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 prviously 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 Pseudoconstantiniuan 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 interpreted

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 Constantinii*” 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

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\(^{390}\) 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.