf. RPR.GP 6. *Provincia Hammaburgo-Bremensis*, ed. by Wolfgang Seegrün and Theodor Schieffer, Göttingen 1981, pp. 24-5 no. 7-9 (826-829). The list of names in Paris B.N. lat. 12957 fol. 99v, including “*Ansgerus (...) Ratbertus abba (...) Uuala abba*”, perhaps belong to this, as well as the mutilated letter in Paris B. N. lat. 14088 fol. 1r. The latter is addressed to “*episcopo (...) E*”, mentions an unknown “*(...) nostro in Saxoniam directo*” and deals with friendship, and could refer to Ebbo of Rheims-Hildesheim, so indicating a continuing friendship with Radbert; on the evidence cf. Ganz, *Corbie* (as above, note 162), p. 188, plate 12 and pp. 161-2. – On Halitgar cf. Wilfrid Hartmann, *Neue Texte zur bischöflichen Reformgesetzgebung aus den Jahren 829/31. Vier Diözesansynoden Halitgars von Cambrai*. In: DA 35 (1979), pp. 368-94. Halitgar also had

who were close to Louis, for example Jonas of Orléans, quoted a letter from Pope Gelasius I that propagated just such a division. It was the first time that this letter, which was later to become so famous, was quoted outside Rome²⁹⁹. But it was only with the adoption of Pseudo-Isidore in the 11th century that the Late-Antique decretal became one of the fundamental texts for supporters of a dualistic dogma that drew a clear distinction between the spiritual and the secular, and of the Doctrine of the Two Powers or Authorities³⁰⁰.

But where did its wording and its attribution to Gelasius I come from? The question is unresolved today. Can we perhaps trace its ‘discovery’, employment, or reception back to another famous forger, namely Pseudo-Isidore? It seems not impossible. The letter, forgotten for centuries, is known only from the “Collectio Quesnelliana”, which (widely spread in the North-East of Francia) was one of the texts this forger relied upon; he drew Gelasius’ decretal from there, and reproduced it in full³⁰¹. There is no evidence that it was used before Pseudo-Isidore, but one of the key participants at the Synod of Paris was the Abbot of Corbie, Wala, and – as we may assume³⁰² – he was the initiator of the forgery, or at least one of the forger’s team³⁰³. Could it be that he was responsible for introducing the participants at the Parisian synod (829) to the passage from Gelasius? Be that as it may, at the imperial assembly held in Worms in the same

close links with Ebbo of Rheims: cf. RPR.GP 6. Provincia Hammaburgo-Bremensis, ed. by Wolfgang Seegrün and Theodor Schieffer, Göttingen 1981, no. 6 (822/23), p. 24. Jesse was the bishop responsible for Corbie and one of Wala’s fellow-sufferers.

299 JK 632 to Emperor Anastasius I from 494. In Rome the letter was already quoted by Pope Hadrian I: *Epistolae selectae pontificum Romanorum 2, Epistolae Hadriani I Papae*, ed. by Karl Hampe. In: MGH Epp. 5, Berlin 1899, pp. 1-84; cf. Pierre Toubert, *La doctrine gélasienne des deux pouvoirs: une révision*, quoted from idem, *L’Europe dans sa première croissance De Charlemagne à l’an mil*, Paris 2004, pp. 385-417, here pp. 393-4. However, I find it unlikely that the adoption of Gelasius in 829/36 (as Toubert suggests) can be derived from this context. Hadrian quoted the aphorism not with reference to his predecessor, but to a *quidam doctissimus ac venerabilis pater*. This probably implies that the source of the Frankish synods was a canonistic collection that referred to the author of the decretal by name.

300 *Concilia quattuor anni 829, precipue concilium Parisiense*. In: MGH Conc. 2, 2, ed. by Albert Werminghoff, Hanover 1908, pp. 596-680, here pp. 610-1. See also the summary in Hartmann, *Die Synoden der Karolingerzeit* (as above, note 210), pp. 181-7; for the interpretation (but not all in agreement): Wilhelm Enßlin, *Auctoritas und Potestas. Zur Zweigewaltenlehre des Papstes Gelasius I*. In: HJb 74 (1954), pp. 661-8; Alan Cottrell, *Auctoritas and Potestas: A Reevaluation of the Correspondence of Gelasius I on Papal-Imperial Relations*, in: MS 55 (1993) pp. 95-109; Toubert, *La doctrine gélasienne* (as above, note 299), pp. 393-4.

301 Fuhrmann, *Einfluß und Verbreitung 1* (as above, note 25), p. 188.

302 Cf. below, note 328.

303 On the other hand there is no indication that Jonas of Orléans, who is assumed to have edited the acts of the Synod of Paris, had ever used the “Coll. Quesnelliana”. In his “*De institutione regia (Ad Pippinum regem)*” Jonas cited the “Hispana”, cf. Jonas d’Orléans, *Le métier de roi (De institutione regia)*. Introduction, texte critique, traduction, notes et index par Alain Dubreucq (SC 407), Paris 1995, p. 111.

year the dualistic concept and its tendency were confirmed in the presence of the legate of Pope Gregory IV, and met with his explicit approval³⁰⁴.

Wala's position and the drama that unfolded is described vividly in an obituary, the "*Epitaphium Arsenii*", written by his confidant and ultimate successor, Radbertus (Paschasius). This was probably composed with the help of written records, and explained Wala's political intentions³⁰⁵. The relationship between Wala and Radbertus was a particularly close one (as it had been between Radbertus and Wala's brother and predecessor, Adalhard). The younger of the two, Radbertus later expressed his gratitude for the early education he had received at Notre Dame of Soissons, which at the time was run by Wala's sister Theodrada, the widow of King Pepin of Italy, and mother of the unfortunate Bernhard of Italy³⁰⁶. His review of Wala's life and works takes the form of a conversation between Paschasius, as Radbertus calls himself here, and some of the monks in his monastery. But in this unusual dialogue it was not Radbertus' sole aim to provide an epitaph for that extraordinary Carolingian, Wala, although this was certainly a factor³⁰⁷. Looked at from the angle of the theory of memory, the conversation is a "counter-memory" to the biographies of Louis and the other evidence produced by his faction, and this is important when we come to consider its value as a source, which is in fact very high³⁰⁸. It is only known from one single manuscript from Corbie, written at the time the work was composed (Paris BN lat. 13909)³⁰⁹. It was intended for the monastery and its convent, and appears

304 *Concilia quattuor anni 829, precipue concilium Parisiense*. In: MGH Conc. 2, 2, ed. by Albert Werminghoff, Hanover 1908, here c. 11, p. 617; Hartmann, *Die Synoden der Karolingerzeit* (as above, note 210), p. 187.

305 Radbert's *Epitaphium Arsenii*, ed. by Dümmler; written sources: *ibidem*, p. 61, 19-25. On the vita: Ganz, Corbie (as above, note 162) pp. 112-20.

306 Paschasius Radbertus, *De partu Virginis*. In: Migne PL 120, Paris 1852, col. 1365-86; on this, Johannes Fried, *Elite und Ideologie oder Die Nachfolgeordnung Karls des Großen vom Jahre 813*. In: *La royauté et les élites dans l'Europe carolingienne (début IXe siècle aux environs des 920)* (Collection Histoire et littérature régional 17), ed. by Régine Le Jan, Villeneuve d'Ascq 1998, pp. 71-109, here pp. 107-9 (Exkurs).

307 The very first sentence refers to this: Paschasius Radbertus *Epitaphium Arsenii*, ed. by Dümmler, p. 18.

308 Cf. Fried, *Der Schleier der Erinnerung* (as above, note 17), p. 378. As a source this 'obituary' must be rated higher than it has been. As an addition to the biased and manipulated view of the victors, e. g. of the so-called Astronomus, it offers the 'counter-memory' of the vanquished which we otherwise do not normally have at this time. The confrontation of both perspectives demonstrates that to the victors (whose historians were no eye-witnesses) Pope Gregory IV's appearance on the side of their opponents in the year 833 was particularly embarrassing, and had to be played down; cf. Fried, *Ludwig der Fromme, das Papsttum und die fränkische Kirche* (as above, note 143), pp. 266-9. Meanwhile, the monks from Corbie (who had been eye-witnesses), as demonstrated in the text above, acted quite in accordance with the pope's actions, which were discriminated against. David Ganz, *The Epitaphium Arsenii and Opposition to Louis the Pious*. In: *Charlemagne's Heir* (as above, note 143), pp. 537-50; as Ganz rightly points out, the date of the "*Epitaphium*" is uncertain, but he also thinks it is probably after 852 (pp. 539-40).

309 David Ganz, Corbie (as above, note 162), pp. 112-20, also on the *Epitaphium*.

to have never left it, a fact that is of enormous importance when it comes to appreciating the “Epitaph” and its historical relevance.

The main elements of the first book (the division into books may not be the work of the author) could well have been written soon after Wala’s death (836), whereas the second book, which is of particular relevance here, was probably not composed until after Radbertus had been removed as abbot as the result of a disagreement with King Charles II, the Bald (840-877), probably soon after 852. In other words, the first editing of the book into its present form cannot have taken place earlier, and this is of particular importance for us, since all of Pseudo-Isidore’s work already existed by then – Pseudo-Isidore, who came from the same monastery, Corbie, where Radbertus was abbot, and Pseudo-Isidore, who was the first to appreciate the full importance of the “Constitutum Constantini”, and included it in his compendium. Moreover, there is a strong and old suspicion that Paschasius was the inventor of ‘patristic’ writings and credentials, in other words a forger who knew his trade. This was an accusation raised after his death by none other than Ratramnus, one of the most gifted monks at Corbie³¹⁰.

Thus the author of the memoirs looks back at a forgery that probably he had coordinated and completed himself, even if his predecessor Wala was most likely its intellectual father³¹¹. The unavoidable conclusion is that the “*Epitaphium Arsenii*” was the intellectual legacy of the deposed abbot. It was intended for the convent, and was a later justification and explanation of his and his collaborator’s role in the conflict within the royal family and his cooperation with Pseudo-

310 First pointed out by Dom Cyrille Lambot, L’homelie du Pseudo-Jérôme sur l’Assomption et l’Évangile de la nativité de Marie d’après une lettre inédite d’Hincmar. In: RB 46 (1934), pp. 265-82; further: Albertus Ripberger, Der Pseudo-Hieronymus-Brief IX, “Cogitis me”. Ein erster Marianischer Traktat des Mittelalters von Paschasius Radbertus (Spicilegium Friburgense 9), Freiburg i. Ü. 1962, here esp. pp. 7-14. – The passages from the “*Epitaphium*” consulted here and below are all taken from its second book. – Cf. Weinrich, Wala (as above, note 295); cf. Bernhard Bischoff, Hadoard und die Klassikerhandschriften aus Corbie. In: idem, Mittelalterliche Studien. Ausgewählte Aufsätze zur Schriftkunde und Literaturgeschichte 1, Stuttgart 1966, pp. 49-65, here p. 57.

311 This follows if we reject, as we must, the usually accepted opinion and assume that the decretals which Radbert brought to the “Field of Lies” in 833 were a first compendium from Pseudo-Isidore’s workshop (cf. below, p. 98). For Radbert cf. Fuhrmann, Stand, Aufgaben und Perspektiven der Pseudoisidorforschung (as above, note 25) pp. 257-8; idem, Pseudoisidor und die Bibel (as above, note 221), pp. 186-7 and 190; Zechiel-Eckes, Pseudoisidors Werkstatt (as above, note 221), pp. 59-60 on Paschasius Radbertus’ significant use of Ennodius. – The fact that the “first lines of Pseudo-Isidore” in the A1- and A2-versions, as well as in the Cluny version, and in particular the invocation “*In nomine domini nostri Jesu Christi*”, made use of an only slightly modified (*dei aeterni* was excluded) invocation for Lothair I, rather than the invocation for Charles II in whose kingdom Corbie lay, fits this situation well. It was Lothair whom Wala served in his last years, cf. Emil Seckel, Die erste Zeile Pseudoisidors, die Hadriana-Rezension *In nomine domini incipit praefatio libri huius* und die Geschichte der Invokationen in den Rechtsquellen. Aus dem Nachlaß mit Ergänzungen herausgegeben von Horst Fuhrmann (SDAW.P 1959, 4), Berlin 1959, p. 45; the other versions have no invocation: Fuhrmann, Pseudoisidor und die Bibel (op. cit.), p. 189.

Isidore; indeed it was even a historical and political commentary on the decretals, and described the context of their composition. If not all of the brothers, then at least some of the members of the convent at the monastery must have been involved in the production of the forgery, but this by no means excludes the possibility that other contemporary centres of learning – such as St-Denis or Rheims – also played a part³¹². For the participants Radbertus' version of events will have recalled the reasons behind this unique enterprise. Both texts, the invented decretals and the "*Epitaphium Arsenii*" must be read together. They throw light on each other, and this has its effects on any interpretation of the "Constitutum Constantini".

Abbot Wala's programme, actions and warnings that are described in the "Epitaph" went well beyond monastery affairs, and impinged on matters that concerned the Universal Church. The "Empire", the sphere of kingship, the association of sovereignty, this hierarchical social abstraction that only established itself in the High and Late Middle Ages, was still fully incorporated into the Church, the *Ecclesia*³¹³. The logical distinction between "Church" and "Empire" did not come about until the 11th and 12th centuries. The concepts involved before this unity had been broken were "faith" (*fides*), "harmony" (*concordia*), "peace" (*pax*), "order" (*ordo*), "status" (*status*), "service" for God (*ministerium, officium*), protection and help. Secular thought did not yet have a place here. This also had its effects on any understanding of the "Constitutum Constantini". When it was written it was the product of such "monistic", and not "dualistic" thinking. But in the centuries that followed nobody approached it with the tools of source analysis, or of the critical historian. On the contrary, its misinterpretation even led to changes in its wording and made of the "Constitutum Constantini" the "Donation of Constantine".

Radbertus never tired of praising Wala's concern for the unity of the Empire within the Church and its reform. His aim was to ensure that "the monarchy should not disintegrate", but his main worry was "the honour and fame of the Christian religion", and the property of the church. Wala had recognised that the

312 Things would be clearer if we knew the confraternities of Corbie, which must have existed. – On St-Denis cf. below pp. 103-105 and p. 112 seq.; on Rheims and its deposed archbishop Ebbo and his possible collaboration with Pseudo-Isidore cf. Fuhrmann, *Einfluß und Verbreitung* 1 (as above, note 25), p. 194 with note 125 and p. 195 with note 1. There could have been a confraternity with St-Riquier, where Radbert retired to after being removed as abbot, perhaps also with the sisters of Notre Dame of Soissons where Radbert had received his early education and with which he maintained close contacts (cf. Fried, *Elite und Ideologie*, as above, note 306). St-Vaast is another possibility, as it also had close connections with Corbie at the time (Ganz, *Corbie* [as above, note 162], p. 104).

313 Johannes Fried, *Der karolingische Herrschaftsverband im 9. Jh. zwischen „Kirche“ und „Königshaus“*. In: *HZ* 235 (1982), pp. 1-43; idem, *Gens und regnum. Wahrnehmungs- und Deutungskategorien im früheren Mittelalter. Bemerkungen zur doppelten Theoriebindung des Historikers*. In: *Sozialer Wandel im Mittelalter. Wahrnehmungsformen, Erklärungsmuster, Regelungsmechanismen*, ed. by Jürgen Miethke and Klaus Schreiner, Sigmaringen 1994, pp. 73-104.

correct god-given order of “priesthood” and “kingship” was the foundation for the continued existence of Charlemagne’s Empire. Instead the greed of the laity and the pressure of that brought to bear on “the priests of Christ and the servants of the altar” had alienated them from their spiritual office; they were robbed of their property without sentence being pronounced³¹⁴. Monasteries had been affected, but above all (*tunc plurimum*) bishoprics, for they had been assigned without regard for canon law³¹⁵. The latter was soon to attract the particular attention of Pseudo-Isidore³¹⁶. Wala’s prime concern was to protect the bishops; it was for this reason that the reformer of Church and Empire referred to the pope as the highest and final legal instance responsible for them.

As early as 828, Wala had complained to the emperor that everything was corrupt and decayed. Looking back the “*Epitaphium*” maintained that still nobody dared to tell the truth, although the “sins of the Empire had still not had their fill”, they still grew and threatened ruin³¹⁷. In a comprehensive plan for reform Wala revealed “in which orders the Church of Christ existed” (“*quibus ordinibus Christi constat ecclesia*”), how they should act in their dealings with each other, and that “the status of the entire Church” (“*totius ecclesiae status*”) depended on both orders (*ordines*): “to the King, who should be modest in office and not covet the property of others” (“*Rex suo mancipatus officio, nec aliena great*”), and “to the bishops and servants of the Church, who take care of that which is specially God’s” (“*episcopus vero et ministri ecclesiarum, specialius quae Dei sunt, agant*”)³¹⁸. It was a stern warning to Wala’s nephew, Emperor Louis, who had long been attempting to destroy the existing order, or so it must have seemed.

Wala had raised his voice against Louis, but he was unable to prevail. Instead, and his biographer states this on two occasions, he was banished in 831 “without legal process, without sentence, without guilt” (“*sine lege, sine iudicio, sine culpa*”), first of all to a rocky cave, probably a monastery in the Alps, perhaps St-Maurice, then finally when he still refused to bow to the emperor – as a more lenient punishment – to Corvey in Saxony, which he knew well³¹⁹. The archchaplain, Hilduin of St-Denis, was removed from office for the same reason,

314 *Epitaphium Arsenii*, ed. by Dümmler, p. 76; p. 61, p. 64 (“*dignitas et honor ecclesiarum*”); p. 63-4 and p. 65 (alienation from spiritual office); *ibid.*, p. 64 (“*si res ecclesiarum vi aut potestate fuerint usurpatae ullius iudicis*”).

315 *Epitaphium Arsenii*, ed. by Dümmler, p. 65 (Paschasius): “*episcopatus secundum canonicam auctoritatem non rite darentur*”.

316 Cf. *Epitaphium Arsenii*, ed. by Dümmler, p. 65 (Paschasius) and p. 66 (Paschasius).

317 *Epitaphium Arsenii*, ed. by Dümmler, p. 61: “*cuncta esse corrupta vel depravata*” and “*quod nemo nostrum qui ad plenum veritatem de illo audeat posteris narrare (...)*” and “*Ex quo liquet, pro talibus et huiusmodi causis peccata regni, que necdum completa sunt, quod cotidie in peius commulentur, sicque restat, quod in multis factum comperimus, ut destruat*”.

318 *Epitaphium Arsenii*, ed. by Dümmler, p. 62; on this Weinrich, Wala (as above, note 295), pp. 62-3; Boshof, Ludwig der Fromme (as above, note 295), pp. 174-5.

319 *Epitaphium Arsenii*, ed. by Dümmler, p. 77 (Teofrastus): “*sine testibus (...)* *sine iudicio, sine crimine, sine audientia et sine scelere*”: *ibid.*, p. 79 (Adeodatus).

and was also banished to Corvey, if only for a short time³²⁰. Unrepentant and determined, Wala dedicated himself to the reform of the Frankish Church, of the Frankish Empire, and the correct relationship between Church, the clergy and kingship; even the pope was not excluded from this.

His experience and lack of success made Wala receptive to the ideas of Pseudo-Isidore, or vice versa: they won the forger over to the side of the Church reformers³²¹. If monks were not significant for false Isidore³²², then the bishops were all the more important to him – as they were for Wala. They were the ultimate representatives of the priesthood and the *aecclesiasticus ordo*³²³. This was the intention of the original Church, on which – as Pseudo-Isidore explicitly states – he based his programme of reforms³²⁴. At the same time the forger, who was in fact a monk and an abbot, and lived in a monastery, protected himself from being unmasked too easily.

The experiences and aims which led Pseudo-Isidore to take up his quill were the same as Wala's. They demanded a clear division between spiritual and secular authority, and the correct order of both. But at the same time they were both irrevocably bound to and within the Universal Church. This was one of the reasons why the forger wanted to see the pope's jurisdiction strengthened, while the emperor was accused of anti-papal tendencies³²⁵. This primary aim was served by including the "Constitutum Constantini" in full in the long version of the false decretals, and placing it after the clear division of authority pronounced by Pseudo-Isidore's Constantine at his Council of Nicaea³²⁶. It explains why the pope's jurisdiction also covered church affairs in the Frankish Empire even against the Emperor. The short version of Pseudo-Isidore, on the other hand, contented itself with the creed and the cononical constitutions of Pseudo-Constantine, and so emphasised what seemed particularly important to the reformers. For the forgers of both the "Constitutum Constantini" and the false

320 On the events cf. Boshof, Ludwig der Fromme (as above, note 295), pp. 183-7.

321 The similarity of Wala's plans for reform to those of Pseudo-Isidore has also been noted elsewhere. Cf. Gotthold Hartmann, *Der Primat des römischen Bischofs bei Pseudo-Isidor*, Stuttgart 1930, p. 14 with note 5; p. 17.

322 Unless indirectly, for example if the "*reliqui servi dei*" of the Praefatio, or the "*deo et ecclesiae eius rite famulantes servique illius*", who conduct the "*orationes, postulationes, obsecrationes gratiarumque actiones (...) pro omnibus hominibus, pro regibus*" are to be included among those who, together with the bishops, requested him to collate the decretals; *Decretales Pseudo-Isidorianae et Capitula Angilramni*, ed. by Paul Hinschius, Leipzig 1863, c. 1, p. 17 and c.xii, p. 248.

323 *Decretales Pseudo-Isidorianae et Capitula Angilramni*, ed. by Hinschius, Praefatio c. iv-v, p. 18.

324 Cf. *Decretales Pseudo-Isidorianae et Capitula Angilramni*, ed. by Hinschius, Praefatio c. iv, pp. 17-8 and *De primitiva ecclesia et sinodo Nicena*, *ibid.*, pp. 247-9.

325 Cf. *Epitaphium Arsenii*, ed. by Dümmler, p. 88 Theofrastus: "*(...) Quid contigerit, quod tam religiosissimus et devotissimus imperator pre omnibus qui ante se fuerunt sic insipienter et inconsulte egit, nec honorem Deo dedit, nec beato Petro apostolo? Mala (...) et pessima mentis obstinatio ac duritia cordis (...)*"

326 Cf. below p. 96.

decretals, the orthodox Emperor Constantine was well the perfect model of a Christian ruler, just as he had been for the participants of the Synod of Paris in 829³²⁷, where Hilduin, and probably Wala too, although they were not bishops, had been among the leading propagators of imperial and ecclesiastic reform³²⁸.

In an opening résumé Pseudo-Isidore bemoans that greed has led evil men to raise false accusation against “priests”³²⁹. Two many “brothers” had been unjustly driven from their seats and exiled, without any obvious guilt, *manifestum iudicium*, and without due legal procedures, *iudicarius ordo*; the “medicine of justice”, “*medicina iustitiae*”, was required to put this to rights, and this had already been prescribed by the ancient popes (*antiqui apostolici*), the Council of Nicaea, and synods at Rome. This is already to be found in the preface to the false decretals³³⁰, and corresponds almost exactly to the accusations raised by the “*Epitaphium Arsenii*” against Louis the Pious and his faction, and which the “Constitutum Constantini” sought to counter with its definition of the pope’s jurisdictional authority. The author of the obituary, Radbertus, had indeed remained in touch with his abbot during his exile: “Church matters and monastic business” (“*ob ecclesiasticarum rerum et monastica*”) had ensured that his journey to the cave to which the abbot was banished had “not put him out of danger”. Yet Wala had remained unrepentant and had not made even the smallest of concessions to the emperor’s demands³³¹. Reform of the Church and the Empire did indeed require that the emperor’s authority should be restricted permanently. The uncompromising desire for reform that the Carolingian rebel and his fellows revealed was all in vain and was not to reappear for several centuries, under Gregory VII. In spite of the fact that the original context was not understood, in this new age of reform the work of Wala and his supporters was rediscovered, and the Church recalled the foundations on which this Carolingian had built.

Worried about the state of the Church and the Empire, the pope’s predecessor and namesake Gregory IV crossed the Alps in 833 when tension between the emperor and his sons had reached new heights. He summoned Wala to Colmar “for the sake of peace and unity, so that the Empire should be saved”, “for the

327 *Capitularia regum Francorum* 196. *Episcoporum ad Hludowicum imperatorem relatio*. 829. Aug. [Benedictus Levita], ed. by Alfred Boretius and Victor Krause. In: *MGH Capit.* 2, Hanover 1897, pp. 26-51, here pp. 35-6.

328 On the presence of Hilduin, cf. Bernhard Simson, *Jahrbücher des Fränkischen Reiches unter Ludwig dem Frommen* 1 (*JDtG* 6), Leipzig 1874, p. 315; for Wala comp. Weinrich, Wala (as above, note 295), p. 69.

329 *Decretales Pseudo-Isidorianae et Capitula Angilramni*, ed. by Hinschius, Praefatio c. v, p. 18: “*Multi enim pravitate et cupiditate depressi, accusantes sacerdotes oppresserunt.*”

330 *Decretales Pseudo-Isidorianae et Capitula Angilramni*, ed. by Hinschius, c. v-vi, p. 18.

331 *Epitaphium Arsenii*, ed. by Dümmler, pp. 74-5.

sake of the state of the Churches” (“*pro statu ecclesiarum*”)³³². The exile came as bid, but his programme had not changed: if the *res publica* had need of the *res ecclesiarum*, he let it be known, then “with the deepest reverence for Christendom and its religion the measure and order” with which this might be achieved must be discussed (“*modus et ordo summa reverentia et religione Christianitatis*”)³³³. This sort of programme in fact corresponds to the plan at the heart of the “Constitutum Constantini”, which granted the pope universal legal authority (*iudicium*) for the “stability of the faith of the Christians” (“*fidei Christianorum stabilitas*”, l. 177).

Wala’s renewed activity on behalf of the interests of the Universal Church and the Empire drew a great deal of criticism from his opponents; “he had no need to get involved in such matters.” Threats were made: the monk that Wala had been should have stayed in the confinement of the monastery, and not surpassed the boundaries of his duties. “For it is dangerous to go back on their principles, and recklessly to go too far, for that is not his business and irreconcilable with his office”³³⁴. Wala’s concern for the entire Church went beyond all bounds of office. Who dares do nothing for justice today (*modo*), and does not criticise even the king when necessary and bring charges against him (“*arguere reges aut potestates huius seculi; increpare*”), is in danger of denying his faith. This was how Radbertus summed up contemporary needs in his remarks on John the Baptist and Herod in his commentary on the Gospel of Matthew³³⁵. Wala of Corbie, the Carolingian and cousin of Charlemagne, a man with a successful secular career, seems to have been not a mere rebel, but a visionary reformer who felt a responsibility for the position of the entire Church, *totus ecclesiae status*, and the Frankish Empire that went well beyond his specific duties as abbot. As we have already seen, he sought to improve this position in cooperation with the Apostolic See, and was prepared to act in opposition to the emperor if necessary³³⁶.

332 Comp. Epitaphium Arsenii, ed. by Dümmler, p. 81. Fundamental on the proceedings: Simson, Jahrbücher des Fränkischen Reiches 2 (as above, note 295), pp. 31-78; Boshof, Ludwig der Fromme (as above, note 295), pp. 192-212.

333 Epitaphium Arsenii, ed. by Dümmler, pp. 64-5.

334 Epitaphium Arsenii, ed. by Dümmler, p. 81-2: “*Hoc est quod multi calumniantur, quasi non oportuerit de his eum ultra curare, neque talibus se admiscere negotiis (...)*”

335 “*Unde nescio, si tempus esset martyrii, utrum fidem servaret, qui modo quidquam pro iustitia non audent.*” (Paschasius Radbertus, Expositio in Evangelium Matthaeci. In: Migne PL 120, Paris 1852, col. 31-993, here col. 513B = Pascasii Radberti Expositio in Matheo [14,4, on Mt 5,10: “*Beati qui persecutionem patiuntur propter iustitiam*”], ed. by Paulus, p. 735, 1439-40).

336 In the “*Epitaphium Arsenii*” Paschasius Radbertus reveals a desire for reform of the empire under active participation of the pope immediately after Lothair I’s success on the “Field of Lies”, cf. Epitaphium Arsenii, ed. by Dümmler, pp. 89-90. What mattered was the unity of the empire, peace, harmony and *quod maius est*, the *dignitas* of the churches. – Wala had already been in Italy and Rome as an adviser to the young emperor Lothair in 823/24, comp. Weinrich, Wala (as above, note 295), pp. 43-53.

At first, at the “Field of Lies” near Colmar, it seemed that the rebels would prevail. Even Pope Gregory IV supported them. We are told that he had hurried there from Italy full of hope, together with Lothair, Louis’ son who had long since been crowned emperor. However, rather than granting him due reverence, Louis and his followers, including the bishops, levelled wicked accusations against him, claiming he had illegally exceeded the bounds of his office. He should not have come without an invitation from the emperor; he had no authority over them, the bishops on Louis’ side³³⁷. They warned him, and threatened him with banishment and excommunication, even deposition³³⁸. “The pope was shocked and frightened.” “Then we gave him some decretals from his predecessors (*predecessorum suorum conscripta*), that had been endorsed by the authority of the Holy Fathers, and which nobody might reject: that it was within his power, or rather the power of God and of the holy Apostle Peter, for the sake of the peace of the Church, of the proclamation of the gospels, and of the strengthening of the truth, to go to all peoples or to send missionaries to them, and that all the authority and power of the Blessed Peter lives in him [the pope] – in he who shall judge over all things, and over whom none shall judge. Gregory received these decretals with gratitude, and saw that they strengthened his position”³³⁹.

The tenor of the pope’s answer to the attacks of Louis’ bishops, which had probably been penned by Archbishop Agobard of Lyon³⁴⁰, was: “the regiment of the souls which is the prerogative of the pope is greater than that of the emperor, for the latter is secular”, “*maius esse regimen animarum, quod est pontificale, quam imperiale, quod est temporale*”³⁴¹ – a maxim that Gregory VII was to use later. A first confrontation over the basic principles of spiritual papal authority

337 “*Subiungitis, quia nisi secundum voluntatem vestram venero [sc. papa], non habeo ecclesias vestras consentaneas, sed in tantum contrarias, ut nihil mihi in vestris parrochiis agere vel disponere liceat ne quempiam excommunicare vobis obsistentibus*”: This was according to the pope’s reply threatened by the bishops against Gregory himself; the pope’s letter is probably from Agobard of Lyon and was preserved among his letters: Agobard, archbishop of Lyon, *Epistolae*, ed. by Ernst Dümmler, in: MGH Epp. 5, Berlin 1899, pp. 150-239, here Ep. 17, pp. 228-32, esp. pp. 231, 4-6.

338 Cf. Fried, Ludwig der Fromme, das Papsttum und die fränkische Kirche (as above, note 143), pp. 266-70

339 *Epitaphium Arsenii*, ed. by Dümmler, p. 84. The way Radbert describes the handing over of the decretals indicates that this can only have taken place after the threat of deposition; this means that the texts had not then been prepared as a special gift to the pope. The “handing over”, however it may have appeared, will have been a spontaneous action.

340 For a different view: Egon Boshof, *Erzbischof Agobard von Lyon. Leben und Werk* (KHA 17), Cologne/Vienna 1969, pp. 225-8, who attributes the letter to the pope alone on the grounds that Agobard fundamentally rejected papal primacy. Yet his letter to Emperor Louis (Agobard of Lyon, ep. 16 [833], ed. by Dümmler, pp. 226-8) proves that the archbishop indeed defended the *Privilegium apostolice sedis* (p. 227, 10): “*a solis ortu usque ad occasum primatus sui apicem successorum suorum auctoritate, tam per se quam per vicarios suos firmiter obtineret*” [sc. *stabilis petra*] (pp. 227, 25-8).

341 Agobard of Lyon, ep. 17, ed. by Dümmler, p. 228, 40-1. No specific indications that the papal ‘chancellery’ was involved can be recognised.

was brewing; it was stirred up by the Frankish clergy, not by the Apostolic See³⁴². We cannot determine to what extent, or even whether the decretals that Radbertus brought with him played a role. The pope's letter certainly makes no reference to them, and Agobert does not seem to have been involved in the forgery. But that is not what is at stake here. What matters is how things were seen and assessed at Corbie.

Radbertus, the author and narrator of the epitaph succeeded his hero at Corbie. "We" – that was Wala himself, one of the most trustworthy supporters of Lothair I, and who had come to Colmar from his place of exile, and Radbertus with his companions from Corbie. This was the same monastery that Pseudo-Isidore came from; this can be proved at least for the programmatic decretal of Pseudo-Julius³⁴³. Its intention, as was that of the whole work, included the reform of the Church, the neutralisation of laic authority within it, the strengthening of the position of the bishops, and thus the reinforcement of papal authority – exactly as Wala had demanded³⁴⁴.

The situation in which recollection took place dictated that in his account Radbertus only emphasised the last aspect: that the pope 1) as regards the Christian mission should go to and send missionaries to all "peoples" for the sake of the peace of the Church and in the name of the "truth"; that he 2) acts with the authority and power of St. Peter; and 3) shall be judged by no one, but sit in judgement over all. These three demands were a direct reaction to the anti-papal activities of Louis' party. All three aspects play a central part in Pseudo-Isidore and his concept of papal primacy³⁴⁵. The "Constitutum Constantini" implicitly promotes the same doctrine, while at the same time complementing it and defining it more precisely; the western half of the Roman Empire was subject to the church's *potestas et dicio* in a very special way – the western half, over which, or rather in which the Carolingian emperors ruled. In this way both forgeries complemented each other. The decretals which Wala and Radbertus are said to have brought with them to the "Field of Lies", and which the pope did not know of³⁴⁶, probably included the first elaborate creation from the forger's workshop, if indeed it wasn't the entire product³⁴⁷.

342 Cf. Theodor Schieffer, *Das Frankenreich unter der Samtherrschaft der karolingischen Dynastie (843-887)*. In: *Handbuch der Europäischen Geschichte 1. Europa im Wandel von der Antike zum Mittelalter*, ed. by Theodor Schieffer, Stuttgart 1976, pp. 596-632, here p. 592.

343 Zechiel-Eckes, *Auf Pseudoisidors Spur* (as above, note 221); Pseudo-Julius (JK †196): *Decreta Iulii Papae Cap. X* [JK †196]. In: *Decretales Pseudo-Isidorianae*, ed. by Hinschius, Leipzig 1863, pp. 464-74, now in: *Zechiel-Eckes, Pseudoisidors Werkstatt* (as above, note 221), pp. 37-90 [edition on pp. 71-88].

344 Hartmann, *Der Primat* (as above, note 321), *passim*.

345 Cf. Hartmann, *Der Primat* (as above, note 321), esp. p. 52 et seqq. and p. 69 et seqq.

346 This is indicated by the context: it is unlikely that the abbot of Corbie will have brought well-known texts to a gathering that included such erudite bishops as Ebbo of Rheims or Agobard of Lyon.

347 This was rejected previously (cf. already Emil Seckel, *Pseudoisidor*. In: *REPTK 16*, Leipzig 1905, pp. 265-307, here p. 276) on the grounds that Gregory IV's answer to the accusations

All previous attempts to justify this thesis have met with stiff opposition. Particular emphasis has been placed on three counter-arguments which, it is claimed, prove that Pseudo-Isidore must be later: 1) the latest source quoted by the forger, the Synod of Aachen in 836, 2) the date at the end of the false decretals uses false capitularies of Benedictus Levita from after 21st April 847³⁴⁸, and finally 3) the first definite appearance of Pseudo-Isidore in the Frankish Empire was not until the mid-9th century, and in Rome not until the reign of Nicholas I (858-867)³⁴⁹. Something other than the history of the forger’s composition and its gradual dissemination may however be responsible for the last objection³⁵⁰.

But there is no need to assume that by 833 all of Pseudo-Isidore’s works (Hispana Gallica Augustodunensis, Benedictus Levita³⁵¹, Capitula Angilramni as

levelled by Louis’ party (cf. below, note 357) do not have any indication that Pseudo-Isidore was used. But – apart from the open question of the chronological relationship between the answer and the handing-over of the decretals – this at best means that the pope did not adopt legal sources unknown to him without examination; cf. Fuhrmann, Einfluss und Verbreitung 2 (as above, note 25), p. 242, note 13. – The text *De primitiva ecclesia et sinodo Nicena* twice quotes the synod of Paris of 829 (Decretales Pseudo-Isidorianae et Capitula Angilramni, ed. by Hinschius, p. 247, a reference to the synod of 836 is unnecessary due to evidence of a second quote from 829, p. 248). – Nor does the contrary assumption bear weight, that Radbert’s “*Epitaphium Arsenii*”, as far as we can tell, includes no quotes from Pseudo-Isidore, as Radbert undoubtedly knew the forgeries to which he himself or his monastery had been party. The reasons why he treated the various types of text differently remains unclear. – Attention should be drawn to a notable parallel: *De prim. eccl. et s. N.* (Decretales Pseudo-Isidorianae et Capitula Angilramni, ed. by Hinschius, p. 249 above) “*Moses (...) cuius typum sacerdotes in aecclesia agere debent*” and Radbert’s *Epitaphium Arsenii*, ed. by Dümmeler, p. 23: *cuius iste fert typum*, p. 83 a comparison with Moses and Radbert’s *Vita s. Adalhardi*. In: Migne PL 120, c. 58, col. 1538A: Adalhard as *alter Moyses*. – On the comparison with Moses in general: Claudia Rapp, Comparison. Paradigm, and the case of Moses in Panegyric and Hagiography. In: *The Propaganda of Power. The Role of Panegyric in Late Antiquity*, ed. by Mary Whitby, Leiden etc. 1998, pp. 277-98.

348 Pseudo-Isidore’s relationship with Benedictus Levita must be reconsidered now that the forger’s modus operandi has been established, and the manuscripts in question with their passages marked to be accepted had been continually available in Corbie. Thus, the authoritative assumption of Seckel, Pseudoisidor (as above, note 347), p. 304 of a multitude of “intermediate sources” as a condition for a non-dependancy of Pseudo-Isidore on Benedict Levita must be revised. Both forgeries could have been produced in the same workshop, using the same sources and the same procedure, by authors who cooperated but worked independently of one another. – It could be significant that Benedictus II, 99 and 101-2 (MGH Capitularia spuria. *Canones ecclesiastici. Bullae pontificum*, ed. by Georg Heinrich Pertz, Stuttgart 1837, p. 78) made use of three of Constantine’s ten laws offered by the “*Actus b. Silvestri*”, cf. Linder, Constantine’s ‘Ten laws’ series (as above, note 238), pp. 506-7.

349 Seckel, Pseudoisidor (as above, note 347), p. 275 and p. 299; Fuhrmann, Einfluss und Verbreitung 2 (as above, note 25), p. 237 et seqq.

350 For example, the papal court might soon have recognised the documents as a forgery, or at least suspected this. Nor need the text have been disseminated quickly throughout the Frankish Empire. There too were scholars who were quick to recognise a forgery.

351 He clothed his false capitularies with a similar confirmation by papal authority as Radbert did the consecration of Lothair I as emperor: Benedictus Levita (as above, note 347 p. 40):

well as the false decretals) had been completed, all these textual manipulations and inventions; nor that the decretals are only related to the later situation in 834/35, when numerous bishops from Lothair's party were removed from office by Louis the Pious, and banished³⁵². Nor should it be expected. The conditions that Pseudo-Isidore criticised had long become established in the Frankish Empire. For a long time now unpopular bishops, even prominent aides to Charlemagne such as Theodulph of Orléans, had been deposed without the proper ecclesiastic legal procedures, and suffered exile³⁵³; Wala, an abbot, had experienced the same fate several years earlier. The only point that can be questioned is whether all of such an extensive project as Pseudo-Isidore's was composed exclusively at Corbie. Work could have been started on it a long time before it was finished and finally published, so that Wala could have presented a few of the forgeries, or early versions of them, to the pope at the "Field of Lies". It is even possible to read into Radbertus' double mention of papal "conscripts" and the "authority of the Holy Father" a veiled reference to Pseudo-Julius' decretal mentioned above, in which previously unknown canons from the first Nicaenum, canons of the "Holy Father", unexpectedly appeared³⁵⁴. Finally, we cannot exclude the possibility that in his account Radbertus may have later claimed that the false decretals had been legitimated by the pope, who had died in the meantime without revealing the truth.

In spite of Radbertus' evidence we do not know how Gregory reacted to the legal documents from his early Christian, holy predecessors which had been "discovered" so suddenly, should he actually have received some of them. Things would be clearer if a decretal from Gregory IV in favour of Aldric of Le Mans were genuine; it fits in with Pseudo-Isidore's intentions, and is composed in much the same manner. Its wording sometimes seems to be reminiscent of the forger's work, which is one of the reasons it is suspected of being a counterfeit. But it is precisely these suspicious moments that could prove its authenticity, so

"haec (...) principum capitula maxime apostolica auctoritate fore firmata"; Epitaphium Arsenii, ed. by Dümmler, p. 76: *consecratio imperialis apostolice sedis auctoritate firmata*; cf. *ibid.*, p. 86.

352 Although this is proposed by Zechiel-Eckes, Pseudoisidors Werkstatt (as above, note 221), pp. 55-60

353 On Theodulf: Elisabeth Dahlhaus-Berg, *Nova antiquitas et antiqua novitas. Typologische Exegese und isidorianisches Geschichtsbild bei Theodulf von Orléans* (KHA 23), Cologne/Vienna 1975, here pp. 16-21; previously, other bishops and clerics had also been charged, deposed and expelled from their seats thanks to the machinations of the laity: cf. Fuhrmann, *Einfluß und Verbreitung 1* (as above, note 25), pp. 144-5.

354 This decretal regularly quotes Ennodius who, as far as is known, at the time was only used by Paschasius Radbertus (while still a deacon). It further alludes to the "*Relatio episcoporum*" from 829, but has no quotes from the synod at Aachen in 836, comp. Zechiel-Eckes, Pseudoisidors Werkstatt (as above, note 221), p. 60, p. 90, p. 89. Moreover, Pseudo-Isidore quoted the "*Libellus pro synodo*" by Ennodius, noting that the pope as the highest of all judges could not himself be judged by anyone (*Decretales Pseudo-Isidorianae et Capitula Angilramni*, ed. by Hinschius, p. 664 et seqq., p. 671).

confirming Radbertus’ judgement, notwithstanding that it would seem to be embedded in an extensive set of forgeries from Le Mans in which the pseudo-Isidorian decretals played no substantial part³⁵⁵. Infact, even the “Constitutum Constantini” may help to settle the question.

Aldric was one of the bishops who supported Louis the Pious the longest. After Louis had capitulated he will have had every reason to look around for a new patron to protect him from accusations. He knew from experience just what Louis’ party would do with the bishops after his renewed triumph; and he could assume that his opponents would do the same. With Wala, and of course Radbertus, Pseudo-Isidore or one of his closest colleagues was in the pope’s immediate entourage; indeed, according to Radbertus he had been summoned to Colmar specially “to assist the highest Pontifex” (“*in adiutorium summi pontificis*”); and in these exceptional and difficult circumstances both of them, with their detailed knowledge of genuine and false decretals, could have been consulted to compose the pope’s letter to Aldric³⁵⁶. One of Gregory’s decretal in fact corresponds to Pseudo-Isidore or the “*Collectio Hispana Gallica Augustodunensis*”, which the forger edited³⁵⁷. That is not particularly surprising

355 The new evidence for the origin of Pseudo-Isidore or parts of his work in Corbie, what is more at such an early date, i.e. probably already in 833 (cf. the text above), urgently demands a new evaluation of JE † 2579 (= *Epistolae selectae Pontificum Romanorum* 14 [Gregory IV to all bishops], ed. by Karl Hampe. In: MGH Epp. 5, Berlin 1899, pp. 72-81), the genuineness of which is still open to doubt. In the introduction to his edition of Pseudo-Isidore Hinschius, (*Decretales Pseudo-Isidorianae et Capitula Angilramni*, pp. clxxxvii-cxcv, no. 5) had already collated the arguments for it being a counterfeit; on the state of recent research, cf. Fuhrmann, *Einfluß und Verbreitung* 2 (as above, note 25), pp. 241-2, note 13. Hinschius’ arguments for forgery which go beyond Pseudo-Isidore do not appear water-tight to me. Walter Goffart, *Gregory IV for Aldric of Le Mans (833): A Genuine or Spurious Decretal?* In: *Medieval Studies* 28 (1966), pp. 22-38 tried to produce evidence for the authenticity of the piece. Goffart referred to the fact that one branch of the textual tradition of the decretal points to Rome as early as the 10th century (though not necessarily to the register of Gregory IV); Robert Benson, *Plenitudo potestatis: Evolution of a formula from Gregory IV to Gratian*. In: *StG* 14 (*Collectanea Stephan Kuttner* 4), Rome 1967, pp. 193-218 regards the decretal as authentic. For the Le Mans forgeries and Pseudo-Isidore cf. Fuhrmann, *Einfluß und Verbreitung* 1 (as above, note 25), pp. 192-3, note 123; on the historical context recently: Margarete Weidemann, *Geschichte des Bistums Le Mans von der Spätantike bis zur Karolingerzeit. Actus Pontificum Cenomannis in urbe degentium und Gesta Aldrici* (Römisch-Germanisches Zentralmuseum. Forschungen für Vor- und Frühgeschichte. Monographien 56, 1-3), 3 volumes, Mainz 2002.

356 *Epitaphium Arsenii*, ed. by Dümmler, p. 81 (for the quote) and p. 83. Agobard of Lyon was probably involved in drafting the pope’s letter to the bishops of Louis (Agobard, archbishop of Lyon, *Epistola* 17. In: MGH Epp. 5, Berlin 1899, pp. 228-32); the only remaining copy of it came from his estate. The objections of Boshof, *Erzbischof Agobard von Lyon* (as above, note 340), pp. 225-8 to the contrary (Agobard did not want any “increase of the papacy’s power”, p. 227) do not seem compelling to me. Boshof here ignored Agobard’s letter no. 16. (MGH Epp 5, p. 226-8) to Louis the Pious and its statements on the papal primacy: “*si autem pro quiete et pace populi [sc. papa venit] (...) obtemperandum est illi*”. In this exceptional situation Agobard will also have wanted to see the papal primacy strengthened.

357 The correspondence with the *Augustodunensis* was pointed out by Goffart, *Gregory IV for Aldric of Le Mans* (as above, note 355), pp. 36-7; on the availability of this *Collectio* in Corbie,

given the role that Corbie played for Pseudo-Isidore. But perhaps Aldric learned to value Pseudo-Isidore's help on this occasion.

Be that as it may, we must return to the "Constitutum Constantini". Pseudo-Constantine's conception of the Roman Patriarchate submitting all cities and provinces of the West to the *potestas* and *dicio* of the popes and the Roman Church (I. 264-5) provided the ideal legal foundation for the novel ecclesiology of this fourth Gregory, which promulgated the letter for Aldric. Employing a quote from Leo the Great, albeit tailored to suit his intentions, this Gregorian doctrine granted to churches of the Latin West (the letter is addressed to the "*coepiscopis per Galliam, Eoropiam, Germaniam et per universas provintias constitutes*") the *Vices* of the Roman Church, which granted "participation in the care" but not "the entirety of the judicial authority": "*in partem sint vocate (sc. aliae ecclesiae) sollicitudinis, non in plenitudinem potestatis*"³⁵⁸. Thus by Gregory's pronouncement in favour of Aldric of Le Mans the Pseudoconstantinianum had, for the first time, an effect on the shaping of ecclesiastic and political reality.

Is Pseudo-Constantine's Constitution also connected with Corbie and St-Denis, and Pseudo-Isidore's workshop? This was indeed probably the case, in spite of the fact that the vocabulary, style and dramatic technique of the three or four texts – "Constitutum Constantini", "*Epitaphium Arsenii*", Pseudo-Isidore's decretals, and Gregory's *Litterae* in favour of Aldric of Le Mans – were very different. But the "authors" of the forgeries need not have been the same single individual in every case in order to have been planned together, to have had the same reforming intentions outlined here, to have pursued the same goals and to have assisted each other. As a result the methods of forgery used in both counterfeits, the "Constitutum" and the Decretals, were identical. But too little attention was paid to this in the past, too certain was the Roman origin and an 8th-century date for the Pseudoconstantinianum. What is more, the formal differences

at least for the second half of the 9th century, cf. Fuhrmann, Einfluß und Verbreitung 1 (as above, note 25), p. 195 note 1; idem, Stand, Aufgaben und Perspektiven der Pseudoisidorforschung (as above, note 25), p. 257, note 74 (for the Cod. Vat. lat. 1341). The letter of defence that Gregory had previously sent to Louis' bishops, did not contain the slightest allusion to the false decretals; on this letter, see above, note 347. – It cannot be determined whether Gregory IV's letter of justification to Louis' bishops was composed before or after the arrival of Wala and Radbert. – I doubt that Florus of Lyon (for Amulo, archbishop of Lyon, Ep. 2, ed. by Ernst Dümmler. In: MGH Epp. 5, Berlin 1899, pp. 368-78, here pp. 371, 3-5) was actually speaking of the Pseudo-Isidorean decretals, as assumed by Zechiel-Eckes, Auf Pseudoisidors Spur (as above, note 221), p. 1 with note 2 and p. 10 with note 32. This may be possible, but since it is only a possibility it has no weight as evidence. The difficulties of its interpretation are discussed in Fuhrmann, Stand, Aufgaben und Perspektiven Pseudoisidorforschung (as above, note 25), pp. 254-6 note 67, who rejects Zechiel-Eckes' interpretation.

358 JE † 2579 = *Epistolae selectae Pontificum Romanorum* 14 [Gregory IV to all bishops], ed. by Karl Hampe. In: MGH Epp. 5, Berlin 1899, pp. 72-81. As for the interpretation of the quote from Leo I (in Gregory's decretal, p. 74, 8-9) I follow Benson. Cf. above, note 355.

and differences of content between imperial privilege and ecclesiastic law could well have been intended.

The mosaic-like technique of the “Constitutum Constantini” corresponds to the method of composition employed in the false-decretals, but not its subject and wording. The creator of the “Constitutum Constantini” used here and there snippets of text he had gleaned, his own and from others, invented and genuine, short and long, just as Isidore Mercator did. Paul Scheffer-Boichorst once mocked that he found such an idea of patching the text amusing³⁵⁹ – and for a while colleagues were convinced and accepted his verdict. But Wilhelm Levison managed to demonstrate how the Pseudo-Constantinian work knitted together both versions of the “*Actus b. Silvestri*”³⁶⁰, and Wolfgang Stürner showed how the same technique was used to create Constantine’s creed³⁶¹. But that is not all: it is now clear that the invocation of the invented constitution drew on the invocation of the Roman Synod of 798³⁶²; its “Intitulatio” opened with elements of the imperial titles from Charlemagne’s “*Divisio regnorum*”, followed by reminiscences of the “*Ludovicianum*” (or precursors, which have not survived)³⁶³, and closed with a phrase from the Roman Synod of 769³⁶⁴. The scattered snippets from the “*Codex Carolinus*”, if indeed they are to be interpreted as such³⁶⁵, on the whole just turns of phrase, have long been recognised. But the wrong conclusions were drawn: this does not prove a common origin in the papal chancellery, but merely that the forger knew the relevant papal letters. They also referred to Constantine’s exemplary role as benefactor of the Church³⁶⁶. About 833 all of these texts were available in the milieu of the Frankish court and the imperial chancellery, and so also to Hilduin of St-Denis.

It is at St-Denis that the separate text of the “*Constitutum Constantini*” is recorded for the first time. There the most important manuscripts involved in its compilation were available, which still exist even today (for example Paris BN lat. 11611). Its abbot certainly had access to the “*Codex Carolinus*”, as will be shown below³⁶⁷, and so to examples of the ‘old’, ‘Roman’ style that could indeed have influenced the wording of the forgery. Those at St-Denis thought that they

359 Scheffer-Boichorst, *Neuere Forschungen über die Konstantinische Schenkung* (as above, note 7), p. 22.

360 Levison, *Konstantinische Schenkung und Silvester-Legende* (as above, note 7), p. 458-64.

361 Stürner, *Die Quellen der Fides Konstantins im Constitutum Constantini* (as above, note 205), *passim*.

362 Hehl, 798 (as above, note 116); however, Hehl had assumed that the influence was in the other direction.

363 806: above p. 73 and note 230; “*Ludowicianum*”: above, note 124.

364 Cf. above p. 73.

365 Fuhrmann’s reservations on the matter (as above, notes 7 and 100) must still be taken into consideration. They have been strengthened by the increasing attention paid to corresponding parallels by Fuhrmann himself and others (cf. also above p. 37 seq. on *illuminator* or below p. 107 on *usque in finem*).

366 Cf. the letter of Pope Hadrian I to Charlemagne from 778, above, note 166.

367 Cf. below p. 107 seq.

understood the meaning of the white horse rugs, as well as the *subtulares* with their white stockings, for the pope had once granted their abbot the right to make use of them and wear them. The privilege which granted this is only recorded in the same formulary that reproduced the “Constitutum Constantini” and the other formulary that used *potestas et dicio* (Paris BN lat. 2777)³⁶⁸, to which we have frequently referred. It is possible that it was mistakenly believed there that the entire Roman clergy wore the same ceremonial shoes. Finally, the knowledge of Greek that is apparent in the pseudo-Constantinian creation was at home in St-Denis. But it was from Corbie that with Pseudo-Isidore the “Constitutum” began its triumphal procession.

Its programme explicitly stated that the entire Latin West had been transferred to the personal ecclesiastic jurisdiction of the Bishop of Rome (and not of the “Apostolic See”), and this was of enormous relevance at the time. As could be shown³⁶⁹, it demonstrates an awareness of terms and phrases that was quite familiar in St-Denis. The “shift of accentuation to the personal” that is typical of the “Constitutum”, and which Nikolaus Gussone so aptly described³⁷⁰, is typical of the Frankish view of matters and contemporary political conditions. It was claimed that the entire Frankish Empire was subject to the ecclesiastic authority of the Roman bishop – and that its exercise did not need an invitation from the Frankish Emperor. The detailed “Sanctio” of the forgery (l. 277-92), with its appeal to the “living God” and “his dreadful Judgement”, explicitly demanded “all the emperors our successors, and all the nobles, the satraps also, the most glorious senate, and all the people in the whole world, now and in all times still to come subject to our rule” (“*omnes nostros successores imperatores vel cunctos optimates, satrapes etiam, amplissimum senatum et universum populum in toto orbe terrarum nunc et in posterum cunctis retro temporibus imperio nostro subiacenti*”), in other words all present and future holders of office and power, not to disobey the imperial (Constantinian) command in any way (*nulli quoque modo*).

The doctrine of primacy expressed in the document corresponds to Frankish views, and did not contradict Pseudo-Isidore; both texts extended the primacy to include the East³⁷¹, but the West was subject to a special form of papal jurisdiction in the pope’s role as Patriarch of the West. The situation this produced was intended to have an immediate effect on the ‘politics’ of the emperors and kings, of the bishops and the secular powers, and to strengthen an institution that existed to watch over the unity and the Christianisation of the Empire. Pseudo-Isidore articulated similar intentions with a different vocabulary

368 JE 2330 (Stephen II., Epistola IX [to Fulrad, abbot of St-Denis]. In: Migne PL 89, Paris 1850, col. 1013-17, here col. 1017); cf. above p. 59 with note 187; cf. Grauert, *Die Konstantinische Schenkung* 4 (as above, note 132), pp. 77-8.

369 Cf. above, p. 40 with note 121.

370 Gussone, *Thron und Einsetzung des Papstes* (as above, note 155), p. 163.

371 Hartmann, *Der Primat* (as above, note 321), p. 69 et seqq.

and with other concepts – by strengthening the rights of bishops and popes – even if he also pursued other goals beyond this.

Could it be that perhaps Wala of Corbie or Hilduin of St-Denis – either one of them alone, or both together – could have been the author of the “Constitutum”? I would not like to exclude this possibility, even if any answer can be no more than hypothesis and speculation, and the origin of the document has left only indistinct traces. Both abbots knew Rome and conditions there well. In Corbie the “*Actus b. Silvestri*” (which the “Constitutum Constantini” quoted word for word) were held in the highest of esteem. Before Wala, his brother and predecessor, Adalhard, had chosen Sylvester’s ideal of poverty, and was a close confidant of Pope Leo III. Adalhard’s biographer, Paschasius recalled this in 826³⁷² and it was during Leo’s reign that the papal *Palatium Lateranense* was mentioned for the first time³⁷³. When Pseudo-Isidore’s work was finished, and became public, it was Radbertus who was forced out of office as abbot.

Hilduin was also highly respected in Rome: his monastery had a hospice there at St Peter’s³⁷⁴. In 826/27 he is said to have planned to translate certain relics of Sylvester to his monastery St-Médard in Soissons, although in the end the relics of Sebastian went there; he had studied the Acts of Sylvester for his own writings, and so Pope Sylvester was familiar to him³⁷⁵. As a supporter of Lothair I he finally had to give up office as abbot on Louis the Pious’ death in 840, but probably became Archbishop of Cologne (but where he was unable to assert his authority) and Lothair’s chancellor (844-855)³⁷⁶. This could explain why the

372 Paschasius Radbertus, *Vita s. Adalhardi Corbeiensis abbatis*. In: Migne PL 120, Paris 1852, col. 1507-1556, here c. 22, col. 1519-20. On the vita most recently: Johannes Staub, *Die Corveyer Überlieferung der Adalhardvita des Paschasius Radbertus. Mit Edition ihrer metrischen und rhythmischen Textzusätze*. In: *Scripturus vitam. Lateinische Biographie von der Antike bis in die Gegenwart. Festgabe für Walter Berschin zum 65. Geburtstag*, ed. by Dorothea Walz, Heidelberg 2002, pp. 747-54. – On Adalhard: Brigitte Kasten, *Adalhard von Corbie. Die Biographie eines karolingischen Politikers und Kloostervorstehers (Studia humaniora 3)*, Düsseldorf 1986; his appreciation in Rome: Fried, *Ludwig der Fromme, das Papsttum und die fränkische Kirche* (as above, note 143), here pp. 263-4.

373 Cf. above p. 84-86.

374 Cf. above, notes 224 and 226, formula 6.

375 Fried, *Ludwig der Fromme, das Papsttum und die fränkische Kirche* (as above, note 143), p. 259, p. 263; *Epistolae Variorum* 20 [Hilduin of St-Denis to Louis the Pious]. In: MGH Epp. 5, ed. by Ernst Dümmler, Berlin 1899, pp. 327-35, here p. 332, no. 20; comp. Ewig, *Das Bild Constantins* (as above, note 168), note 193. – On the report of the translation by Odilo of Soissons, cf. Matthias M. Tischler, *Einhalts Vita Karoli. Studien zur Entstehung, Überlieferung und Rezeption (MGH Schriften 48,1-2)*, 2 volumes, Hanover 2001, vol. 2, pp. 1169-72. – On the relationship between St-Denis and Rome, which go back to the 8th century: Alain J. Stoclet, *Les établissements francs à Rome au VIII^e siècle: Hospitale intus basilicam beati Petri, domus Nazarii, schola Francorum et palais de Charlemagne*. In: *Haut Moyen Âge. Culture, éducation et société. Études offertes à Pierre Riché*, ed. by Michel Sot and Claude Lepelley, Paris 1990, pp. 231-47.

376 The identification of Hilduin of St-Denis with the “*Colonice ecclesie vocatus archiepiscopus*” and Lothair’s chancellor is controversial; for a summary of the discussion, cf. Theodor Schieffer, *Die Urkunden Lothars I*. In: MGH DD Karolinerum 3, Berlin/Zürich etc. 1966, pp. 1-

“Codex Carolinus” suddenly appears in the possession of Willibert Archbishop of Cologne (870-889), the only surviving copy of the 8th-century collection of letters from the popes to the Carolingians that must have been copied directly from the ‘original codex’ (Vienna lat. 449³⁷⁷). In other words, the only textual traditions for the letters whose ‘Roman’ style could have influenced the “Constitutum Constantini”³⁷⁸ points to Hilduin of St-Denis, the ex-archchaplain of Louis the Pious, and who undoubtedly had access to the original codex of papal letters assembled in 791³⁷⁹. What is more, he was not afraid of unscrupulously inventing historical facts, texts and textual traditions; he had been the first to connect St-Denis, once Bishop of Paris, with Dionysius Exiguus of Athens, who is recorded to have conversed with St Paul in the Acts of the Apostles³⁸⁰.

There are more substantial clues. Particularly revealing is the fact that the “Constitutum Constantini” used not ‘usque ad finem’ but instead “*usque in finem*” (l. 8, 217-8, 278), which was normal in papal letters of the 8th century³⁸¹.

365, here pp. 19-21; also Ernst Tresp, *Die Überlieferung der Vita Hludowici imperatoris des Astronomus* (MGH Studien und Texte 1), Hanover 1991, pp. 142-3 (the elder Hilduin), pp. 146-7 (the younger Hilduin), p. 147 (a third Hilduin, probably identical to the elder). However the problem of this identification is yet to be solved, Hilduin ‘of Cologne’ was definitely related to the abbot of St-Denis (Schieffer, loc. cit., p. 19). However, the reference to the Viennese manuscript of the “Codex Carolinus” in the text above probably indicates he was identical with the older Hilduin.

377 On the manuscript: *Codex epistolaris Karolinus*. Österreichische Nationalbibliothek Codex 449 (Codices selecti phototypice impressi 3). Einleitung und Beschreibung Franz Unterkircher, Graz 1962; Achim Thomas Hack, *Codex Carolinus. Päpstliche Epistolographie im 8. Jahrhundert* (Päpste und Papsttum 35, vol. 1 and 2), Stuttgart 2006, here pp. 78-82 (the genesis of the „Constitutum Constantini“), pp. 83-93 (about the manuscript – that Hack takes to be the original of 792 – which is for paleographic reasons impossible).

378 Cf. above pp. 104-107.

379 On Hilduin as archchaplain: Otto Dickau, *Studien zur Kanzlei und zum Urkundenwesen Kaiser Ludwigs des Frommen. Ein Beitrag zur Geschichte der karolingischen Königsurkunden im 9. Jahrhundert* (Teil 2). In: *AfD* 35 (1989), pp. 1-170, here pp. 109-11. Plotzek, *Zur Geschichte der Kölner Dombibliothek* (as above, note 192), p. 20-1 refers to several manuscripts in Cologne from the milieu of Charlemagne’s library. – But it should be kept in mind that Hilduin’s predecessor as chaplain, Archbishop Hildebald of Cologne, could also have procured a copy of the “Codex Carolinus”, yet (because of its younger hand) not the Vienna-manuscript.

380 Cf. Heinz Löwe in: *Die Karolinger vom Tode Karls des Großen bis zum Vertrag von Verdun* (Deutschlands Geschichtsquellen im Mittelalter 3), ed. by Wilhelm Wattenbach and Wilhelm Levison, revised by Heinz Löwe, Weimar 1957, pp. 318-21.

381 On this usage, cf. Fuhrmann, *Das frühmittelalterliche Papsttum und die Konstantinische Schenkung* (as above, note 7), p. 276 with note 48. Of indirect interest is perhaps the fact that the phrase “*usque in finem seculi*” is also to be found in a document of 850 from Charles II for Rheims (*Actes de Charles II. le Chauve* 130 [26th may 850]). In: *Recueil des actes de Charles II. le Chauve roi de France* 1, ed. by Georges Tessier, Paris 1943, pp. 340-2), which Flodoard (*Die Geschichte der Reimser Kirche*, ed. by Martina Stratmann [MGH SS 36], Hanover 1998, III, 4, p. 197) records. The text of the preliminary document of Louis the Pious (*Geschichte der Reimser Kirche* II, 19 p. 179-80), also only recorded by Flodoard, does not contain it. Apparently, we are dealing here with a regional usage. The “Ludowicianum” of 817 also complies with this, comp. above, note 124.

The phrase is to be found again in a ‘working copy’ of Pseudo-Isidore (Vatican, Bibl. Apost. Pal. Lat. 1719, early 9th century), in which the forger marked the passage to be excerpted with the relevant comments for the excerptor: “*hic us(que) in fine(m)*”³⁸². Hilduin’s entourage included Greeks, whose knowledge of the language was rare in the West at the time, and could well have found its way into Constantine’s false Constitution³⁸³. Even the (superficial) knowledge of Byzantine imperial insignia apparent in the “Constitutum Constantini” is not surprising for Franks who remained in regular diplomatic contact with the basileus.

There is a more direct link between St-Denis and Corbie in another working copy of Pseudo-Isidore, Paris BN lat. 11611³⁸⁴, according to Bernhard Bischoff it was penned in the first third of the 9th century, probably in the scriptorium of St-Denis, but then found its way into the library at Corbie, where other texts were incorporated into it and used by the forger of the false decretals³⁸⁵. We have already seen this manuscript when we were analysing the “Fides Constantini” in Pseudo-Constantine’s Constitution. Around 830/33, or soon thereafter, there seems to have been an extensive exchange between the two monasteries that led to the production of Pseudo-Isidore, and in the process to the creation at one of them of the “Constitutum Constantini”. However, it was the political constellation at the time that imbued the vociferous proclamation of the authority of the Universal Church and the patriarchy of the “universal pope” with such enormous political relevance. It equated the Bishop of Rome with the emperor, but without making him a western or co-emperor; it put him on a par beside the emperor in Church affairs, matters concerning the peace and unity of the Christian Empire (which was, at the same time, a duty to ensure peace), and where necessary in opposition or even above him.

382 Recognised as a source of excerpts for Pseudo-Isidore by Zechiel-Eckes, *Auf Pseudoisidors Spur* (as above, note 221), p. 8 and pl. p. 27. The origin of the copy is not known.

383 Hilduin was the originator of the translation of the writings of Pseudo-Dionysius Areopagita: *Epistolae Variorum* 20 [Hilduin of St-Denis to Louis the Pious]. In: *MGH Epp.* 5, ed. by Ernst Dümmler, Berlin 1899, pp. 327-35; cf. Bernhard Bischoff, *Das griechische Element in der abendländischen Bildung des Mittelalters*. In: idem, *Mittelalterliche Studien. Ausgewählte Aufsätze zur Schriftkunde und Literaturgeschichte* 2, Stuttgart 1967, pp. 246-75, first published in: *BZ* 44 (1951), pp. 27-55. On the knowledge of Greek of the author of the “Constitutum” cf. Loenertz, *Constitutum Constantini* (as above, note 185), p. 217, p. 244. Generally: Walter Berschin, *Griechisch-lateinisches Mittelalter. Von Hieronymus zu Nikolaus von Kues*, Bern/Munich 1980.

384 Recognised as such by Zechiel-Eckes, *Ein Blick in Pseudoisidors Werkstatt* (as above, note 221), *passim*.

385 According to Bischoff, *Hadoardus* (as above, note 310), the manuscript is not a work of the scriptorium of Corbie; cf. Fuhrmann, *Stand, Aufgaben und Perspektiven der Pseudoisidorforschung* (as above, note 25), pp. 227-62, here pp. 236-7 with note 26. According to Ganz, *Corbie*, p. 69 the codex was “Corbie-owned”. According to Zechiel-Eckes (*pers. comment*), it was supplemented with further texts in Corbie.

So the circle closes: Radbertus and Wala took a number of forgeries with them to the “Field of Lies”, and used them to support Pope Gregory against the attacks of Louis the Pious’ party. Hilduin of St-Denis appears to have assisted the forger, for at least one manuscript from his monastery was used as a working copy of Pseudo-Isidore and remained in Picardy. The same manuscript could have been used to dress up the “Constitutum Constantini”³⁸⁶. How exactly this all happened must remain open, but Hilduin certainly enjoyed counterfeiting papal documents. In 835 he was commissioned by Louis the Pious (with whom he had reached agreement) to write the account of a vision that Pope Stephen II was supposed to have had when he visited the monastery of St-Denis in 754. The pope had fallen fatally ill there, but recovered having had the vision, and in his gratitude dedicated an altar there to the Prince of the Apostles – the formula for a document from the same Stephen is to be found in the St-Denis formulary (no. 12) immediately after the “Constitutum Constantini” (no. 11). And the report of the dedication of the altar has vague similarities with the pseudo-Constantinian constitution, as even that stern critic Wilhelm Levison has admitted³⁸⁷.

386 Cf. above, note 385.

387 Ex Hilduini abbatis libro de Sancto Dionysio. In: MGH SS 15,1, ed. by Wilhelm Wattenbach, Hanover 1887, pp. 2-3. See Wilhelm Levison, Zu Hilduin von St.-Denis. In: ZRG Kan. Abt. 18 (1929), pp. 578-90, again in: idem, Aus rheinischer und fränkischer Frühzeit. Gesammelte Aufsätze, Düsseldorf 1948, pp. 517-52, here p. 529; on the context, see David Luscombe, Denis the Pseudo-Areopagite in the Middle Ages from Hilduin to Lorenzo Valla. In: MGH Fälschungen im Mittelalter 1. Internationaler Kongreß der Monumenta Germania Historica, München, 16.-19. September 1986. Kongreßdaten und Festvorträge, Literatur und Fälschung (Schriften der MGH 33,1), Hanover 1988, pp. 133-52, here pp. 137-41.

VII. Conclusions

Even forgeries have their place in history. They are not just the product of coincidence, but generally presuppose social or political conflicts, dissent over norms, arguments about the use or control of power, diverging aims or serious omissions, religious controversies and discourses. Lacking a concrete addressee and without any recognisable political constellation or current conflict, it seemed previously impossible to put the “Constitutum Constantini” into any such context. But at least we can now suggest a hypothetical connection with a highly dramatic situation. It opens a window on contemporary ways of seeing the world. The forgery was not written to be stored for future use at an unknown date; it articulated the criticism of its age of a particular ‘political’ party in the Frankish Empire, and explained its members’ concept of the rightful order in the world, that is one that was pleasing to God. Its reference point was canon, not secular law, partly, or even precisely because the actions it described were those of an emperor. It created no new law, even if subsequently it was to play a leading role in the development of new doctrines.

The forged decree was compiled among the circle of Franks who, late in the reign of Louis the Pious, sought to reform the empire. It was the same circle that initiated the magnificent forgeries of Pseudo-Isidore. This is clear from a detailed analysis of elements in the text of the “Constitutum” which do not reflect Roman practice, as well as of the extant working-manuscripts of Pseudo-Isidore. The forger was indeed “the first to make the Donation of Constantine known to a wider public”, wherever it may actually have been written originally. Directly or indirectly, his creation inspired Pope Leo IX, the later canonists including Paucapalea, and the “Decretum” of Gratian, which was enriched with the two “*paleae Constantinus*” (D. 96, c.14 and c.13)³⁸⁸. Apart from a few abbreviations, this “public” for a long time maintained the wording of the pseudo-Constantinian constitution. But with the centuries the meaning of the Pseudoconstantinianum shifted; the central Carolingian terms *potestas* and *dicio*, as the joint term *potestas et dicio*, which was just as old, no longer referred to Episcopal jurisdiction and papal protection as it had done, but assumed instead another meaning that was derived from Roman law, dominion and property. In the High and Late Middle Ages any deviations from the normal legal practices of

388 Fuhrmann, *Das frühmittelalterliche Papsttum und die Konstantinische Schenkung*, (as above, note 7), p. 259.

the 8th/9th century as actually described in the document will happily have been attributed to its extreme age.

This opened the way for a fundamentally different interpretation of the law of dominion and property in the supposedly imperial edict. It was understood as a comprehensive “donation” to the pope, first of all of the Western Empire, of the “imperial power” (*potestas*), finally of the *Regnum* itself. As we have already seen, this reinterpretation was the work of the second half of the 11th, and above all of the 12th century, a time when the study of Roman law was developing, and which coincided with the establishment of the canonistic doctrine of the pope as the true emperor and lord of all men and things, the *dominus naturalis omnium*. Constantine’s “Donation” now unfolded its woeful effects that were analysed above in the chapter on the discourse of memory up to Wycliffe, Valla, Torquemada, and Luther; a discourse that distorted the original wording and misled modern scholarly discussion. Frederick II, the last emperor of the Staufen dynasty, fell victim to it. Political and scholarly action was dictated not by texts, but by prejudices and intentions that were dependent on the interpretation of the text and the memories that were shaped to fit it. Memories interpret, explain, even constitute experienced reality, and take on whatever form they want; cultural memory was eclectic in what it wished to preserve, and by remembering it interpreted³⁸⁹.

But who did the deed? The answer is, we do not know, although here and there we can get close to him. What has been presented here, and how could it be otherwise for a period with such poor sources, is to a great extent hypothesis. To this extent it is no worse than other theories about Pseudo-Constantine’s constitution. But great care has been taken to distinguish between Constantine’s deplorable “Donation”, an invention of the 12th century, and the original wording of the “Constitutum Constantini”, which is not normally the case. Furthermore, this leads to a new perspective: instead of assuming that the forgery had its origins in the Roman Patriarchium, it is attributed to the milieu of the opposition to Louis the Pious about 830/833 (which does not exclude the following years), to Frankish reform of the empire instead of Roman self-interpretation and presumptuousness. Finally attention is drawn to cooperation between Hilduin and Wala or Paschasius Radbertus, perhaps between the forger of the “Constitutum Constantini” and Pseudo-Isidore; even if it is not yet possible to reconstruct exactly how and when this cooperation took place, and the man who actually penned the pseudo-Constantinian text remains anonymous.

Nevertheless, once various details that are ‘irrelevant’ to the main content of the forgery had betrayed that the figure of memory in the “Constitutum Constantini” was not to be placed close to Rome, this led to a different chronological identification and interpretation of the context of the infamous forgery and its practice of memory to that which is usually accepted. The forger’s

389 On this, cf. Fried, *Der Schleier der Erinnerung* (as above, note 17).

indulgence in ‘Roman’ phraseology, which was perhaps intended to give an impression of antiquity, could have been achieved by anyone with a modicum of stylistic talent and who, like Hilduin of St-Denis, had access to the relevant model, the “Codex Carolinus”. There are two “termini post quos” for its date that quite clearly point to the 9th century: as far as we can tell, the name *Palatium Lateranense* for the papal palace belongs to the years after Leo III and Charlemagne, and Constantine’s triumphal title probably did not become current until after 830/831.³⁹⁰

The interpretation quite consciously takes into account the change in meaning of the central concepts *potestas* and *dicio* between the 9th and the 11th/12th century; it takes into account that memory is always ready to modulate what has been handed down and to transfer it into a different context of needs to the original one, and reinterprets it accordingly. Thus spiritual authority became secular authority, a king’s crown, all the *Regna* in of West, “the entire empire”. It also takes into account that the text was subject to small-scale manipulations – for example “some islands” became “all islands”. In other words,; the collective cultural memory had undermined the original meaning of the forgery, and distorted it. This interpretation demanded that the distortions be traced back to their origins and placed in context with the original meaning of the concepts. This in turn demonstrated that although the forger’s Constantine had granted the pope the universal episcopate as well as patriarchal authority in the West of the Roman Empire, and as far as secular legal power was concerned, only “power” over the City of Rome.

This all has far-reaching consequences for the 8th and 9th centuries, for the broader history of Europe, of papal authority and of the ‘States of the Church’ which cannot be discussed here. But such a new interpretation should not let itself be irritated by the medieval exegetes, whose voices were heard at the beginning and who, via the works of Lorenzo Valla and Martin Luther, even to the present day justified the exegetic prejudices which made of the Frankish “Constitutum Constantini” the infamous “Donation of Constantine”. Instead it returns from the secular back to the world of ecclesiastic law; it places the invention in the context of the history of the disintegration of the Frankish Empire instead of the milieu of the Roman church in the 8th century; and attributes it to the murderous struggles for the succession within the empire of Charlemagne, for the unity and the division of the Carolingian *imperium*, for the birth of new empires and peoples, for a new world order. These were struggles in which the highest ecclesiastic dignitaries in the Frankish Empire, the archbishops, the bishops and the large

390 It is quite clear that on the basis of the hypothesis presented here the famous mosaics in Leo III’s triclinium (cf. e.g. Johannes Fried, *Papst Leo III. besucht Karl den Großen in Paderborn oder Einhards Schweigen*. In: *HZ* 272 [2001], pp. 281-326, here pp. 317-8) must be reinterpreted. The scene is not a reference to the first Christian emperor’s donation, but emphasises (if indeed Costantine was ever illustrated, see above, note 196) the community committed to serve Christ and the Prince of the Apostles.

monasteries played a leading part, and to whom the popes time and time again issued words of warning for the sake of peace. In fact this interpretation places the forgery in the context of the boundary that Carolingian theologians and canonists drew between the king's power and episcopal and papal authority, between *regnum* and *sacerdotium*. It was now at the centre of their efforts to reform the church and the Frankish Kingdom. Seen in this way, the infamous "Constitutum Constantini" spoke the language of hope and not that of greedy lust for power; it was not a "pretty, fat, bloated, well stuffed and thoroughly papal lie", but the desperate attempt to save a declining empire, unable to prevent the rise of a new world.

Appendix A: The Satraps of Constantine by Wolfram Brandes

The following pages highlight a seemingly peripheral aspect of the question on the dating and provenance of the “Constitutum Constantini”. They are a result of studies on the titulature of magistrates in Early-Medieval Byzantium and contemporary Latin Europe.¹ In this context I have also done some research on the title of satrap; this occurs in Justinian legislation, Procopius of Caesarea, in a (supposed) “Letter of the Eastern Patriarchs” to the Byzantine Emperor Theophilus (829-842), as well as in a number of saints lives in the second phase (815-843) of the so-called Byzantine iconoclasm.² Starting from these mentions I came across the usage of the title of satrap for high-ranking officials of Emperor Constantine in the “Constitutum Constantini”. Encouraged by the parallel research performed by Johannes Fried, the results of which can be found in this volume, I continued to pursue this subject, which, finally, led to this short appendix.

This is simply an addition to the argumentation of Fried, seeking to reinforce his line of reasoning. Here I shall merely attempt to find passages in the text of the “Constitutum Constantini” which do not necessarily (as is still nearly continuously claimed by researchers) indicate a Roman origin and which do not present compelling proof for a dating into the second half of the eighth century.

There are three instances (II, 119, 158, 282) of the “Constitutum Constantini” mentioning of the term *satrapa*.³ The first one, based on the Late-antique “*Actus b. Silvestri*”,⁴ has the forger himself stating: “(...) *Quas dum aspicerem et eorum,*

1 Wolfram Brandes, *Finanzverwaltung in Krisenzeiten. Untersuchungen zur byzantinischen Administration im 6.-9. Jahrhundert* (Forschungen zur byzantinischen Rechtsgeschichte 25), Frankfurt/Main 2002.

2 On this topic, see Heinz Gauer, *Texte zum byzantinischen Bilderstreit. Der Synodalbrief der drei Patriarchen des Ostens von 836 und seine Verwandlung in sieben Jahrhunderten* (Studien und Texte zur Byzantinistik 1), Frankfurt/Main etc. 1994, eg. ch. XIII/2 (p. 96 – “satraps” with a distinctly negative connotation); see also Marie-France Auzépy, *La Vie d’Étienne le Jeune par Étienne le Diacre* (Birmingham Byzantine and Ottoman Monographs, 3), Aldershot 1997, p. 193 with note 69, for further evidence. Only towards the end of the tenth century do *σατράπαι* appear commanding “barbarian” troops in Byzantine service. See Nicolas Oikonomidès, *Les listes de préséance byzantines des IX^e et X^e siècles*, Paris 1972, p. 333 with note 269.

3 The citation is according to the edition of Horst Fuhrmann, *Das Constitutum Constantini*, reprinted in the appendix of this volume (pp. 129-137).

4 On this topic see Fried in this volume, pp. 105 seq. The passage of the text in question tells of a vision Constantine had in a dream. With the aid of pictures (i.e. icons), Silvester was able to

quos in somno videram figuratos, in ipsis imaginibus cognovissem vultus, ingenti clamore coram omnibus satrapibus meis confessus sum eos esse, quos in somno videram" (ll. 117-119).⁵ And in a further quote: "(...) *iudicavimus una cum omnibus nostris satrapibus et universo senatu, optimatibus etiam et cuncto populo Romano (...)*" (ll. 157-159). The third instance, actually featuring the satraps, talks of "*omnes nostros sucessores imperatores vel cunctos optimates, satrapes etiam, amplissimum senatum et universum populum (...)*" (ll. 281-283).⁶

In general it can be said that the "satraps" referred to here are reckoned as being among the upper echelons of the empire, in a parallel to the *optimates* and the members of the senate. Thus, they receive a positive (or a neutral) assessment. In any case they do not play a negative role. Their mention was obviously taken as a matter of course and required no further explanation.

The title (the description of office) of *satrapa* is used here as a synonym to *optimates*. This circumstance already would seem dubious, and indeed, Lorenzo Valla has taken offence to the usage, emphasising the fact that this is unthinkable for the time of Constantine.⁷ However, it is also highly unusual for later centuries.

But how could it have been possible for Constantine the Great to have been endowed with an entourage of "satraps"? In the eighth and ninth centuries "satraps" were known from Persian history (from the Achaemenids to the Sassanids),⁸ the Alexander romance,⁹ from a score of diverse historiographical

identify the two dignitaries appearing to him as Peter and Paul. On this passage of the "*Actus Silvestri*", see Wilhelm Pohlkamp, *Privilegium ecclesiae Romanae pontifici contulit* (as above, p. 12, note 24), pp. 452-455. This passage from the "*Actus Silvestri*" also plays an important role in the letter (documented in the acts of the Seventh Ecumenical Council) of Pope Hadrian I to Empress Eirene and her son Constantine VI (JE 2448). However, it is methodically improper to trace the relevant passages of this letter back to the "Constitutum Constantini"; only the "*Actus Silvestri*" have been quoted! For the authoritative work on this letter, see Erich Lamberz, "Falsata Graecorum more" (as above, p. 62, note 197), pp. 213-229. Cf. Boninus Mombritius, *Sanctuarium seu Vitae Sanctorum 2*, pp. 511 seq. See also Horst Fuhrmann, *Konstantinische Schenkung und abendländisches Kaisertum* (as above, p. 4, note 8), p. 121.

5 The relatively late (originating around 1000 AD) manuscripts of the so-called Nonantola-Group (on this topic, see Fuhrmann, *Das Constitutum Constantini* [as above, p. 4, note 8], p. 29 seq.) explain the word *satrapibus* (*in margine*) with the term *principibus*. See Fuhrmann, *Constitutum Constantini*, p. 72, app. crit. ad l. 118.

6 On this passage, see Fried, p. 105, note 370 in this volume.

7 Lorenzo Valla, *De falso credita et ementita Constantini donatione*, pp. 102-104.

8 See Hilmar Klinkott, *Der Satrap. Ein achaimenidischer Amtsträger und seine Handlungsspielräume* (Oikumene 1), Frankfurt/Main 2005.

9 In lieu of concrete examples I would like to point to the Library of Latin Texts (CLCLT) as a source for e.g. the corresponding passages from Curtius' Rufus *Historia Alexandri Magni*. With reference to the battles of Alexander the Great, cf. Aethicus Ister (on authorship and date of composition, see also Brandes' recension of *Die Kosmographie des Aethicus*, hg. von Otto Prinz [MGH QQ zur Geistesgesch. 14], München 1993. In: HZ 262 [1996], pp. 547-550), to give an example from the eighth century. See *Die Kosmographie des Aethicus*, ed. by Otto Prinz (MGH. QQ zur Geistesgesch. 14), Munich 1993, 122,11. On this passage (and its possible connection to Ardeo of Freising – on him, see below, p. 124) cf. Heinz Löwe, *Ein literarischer*

works¹⁰ and, moreover, from the Old Testament or commentaries on certain books of it respectively.¹¹ Yet such knowledge was common both north and south of the Alps. In any monastery with a reasonably good library one would have been able to find books – in whatever context – also featuring these “satraps”.

Still, one can (and must) go further: Even until the end of the tenth century did the Roman Empire possess no satraps.¹² The forger (or a collective of such) of the “*Constitutum Constantini*” obviously did not know this¹³ or simply attached little importance to this fact. He (or they) unwittingly installed “satraps” (i.e. optimates) in Constantine’s immediate surrounding, quasi naturally and as a matter of course. Is it really imaginable that Rome during the second half of the eighth century, the time to which the “*Constitutum Constantini*” is (or was) generally dated, can have been so ignorant of the titles of the highest dignitaries of the court of the Byzantine emperors, the immediate successors of Constantine

Widersacher des Bonifatius. Virgil von Salzburg und der Aethicus Ister (Akad. d. Wiss. u. d. Lit. Mainz, Abh. d. geistes- u. sozialwiss. Kl. 1951/11), Wiesbaden 1951, p. 912 with note 1.

- 10 Relevant examples (again according to the Library of Latin Texts [CLCLT]) are to be found also in the works of Cornelius Nepos, *De viris illustribus*, Seneca, Pliny or Hegesippus – all of them authors known in the eighth and ninth centuries both in Italy and north of the Alps.
- 11 See below p. 123. A number of examples are to be found in the Library of Latin Texts (CLCLT), e.g. in Ambrosius, Origenes (in Rufinus’ Latin translation), in Augustine, Hieronymus and, moreover, in the body of writings of Gregory the Great. These references may suffice; a detailed citation of the relevant passages is not necessary.
- 12 With the exception of a marginal instance also owing to special circumstances. On this topic, see Karl Güterbock, *Römisch-Armenien und die römischen Satrapien im vierten bis sechsten Jahrhundert. Eine rechtsgeschichtliche Studie*. In: *Festgabe der Juristischen Fakultät zu Königsberg für ihren Senior Johann Theodor Schirmer zum 1. August 1900, Königsberg 1900*, pp. 1-58; Nicholas Adontz, *Armenia in the Period of Justinian. The Political Conditions Based on the Naxarar System*. Translated by N.G. Garsoïan, Lisbon 1970, pp. 25-37, 87-93; cf. also Nina G. Garsoïan. In: *Oxford Dictionary of Byzantium*, New York/Oxford 1991, p. 1846 seq.; the relevant source for the “Armenian satrapies” are Ammianus Marcellinus XXV 7.9 (Ammianus Marcellinus, *Römische Geschichte* 3, Lat. and German by Wolfgang Seyfarth, Berlin 1970, p. 182); Procopius, *De aedificiis* III 1.17-27 (Procopii Caesariensis opera omnia 4, rec. Jacobus Haury, Berlin 1964, pp. 83,11-86,11); the *Codex Iustinianus* 1.29.5 (a. 529); *Nov. Iust.* 31.1.3 (a. 536). They were abolished by Justinian in 536, with the satrapies being transformed into the province of Armenia IV. It is more than improbable that someone in eighth or ninth-century Latin Rome or the Transalpine region took this single peculiar case in the administrative history of the Eastern Roman Empire as an inspiration for the creation of the title of satrap for the highest offices of state at the court of Constantine the Great.
- 13 A perusal of the *Thesaurus Linguae Graecae* gave no reason for any correction of the above statement. The fact that “satraps” appear in the (later) Greek translations of the “*Constitutum Constantini*” – on this, see Fried in this volume p. 53 seq. – stems alone from the literal translation of the Latin text. I am quoting after Augusto Gaudenzi, “Il *constituto di Costantino*” (as above, p. 53, note 165), p. 108,1, amongst others: “(...) σὺν πᾶσι τοῖς ἡμετέροις σατράπαις καὶ τῇ συγκλήτῳ πάσῃ καὶ τοῖς μεγιστάσι καὶ πάντι τῷ τῆς Ῥωμαϊκῆς βασιλείας (...)”; 112,6 et seq.: “(...) πᾶσι τοῖς διαδόχοις πᾶσι σατράπαις πᾶσι τοῖς μεγιστάσι Ῥωμαίων (...)”; see moreover Gaudenzi, loc. cit., p. 35f.; cf. also the text in Werner Ohnsorge, *Das Constitutum Constantini* (as above, p. 53, note 165), pp. 108-122 resp. PG 104, 1077B-1082D; cf. also Pietro De Leo, *Il Constitutum Constantini* (as above, p. 53, note 165).

the Great? Did one indeed know nothing of the different usages of the term *satrapa* in both older and newer Latin (and Greek!) literature?

As far as has come to my knowledge, no-one has yet attempted a special study of this blatant violation of Roman-Byzantine administrative reality (with the exception of the above-mentioned Lorenzo Valla). Although Hermann Grauert already did give some attention to these “satraps”,¹⁴ but his (all too) brief notes are misleading and, ultimately, remain irrelevant. Indeed, he seems to have had no further interest in this question. Paul Scheffer-Boichorst, on the other hand, thought of “continuing to follow Grauert’s trail”.¹⁵ As he correctly states, in Rome evidence for the term can be provided for the time of Pope Paul I (757-767).¹⁶ And yet, beyond this fact he also had no further interest in the “satraps”. However, his remarks continue to play a certain role in the further discussion on the “Constitutum Constantini”, albeit mainly only en passant.¹⁷

According to Wolfgang Gericke, the appearance of the term *satrapes* pointed “to a time around the year 754” (“auf die Zeit um 754”),¹⁸ whereby he also refers to the passage in the life of Zachary of the “*Liber Pontificalis*” and the letter of Pope Paul I (JE 2341). As he duly emphasises, the “Roman sphere” (“römischer Bereich“) only features these two occurrences. Likewise, Horst Fuhrmann also paid hardly any attention to this peculiar designation of office.¹⁹ In his turn, he pointed to Enzo Petrucci, who indeed had given somewhat more detailed attention to the “satraps”.²⁰ He stressed the fact that the usage of the term “satraps” gave evidence against the supposed Greek origin of the “Constitutum Constantini” under discussion at that time (1962).²¹ He collected a number of mentions of the

14 Hermann Grauert, *Die Konstantinische Schenkung* (as above, p. 39, note 119), p. 89.

15 “[...] den Spuren Grauerts noch weiter folgen [...]” Paul Scheffer-Boichorst, *Neuere Forschungen über die konstantinische Schenkung* (as above, p. 4, note 7), p. 312.

16 Accordingly, in course he – Grauert (loc. cit.) – refers to the *Liber Pontificalis* and the “*Codex Carolinus*” (op. cit. p. 79). On these two passages, see below, pp. 119 seq.

17 Edgar Loening, “Die Entstehung der Konstantinischen Schenkungsurkunde”. In: *HZ* 65 (1890), pp. 193-239, esp. p. 222 seq. On the satrapies he says: a term utilised in Rome only during the time of Paul I; from “einer jetzt unbekanntem Recension der Vita Silvestri”, i.e. a lost recension of the Life of Silvester; also Loenertz, *Constitutum Constantini* (as above, p. 59; note 185), with a brief mention of the satraps on p. 214f. (with reference to the *Liber Pontificalis* and the *Codex Carolinus* No 17); moreover Werner Ohnsorge, *Das Constitutum Constantini* (as above, note, p. 59, note 165), p.127 (satraps: “im Rom des 8. Jhdts. geläufiger [sic!] Ausdruck”, i.e. a frequently used term in eighth-century Rome).

18 Wolfgang Gericke, *Wann entstand die Konstantinische Schenkung?* (as above, p. 5, note 10), p. 4 seq.

19 Fuhrmann, *Konstantinische Schenkung und abendländisches Kaisertum* (as above, p. 4, note 8), p. 78.

20 Enzo Petrucci, *I rapporti* (as above, p. 53, note 165), pp. 138-141. On the respective references, see below.

21 Even if this particular view (maintained especially by Werner Ohnsorge) may currently have been proved obsolete, in this context the “satraps” fail to represent an actual argument, as (like in the Latin West), according to the usage of the Old Testament, they also appear in the Greek literature of the eighth and ninth centuries.

term from north of the Alps, arriving at the correct conclusion that “il termine *satrapi* (...), è usato sempre in riferimento a personaggi del seguito di re e capi barbari, o comunque di popolazioni germaniche, mai però a dignitari governativi o funzionari imperiali.”²² Still, he left it at that, failing to scrutinise either the intentions or the linguistic usage of the non-Roman sources any further.

Both in Late-Antique Christian (patristic) and in Carolingian-Age literature “satraps” appear in numerous nuances of meaning pertinent to the question examined here. These were, as mentioned above, from differing types of texts, especially the Old Testament and the Church Fathers’ commentaries on the relevant passages. In addition, there were a number of details of information on Persian satraps from historiographic and other works.²³ Consequently (of course), one can establish an appearance of *satrapae* (vel sim.) in a multitude of writings up until (but of course also later than) the ninth century. However, the context which often served to determine a “valuation” of this term is always important. It appears that the context of the mention of the “satraps” – in the sense of high-ranking officials of a sovereign – could be variously endowed with distinct, including pejorative, meanings.

In the year 758, Pope Paul I (757-767) wrote to Pepin, the Frankish King, complaining about the activities of Desiderius, the King of the Lombards.²⁴ In this context he also makes mention of Duke Alboin of Spoleto *cum eius satrapibus*.²⁵ Although this Alboin, due to his having subordinated himself to Pepin (in 757 or – according to Kehr – in the spring of 758),²⁶ was one of the “good guys”, the fact remains that his generals (or whichever other high-ranking officials of his duchy) here happened to be called “satraps”. This Roman usage of the term becomes manifest in a report on an incidence in the “*Liber pontificalis*” from the time of the predecessor of Pope Paul I, Zachary (741-752). He met with the Lombard King Liutprand in Terni in 741 managing to negotiate the return of a number of forts occupied by the Lombards.²⁷ Here, the pope dispatched his *duces*

22 Petrucci, I rapporti (as above, p. 53, note 165), p. 141.

23 See also pp. 122 seqq.

24 On the historical background, which cannot here be expounded in detail, see e.g. Erich Caspar, Pippin und die römische Kirche, p. 121 seq.; Jan T. Hallenbeck, Pavia and Rome: The Lombard Monarchy and the Papacy in the Eighth Century (Transactions of the American Philosophical Society, 72/4), Philadelphia 1982, p. 91 seq.; Thomas F.X. Noble, The Republic of St. Peter (as above, p. 47, note 146), pp. 108 seqq.

25 Codex Carolinus 17 (JE 2341), ed. by Wilhelm Gundlach, p. 515,18 seq.: “*Et comprehensum Alboinum ducem Spoletinum cum eius satrapibus, qui in fide beati Petri et vestra (scil. Pepin) sacramentum prebuerunt, (...)*”

26 Hallenbeck, Pavia and Rome (as above, note 24), p. 88 seq.; Stefano Gasparri, I duchi Langobardi (Studi storici, 109), Rome 1978, pp. 81 seq.; Paul Kehr, Über die Chronologie der Briefe Papst Pauls I. im codex Carolinus. In: Nachrichten der Königlichen Gesellschaft der Wissenschaften in Göttingen (philolog.-histor. Klasse, H. 2), Göttingen 1896, pp. 103-156, esp. p. 135.

27 See the detailed description of events in Erich Caspar, Geschichte des Papsttums. Von den Anfängen bis zur Höhe der Weltherrschaft 2. Das Papsttum unter byzantinischer Herrschaft, Tübingen 1933, pp. 733 seq.

resp. his “satraps” to the king of the Lombards (“*rex misit duces satrapas suos pluremque exercitum*”).²⁸ We can note therefore, that this passage also refers to *duces* or other high-ranking officials of the Lombard king as “satraps”.

Still, it is undeniable that both scenarios of our Roman sources (the “Codex Carolinus” and “*Liber pontificalis*”, respectively) making mention of Lombard “satraps” have – at least from a Roman point of view – more of a positive background. In this particular circumstance, duke Alboin and king Liutprand both acted in the interests of the papacy. But as this was merely a very short-term improvement of the relationship, respectively with the old conflicts and the danger for the Rome of the pope from the side of the Lombards also becoming highly acute a very short time later, one can assume that the mention of the Lombard “satraps” by no means possessed any positive, or even a neutral, connotation. In my opinion, the usage of the term “satraps” in the papal chancellery is not happenstance. Both the papal letters of the “Codex Carolinus”, as also the individual papal *vitae* of the “*Liber pontificalis*” of the time in question were well-conceived, and separate phrasings were by no means left to chance.²⁹ Only twice do the texts from the papal chancellery of the second half of the eighth century remaining make any mention of “satraps”. This fact, together with their pejorative meaning – the *duces* of the *nefandissimi* Lombards –, would seem to indicate that the three passages from the “Constitutum Constantini” quoted above, in which “satraps” is used as a term for high-ranking members of the retinue of Emperor Constantine, were precisely not penned in the papal chancellery.

Countless passages from the “*Liber pontificalis*” and, especially, the “Codex Carolinus”, in which the Lombards are vilified in the most vehement manner, make no mention of the satraps. One could, therefore, assume that the term *satrapa* (vel sim.) was used for Lombard officials who (at least from a papal point of view), had demonstrated a positive demeanour. But only two passages present a far too scanty base of sources to permit the drawing of any extensive conclusions. For the papacy of the seventh and the first half of the eighth century the Lombards were their main opponents, were a power presenting a near constant threat to Rome. But despite all of the (mostly) very short-termed improvements in relationships, they remained the main danger for a papacy gradually striving for independence from Byzantium and, perforce (and mainly in due to this permanent danger from the Lombards), seeking recourse in the

28 Le Liber Pontificalis 1, ed. by Duchesne, Paris 1886, pp. 427,14 seq.

29 On this topic, see Kehr, Briefe Papst Pauls I (as above, note 26) – Kehr especially uses the appearance of particular phrases to verify the chronology of the individual letters; on the “*Liber pontificalis*” and conditions of the composition of the respective papal biographies, see Thomas F.X. Noble, A New Look at the Liber pontificalis (as above, p. 16, note 35), pp. 347-358; idem, Literacy and the Papal Government in Late Antiquity and the Early Middle Ages. In: The Uses of Literacy in Early Mediaeval Europe, ed. by Rosamond McKitterick, Cambridge 1991, pp. 82-108, both of which in several instances refer to Duchesne’s basic introduction to his edition of the “*Liber pontificalis*”.

emerging Frankish Empire. And accordingly there were referred to. Examples in the *“Liber pontificalis”* and especially in the *“Codex Carolinus”*, where the Lombards were referred to as *“imp̄ii, inimici Dei sanctae ecclesiae”*, with their kings as *nequissimi, nefandissimi* etc., are legion.³⁰ This had a long tradition, based on actual experiences. In his *“Dialogues”*³¹ Pope Gregory the Great already painted the Lombards in the most sinister colours possible.³² One must assume that short-term improvements of papal-Lombard relationships will not have made any impact on this general terminology, which rather reflects a fundamental attitude of the papacy towards the Lombards.

Still, one fact remains to be noted: In Roman usage (that is, if it is at all permissible to speak of any such based on two instances) in the middle of the eighth century, the term satraps referred either to the Lombard dukes themselves, or to their officials. The step from this usage to the *“satraps”* in Emperor Constantine’s immediate vicinity is large, maybe too much so. In my opinion, the assumption of any reference to Lombard military leaders (or the like) at the court of Constantine the Great contemporaneous to the time of Pope Paul I, into the period of whose reign the *“Constitutum Constantini”* was seriously contemplated as having originated,³³ is impossible.

But *“satraps”* also appear in the literature of the Frankish Empire in the course of the eighth and ninth centuries. Firstly, the Saxon *“satraps”* should be pointed out.³⁴ As is generally known, a passage in the *“Vita Lebuini antiqua”*

30 *Liber Pontificalis* 1, ed. by Duchesne, 429,16 (the *perseverantia* of the Lombard king); 441,12 (Aistulf – *“protervus Langobardorum rex, antiqui hostis invasus versutia, [...]”*); 441,17 (*“[...] regis pernociosa imminere sevizia [...]”*); 442,10 (*“[...] nequissimum Aistulfum [...]”*); 442,17 (*“[...] permanens in sua pernicie [...] atrocissimus Langobardorum rex [...]”*); a small sample of relevant passages of the *Codex Carolinus*, ed. by Gundlach, No. 1 (JE 2250), 477,1-2 (*“persecutiones et oppressiones gentis Langobardorum”*); No. 6 (JE 2322), 489,6.14 seq. (Aistulf as the *“iniquus rex Langobardorum; impius rex”*; dessen *“iniquie perversitas atque [...] periurium”*; usw.); No. 7 (JE 2323), 491,39; 492,4 (Aistulf as *iniquus rex*); No. 8 (JE 2326), 494, 21-23.35 (*“[...] et lugubres angustias et tribulationes, quas inaniter a Langobardorum gente et eorum nefando rege patimur. [...]”*; Aistulf as *impius rex*; etc.). This list could be continued at length. See also David Harry Miller, *Papal-Lombard Relations During the Pontificate of Pope Paul I. The Attainment of an Equilibrium of Power in Italy, 756-767*. In: *Catholic History Review* 55 (1969), pp. 358-376 with several pertinent references.

31 The question of authenticity is of no concern in this context. For a well-balanced account of the current state of research, see recently Johannes Fried, *Der Schleier der Erinnerung*, pp. 344-350. For eighth and ninth-century Romans, the *Dialogues* will undoubtedly have represented an authentic work of Gregory the Great. Pope Zachary even translated them into Greek.

32 See amongst others Grégoire le Grand, *Dialogues* 2. Livres I-III, ed. and transl. by Adalbert de Vogüé and Paul Antin (SC 260), Paris 1979, p. 374 (III 28,1-4); cf. Wolfram Brandes, *Das Gold der Menia. Ein Beispiel transkulturellen Wissenstransfers*. In: *Millennium* 2 (2005), pp. 175-227, esp. p. 186 seq.

33 See evidence in Fried in this volume, p. 3 seq.

34 Matthias Becher, *“Non enim habent regem idem Antiqui Saxones...”* Verfassung und Ethnogenese in Sachsen während des 8. Jahrhunderts. In: *Sachsen und Franken in Westfalen. Zur Komplexität der ethnischen Deutung und Abgrenzung zweier frühmittelalterlicher Stämme. Ergebnisse eines*

plays no small role in the research on the Saxon “constitution” of the seventh and eighth centuries. There, the “old” Saxons are reported as not having been ruled by a king, but rather with respective districts supposedly having been governed by “satraps”.³⁵ This account is obviously based on a passage from Saint Bede’s *Historia ecclesiastica gentis Anglorum*: “*Non enim habent regem idem Antiqui Saxones, sed satrapas plurimos suae genti praepositos, qui ingruente belli articulo mittunt aequaliter sortes, et quemcumque sors ostenderit, hunc tempore belli ducem omnes sequuntur*”.³⁶ The constitutional- historical background does not concern us at this point.³⁷ Bede’s terminology, on the other hand, is important here, as it can rightly be claimed as being “neutral”. If the title *satrapae* was hereby introduced by him himself, or if it already existed at his time remains moot. But the fact that Bede – as a matter of course – knew of the Biblical *satrapae*, is obvious from his commentaries on a number of books of the Bible (esp. on 1 Kings).³⁸ The title *satrapa* was evidently also otherwise in some use. In the edition of the letters of Saint Boniface we find a letter from King Cynwulf of Wessex to Lul of Mainz. The letter is dated to the time between 757 and 786. The address is: “† *Domino beatissimo et speciali amore venerando Lullo episcopo*

vom 22.-25. April 1997 in Paderborn durchgeführten Kolloquiums zur Vorbereitung der Ausstellung „799 – Kunst und Kultur der Karolingerzeit. Karl der Große und Papst Leo III. in Paderborn“, ed. by Hans-Jürgen Häßler (Studien zur Sachsenforschung 12), Oldenburg 1999, pp. 1-31, esp. pp. 9-13; Matthias Springer, „Was Lebuins Lebensbeschreibung über die Verfassung Sachsens wirklich sagt oder warum man sich mit einzelnen Wörtern beschäftigen muß“. In: Sachsen und Franken in Westfalen. Zur Komplexität der ethnischen Deutung und Abgrenzung zweier frühmittelalterlicher Stämme. Ergebnisse eines vom 22.-25. April 1997 in Paderborn durchgeführten Kolloquiums zur Vorbereitung der Ausstellung „799 – Kunst und Kultur der Karolingerzeit. Karl der Große und Papst Leo III. in Paderborn“, ed. by Hans-Jürgen Häßler (Studien zur Sachsenforschung 12), Oldenburg 1999, pp. 223-239, esp. pp. 225-227; idem, Sachsen. In: RGA 26, pp. 31-46 (see § 3. Historisches), esp. pp. 39 seq. (both with older bibliographical references).

- 35 Vita Lebuini antiqua, ed. by Adolf Hofmeister. In: MGH SS 30/2, Leipzig 1934, pp. 789-795, p. 793,1 (cap. 4): “*Regem antiqui Saxones non habebant, sed per pagos satrapas constitutos; (...)*”.
- 36 Bede’s Ecclesiastical History of the English People, ed. by Bertram Colgrave and Roger A. B. Mynors, Oxford 1969, pp. 480 and 482; Venerabilis Baedae Opera historica 1, ed. by Charles Plummer, Oxford 1896, pp. 299 seq.
- 37 On this topic, see most recently Becher and Springer (as above, note 34) with pertinent bibliography. See also Ian Wood, Beyond Satraps and Ostriches: Political and Social Structures of the Saxons in the Early Carolinian Period. In: The Continental Saxons from the Migration Period to the Tenth Century: An Ethnographic Perspective, ed. by Denis H. Green and Frank Siegmund (Studies in Historical Archeoethnology 6), Woodbridge 2003, pp. 271-290, esp. pp. 272, 276.
- 38 See Becher, Verfassung und Ethnogenese in Sachsen (as above, note 34), pp. 10 seq. (references in note 57 are in part incorrect); Wood, Beyond Satraps (as above, note 37), p. 272; on the influence of the Old Testament on St Bede’s writings, see Judith McLure, Bede’s Old Testament Kings. In: Ideal and Reality in Frankish and Anglo-Saxon Society. Studies presented to J. M. Wallace-Hadrill, ed. by Patrick Wormald, Donald Bullough and Roger Collins, Oxford 1983, pp. 76-98.

ego Cyneulf rex occidentalium Saxonum una cum episcopis meis nec non cum caterva satrapum aeternam sospitatis in Domino salutem".³⁹

The life of Saint Wynnebald, composed by the nun Hugeburc of Heidenheim,⁴⁰ likewise features satraps. On the occasion of the *translatio* of the remains of the saint in the year 777, these are mentioned in context with the bishop of Eichstädt (*cum illo satrapium*).⁴¹ Hugeburc was of Anglo-Saxon extraction, which could possibly explain this usage of the term.⁴² These satraps were identified as "the nobility of the Heidenheim region", which may indeed be the case.⁴³ A cursory inspection of descriptions of saints' lives from the Merovingian- and Carolingian-Age shows that the term *satrapa* (vel sim.) was already used fairly frequently from the sixth century onwards, often of course following according passages of the Old Testament;⁴⁴ i.e. in the Life of Caesarius von Arles (composed before 549⁴⁵), the Life of Julian of Le Mans⁴⁶ or in the Life of Sollemnis of Chartres.⁴⁷ The fact of the importance of Caesarius of Arles, together with the dispersion of the description of his Life, for the Frankish self-image needs no special emphasis.

Outside of the Saxon realm (this includes the Anglo-Saxons of England) the term satraps likewise seems to have been utilised in the Agilolfingian dynasty of Bavaria at the time of Tassilo III.⁴⁸ This can be ascertained from hagiographic

39 Die Briefe des Heiligen Bonifatius und Lullus, ed. by Michael Tangl (MGH. Epp. sel. 1), Berlin 1955, No. 139, p. 278, 26-30 (Address). On Cynewulf of Wessex († 786), see now Heather Edwards. In: Oxford Dictionary of National Biography 14, pp. 862 seq.

40 See Odilo Engels, Wynnebald. In: LThK 10 (2001), p. 1341; Die Karolinger vom Anfang des 8. Jahrhunderts bis zum Tode Karls des Großen (Deutschlands Geschichtsquellen im Mittelalter. Vorzeit und Karolinger 2), ed. by Wilhelm Wattenbach and Wilhelm Levison, Weimar 1953, pp. 177 seq.

41 Vita Wynnebaldis abbatis Heidenheimensis, ed. by Oswald Holder-Egger. In: MGH SS 15/1, Hanover 1887, pp. 106-117, esp. p. 116,29.

42 Elisabeth Heyse, In: LexMa 5, p. 157 and esp. Eva Gottschaller, Hugeburc von Heidenheim. Philologische Untersuchungen zu den Heiligenbiographien einer Nonne des achten Jahrhunderts (Münchener Beiträge zur Mediävistik und Renaissance-Forschung 12), Munich 1973.

43 According to Wood, Beyond Satraps (as above, note 37), pp. 272 seq.

44 See Novae Concordantiae bibliorum Sacrorum iuxta Vulgatam versionem critice editam 5, quas digessit Bonifatius Fischer, Stuttgart etc. 1977, p. 4614.

45 Die Vorzeit von den Anfängen bis zur Herrschaft der Karolinger (Deutschlands Geschichtsquellen im Mittelalter. Vorzeit und Karolinger 1), ed. by Wilhelm Wattenbach and Wilhelm Levison, Weimar 1952, p. 124 seq.; Vitae Caesarii episcopi Arelatensis libri duo auctoribus Cypriano, Firmino, Virentio episcopis, Messiano presbytero, Stephano diacono. In: MGH SS rer. Merov. 3, ed. by Bruno Krusch, Hanover 1896, pp. 433-501, p. 468,27.

46 Revised in Le Mans in the middle of the ninth century. See Jean Mabillon, Vetera Analecta, Paris 1723, pp. 239-241, esp. p. 240b: "*Satrapae videlicet et optimates (...) principis*"; cf. Roger Aubert. In: DHGE 28, p. 526; BHL 4543.

47 Vita Sollemnis episcopi Carnoteni, ed. by Wilhelm Levison. In: MGH SS rer. Merov. 7, Hanover 1919, pp. 303-321, p. 319,5; cf. Deutschlands Geschichtsquellen im Mittelalter 1, p. 124 and note 290.

48 On him, see now the anthology Tassilo III. von Bayern. Großmacht und Ohnmacht im 8. Jahrhundert, ed. by Lothar Kolmer and Christian Rohr, Regensburg 2005.

sources and a charter issued for the Freising monastery.⁴⁹ It documents the providing of property to the church at Scharnitz by a certain Reginperht, the church's founder. It is dated the 29 June 763; the charter's details and the exact circumstances of its dating shall not concern us here. It can, however, be established that the donation was made "*per consensum inlustrissimi ducis Tassilonis et satrapum eius*". There is another important detail, though: Arbeo, at this time arch-presbyter, though ascending to the bishopric of Freising in the following year (764-783), was present during the act of donation – together in fact with Joseph, his bishop and predecessor in office. Obviously, it was he who penned the document. His name appears in the document three times: "*Ego Arbeo rogatus et iussus de episcopo Joseph donationem istam firmavi et testes subscripsi.*"⁵⁰ Should it be regarded as a mere coincidence that the aforementioned Arbeo, in the *passio* of Saint Emmeran⁵¹ composed by him, likewise writes about the "satraps" of the Duke of Bavaria? Here, "satraps" repeatedly appear in connection with the Bavarian duke.⁵² And again "satrap" is used as a term describing an office, without any deprecatory connotation becoming obvious. And these documentations are accompanied by one further mention, this time from the Life of Saint Corbinian, likewise composed by Arbeo.⁵³ This time it is Duke Theodo (ca. 695-717), in whose retinue we hear of satraps.⁵⁴

49 Die Traditionen des Hochstifts Freising 1 (744-926), ed. by Theodor Bitterauf (Quellen und Erörterungen zur bayerischen und deutschen Geschichte, N.F. 4), Munich 1905, p. 47 nr. 19.

50 Ibidem, p. 48. Arbeo was a scribe in the chancellery of Freising, with eleven documents by his hand still existing. On Arbeo, see Deutsches Geschichtsquellen im Mittelalter 1, pp. 144 seq. and vol. 2, pp. 197 seq.; Hubert Glaser, Bischof Arbeo von Freising als Gegenstand der neueren Forschung, in: Arbeo von Freising und die Lebensgeschichte des hl. Korbinian, ed. by Hubert Glaser, Franz Brunhölzl and Sigmund Benker, Munich/Zürich 1983, pp. 11-76, esp. pp. 11 seq. and 32 seq.; for further reading, cf. Christian Rohr, Hagiographie als Spiegel der Machtverhältnisse?. In: Tassilo III. von Bayern. Großmacht und Ohnmacht im 8. Jahrhundert, ed. by Lothar Kolmer and Christian Rohr, Regensburg 2005, pp. 89-101, esp. p. 90 and note 5; Georg Schwaiger. In: LThK 1 (3/1993), pp. 938 seq.; Wood, Beyond Satraps (as above, note 37), p. 273.

51 On this important vita see Josef Staber, Der heilige Bischof Emmeram In: Bavaria Sancta 1. Zeugen christlichen Glaubens in Bayern, ed. by Georg Schwaiger, Regensburg 1970, pp. 84-88; Karl Babl, Emmeran von Regensburg. Legende und Kult. (Thurn und Taxis-Studien 8), Kallmünz 1973; esp. Lothar Vogel, Vom Werden eines Heiligen. Eine Untersuchung der Vita Corbiniani des Bischofs Arbeo von Freising (Arbeiten zur Kirchengeschichte 77), Berlin/New York 2000.

52 Arbeo of Freising, Vita et passio Sancti Haimhrammi Martyris. Leben und Leiden des hl. Emmeram, ed. by Bernhard Bischoff, Munich 1953, c. 10, p. 20: "(...) *tam a duce quam prolibus et satrapum terra(..)*". (translated by Bischoff as the "Edlen des Landes", the country's nobles); ibidem, c. 34, p. 58: "(...) *princeps terrae cum satrapibus et sacerdotibus (...)*"; Arbeonis episcopi Frisingensis Vitae sanctorum Haimhrammi et Corbiniani, ed. by Bruno Krusch (SS rer. Germ. [13]), Hanover 1920, p. 41,1 (Vita A).

53 On this vita see Vogel, Vom Werden eines Heiligen (see above, note 51).

54 Vita Corbiniani episcopi, ed. by Krusch, p. 203,5-10: "*Tunc namque in tempore devotissimus dux Theoto insignis potentiae et virum virtute cum filiis decorus et satrapum alacritate praecipuus,*

Both these Saxon satraps, as also those found scattered in a number of descriptions of the lives of saints – resp. the manner of their mention in the relevant sources – have one thing in common with the satraps of Constantine in the “Constitutum Constantini”: Their mentioning is not involved with any valuation. The term is “merely” utilised as a designation of office for a group of persons ranking in hierarchy directly below their ruler.

Provided that the famous Carolingian Wala, cousin of Charlemagne and son of Bernhard (Pepin’s brother) with a Saxon mother,⁵⁵ indeed belongs to the vicinity of the forgers of the “Constitutum Constantini”, as explicated above by Johannes Fried,⁵⁶ his connection with the Saxons acquires a particular relevance. And the same is true for Adalhard, his half-brother. Still during the lifetime of Charlemagne, had for some years (from 810 at the latest until about autumn of 812⁵⁷) been *dux* or *marchio*, an office ranking above the counts of the respective areas.⁵⁸ The “*Translatio Sancti Viti*” (composed in 822 by a monk of Saxon extraction who had accompanied Adalhard to Corvey⁵⁹) refers to him as “*omni provincia Saxonica praelatus*”.⁶⁰ Whatever his title of office and its function may precisely have been, he himself in any case had most intensive dealings with Saxony. The fact already that his mother was Saxon entails a certain measure of “familiarity” with the Saxon milieu.⁶¹

Whatever actions, measures and campaigns Wala may have undertaken in his capacity as administrator for Saxony⁶² in this context shall not concern us here. One crucial factor, however, is obvious: Wala implicitly must have possessed detailed knowledge of the Saxon environment. The fact that he knew the Saxon

cuius longe lateque fama decreverat, provinciam quadrifarie, sibi et sobolis dividens partibus, carique habebantur ibidem sacerdotes, sicut novitiae mos compellit.”

55 Weinrich, Wala (as above, p. 89, note 295), pp. 11 seqq., p. 91 (on Walas’ mother); see also Sigurd Abel and Bernhard Simson, *Jahrbücher des Fränkischen Reiches unter Karl dem Großen 2 (789-814)* (JdG 5), Leipzig 1883, p. 466 and note 1; Philippe Depreux, *Prosopographie de l’entourage de Louis le Pieux* (as above, p. 65, note 207), pp. 390-393.

56 See above pp. 88-109; cf. Reinhard Wenskus, *Sachsen – Angelsachsen – Thüringer*. In: idem, *Ausgewählte Aufsätze zum frühen und preußischen Mittelalter*. Festgabe zu seinem 70. Geburtstag, ed. by Hans Patze, Sigmaringen 1986, pp. 138-200, esp. pp. 190 seq. and 193 seq.

57 At the time Wala was sent to Italy; cf. Weinrich, Wala (as above, p. 89, note 295), p. 24.

58 Weinrich, Wala (as above, p. 89, note 295), p. 21 seq.

59 On the foundation of Corvey, see Kasten, *Adalhard von Corbie* (as above, p. 106, note 372), pp. 145 seqq. Wala was known to have been strongly involved in this process; see e.g. Kasten, p. 149.

60 *Translatio Sancti Viti martyris*, ed. and transl. by Irene Schmale-Ott (*Fontes Minores 1, Veröffentlichungen der Historischen Kommission Westfalens 41*), Münster 1979, p. 40; cf. amongst others also Karl Brunner, *Die fränkischen Fürstentitel im neunten und zehnten Jahrhundert*. In: *Lateinische Herrscher- und Fürstentitel im neunten und zehnten Jahrhundert*, ed. by Karl Brunner and Herwig Wolfram (*MIÖG Ergänzungsband 24*), Vienna/Cologne/Graz 1973, pp. 179-340, esp. p. 302.

61 See also the *Epitaphium Arsenii*, ed. by Dümmler, p. 30.

62 For the details, see Weinrich, Wala (as above, p. 89, note 295), p. 22-24.

satraps, to whom he was superordinate, is of course implicit and need therefore not be discussed specifically.

Wala together with Paschasius Radbertus, the supposed forger of the pseudo-Isidorian Decretals,⁶³ have been identified by Fried as initiators, participants or even co-authors (?) of the fabrication of the “Constitutum Constantini”. The line of argument need not be repeated at this point, as it seems conclusive to me.

If, therefore, at least one individual within this circle of people is attested as being intimately familiar with the system of governance in Saxony, where “satraps” are unequivocally in evidence and, moreover, with this term utilised in precisely the same sense as in the “Constitutum Constantini”, in which we hear of the “satraps” of Constantine the Great, then the following conclusion may be drawn: This instance represents not only or merely a parallel usage of language (which would be quite a significant fact even on its own), but also implies an influencing of the use of the title of *satrapa* in the “Constitutum Constantini” by that Saxon milieu with its satraps so well known to Wala. And precisely the different use of *satrapa* in contemporary writing of the eighth and ninth centuries permits this assumption to be transformed into (a near) certainty.

Of course, one may challenge this reasoning. This, on the one hand, necessitates the giving of conclusive evidence for the fact that, for the time in question, the term *satrapa* for Lombard dukes or high-ranking members of their retinue, those notorious enemies of the papacy (with but few exceptions and in specific situations), is documented in Rome. Yet, on the other hand, at the same time⁶⁴ the *optimates* of great Constantine are insulted by describing them with this word. This is in complete opposition to the intentions of the “Constitutum Constantini”. As a matter of principle Emperor Constantine (and therefore his high-ranking officials) acted in a strictly pious and God-pleasing manner; nothing else was to have been expected of the prototype of the Christian emperor. To place them on a par with such notorious enemies as the Chosen People of the Old Testament, the Philistines, the malevolent Persian satraps or even the malevolent Lombard dukes would be counterproductive to such a degree that any background of the word *satrapa* in Rome would have been principally proscribed. In any other (geographical and political) surroundings however, at a different period in time and, in point of view of the (more than likely) involvement of a different circle of persons in the falsification of the “Constitutum Constantini” (with a “Saxon background”), the “neutral” usage of the term “satraps” acquires a meaning which is capable of supporting Fried’s localisation of the forgery north of the Alps.

63 See Fried in this volume pp. 70 seq., 95 seq.; Zechiel-Eckes, Ein Blick in Pseudoisidors Werkstatt (as above, p. 70, note 221); idem, Auf Pseudoisidors Spur (as above, p. 70, note 221).

64 However, there were heavy methodical objections whatsoever in utilising the familiar passage from the letter of Pope Paul (Codex Carolinus, ed. by Gundlach, No. 17) as evidence for the postulation of an origin (or already the existence) of the “Constitutum Constantini” in the period of his pontificate. See above p. 120.

Amount of and either positive or “neutral” appraisal in the instances mentioning the *satrapa*, in the sense of high-ranking officials in Saxony (or, as with Arbeo of Freising, in Agilolfingian Bavaria), stand in stark contrast to the two sparse passages from papal Rome from the time of Paul I’s papacy. And, even if these findings, as already mentioned above, would seem (or even actually be) merely marginal, they are further indication (as opposed to evidence or proof in the stricter sense of the word) for the “Constitutum Constantini” as not having originated in Rome.

Appendix B: Sources

I. The Latin text of the “Constitutum Constantini” according to the edition of Horst Fuhrmann

1. In nomine sanctae et individuae trinitatis, patris scilicet et filii et spiritus sancti. Imperator Caesar Flavius Constantinus in Christo Iesu, uno ex eadem sancta trinitate salvatore domino deo nostro, fidelis, mansuetus, maximus, beneficus, Alamannicus, Gothicus, Sarmaticus, Germanicus, Britannicus, Hunnicus, pius, felix, victor ac triumphator, semper augustus, sanctissimo ac beatissimo patri patrum Silvestrio, urbis Romae episcopo et papae, atque omnibus eius successoribus, qui in sede beati Petri usque in finem saeculi sessuri sunt, pontificibus nec non et omnibus reverentissimis et deo amabilibus catholicis episcopis eidem sacrosanctae Romanae ecclesiae per hanc nostram imperialem constitutionem subiectis in universo orbe terrarum, nunc et in posteris cunctis retro temporibus constitutis, gratia, pax, caritas, gaudium, longanimitas, misericordia a deo patre omnipotente et Iesu Christo filio eius et spiritu sancto cum omnibus vobis. 5
2. Ea quae salvator et redemptor noster dominus deus Iesus Christus, altissimi patris filius, per suos sanctos apostolos Petrum et Paulum, interveniente patre nostro Silvestrio summo pontifice et universali papa, mirabiliter operari dignatus est, liquida enarratione per huius nostrae imperialis institutionis paginam ad agnitionem omnium populorum in universo orbe terrarum nostra studuit propagare mansuetissima serenitas. Primum quidem fidem nostram, quam a praelato beatissimo patre et oratore nostro Silvestrio universali pontifice edocti sumus, intima cordis confessione ad instruendas omnium vestrum mentes proferentes et ita demum misericordiam dei super nos diffusam annuntiantes. 10 15 20 25

3. Nosse enim vos volumus, sicut per anteriorem nostram sacram
pragmaticam iussionem significavimus, nos a culturis idolorum, simulacris
mutis et surdis manufactis, diabolicis compositionibus atque ab omni-
30 bus Satanae pompis recessisse et ad integram Christianorum fidem,
quae est vera lux et vita perpetua, pervenisse credentes iuxta id, quod
nos isdem almificus summus pater et doctor noster Silvester instruxit
pontifex, in deum patrem omnipotentem, factorem caeli et terrae, visi-
35 bilium omnium et invisibilium, et in Iesum Christum, filium eius uni-
cum, dominum deum nostrum, per quem creata sunt omnia, et in
spiritum sanctum, dominum et vivificatorem universae creaturae. Hos
patrem et filium et spiritum sanctum confitemur, ita ut in trinitate
perfecta et plenitudo sit divinitatis et unitas potestatis: pater deus,
filius deus et spiritus sanctus deus, et tres unum sunt in
40 Iesu Christo. Tres itaque formae, sed una potestas.

4. Nam sapiens retro semper
deus edidit ex se, per quod semper erant gignenda saecula, verbum,
et quando eodem solo suae sapientiae verbo universam ex nihilo for-
mavit creaturam, cum eo erat, cuncta suo arcano componens mysterio.
45 Igitur perfectis caelorum virtutibus et universis terrae materiis, pio
sapientiae suae nutu ad imaginem et similitudinem suam primum de
limo terrae fingens hominem, hunc in paradiso posuit voluptatis;
quem antiquus serpens et hostis invidens, diabolus, per amarissimum
ligni vetiti gustum exulem ab eisdem effecit gaudiis, eoque expulso
50 non desinit sua venenosa multis modis protelare iacula, ut a via
veritatis humanum abstrahens genus idolorum culturae, videlicet
creaturae et non creatori, deservire suadeat, quatenus per hos eos,
quos suis valuerit irretire insidiis, secum aeterno efficiat concremandos
supplicio. Sed deus noster, misertus plasmae suae, dirigens sanctos
55 suos prophetas, per quos lumen futurae vitae, adventum videlicet filii
sui, domini dei et salvatoris nostri Iesu Christi, annuntians, misit
eundem unigenitum suum filium et sapientiae verbum. Qui descendens
de caelis propter nostram salutem natus de spiritu sancto et Maria
virgine, verbum caro factum est et habitavit in nobis. Non amisit,
60 quod fuerat, sed coepit esse, quod non erat, deum perfectum et ho-
minem perfectum, ut deus mirabilia perficiens et ut homo humanas

passiones sustinens. Ita verum hominem et verum deum praedicante
 patre nostro Silvestrio summo pontifice intellegimus, ut verum deum
 verum hominem fuisse nullo modo ambigamus; electisque duodecim
 apostolis, miraculis coram eis et innumerabilis populi multitudine
 65
 ruscavit. Confitemur eundem dominum Iesum Christum adimplesse
 legem et prophetas, passum, crucifixum, secundum scripturas tertia die
 a mortuis resurrexisse, assumptum in caelis atque sedentem ad dexteram
 patris, inde venturum iudicare vivos et mortuos, cuius regni non
 70
 erit finis.

5. Haec est enim fides nostra orthodoxa a beatissimo patre nostro
 Silvestrio summo pontifice nobis prolata; exhortantes idcirco omnem
 populum et diversas gentium nationes hanc fidem tenere, colere ac
 praedicare et in sanctae trinitatis nomine baptismi gratiam consequi et
 dominum Iesum Christum salvatorem nostrum, qui cum patre et
 75
 spiritu sancto per infinita vivit et regnat saecula, quem Silvester
 beatissimus pater noster universalis praedicat pontifex, corde de-
 voto adorare.

6. Ipse enim dominus deus noster, misertus mihi peccatori, misit
 sanctos suos apostolos ad visitandum nos et lumen sui splendoris in-
 80
 fulsit nobis et abstracto a tenebris ad veram lucem et agnitionem
 veritatis me pervenisse gratulamini. Nam dum valida squaloris lepra
 totam mei corporis invasisset carnem, et multorum medicorum con-
 venientium cura adhiberetur, nec unius quidem promerui salutis; ad
 haec advenerunt sacerdotes Capitolii, dicentes mihi debere fontem fieri
 85
 in Capitolio et compleri hunc innocentium infantum sanguine et
 calente in eo loto me posse mundari. Et secundum eorum dicta
 aggregatis plurimis innocentibus infantibus, dum vellent sacrilegi paga-
 norum sacerdotes eos mactari et ex eorum sanguine fontem repleri,
 cernens serenitas nostra lacrimas matrum eorum, ilico exhorruui facinus,
 90
 misertusque eis proprios illis restitui praecepimus filios, datisque
 vehiculis et donis concessis gaudentes ad propria relaxavimus.

7. Eadem igitur transacta die, nocturna nobis facta silentia, dum
 somni tempus advenisset, adsunt apostoli sanctus Petrus et Paulus
 dicentes mihi: "Quoniam flagitiis posuisti terminum et effusionem
 95
 sanguinis innocentis horruisti, missi sumus a Christo domino deo nostro,
 dare tibi sanitatis recuperandae consilium. Audi ergo monita nostra
 et fac quodcumque indicamus tibi. Silvester episcopus civitatis

Romae ad montem Seraptem persecutiones tuas fugiens in cavernis
100 petrarum cum suis clericis latebram fovet. Hunc cum ad te adduxeris,
ipse tibi piscinam pietatis ostendet, in qua dum te tertio merserit,
omnis te valitudo ista deseret leprae. Quod dum factum fuerit, hanc
vicissitudinem tuo salvatori compensa, ut omnes iussu tuo per totum
orbem ecclesiae restaurentur, te autem ipsum in hac parte purifica, ut
105 relicta omni superstitione idolorum deum vivum et verum, qui solus
est et verus, adores et excolas, ut ad eius voluntatem adtingas.“
8. Exsurgens igitur a somno protinus iuxta id, quod a sanctis
apostolis admonitus sum, peregi, advocatoque eodem praecipuo et almi-
fico patre et illuminatore nostro Silvestrio universali papa, omnia a
110 sanctis apostolis mihi praecepta edixi verba, percunctatique eum sumus,
qui isti dii essent: Petrus et Paulus? Ille vero non eos deos debere
dici, sed apostolos salvatoris nostri domini dei Iesu Christi. Et rur-
sum interrogare coepimus eundem beatissimum papam, utrum istorum
apostolorum imaginem expressam haberet, ut ex pictura disceremus
115 hos esse, quos revelatio docuerat. Tunc isdem venerabilis pater
imagines eorundem apostolorum per diaconem suum exhiberi praecepit.
Quas dum aspicerem et eorum, quos in somno videram figuratos, in
ipsis imaginibus cognovissem vultus, ingenti clamore coram omnibus
satrapibus meis confessus sum eos esse, quos in somno videram.
120 9. Ad haec beatissimus isdem Silvester pater noster, urbis Romae
episcopus, indixit nobis poenitentiae tempus intro palatium nostrum
Lateranense in uno cubiculo in cilicio, ut omnia, quae a nobis impie peracta atque
iniuste disposita fuerant, vigiliis, ieiuniis atque lacrimis et orationibus
apud dominum deum nostrum Iesum Christum salvatorem impetraremus.
125 Deinde per manus impositionem clericorum usque ad ipsum praesulem
veni, ibique abrenuntians Satanae pompis et operibus eius vel universis
idolis manufactis, credere me in deum patrem omnipotentem, factorem
caeli et terrae, visibilium et invisibilium, et in Iesum Christum, filium
eius unicum, dominum nostrum, qui natus est de spiritu sancto et
130 Maria virgine, spontanea voluntate coram omni populo confessus sum;
benedictoque fonte illic me trina mersione unda salutis purificavit. Ibi
enim, me posito in fontis gremio, manu de caelo me contingente propriis
vidi oculis; de qua mundus exsurgens, ab omni me leprae squalore
mundatum agnoscite. Levatoque me de venerabili fonte, indutus

<p>vestibus candidis, septemformis sancti spiritus in me consignatione ad- hibuit beati chrismatis unctionem et vexillum sanctae crucis in mea fronte linivit dicens: "Signat te deus sigillo fidei suae in nomine patris et filii et spiritus sancti in consignatione fidei." Cunctus clerus respondit: "Amen." Adiecit praesul: "Pax tibi."</p>	135
<p>10. Prima itaque die post perceptum sacri baptismatis mysterium et post curationem corporis mei a leprae squalore agnovi, non esse alium deum nisi patrem et filium et spiritum sanctum, quem beatissimus Silvester papa praedicat, trinitatem in unitate, unitatem in trinitate. Nam omnes dii gentium, quos usque hactenus colui, daemonia, opera hominum manufacta comprobantur etenim, quantam potestatem isdem salvator noster suo apostolo beato Petro contulerit in caelo ac terra, lucidissime nobis isdem venerabilis pater edixit, dum fidelem eum in sua interrogatione inveniens ait: "Tu es Petrus, et super hanc petram aedificabo ecclesiam meam, et portae inferi non praevalent adversus eam." Advertite potentes et aurem cordis intendite, quid bonus ma- gister et dominus suo discipulo adiunxit inquit: "Et tibi dabo claves regni caelorum; quodcumque ligaveris super terram, erit ligatum et in caelis et quodcumque solveris super terram, erit solutum et in caelis." Mirum est hoc valde et gloriosum, in terra ligare et solvere et in caelo ligatum et solutum esse.</p>	140 145 150 155
<p>11. Et dum haec praedicante beato Silvestrio agnoscerem et beneficiis ipsius beati Petri integre me sanitati comperi restitutum, utile iudi- cavimus una cum omnibus nostris satrapibus et universo senatu, opti- matibus etiam et cuncto populo Romano, gloriae imperii nostri sub- iacenti, ut, sicut in terris vicarius filii dei esse videtur constitutus, etiam et pontifices, qui ipsius principis apostolorum gerunt vices, prin- cipatus potestatem amplius, quam terrena imperialis nostrae serenitatis mansuetudo habere videtur concessam, a nobis nostroque imperio ob- tineant; eligentes nobis ipsum principem apostolorum vel eius vicarios firmos apud deum adesse patronos. Et sicut nostra est terrena im- perialis potentia, eius sacrosanctam Romanam ecclesiam decrevimus veneranter honorare et amplius, quam nostrum imperium et terrenum thronum sedem sacratissimam beati Petri gloriose exaltari, tribuentes ei potestatem et gloriae dignitatem atque vigorem et honorificentiam imperialem.</p>	160 165 170

12. Atque decernentes sancimus, ut principatum teneat tam super
quattuor praecipuas sedes Antiochenam, Alexandrinam, Constantinopoli-
tanam et Hierosolymitanam, quamque etiam super omnes in universo orbe
175 terrarum dei ecclesias; et pontifex, qui pro tempore ipsius sacro-
sanctae Romanae ecclesiae extiterit, celsior et princeps cunctis sacer-
dotibus totius mundi existat et eius iudicio, quaeque ad cultum dei
vel fidei Christianorum stabilitate procuranda fuerint, disponantur.
Iustum quippe est, ut ibi lex sancta caput teneat principatus, ubi
sanctarum legum institutor, salvator noster, beatum Petrum apostolatus
180 obtinere praecepit cathedram, ubi et crucis patibulum sustinens beatae
mortis sumpsit poculum sui que magistri et domini imitator apparuit,
et ibi gentes pro Christi nominis confessione colla flectant, ubi eorum
doctor beatus Paulus apostolus pro Christo extenso collo martyrio
185 coronatus est; illic usque in finem quaerant doctorem, ubi sanctum
doctoris quiescit corpus, et ibi proni ac humiliati caelestis regis, dei
salvatoris nostri Iesu Christi, famulentur officio, ubi superbi terreni
regis serviebant imperio.
13. Interea nosse volumus omnem populum universarum gentium ac
nationum per totum orbem terrarum, construxisse nos intro palatium
190 nostrum Lateranense eidem salvatori nostro domino deo Iesu Christo
ecclesiam a fundamentis cum baptisterio, et duodecim nos sciatis de
eius fundamentis secundum numerum duodecim apostolorum cophinos
terra onustatos propriis asportasse humeris; quam sacrosanctam
ecclesiam caput et verticem omnium ecclesiarum in universo orbe ter-
195 rarum dici, coli, venerari ac praedicari sancimus, sicut per alia nostra
imperialia decreta statuimus. Construximus itaque et ecclesias beatorum
Petri et Pauli, principum apostolorum, quas auro et argento locu-
pletavimus, ubi et sacratissima eorum corpora cum magno honore
recondentes, thecas ipsorum ex electro, cui nulla fortitudo praevallet
200 elementorum, construximus et crucem ex auro purissimo et gemmis
pretiosis per singulas eorum thecas posuimus et clavis aureis con-
fiximus, quibus pro concinnatione luminariorum possessionum praedia
contulimus, et rebus diversis eas ditavimus, et per nostras imperialium
iussionum sacras tam in oriente quam in occidente vel etiam septen-
205 trionali et meridiana plaga, videlicet in Iudaea, Graecia, Asia, Thracia,
Africa et Italia vel diversis insulis nostram largitatem eis concessimus,
ea prorsus ratione, ut per manus beatissimi patris nostri Silvestrii

pontificis successorumque eius omnia disponantur.

14. Gaudeat enim una nobiscum omnis populus et gentium nationes
 in universo orbe terrarum; exhortantes omnes, ut deo nostro et 210
 salvatori Iesu Christo immensas una nobiscum referatis grates, quoniam
 ipse deus in caelis desuper et in terra deorsum, qui nos per suos
 sanctos visitans apostolos sanctum baptismatis sacramentum percipere
 et corporis sanitatem dignos effecit. Pro quo concedimus ipsis sanctis
 apostolis, dominis meis, beatissimis Petro et Paulo et per eos etiam 215
 beato Silvestrio patri nostro, summo pontifici et universali urbis
 Romae papae, et omnibus eius successoribus pontificibus, qui usque in
 finem mundi in sede beati Petri erunt sessuri, atque de praesenti
 contradimus palatium imperii nostri Lateranense, quod omnibus in
 toto orbe terrarum praefertur atque praeccellet palatiis, deinde diademam 220
 videlicet coronam capitis nostri simulque frygium nec non et super-
 humerale, videlicet lorum, qui imperiale circumdare assolet collum,
 verum etiam et clamidem purpuream atque tunicam coccineam et
 omnia imperialia indumenta seu et dignitatem imperialium praesidentium
 equitum, conferentes etiam et imperialia scepra simulque et conta 225
 atque signa, banda etiam et diversa ornamenta imperialia et omnem
 processionem imperialis culminis et gloriam potestatis nostrae.
15. Viris enim reverentissimis, clericis diversis ordinibus eidem sacro-
 sanctae Romanae ecclesiae servientibus illud culmen, singularitatem,
 potentiam et praeccellentiam habere sancimus, cuius amplissimus noster 230
 senatus videtur gloria adornari, id est patricios atque consules effici,
 nec non et ceteris dignitatibus imperialibus eos promulgantes decorari;
 et sicut imperialis militia, ita et clerum sacrosanctae Romanae ecclesiae
 ornari decernimus; et quemadmodum imperialis potentia officiis di- 235
 versis, cubiculariorum nempe et ostiariorum atque omnium excubiorum
 ornatu decoratur, ita et sanctam Romanam ecclesiam decorari volumus; et ut
 amplissime pontificalis decus praefulgeat, decernimus et hoc, ut clerici
 eiusdem sanctae Romanae ecclesiae mappulis ex linteaminibus, id est
 candidissimo colore, eorum decorari equos et ita equitari, et sicut
 noster senatus calciamenta uti cum udonibus, id est candido linteamine 240
 illustrari: ut sicut caelestia ita et terrena ad laudem dei decorentur;
 prae omnibus autem licentiam tribuentes ipso sanctissimo patri nostro
 Silvestrio, urbis Romae episcopo et papae, et omnibus, qui post eum

245 in successum et perpetuis temporibus advenerint, beatissimis ponti-
 ficibus, pro honore et gloria Christi dei nostri in eadem magna dei
 catholica et apostolica ecclesia ex nostra synclitu, quem placatus pro-
 prio consilio clericare voluerit et in numero religiosorum clericorum
 connumerare, nullum ex omnibus praesumentem superbe agere.

250 16. Decrevimus itaque et hoc, ut isdem venerabilis pater noster Sil-
 vester, summus pontifex, vel omnes eius successores pontifices dia-
 demam videlicet coronam, quam ex capite nostro illi concessimus, ex
 auro purissimo et gemmis pretiosis uti debeant et eorum capite ad
 laudem dei pro honore beati Petri gestare; ipse vero sanctissimus
 255 papa super coronam clericatus, quam gerit ad gloriam beati Petri,
 omnino ipsam ex auro non est passus uti coronam, frygium vero can-
 dido nitore splendidam resurrectionem dominicam designans eius sacra-
 tissimo vertici manibus nostris posuimus, et tenentes frenum equi
 ipsius pro reverentia beati Petri stratoris officium illi exhibuimus;
 260 statuentes, eundem frygium omnes eius successores pontifices singu-
 lariter uti in processionibus ad imitationem imperii nostri.

17. Unde ut non pontificalis apex
 vilescat, sed magis amplius quam terreni imperii dignitas et gloriae
 potentia decoretur, ecce tam palatium nostrum, ut praelatum est, quam-
 265 que Romae urbis et omnes Italiae seu occidentalium regionum pro-
 vincias, loca et civitates saepefato beatissimo pontifici, patri nostro Sil-
 vestrio, universali papae, contradentes atque relinquentes eius vel
 successorum ipsius pontificum potestati et ditioni firma imperiali cen-
 sura per hanc nostram divalem sacram et pragmaticum constitutum
 decernimus disponenda atque iuri sanctae Romanae ecclesiae con-
 270 cedimus permanenda.

18. Unde congruum prospeximus, nostrum imperium et regni pote-
 statem orientalibus transferri ac transmutari regionibus et in Byzantiae
 provincia in optimo loco nomini nostro civitatem aedificari et nostrum
 illic constitui imperium; quoniam, ubi principatus sacerdotum et
 275 christianae religionis caput ab imperatore caelesti constitutum est,
 iustum non est, ut illic imperator terrenus habeat potestatem.

19. Haec vero omnia, quae per hanc nostram imperialem sacram et per
 alia divalia decreta statuimus atque confirmavimus, usque in finem
 mundi illibata et inconcussa permanenda decernimus; unde coram deo
 280 vivo, qui nos regnare praecepit, et coram terribili eius iudicio ob-

testamus per hoc nostrum imperialem constitutum omnes nostros successores imperatores vel cunctos optimates, satrapes etiam, amplissimum senatum et universum populum in toto orbe terrarum nunc et in posterum cunctis retro temporibus imperio nostro subiacenti, nulli eorum quoquo modo licere, haec, quae a nobis imperiali sanctione sacrosanctae Romanae ecclesiae vel eius omnibus pontificibus concessa sunt, refragare aut confringere vel in quoquam convelli. Si quis autem, quod non credimus, in hoc temerator aut contemptor extiterit, aeternis condemnationibus subiaceat innodatus, et sanctos dei principes apostolorum Petrum et Paulum sibi in praesenti et futura vita sentiat contrarios, atque in inferno inferiori concrematus, cum diabolo et omnibus deficiat impiis. 285

20. Huius vero imperialis decreti nostri paginam propriis manibus roborantes super venerandum corpus beati Petri, principis apostolorum, posuimus, ibique eidem dei apostolo spondentes, nos cuncta inviolabiliter conservare et nostris successoribus imperatoribus conservanda in mandatis relinqui, beatissimo patri nostro Silvestrio summo pontifici et universali papae eiusque per eum cunctis successoribus pontificibus, domino deo et salvatore nostro Iesu Christo annuente, tradidimus perenniter atque feliciter possidenda. 295

Et subscriptio imperialis: 300

Divinitas vos conservet per multos annos, sanctissimi ac beatissimi patres.

Datum Roma sub die tertio Kalendarum Aprilium, domno nostro Flavio Constantino augusto quater et Gallicano viris clarissimis consulibus. 305

II. The “Constitutum Constantini” in translation

1. In the name of the holy and indivisible Trinity, the Father, namely, and the Son and the Holy Spirit. The emperor Caesar Flavius Constantine in Christ Jesus – one of that same holy Trinity, the Saviour, the Lord our God – faithful, merciful, supreme, beneficent, Alamannic, Gothic, Sarmatic, Germanic, Britannic, Hunic, pious, fortunate, victor and triumpher, always august: to the most holy and blessed father of fathers Sylvester, bishop of the city of Rome and Pope, and to all his successors the pontiffs, who are about to sit upon the chair of St. Peter until the end of time – also to all the most reverend and of God beloved catholic bishops, subjected by this our imperial decree throughout the whole world to this same holy, Roman church, who have been established now and in all previous times – grace, peace, charity, rejoicing, long-suffering, mercy, be with you all from God the Father almighty and from Jesus Christ his Son and from the Holy Ghost.

2. Our most gracious serenity desires, in clear discourse, through the page of this our imperial decree, to bring to the knowledge of all the people in the whole world what things our Saviour and Redeemer the Lord Jesus Christ, the Son of the most High Father, has most wonderfully seen fit to bring about through his holy apostles Peter and Paul and by the intervention of our father Sylvester, the highest pontiff and the universal pope. First, indeed, putting forth, with the inmost confession of our heart, for the purpose of instructing the mind of all of you, our creed which we have learned from the aforesaid most blessed father and our confessor, Sylvester the universal pontiff; and then at length announcing the mercy of God which has been poured upon us.

3. For we wish you to know, as we have signified through our former imperial decree, that we have gone away, from the worship of idols, from mute and deaf images made by hand, from devilish contrivances and from all the pomps of Satan; and have arrived at the pure faith of the Christians, which is the true light and everlasting life. Believing, according to what he – that same one, our revered supreme father and teacher, the pontiff Sylvester – has taught us, in God the Father, the almighty maker of Heaven and earth, of all things visible and invisible; and in Jesus Christ, his only Son, our Lord God, through whom all things are created; and in the Holy Spirit, the Lord and vivifier of the whole creature. We confess these, the Father and the Son and the Holy Spirit, in such way that, in the perfect Trinity, there shall also be a fulness of divinity and a unity of power. The Father is God, the Son is God, and the Holy Spirit is God; and these three are one in Jesus Christ. There are therefore three forms but one power.

4. For God, wise in all previous time, gave forth from himself the word through which all future ages were to be born; and when, by that sole word of His wisdom, He formed the whole creation from nothing, He was with it, arranging all things in His mysterious secret place. Therefore, the virtues of the Heavens and all the material part of the earth having been perfected, by the wise nod of His wisdom first creating man of the clay of the earth in His own image and likeness, He placed him in a paradise of delight. Him the ancient serpent and envious enemy, the devil, through the most bitter taste of the forbidden tree, made an exile from these joys; and, being expelled, did not cease in many ways to cast his poisonous darts; in order that, turning the human race from the way of truth to the worship of idols, he might persuade it, namely to worship the creature and not the creator; so that, through them (the idols), he might cause those whom he might be able to entrap in his snares to be burned with him in eternal punishment. But our Lord, pitying His creature, sending ahead His holy prophets, announcing through them the light of the future life-the coming,' that is, of His Son our Lord and Saviour Jesus Christ-sent that same only begotten Son and Word of wisdom: He descending from Heaven on account of our salvation, being born of the Holy Spirit and of the Virgin Mary,-the word was made flesh and dwelt among us. He did not cease to be what He had been, but began to be what He had not been, perfect God and perfect man: as God, performing miracles; as man, sustaining human sufferings. We so learned Him to be very man and very God by the preaching of our father Sylvester, the supreme pontiff, that we can in no wise doubt that He was very, God and very man. And, having chosen twelve apostles, He shone with miracles before them and an innumerable multitude of people. We confess that this same Lord Jesus Christ fulfilled the law and the prophets; that He suffered, was crucified, on the third day arose from the dead according to the Scriptures; was received into Heaven, and sitteth on the right hand of the Father. Whence He shall come to judge the quick and the dead, whose kingdom shall have no end.

5. For this is our orthodox creed, placed before us by our most blessed father Sylvester, the supreme pontiff. We exhort, therefore, all people, and all the different nations, to hold, cherish and preach this faith; and, in the name of the Holy Trinity, to obtain the grace of baptism; and, with devout heart, to adore the Lord Jesus Christ our Saviour, who with the Father and the Holy Spirit, lives and reigns through infinite ages; whom Sylvester our father, the universal pontiff, preaches.

6. For He himself, our Lord God, having pit on me a sinner, sent His holy apostles to visit us, and caused the light of his splendour to shine upon us. And do ye rejoice that I, having been withdrawn from the shadow, have come to the true light and to the knowledge of truth. For, at a time when a

mighty and filthy leprosy had invaded all the flesh of my, body, and the care was administered of many physicians who came together, nor by that of any one of them did I achieve health: there came hither the priests of the Capitol, saving to me that a font should be made on the Capitol, and that I should fill this with the blood of innocent infants; and that, if I bathed in it while it was warm, I might be cleansed. And very many innocent infants having been brought together according to their words, when the sacrilegious priests of the pagans wished them to be slaughtered and the font to be filled with their blood: Our Serenity perceiving the tears of the mothers, I straightway abhorred the deed. And, pitying them, I ordered their own sons to be restored to them; and, giving them vehicles and gifts, sent them off rejoicing to their own.

7. That day having passed therefore – the silence of night having come upon us – when the time of sleep had arrived, the apostles St. Peter and Paul appear, saying to me: “Since thou hast placed a term to thy vices, and hast abhorred the pouring forth of innocent blood, we are sent by, Christ the Lord our God, to give to thee a plan for recovering thy health. Hear, therefore, our warning, and do what we indicate to thee. Sylvester – the bishop of the city of Rome – on Mount Serapte, fleeing they persecutions, cherishes the darkness with his clergy in the caverns of the rocks. This one, when thou shalt have led him to thyself, will himself show thee a pool of piety; in which, when he shall have dipped thee for the third time, all that strength of the leprosy will desert thee. And, when this shall have been done, make this return to thy Saviour, that by thy order through the whole world the churches may be restored. Purify thyself, moreover, in this way, that, leaving all the superstition of idols, thou do adore and cherish the living and true God – who is alone and true – and that thou attain to the doing of His will.”

8. Rising, therefore, from sleep, straightway I did according to that which I had been advised to do by, the holy apostles; and, having summoned that excellent and benignant father and our enlightener – Sylvester the universal pope-I told him all the words that had been taught me by the holy apostles; and asked him who where those gods Peter and Paul. But he said that they where not really called gods, but apostles of our Saviour the Lord God Jesus Christ. And again we began to ask that same most blessed pope whether he had some express image of those apostles; so that, from their likeness, we might learn that they were those whom revelation had shown to us. Then that same venerable father ordered the images of those same apostles to be shown by his deacon. And, when I had looked at them, and recognized, represented in those images, the countenances of those whom I had seen in my dream: with a great noise, before all my satraps, I confessed that they were those whom I had seen in my dream.

9. Hereupon that same most blessed Sylvester our father, bishop of the city of Rome, imposed upon us a time of penance-within our Lateran palace, in the chapel, in a hair garment – so that I might obtain pardon from our Lord God Jesus Christ our Saviour by vigils, fasts, and tears and prayers, for all things that had been impiously done and unjustly ordered by me. Then through the imposition of the hands of the clergy, I came to the bishop himself; and there, renouncing the pomps of Satan and his works, and all idols made by hands, of my own will before all the people I confessed: that I believed in God the Father almighty, maker of Heaven and earth, and of all things visible and invisible; and in Jesus Christ, His only Son our Lord, who was born of the Holy Spirit and of the Virgin Mary. And, the font having been blessed, the wave of salvation purified me there with a triple immersion. For there I, being placed at the bottom of the font, saw with my own eyes a band from Heaven touching me; whence rising, clean, know that I was cleansed from all the squalor of leprosy. And, I being raised from the venerable font-putting on white raiment, be administered to me the sign of the seven-fold holy Spirit, the unction of the holy oil; and he traced the sign of the holy cross on my brow, saying: God seals thee with the seal of His faith in the name of the Father and the Son and the Holy Spirit, to signalize thy faith. All the clergy replied: “Amen.” The bishop added, “peace be with thee.”

10. And so, on the first day after receiving the mystery of the holy baptism, and after the cure of my body from the squalor of the leprosy, I recognized that there was no other God save the Father and the Son and the Holy Spirit; whom the most blessed Sylvester the pope doth preach; a trinity in one, a unity in three. For all the gods of the nations, whom I have worshipped up to this time, are proved to be demons; works made by the hand of men; inasmuch as that same venerable father told to us most clearly how much power in Heaven and on earth He, our Saviour, conferred on his apostle St. Peter, when finding him faithful after questioning him He said: “Thou art Peter, and upon this rock (petram) shall I build My Church, and the gates of hell shall not prevail against it.” Give heed ye powerful, and incline the ear of your hearts to that which the good Lord and Master added to His disciple, saying: “And I will give thee the keys of the kingdom of Heaven; and whatever thou shalt bind on earth shall be bound also in Heaven, and whatever thou shalt loose on earth shall be loosed also in Heaven.” This is very wonderful and glorious, to bind and loose on earth and to have it bound and loosed in Heaven.

11. And when, the blessed Sylvester preaching them, I perceived these things, and learned that by the kindness of St. Peter himself I had been entirely restored to health: I together with all our satraps and the whole senate and the nobles and all the Roman people, who are subject to the

glory of our rule -considered it advisable that, as on earth he (Peter) is seen to have been constituted vicar of the Son of God, so the pontiffs, who are the representatives of that same chief of the apostles, should obtain from us and our empire the power of a supremacy greater than the earthly clemency of our imperial serenity is seen to have had conceded to it, – we choosing that same prince of the apostles, or his vicars, to be our constant intercessors with God. And, to the extent of our earthly imperial power, we decree that his holy Roman church shall be honoured with veneration; and that, more than our empire and earthly throne, the most sacred seat of St. Peter shall be gloriously exalted; we giving to it the imperial power, and dignity of glory, and vigour and honour.

12. And we ordain and decree that he shall have the supremacy as well over the four chief seats Antioch, Alexandria, Constantinople and Jerusalem, as also over all the churches of God in the – whole world. And he who for the time being shall be pontiff of that holy Roman church shall be more exalted than, and chief over, all the priests of the whole world; and, according to his judgment, everything which is to be provided for the service of God or the stability of the faith of the Christians is to be administered. It is indeed just, that there the holy law should have the seat of its rule where the founder of holy laws, our Saviour, told St. Peter to take the chair of the apostleship; where also, sustaining the cross, he blissfully took the cup of death and appeared as imitator of his Lord and Master; and that there the people should bend their necks at the confession of Christ's name, where their teacher, St. Paul the apostle, extending his neck for Christ, was crowned with martyrdom. There, until the end, let them seek a teacher, where the holy body of the teacher lies; and there, prone and humiliated, let them perform I the service of the heavenly king, God our Saviour Jesus Christ, where the proud were accustomed to serve under the rule of an earthly king.

13. Meanwhile we wish all the people, of all the races and nations throughout the whole world, to know: that we have constructed within our Lateran palace, to the same Saviour our Lord God Jesus Christ, a church with a baptistry from the foundations. And know that we have carried on our own shoulders from its foundations, twelve baskets weighted with earth, according to the number of the holy apostles. Which holy church we command to be spoken of, cherished, venerated and preached of, as the head and summit of all the churches in the whole world-as we have commanded through our other imperial decrees. We have also constructed the churches of St. Peter and St. Paul, chiefs of the apostles, which we have enriched with gold and silver; where also, placing their most sacred bodies with great honour, we have constructed their caskets of electrum, against which no force of the elements prevails. And we have placed a cross of

purest gold and precious gems on each of their caskets, and fastened them with golden keys. And on these churches for the endowing of divine services we have conferred estates, and have enriched them with different objects; and, through our sacred imperial decrees, we have granted them our gift of land in the East as well as in the West; and even on the northern and southern coast; namely in Judea, Greece, Asia, Thrace, Africa and Italy and the various islands: under this condition indeed, that all shall be administered by the hand of our most blessed father the pontiff Sylvester and his successors.

14. For let all the people and the nations of the races in the whole world rejoice with us; we exhorting all of you to give unbounded thanks, together with us, to our Lord and Saviour Jesus Christ. For He is God in Heaven above and on earth below, who, visiting us through His holy apostles, made us worthy to receive the holy sacrament of baptism and health of body. In return for which, to those same holy apostles, my masters, St. Peter and St. Paul; and, through them, also to St. Sylvester, our father,-the chief pontiff and universal pope of the city of Rome,-and to all the pontiffs his successors, who until the end of the world shall be about to sit in the seat of St. Peter: we concede and, by this present, do confer, our imperial Lateran palace, which is preferred to, and ranks above, all the palaces in the whole world; then a diadem, that is, the crown of our head, and at the same time the tiara; and, also, the shoulder band, – that is, the collar that usually surrounds our imperial neck; and also the purple mantle, and crimson tunic, and all the imperial raiment; and the same rank as those presiding over the imperial cavalry; conferring also the imperial sceptres, and, at the same time, the spears and standards; also the banners and different imperial ornaments, and all the advantage of our high imperial position, and the glory of our power.

15. And we decree, as to those most reverend men, the clergy who serve, in different orders, that same holy Roman church, that they shall have the same advantage, distinction, power and excellence by the glory of which our most illustrious senate is adorned; that is, that they shall be made patricians and consuls, – we commanding that they shall also be decorated with the other imperial dignities. And even as the imperial soldiery, so, we decree, shall the clergy of the holy Roman church be adorned. And I even as the imperial power is adorned by different offices-by the distinction, that is, of chamberlains, and door keepers, and all the guards,-so we wish the holy Roman church to be adorned. And, in order that the pontifical glory may shine forth more fully, we decree this also: that the clergy of this same holy Roman church may use saddle cloths of linen of the whitest colour; namely that their horses may be adorned and so be ridden, and that, as our senate uses shoes with goats' hair, so they may be distinguished by

gleaming linen; in order that, as the celestial beings, so the terrestrial may be adorned to the glory of God. Above all things, moreover, we give permission to that same most holy one our father Sylvester, bishop of the city of Rome and pope, and to all the most blessed pontiffs who shall come after him and succeed him in all future times-for the honour and glory of Jesus Christ our Lord, – to receive into that great Catholic and apostolic church of God, even into the number of the monastic clergy, any one from our senate, who, in free choice, of his own accord, may wish to become – a cleric; no one at all presuming thereby to act in a haughty manner.

16. We also decreed this, that this same venerable one our father Sylvester, the supreme pontiff, and all the pontiffs his successors, might use and bear upon their heads-to the Praise of God and for the honour of St. Peter-the diadem; that is, the crown which we have granted him from our own head, of purest gold and precious gems. But he, the most holy pope, did not at all allow that crown of gold to be used over the clerical crown which he wears to the glory of St. Peter; but we placed upon his most holy head, with our own hands, a tiara of gleaming splendour representing the glorious resurrection of our Lord. And, holding the bridle of his horse, out of reverence for St. Peter we performed for him the duty of groom; decreeing that all the pontiffs his successors, and they alone, may use that tiara in processions in imitation of our own imperial dignity.

17. In order that the supreme pontificate may not deteriorate, but may rather be adorned with dignity and glory even more than is the dignity of the terrestrial Empire: behold, we confer to the frequently mentioned most blessed pontiff, our father Sylvester, the universal pope, as well our palace, as has been said, as also the city of Rome, all provinces, places and cities of Italy and the western regions and we – by our firm imperial will through this our godlike, holy and imperial constitution – relinquish them to his and his successors' power and rule, and we decree that they shall remain under the law of the holy Roman church.

18. Wherefore we have perceived it to be fitting that our empire and the power of our kingdom should be transferred and changed to the regions of the East; and that, in the province of Byzantium, in a most fitting place, a city should be built in our name; and that our empire should there be established. For, where the supremacy of priests and the head of the Christian religion has been established by a heavenly ruler, it is not just that there an earthly ruler should have jurisdiction.

19. We decree, moreover, that all these things which, through this our imperial charter and through other godlike commands, we have established and confirmed, shall remain uninjured and unshaken until the end of the world. Wherefore, before the living God, who commanded us to reign, and in the face of his terrible judgment, we conjure, through this our imperial

decree, all the emperors our successors, and all our nobles, the satraps also and the most glorious senate, and all the people in the whole world now and in all times previously subject to our rule: that no one of them, in any way allow himself to oppose or disregard, or in any way seize, these things which, by our imperial sanction, have been conceded to the holy Roman church and to all its pontiffs. If anyone, moreover, – which we do not believe – prove a scorner or despiser in this matter, he shall be subject and bound over to eternal damnation; and shall feel that the holy chiefs of the apostles of God, Peter and Paul, will be opposed to him in the present and in the future life. And, being burned in the nethermost hell, he shall perish with the devil and all the impious.

20. The page, moreover, of this our imperial decree, we, confirming it with our own hands, did place above the venerable body of St. Peter chief of the apostles; and there, promising to that same apostle of God that we would preserve inviolably all its provisions, and would leave in our commands to all the emperors our successors to preserve them, we did hand it over, to be enduringly and happily possessed, to our most blessed father Sylvester the supreme pontiff and universal pope, and, through him, to all the pontiffs his successors – God our Lord and our Saviour Jesus Christ consenting.

And the imperial subscription: May the Divinity preserve you for many years, oh most holy and blessed fathers.

Given at Rome on the third day before the Kalends of April, our master the august Flavius Constantine, for the fourth time, and Gallicano, most outstanding men, being consuls.

III. The "Donation of Constantine" with the "Glossa ordinaria"

Distinctio. xvi. **Primapars.**

Sed primum est verum.
 Excidi- a. Uidebat. sed male: q. l. p. minimis casis no
 cadit q. sit q. d. excidiat. vt. r. q. u. ep. in q. libet contumacia
 no e. p. digna est excoicatio: immo tanto maior vt q. to. et
 re minor cosurgit. q. q. vij. non possunt.

Beat⁹ etiā Ambrosi⁹ l. 3. san
 ct⁹ no tñ vniuersalis ecclie
 eps p culpa q ab alijs sacer
 dotib⁹ no adeo grauis vide
 batur. theodosi⁹ magnū im
 peratori⁹ excoicās ab ecclia
 excludit: q etiā i suis script⁹
 ostēdit: qz auz no tā p̄ciosi⁹
 sit plūbo: qz regia p̄tate sit
 altio: oido sacerdotali: hoc
 modo circa principū sui pa
 storalis scribēs. honor f̄res
 et sublimitas ep̄alis nullis
 poterit p̄pariōib⁹ adeq̄ri: si
 regū fulgori p̄pares ⁊ p̄ci
 pū diademati: loge erit iferi
 us q̄ si plūbi metallum aut
 auri fulgorē p̄pares: q̄ppe
 cū videas regū colla ⁊ p̄ci
 pū submitti genib⁹ sacerdo
 tū ⁊ oscata eoz dextra ofo
 nibus eoz credāt se cōicari
 vel muniti. I tē Jo. papa.

Impar
toz ve
r⁹ q̄s
 Impar- Sed q̄s ē ve
 tus imperato: si
 dicunt quidaz
 q̄ cōstantinopo
 litan⁹ h̄ iste ali⁹
 p̄curator: est si
 ue defensor ro.
 ec. arg. de conse.
 dultin. r. in die. s. hinc. ⁊ huero. ec. cōcedit gladij po
 testatem coronam. Sed p̄tra extra. de ele. venera
 bile. dicit ubi q̄ ro. ec. r. c. stultit iperū in occidentē a
 p̄cis. ⁊ ita iste roman⁹ est verus imperator.

Papa
trāst
lit ipi
 Cleri
⁹ s̄no
⁹ ecclie
stā illi
bificiū
perdit.
 Quas. ergo debet dici bon⁹ potestas est illa.
 s. Quas. s. dicit. ap̄lū. r. c. ceterū ē. r. q. i. si tribuā.
 s. Bificia. Ar. clerici s̄ h̄c ⁊ eccliam vñ habet
 bificiū: debere illo p̄uari: nisi forte p talib⁹ psonis
 p ab⁹ licita sit q̄ cōtra quēlibet agere: quas habes
 s. de potu. l. h. qui. et. u. q. vi. s. tria. in. s. l. in. p̄pria
 cā vel parentū suoz: vel pupilloz suozum. Simile
 est inter vasallū ⁊ dñm: vt. r. q. vlt. de form. a. Si.
 de aduocatis. C. de aduo. di. u. l. h. c. de reuo. do. l. j.
 et. vi. q. i. quia frater. et dicit de hoc. q. i. nulli. hoc
 tamen exaudio de ecclia ad quā intinatus est: pro
 qua stare p̄r s̄ quantlibet eccliam: etiā in qua ha
 bet bificiū: qz saluū fuit ius p̄me immo si aliq̄d mu
 t⁹ ei mūgat ab ecclia: nullā excusatōnē p̄t p̄re de
 re. C. de exco. tu. libertos. xliij. q. i. in summa.

Clerici
nunq̄
 fuerūt
 de iuris
 dictōne
 sedari.
 Et dicitur. ergo anteq̄ esset aliq̄ p̄stitutio etiā
 clerici nō erant de iurisdictōe seculari: vñ oēs p̄stitu
 tiones q̄ emanauerūt q̄ clerici non sunt iudicandi
 nisi ab ep̄is: nō sunt nisi iuris declaratio.

religionē cōpetit discere et
 cōuenit nō docere? h̄z p̄ui
 legia sue p̄tātis q̄ admistrā
 dia legib⁹ public⁹ diuinit⁹
 p̄secut⁹ ē: ⁊ ei⁹ bificijs nō in
 grat⁹ p̄tra dispōnē celestis
 ordis nil vsurpet. Ad sacer
 dotes em̄ de⁹ voluit q̄ ecclie
 disponēda sūt p̄riere: nō ad
 seculi p̄tates: q̄s⁹ (si fideles
 sūt) ecclie sue sacerdotib⁹ voluit eē subiectas
 nō sibi v̄dicet alienū ius⁹: ⁊ miserū q̄d alij
 deputatū est: neqz p̄tra eū p̄tēdat abrupi a q̄
 oia p̄stura sūt: ⁊ p̄tra illi⁹ bificia⁹ pugnare
 videat: a q̄ p̄pniā p̄secut⁹ ē p̄tate: nō legib⁹ pu
 blic⁹: nī a p̄tātib⁹ sc̄l̄ic⁹: ⁊ sacerdo
 tib⁹ oēs deus xp̄iane religiōis clericos ⁊ sa
 cerdotes voluit ordiari ⁊ dicitur: ⁊ recipi de
 errore remeātes. Imperatores xp̄iani subde
 re debēt executiones suas ecclesiasticas pie
 salub⁹ nō p̄ferre. Idem. C. De eodem. 17.

re debent eē h̄sanay legū de talib⁹
ferre sniaz absqz ecclie p̄cipalib⁹ p̄stitut⁹: p̄
rificiis obseq̄ solere p̄cipales p̄tianos: decre
tis ecclie nō suā p̄ponere potestātē: ep̄is ca
put subdere p̄ncipales solitū est: nō de eoz
capitibus iudicare. C. De eodē. C. Palea. 13

Constitūti⁹
mparator coronā ⁊ oēm rez
giā dignitatē i v̄be romana ⁊ i italia
⁊ in p̄tib⁹ occidentalib⁹ ap̄lico p̄cessit. Nā in
gestis b̄ri siluestri. (q̄ b̄tus papa gelas⁹ in cō
cilio. lxx. ep̄op̄ a catholicis legi cōmoroar:
⁊ p̄ antiquo vsu multas hoc imitari dicit ec
clesias) ita legit. C. De eodē. C. Palea. 14

Constitūti⁹
ipator q̄tra die sui baptis
mi p̄uilegiū romane ecclie pontifici
p̄tulit: vt i toto orbē romani p̄tiffices vel sa
cerdotes ita h̄ic caput habeāt: sicut iudices
regē. In eo p̄uilegio ita inf̄ cetera legit. Act
le iudicam⁹ vna cū oibus satrapis n̄ris ⁊ vni
uerso senatu optimarib⁹: excito p̄p̄o ip̄io ro
mane ecclie subiacēt: vt sicut b̄tus petr⁹ i ter
ris vicari⁹ fil⁹ dei videt eē cōstitut⁹: ita ⁊ p̄t
fices ip̄i⁹ p̄cipales ap̄p̄o i tris p̄cipat⁹ po
testatē ap̄lī⁹ q̄s t̄rene ip̄ialis n̄re serenitatis
māstetudo h̄re videt: p̄cessaz a nobis: n̄o q̄s
impio obtineāt: religētes nobis ip̄m p̄cipēz
ap̄p̄o v̄l ei⁹ vicarios firmos ap̄p̄o deū eē pa
tronos: ⁊ sicut n̄ra est t̄rena ip̄ial⁹ potētia: ita
ei⁹ sc̄taz romanā eccliaz d̄creuit⁹ venerant
honozare: ⁊ ap̄lī⁹ q̄s n̄z ip̄iū t̄renūqz thronū
sedē sacratissimā b̄ri petri gl̄osē exaltari: t̄ri

Distinctio. xcvi.

Folio. cxxxvi.

buētes ei patēre z glia z dignitatē: atq; vigo
rē: hono:ificatiā ipialē: atq; dēcernētes sanc-
tim⁹ vt pūcipatū teneat: tā sup q̄ttuor sedes
alexādrinā: ātiochenā: hierosolymitanā: cō
statinopolitanā: q̄s ēt sup oēs iūniuerso orbe
terraz ecclias dei: z pōtifer q̄ p tpa ipi⁹ scē
ro. ec. extiterit: celsior z pūiceps eūer⁹ sacdo
tib⁹ z toti⁹ mūdi existat: z ei⁹ iudicio q̄ ad cul
tū dei v⁹ fide xpiano: v⁹ stabilitatē pcuran
da fuerit: dūponāf. z. J. C. celsis btōz aploz
petri z pauli. p pūcipatōe lumiarior: posses
sionū pdia pūlūm⁹ z reb⁹ diuersis eas dita
um⁹: z p nra⁹ ipialē iustitiā sacrā tā i orietē
q̄ in occidentē. Uel ēt a septētrionali z meri
diana plaga: videlz in Judea: Sirecia: Asia:
Thracia: Aphyca: z Italia: vel diuersis iūst
nra largitate ei⁹ ccessim⁹: ea pūsus rōne: vt p
man⁹ btūssimi pūis nri Siluestri sūmi pōtifici
successorū: ei⁹ oia dūponant. z. J. Btō silue
uetroz oib⁹ successorū: ei⁹ de pūti tradim⁹
palatiū impij nri Lateranēse. Deide diade
ma: videlz coronā capiti: nri simlq; pūigiū:
necnō et sup humerale videlz lozū: qd ipiale
circūdare afolet collū. Et iertā chlamidez
purpureā atq; tunicā cocineā: z oia ipialia
idūmēra: seu etiā dignitatē ipialū pūidētūz
q̄dū. pferētes ei etiā ipialia scēptra: simlq;
cūcta signa atq; bāna et diuersa ornamenta
ipialia: z oēm pcessiōe ipialis culmīs z glā
prāt⁹ nre. Uris etiā diuersi ordīs reuerēdī
simis clericis scē ro. ec. seruētib⁹: illō culmē
singularis potētēre pcellētē hre sancim⁹ cui⁹
āplūssim⁹ nri senat⁹ videt⁹ glā adornari. Pa
tricioz z pūiles efficit: necnō z ceteris digni
tatib⁹ impialib⁹ eos pūulgamus decorari.
Et sicut ipialibus extat decorata milita: ita
clerū scē ro. ec. adornari decreuim⁹. Et quē
admodū ipialis potētia diuersis officijs ec
bicularioz necnō z ostiarioz: atq; oim pcur
bitoz ordinat: ita z scētāz romanā ecclēsiā de
corari volum⁹. Et vt āplūssimē pōtificale de
cus pūlgeat decreuim⁹ vt clerici eiusdē ro.
ec. mappulis z lītheamib⁹. i. cādūssimo co
lore decoratos eqs eqentē: z sicut nri senatus
calciatēt⁹ vti cū vlonib⁹. i. cādūdo lītheami
ne illustrēt: ita celestia sicut trena ad laudē
dei decorēt. ¶ Pū oib⁹ aut licētā tribuim⁹
btō Siluestro z successorib⁹ ei⁹ ex nro iudicio:
vt quē placat⁹ ppūio pūilio clericali voluerit
z in religiosoz nūero clericoz cōnumerare:
null⁹ ex oibus pūmat supbe agere. Decreuim⁹
m⁹ itaq; hoc vt ipē z successores ei⁹ diade
mate: videlz coronā quā ex capite nro illi cō

cessimus: ex auro purūssimo: z gēmis pūiosis
vti debeat p honore bti petri. Ipē nō btūssi
mus papa sup coronā clericat⁹ quā gerit ad
glā btūssimi pētri ipa ex auro nō ē pass⁹ vt
coronā. Pūigiū nō cādūdo nitore splēdidū:
resurrectionē dūicā designā: sacratīss
mo nri manib⁹ nris ipoliūm⁹: z tenētes fre
nū eq ipsi⁹ p reuerētia bti petri: stratonis of
ficiū illi exhibuim⁹: statuētes eozdē pūigiū
oēs ei⁹ successores singularit⁹ vt i pcessiōib⁹
ad imitationē ipi nri. vū vt pōtificalis aper
nō vilescat: s; magis q̄s terrent ipi⁹ dignitas
glia z potētia decorē: ecce tā palatiū nri m q̄s
romanā vrbē z oēs italie siue occidentaliū re
gionū: pūicias/loca/ciuitates/btūssimo pōti
fici z vniuersali pape siluestro cōcedim⁹ atq;
relinqm⁹: z ab eo z a successorib⁹ ei⁹ p prag
maticū cōstitutū decreuim⁹ dūponēda: atq;
iuri scē ro. ecclē. cōcedim⁹ pmanēda. Uū cō
gruū pperim⁹ nri m iperū z regni prātē oūē
talib⁹ trāferri regionib⁹: z in bizātie pūicie
optio loco noi nro ciuitatē edificari: z nri m il
lic iperū pūitū. qm vbi pūcipat⁹ sacerdotū
z xpiane religiois caput ab impatore celestī
cōstitutū ē: iustū nō est vt illic ipator terren⁹
habeat prātē. Itēc oia nō q̄ per hāc ipialē fa
crā z per alia diualia decreta statum⁹ z pū
maum⁹: vq; in finē mūdi illibata z icōcussa
pmanere dcreuim⁹. Uū corā deo vūo q̄ nos
regnare pcepit: z corā terribili ei⁹ iudicio ob
testamur oēs nros successores ipatores vel
cūctos opūates: satrapas etiā āplūssimū se
natū z vniuersū pplm i toto orbe terraz: nūc
z in posterū nulli eoz qmō licere aut pūrigē
vel in q̄q; puelli. Si q̄s aut qd nō credim⁹ i
hoc temeratoz aut ptepto: extiterit: eternis
pdenatōib⁹ subiaceat inodat⁹: z scōs dei pū
cipēs aploz petri z paulū sibi ipūti z i futu
ra vita sentiat pūos: atq; in inferno isferioi cō
cremat⁹ cū diaboloz oib⁹ de
ficiat ipi⁹ s. hū⁹ nō ipialis
decreti paginā propūis ma
nib⁹ roborātes: sup venerā
dū corp⁹ bti pētri posuim⁹
Data rome tertio kal. apul.
a Lōstātino augusto quarto
pūile z gallicano. iiii. conc.
Item Grego. gelasio.
Cōmpūalis auctoritas reli
giose dūspensatiōis mensu
ram non mutat. ¶
Sicut quis parua ci
uitas pūogatiūā pūit⁹

a Sicut. Sē Impū
sus est. si nō pōt
cut parua aut fact⁹
tas nō pū regnū dotūz
impugnare: ita impu
nec iperū sacer
dotūz. Uel sicut
licēps sit i par
ua ciuitate: rex
tū non pōt iude
care de clericis
eius. sū hoc dic
dūspensatiōis re
ligiose: id est epī
cōstitutū in par
ua ciuitate.

IV. The “Donation of Constantine” as given in Gratian’s *Decretum* according to the edition of Emil Friedberg

Distinctio 96

c. 13 (Palea)

Constantinus inperator coronam, et omnem regiam dignitatem in urbe Romana, et in Italia, et in partibus occidentalibus Apostolico concessit. Nam in gestis B. Silvestri (que B. Papa Gelasius in concilio LXX. episcoporum a catholicis legi commemorat, et pro antiquo usu multas hoc imitari dicit ecclesias) ita legitur:

c. 14 (Palea)

Constantinus inperator quarta die sui baptismi privilegium Romanae ecclesiae Pontifici contulit, ut in toto orbe Romano sacerdotes ita hunc caput habeant, sicut iudices regem. In eo privilegio ita inter cetera legitur: "Utile iudicavimus una cum omnibus satrapis nostris, et universo senatu optimatibusque meis, etiam et cuncto populo Romanae gloriae inperio subiacenti, ut sicut B. Petrus in terris vicarius Filii Dei esse videtur constitutus, ita et Pontifices, qui ipsius principis apostolorum gerunt vices, principatus potestatem amplius quam terrena inperialis nostrae serenitatis mansuetudo habere videtur, concessam a nobis nostroque imperio obtineant, eligentes nobis ipsum principem apostolorum vel eius vicarios firmos apud Deum esse patronos. Et sicut nostram terrenam inperialem potentiam, sic eius sacrosanctam Romanam ecclesiam decrevimus veneranter honorari, et amplius quam nostrum inperium et terrenum thronum sedem sacratissimam B. Petri gloriose exaltari, tribuentes ei potestatem, et gloriae dignitatem atque vigorem, et honorificentiam inperialem. Atque decernentes sancimus, ut principatum teneat tam super quatuor precipuas sedes, Alexandrinam, Antioenam, Ierosolimitanam, Constantinopolitanam, quam etiam super omnes in universo orbe terrarum ecclesias Dei, et Pontifex, qui pro tempore ipsius sacrosanctae Romanae ecclesiae extiterit, celsior et princeps cunctis sacerdotibus totius mundi existat, et eius iudicio queque ad cultum Dei vel fidei Christianorum stabilitatem procuranda fuerint disponantur. Et infra: §. 1. Ecclesiis beatorum apostolorum Petri et Pauli pro continuatione luminarium possessionum predia contulimus, et rebus diversis eas ditavimus, et per nostram inperialem iussionem sacram tam in oriente, quam in occidente, vel etiam septentrionali et meridiana plaga, videlicet in Iudea, Grecia, Asia, Thracia, Affrica et Italia, vel diversis insulis, nostra largitate ei concessimus, ea prorsus ratione, ut per manus beatissimi patris nostri Silvestri summi Pontificis successorumque eius omnia disponantur. Et infra: §. 2. Beato Silvestro Patri nostro, summo Pontifici et universalis urbis Romae Papae, et omnibus, eius successoribus Pontificibus, qui usque in finem mundi in sede B. Petri erunt sessuri, de presenti contradimus palatium inperii nostri

Lateranense, deinde diadema, videlicet coronam capitis nostri, simulque frigium, nec non et superhumeralia, videlicet lorum, quod imperiale circumdare assolet collum; verum etiam et clamidem purpuream, atque tunicam coccineam, et omnia inperialia indumenta; sed et dignitatem inperialium presidentium equitum, conferentes etiam et inperialia scepra, simulque cuncta signa, atque banda, et diversa ornamenta inperialia, et omnem processionem inperialis culminis et gloriam potestatis nostrae. §. 3. Viris autem reverentissimis clericis in diversis ordinibus eidem sacrosanctae Romanae ecclesiae servientibus illud culmen singularitate, potentia et precellentia habere sancimus, cuius amplissimus noster senatus videtur gloria adornari, id est patricos atque consules effici, nec non et ceteris dignitatibus inperialibus eos promulgamus decorari. Et sicut inperialis milicia ornatur, ita et clerum sanctae Romanae ecclesiae omari decernimus. Et quemadmodum inperialis potentia offitiis diversis, cubiculariorum nempe, et ostiariorum, atque omnium excubitorum ornatur, ita et sanctam Romanam ecclesiam decorari volumus. Et ut amplissime pontificale decus prefulgeat, decernimus et hoc, clericorum eiusdem sanctae Romanae ecclesiae manipulis et lintheaminibus, id est candidissimo colore, decorari equos, ita et equitare. Et sicut noster senatus calciamentis utitur cum udonibus, id est candido lintheamini illustratis, sic utantur et clerici, ut sicut celestia ita et terrena ad laudem Dei decorentur. §. 4. Pre omnibus autem licentiam tribuimus ipsi sanctissimo Patri nostro Silvestro et successoribus eius ex nostro indicto, ut quem placatus proprio consilio clericare voluerit, et in religiosorum numero clericorum connumerare, nullus ex omnibus presumat superbe agere. §. 5. Decrevimus itaque et hoc, ut ipse et successores eius diademate, videlicet corona, quam ex capite nostro illi concessimus, ex auro purissimo et gemmis pretiosis uti debeant, et in capite ad laudem Dei pro honore B. Petri gestare. Ipse vero beatissimus Papa, quia super coronam clericatus, quam gerit ad gloriam B. Petri, omnino ipsa ex auro non est passus uti corona, nos frigium candido nitore splendidum, resurrectionem dominicam designans, eius sacratissimo vertici manibus nostris imposuimus, et tenentes frenum equi ipsius pro reverentia B. Petri stratoris offitium illi exhibuimus, statuentes eodem frigio omnes eius successores singulariter uti in processionibus ad imitationem inperii nostri. §. 6. Unde ut pontificalis apex non vilescat, sed magis quam terreni inperii dignitas gloria et potentia decoretur, ecce tam palatium nostrum, ut predictum est, quam Romanam urbem, et omnes Italiae seu occidentalium regionum provincias, loca et civitates prefato beatissimo Pontifici nostro Silvestro universali Papae contradimus atque relinquimus, et ab eo et a successoribus eius per hanc divalem nostram et pragmaticum constitutum decernimus disponenda, atque iuri sanctae Romanae ecclesiae concedimus permansura. §. 7. Unde congruum perspeximus nostrum inperium et regni potestatem in orientalibus transferri regionibus, et in Bizantiae provinciae optimo loco nomini nostro civitatem edificari, et nostrum illic constitui inperium, quoniam ubi principatus sacerdotum et Christianae religionis caput ab inperatore celesti constitutum est, iustum non est, ut illic inperator terrenus habeat potestatem. §. 8. Hec vero omnia que per hanc nostram inperialem sacram, et per alia divalia decreta statuimus atque confirmavimus, usque in finem mundi illibata et inconcussa permanere decernimus. Unde coram Deo vivo, qui nos regnare precepit, et coram terribili eius iudicio obtestamur per hoc nostrum inperiale constitutum omnes nostros successores inperatores, vel cunctos optimates, satrapas etiam, amplissimum senatum, et universum populum in toto orbe terrarum nunc et in posterum cunctis

retro temporibus imperio nostro subiacentem, nulli eorum quoquo modo licere hec aut infringere, aut in quoquam convellere. Si quis autem, quod non credimus, in hoc temerator aut contemptor extiterit, eternis condemnationibus subiaceat innodatus, et sanctos Dei, principes apostolorum Petrum et Paulum sibi in presenti et in futura vita sentiat contrarios, atque in inferno inferiori concrematus cum diabolo et omnibus deficiat impiis. Huius vero inperialis decreti nostri paginam propriis manibus roborantes, super venerandum corpus B. Petri principis apostolorum posuimus. Datum Romae 3. Calend. Aprilis, Domino nostro Flavio Constantino Augusto quater, et Gallicano V. C. Coss.

V. The "Donation of Constantine" in translation

Distinctio 96

c. 13 (Palea)

The Emperor Constantine yielded his crown, and all his royal prerogatives in the city of Rome, and in Italy, and in western parts to the Apostolic [See]. For in the Acts of the Blessed Sylvester (which the Blessed Pope Gelasius in the Council of the Seventy Bishops recounts as read by the catholic, and in accordance with ancient usage many churches he says follow this example) occurs the following:

c. 14 (Palea)

The Emperor Constantine the fourth day after his baptism conferred this privilege on the Pontiff of the Roman church, that in the whole Roman world priests should regard him as their head, as judges do the king. In this privilege among other things is this: "We-together with all our satraps, and the whole senate and my nobles, and also all the people subject to the government of glorious Rome-considered it advisable, that as the Blessed Peter is seen to have been constituted vicar of the Son of God on the earth, so the Pontiffs who are the representatives of that same chief of the apostles, should obtain from us and our empire the power of a supremacy greater than the clemency of our earthly imperial serenity is seen to have conceded to it, choosing that same chief of the apostles and his vicars to be our constant intercessors with God. And to the extent of our earthly imperial power, we have decreed that his holy Roman church shall be honored with veneration, and that more than our empire and earthly throne the most sacred seat of the Blessed Peter shall be gloriously exalted, we giving to it power, and dignity of glory, and vigor, and honor imperial. And we ordain and decree that he shall have the supremacy as well over the four principal seats, Alexandria, Antioch, Jerusalem, and Constantinople, as also over all the churches of God in the whole earth. And the Pontiff, who at the time shall be at the head of the holy Roman church itself, shall be more exalted than, and chief over, all the priests of the whole world, and according to his judgment everything which is provided for the service of God and for the stability of the faith of Christians is to be administered. And below: §. 1. On the churches of the blessed apostles Peter and Paul, for the providing of the lights, we have conferred landed estates of possessions, and have enriched them with different objects, and through our sacred imperial mandate we have granted him of our property in the east as well as in the west, and even in the northern and the southern quarter; namely, in Judea, Greece, Asia, Thrace, Africa, and Italy and the various islands; under this condition indeed, that all shall be administered by the hand of our most blessed father the supreme Pontiff, Sylvester, and his successors. And below: §. 2. And to our Father, the Blessed Sylvester, supreme Pontiff and Pope universal, of the city of Rome, and to all the Pontiffs, his

successors, who shall sit in the seat of the Blessed Peter even unto the end of the world, we by this present do give our imperial Lateran palace, then the diadem, that is, the crown of our head, and at the same time the tiara and also the shoulder-band,- that is, the strap that usually surrounds our imperial neck; and also the purple mantle and scarlet tunic, and all the imperial raiment; and also the same rank as those presiding over the imperial cavalry, conferring also even the imperial scepters, and at the same time all the standards, and banners, and the different ornaments, and all the pomp of our imperial eminence, and the glory of our power. §. 3. We decree moreover, as to the most reverend men, the clergy of different orders who serve that same holy Roman church, that they have that same eminence, distinction, power and excellence, by the glory of which it seems proper for our most illustrious senate to be adorned; that is, that they be made patricians and consuls, and also we have proclaimed that they be decorated with the other imperial dignities. And even as the imperial militia is adorned, so also we decree that the clergy of the holy Roman church be adorned. And even as the imperial power is adorned with different offices, of chamberlains, indeed, and door-keepers, and all the guards, so we wish the holy Roman church also to be decorated. And in order that the pontifical glory may shine forth most fully, we decree this also; that the horses of the clergy of this same holy Roman church be decorated with saddle-cloths and linens, that is, of the whitest color, and that they are to so ride. And even as our senate uses shoes with felt socks, that is, distinguished by white linen, so the clergy also should use them, so that, even as the celestial orders, so also the terrestrial may be adorned to the glory of God. §. 4. Above all things, moreover, we give permission to that same most holy one our Father Sylvester and to his successors, from our edict, that he may make priest whomever he wishes, according to his own pleasure and counsel, and enroll him in the number of the religious clergy [i.e., regular, or monastic, clergy; or, perhaps, the cardinals], let no one whomsoever presume to act in a domineering way in this. §. 5. We also therefore decreed this, that he himself and his successors might use and bear upon their heads-to the praise of God for the honor of the Blessed Peter-the diadem, that is, the crown which we have granted him from our own head, of purest gold and precious gems. But since he himself, the most blessed Pope, did not at all allow that crown of gold to be used over the clerical crown which he wears to the glory of the Blessed Peter, we placed upon his most holy head, with our own hands, a glittering tiara of dazzling white representing the Lord's resurrection, and holding the bridle of his horse, out of reverence for the Blessed Peter, we performed for him the duty of groom, decreeing that all his successors, and they alone, use this same tiara in processions in imitation of our power. §. 6. Wherefore, in order that the supreme pontificate may not deteriorate, but may rather be adorned with glory and power even more than is the dignity of an earthly rule; behold, we give over and relinquish to the aforesaid our most blessed Pontiff, Sylvester, the universal Pope, as well our palace, as has been said, as also the city of Rome, and all the provinces, places and cities of Italy and the western regions, and we decree by this our godlike and pragmatic sanction that they are to be controlled by him and by his successors, and we grant that they shall remain under the law of the holy Roman church. §. 7. Wherefore we have perceived it to be fitting that our empire and the power of our kingdom should be transferred in the regions of the East, and that in the province of Byzantia, in the most fitting place, a city should be built in our name, and that our empire should there be

established, for where the supremacy of priests and the head of the Christian religion has been established by the heavenly Emperor, it is not right that there an earthly emperor should have jurisdiction. §. 8. We decree, moreover, that all these things, which through this our sacred imperial [charter] and through other godlike decrees we have established and confirmed, remain inviolate and unshaken unto the end of the world. Wherefore, before the living God who commanded us to reign, and in the face of his terrible judgment, we entreat, through this our imperial sanction, all the emperors our successors, and all the nobles, the satraps also, the most glorious senate, and all the people in the whole world, now and in all times still to come subject to our rule, that no one of them in any way be allowed either to break these [decrees], or in any way overthrow them. If any one, moreover,-which we do not believe-prove a scorner or despiser in this matter, he shall be subject and bound over to eternal damnation, and shall feel the holy ones of God, the chief of the apostles, Peter and Paul, opposed to him in the present and in the future life, and he shall be burned in the lower hell and shall perish with the devil and all the impious. The page, moreover, of this our imperial decree, we, confirming it with our own hands, did place above the venerable body of the Blessed Peter, chief of the apostles. Given at Rome on the third day before the Kalends of April, our master the august Flavius Constantine, for the fourth time, and Gallicanus, most illustrious men, being consuls.

Appendix C: Bibliography

Abbreviations

AAWLM.G	Akademie der Wissenschaften und der Literatur Mainz, Abhandlungen der Geistes- und Sozialwissenschaftlichen Klasse
AfD	Archiv für Diplomatik
AHP	Archivum Historiae Pontificiae
AKuG	Archiv für Kulturgeschichte
BISI	Bollettino dell'Istituto Storico Italiano
BZ	Byzantinische Zeitschrift
CahArch	Cahiers archéologiques
CCCM	Corpus Christianorum continuatio mediaevalis
CSCO	Corpus scriptorum christianorum orientalium
CSEL	Corpus scriptorum ecclesiasticorum latinorum
DA	Deutsches Archiv für Erforschung des Mittelalters
DACL	Dictionnaire d'archéologie chrétienne et de liturgie
FKRG	Forschungen zur kirchlichen Rechtsgeschichte und zum Kirchenrecht
FMSt	Frühmittelalterliche Studien
Fonti	Fonti per la storia d'Italia
HJb	Historisches Jahrbuch
HS	Historische Studien
HZ	Historische Zeitschrift
JDtG	Jahrbücher der Deutschen Geschichte
JRS	The Journal of Roman Studies
KHA	Kölner Historische Abhandlungen

LexMa	Lexikon des Mittelalters
LThK	Lexikon für Theologie und Kirche
MA	Le Moyen Âge
MAC	Monumenti di antichità cristiana
MEFRA	Mélanges de l'École Française de Rome
MGH	Monumenta Germaniae Historica
MGH Auct. Ant.	MGH Auctores antiquissimi
MGH Capit.	MGH Capitularia regum Francorum
MGH Conc.	MGH Concilia
MGH DD	MGH Diplomata (Urkunden)
MGH DD O III	MGH Ottonis III. Diplomata (Urkunden Otto des III.)
MGH Form.	MGH Formulae Merovingici et Karolini aevi
MGH Epp.	MGH Epistolae
MGH Epp. saec. XIII	MGH Epistolae saeculi XIII e regestis pontificum Romanorum selectae
MGH Epp. sel.	MGH Epistolae selectae
MGH Fontes iuris	MGH Fontes iuris Germanici antiqui in usum scholarum separatim editi
MGH Ldl	MGH Libelli de lite imperatorum et pontificum
MGH LL	MGH Leges
MGH Poetae	MGH Poetae Latini medii aevi
MGH QQ zur Geistesgesch.	MGH Quellen zur Geistesgeschichte des Mittelalters
MGH SS	MGH Scriptores
MGH SS rer. Germ.	MGH Scriptores rerum Germanicarum in usum scholarum separatim editi
MGH SS rer. Merov.	MGH Scriptores rerum Merovingicarum
Migne PL	Patrologiae cursus completus. Series latina, ed. by Jacques-Paul Migne
Millennium	Millennium. Jahrbuch zu Kultur und Geschichte des ersten Jahrtausends n. Chr.
MIÖG	Mitteilungen des Instituts für Österreichische Geschichtsforschung
MS	Mediaeval Studies
NA	Neues Archiv
PuP	Päpste und Papsttum
QFIAB	Quellen und Forschungen aus italienischen Archiven und Bibliotheken

RB	Revue Bénédictine
RbK	Reallexikon zur byzantinischen Kunst
RBPhH	Revue Belge de Philologie et d'Histoire/Belgisch tijdschrift voor philologie en geschiedenis
RE	Paulys Realencyclopädie der Classischen Altertumswissenschaft
REPTK	Realencyklopädie für protestantische Theologie und Kirche
RGA	Reallexikon der Germanischen Altertumskunde
RHE	Revue d'Histoire Ecclésiastique
RhV	Rheinische Vierteljahrsblätter
RI	Regesta Imperii
RIC	Roman Imperial Coinage
RivAC	Rivista di archeologia cristiana
RJ	Römisches Jahrbuch für Kunstgeschichte
RPR	Regesta Pontificum Romanorum
RPR.GP	Regesta Pontificum Romanorum. Germania Pontificia
RQ	Römische Quartalschrift für christliche Altertumskunde und Kirchengeschichte
RSCI	Rivista di storia della Chiesa in Italia
Saec	Saeculum
SC	Sources chrétiennes
SDAW.P	Sitzungsberichte der Deutschen Akademie der Wissenschaften zu Berlin. Klasse für Philosophie, Geschichte, Staats-, Rechts-, und Wirtschaftswissenschaft
SM	Studi Medievali
SSAM	Settimane di Studi del Centro Italiano di Studi sull' Alto Medioevo
StG	Studia Gratiana (Collectanea Stephan Kuttner)
StT	Studi e testi. Bibliotheca Apostolica Vaticana
SZG	Schweizerische Zeitschrift für Geschichte
Tr	Traditio. Studies in Ancient and Medieval History
VuF	Vorträge und Forschungen des Konstanzer Arbeitskreises für mittelalterliche Geschichte
WdF	Wege der Forschung
ZKG	Zeitschrift für Kirchengeschichte
ZRG Kan. Abt.	Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung

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 his decretals as part of the Pseudo-Isidorian forgery, pp. 99, 101
- Romano, Giulio, painter and architect, ca. 1499-1546
 frescoes in the "Sala di Costantino", p. 3
- Rufinus, canonist, bishop of Assisi, archbishop of Sorrento, d. ca. 1192
 as basic for Otto's of Freising chronicle, p. 13
 as basic for Frechulf's chronicle, p. 66
- Savelli, Cencius, treasurer 1188, cardinal 1193, Pope Honorius III. 1216-1227
 exegesis of the "Constitutum Constantini", p. 20

- Severus, Lucius Septimius, emperor
193-211
and the area of the *palatium
Lateranense*, pp. 77, 78, 78
- Sollemnis, bishop of Chartes
satraps mentioned in his biography,
p. 123
- Stephen II, Pope 752-757, pp. 59, 109
and the cult of St Sylvester, pp. 3, 56
as source for the *Formulae* of
St-Denis, p. 72
- Theodulf of Orléans, archbishop ca.
798-818, d. 821
member of the opposition to Louis
the Pious, p. 101
- Theophilus, Byzantine emperor
(829-842)
use of the term of satrap, p. 115
- Urban II, pope 1088-1092
exegesis of the “Constitutum
Constantini”, pp. 18, 27
- Valentine, pope 827
the *Palatium Lateranense* in his
biography, p. 86
- Valla, Lorenzo, humanist and
philosopher, 1407-1457
recognizing the “Constitutum
Constantini” resp. the “Donation of
Constantine” as forgery, p. 3, 28, 30-
32 and 116
- Wala of Corbie, abbot 826-830, d. 836
imperial advisor in Italy and Rome,
p. 46
- member of the opposition to Louis
the Pious, pp. 67, 88-109
initiator, participant and possible co-
author of the “Constitutum
Constantini”, the Pseudo-Isidorian
and possibly other forgeries, pp. 70,
88-109, 112, 125, 126
- Walahfrid Strabo, abbot of Reichenau
838-849
quoting the “*Liber Pontificalis*”,
p. 60
- Walther von der Vogelweide, poet,
ca. 1170-1230, pp. 7-10
- Willibert of Cologne, archbishop
870-889,
owning a manuscript of the “Codex
Carolinus”, pp. 37, 107
- Wycliffe, John, theologian,
ca. 1330-1384
doubting the authenticity of the
“Constitutum Constantini”, pp. 3,
112
- Wynnebald, abbot of Heidenheim,
d. 761
satraps mentioned in his biography,
p. 123
- Zacharias Rhetor, author
quoting the “*Actus b. Silvestri*” and
mentioning the Lateran Palace, p. 74
- Zachary, pope 741-752
renovating the Lateran *Patriarchium*,
p. 85
satraps mentioned in his biography,
p. 118, 119

Constantine and Sylvester are not included.

Appendix E: Plates



Plate 1a: Empress Fausta, head right. FLAVIA MAX-FAVSTA AVG
Empress holding two children in her arms. SALVS REI PVBLICE •SMN•
Fausta, Solidus, RIC 77, Cohen 5



Plate 1b: Pietas with child. PIETAS ROMANA •TRS•
Theodora, Follis, RIC 143,65, 337/340

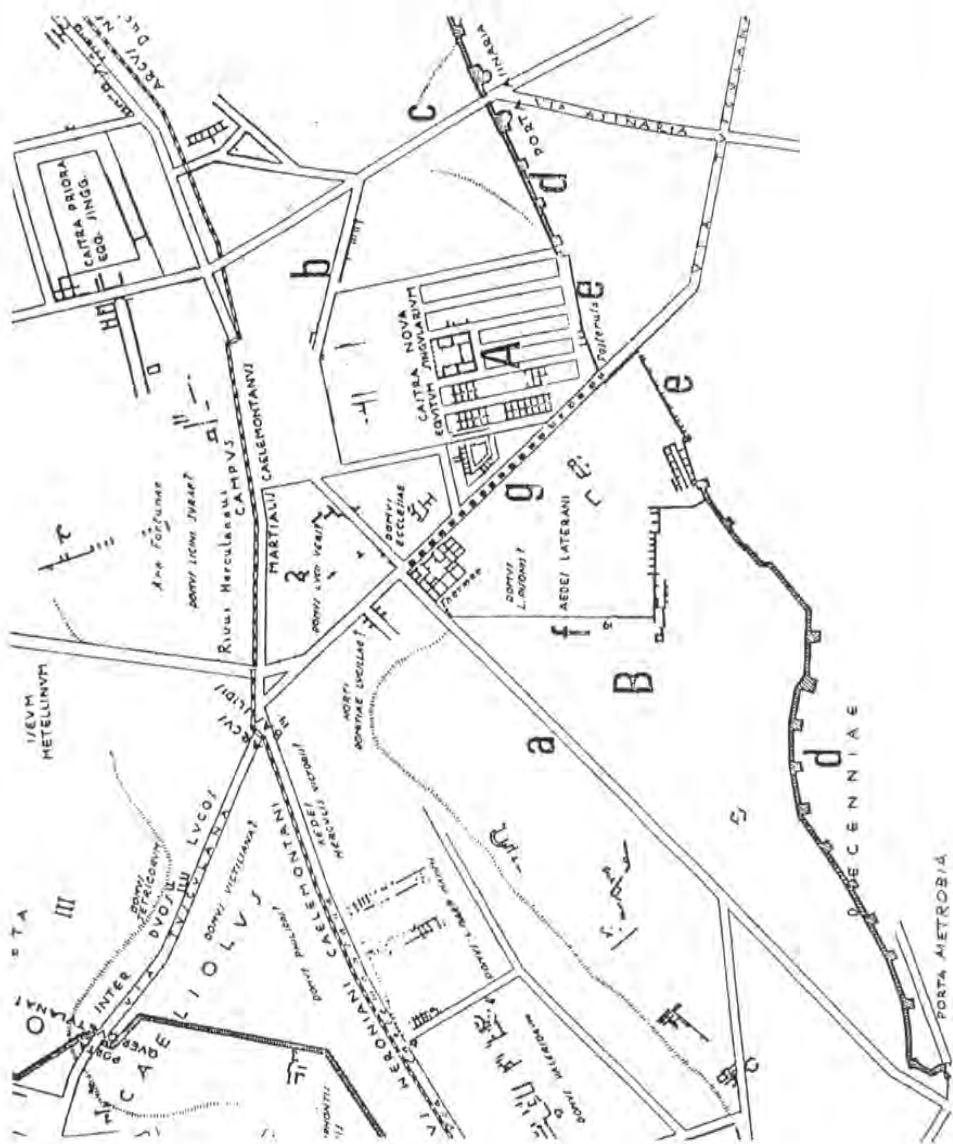


Plate 2: Map of the ancient site of the area around the *Aedes Laterani* (following Ernest Nash, *Convenerunt in domum Faustae in Laterano*, plate 1)

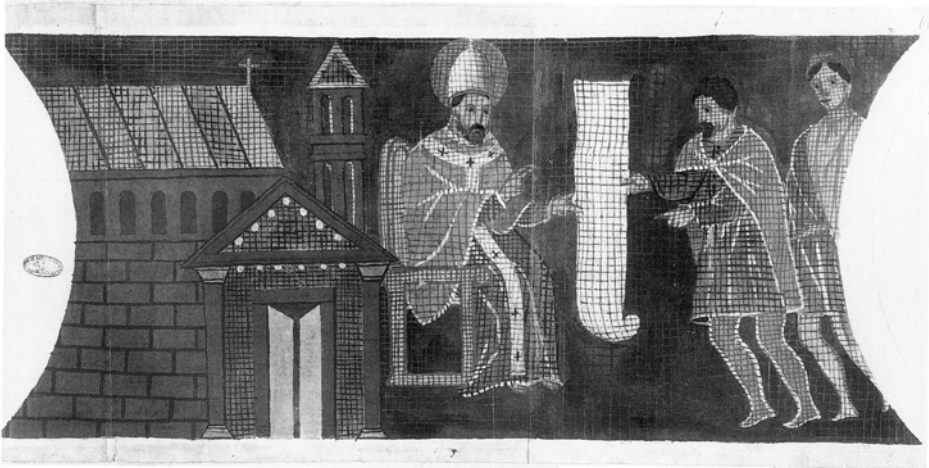


Plate 3: The "Donation of Constantine" (destroyed Porticus of the Lateran Basilica, following: Ingo Herklotz, *Der mittelalterliche Fassadenportikus der Lateranbasilika und seine Mosaiken*, plate 18)



Plate 4: Constantine handing over the *fregium* to St Sylvester (SS Quattro Coronati, Chapel of St Sylvester)



Plate 5: Constantine serving St Sylvester as strator
(SS Quattro Coronati, Chapel of St Sylvester)

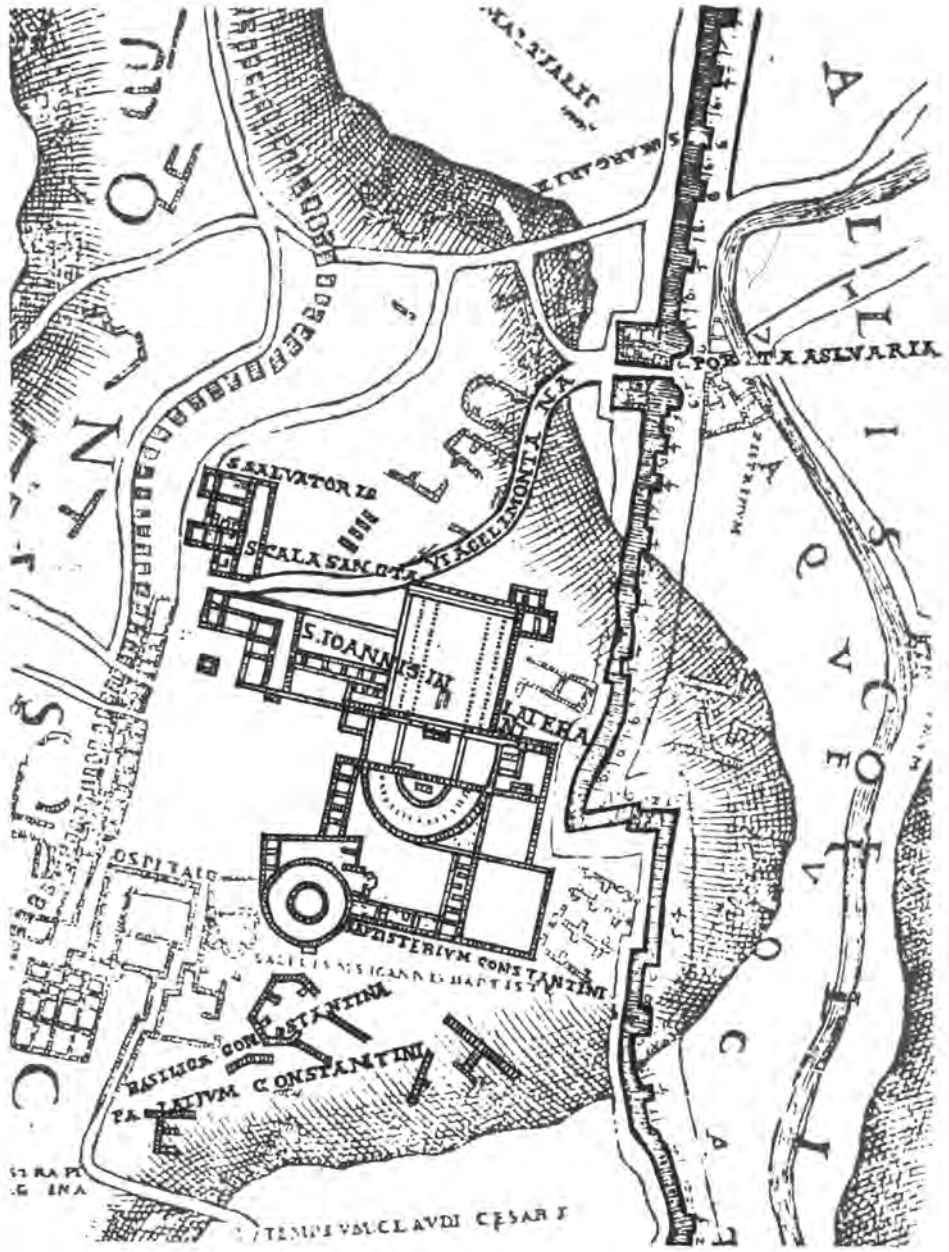


Plate 6: Constantine's palace and the Lateran Basilica (according to Bufalini)

