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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 constituto di Costantino. In: Bolletino 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 778\(^{166}\). 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 (“\textit{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 Rome\(^{169}\) – neither the literary
style\(^{170}\), nor Constantine’s imperial title. On the basis of the similarities in the

\(^{166}\) 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 \textit{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 Oxle, Die
Karolinger und die Stadt des heiligen Arnulf. In: FMSt 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 (Beihöfte 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),
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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 Charlemagne, Walter Schlesinger suggested that the latter was derived from the forgery. 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 Rome. 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 800. 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 emphasised, 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

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170  Cf. above p. 37 and below p. 104 seqq.
173  The evidence is presented in Classen, Karl der Große (as above, note 172), p. 90, note 342.
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 traditions, 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 831.

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 831? 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

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

\[\text{On the date cf. below p. 73 resp. 88.}\]
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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 city\(^\text{180}\), 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 Rome\(^\text{181}\). A conclusion like that would require informations 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 Constantine\(^\text{182}\), was generally called the *regnum* or *corona* in Rome, only from


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 insignia.

References to papal headwear 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 *frigium* 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 *frigium* 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 *frigii 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 and Stefan Weiss, Neuried 2005, pp. 1-29, here pp. 23-4) had the pope received “*regnum, quod alio vocabulo frigium dicitur*”; later (III, 15, p. 68) the same headwear is called the *mitra*. At the end of 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 and Stefan Weiss, Neuried 2005, pp. 1-29, here pp. 23-4) had the pope received “*regnum, quod alio vocabulo frigium 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 *frigium* (Libere 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 Stüber 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 Albinī. Ms. Ottob. lat. 3057. In: AHP 20 (1982), pp. 8-49, here pp. 11-33; Werner Maleczek, Papst und Kardinalsilkolleg 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 *frigium*, 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 *aurorfrisiata 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 superhumerale (instead of “humerale”) 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 Empire. Furthermore, the derivation of the superhumerale 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 parament. 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 amictus), which is recorded for the first time in the “Ordo Romanus I”, 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)humerale” 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 subtalares, 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-Denis. 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 Rome. 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 maximii]. In: Migne PL 217, Paris 1855, col. 481-4), Innocence II spoke of the aurofrisium circulare worn by the pope; here the frygium 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.  


186 Here under the name: anagolaium, (id est amictum): Les Ordines Rpmani 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-Constantine.\(^{189}\) Ernst H. Kantorowicz 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 Coronati\(^{190}\). 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 *frygium* 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 mentioned.\(^{191}\) 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 copy.\(^{192}\) Furthermore, the “Novellae” and the

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


“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 Ages\footnote{Epitomae Iuliani, ed. by Gustav Haenel. Cf. Nov. 7 proem.}.

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: “\textit{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 \textit{mundus} = ‘the world’ was confused with \textit{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 leprosy\footnote{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 pädagogischen 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 \textit{Basilica Constantiniana} (later St John Lateran) was equally old and firmly rooted in the “\textit{Liber Pontificalis}”, ed. by Duchesne, vol. I, 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 Papststum unter fränkischer Herrschaft (as above, note 7), p. 23 with note 3. Speculations on \textit{mundus}: Levison, Konstantinische Schenkung und Silvester-Legende (as above, note 7), p. 411. Cf. above p. 54, with note 167.}. Be that as it may, this kind of awareness of Constantine’s foundations and donations drawn from the “\textit{Liber Pontificalis}”, could easily have been combined with the “Acts of St Sylvester”, both textual traditions of which...
were among the sources that the “Constitutum Constantini” quoted to assemble its mosaic-like patchwork\(^{195}\). In the 8\(^{th}\) 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 doubtful\(^{196}\) – 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 political\(^{198}\).

\(^{195}\) According to it, Constantine also discarded his crown (*diadema*) (Actus Silvestri, ed. by Mombritius, 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 Carolinicus 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 occiduaeque 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 Millenium. 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” 8\(^{th}\)-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 out.\(^\text{199}\) 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 Roman.\(^\text{200}\) 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 Alexandria\(^\text{201}\) – 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 word.\(^\text{202}\) 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 1, 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.”

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 emperor.

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), ‘Romless’. 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


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 (“follis”) 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 Rome. Three of the manuscripts in question point to Corbie and St-Denis, 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 used.

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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 praeceptori desiderantissimo Elisacharo Frechulfo; ... 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, Frechvlfi 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 time\(^ {209}\). 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 ranted\(^ {210}\), and in particular denounced religious practices in the city and papal processions involving icons. His judgement was so


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 Frankish 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 presently. 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” – 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 piety. 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 tripertita” 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 Maurdramnus-miniscule in Paris BN lat. 12527 (cf. Ganz, Corbie [as above, note 162], p. 141).


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 épîtres au roi Pépin, ed. by Edmond Faral (Les classiques de l’histoire de France 14), Paris 1932, passim and esp. the end: “Sed pietas innensa ... 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 [=
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.

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.

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 time.216

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 missionising,217 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”: 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.

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composition and early dissemination\textsuperscript{219}. 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 forgery\textsuperscript{220}. 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 dissemination\textsuperscript{221}. 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 thereafter\textsuperscript{222}, 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 wording\textsuperscript{223}. 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

\textsuperscript{219} On the following, see Fuhrmann, Introduction (as above, note 3), passim.

\textsuperscript{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.


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

\textsuperscript{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”; it’s climax is also a “sanctio”, sternly warning


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 Empire; 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 world, 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”.

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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, Jurisdiction und Condicio (as above, note 231), pp. 95-8.
228 Cf. Formulæ collectionis sancti Dionysii, ed. by Zeumer, esp. no. 3, p. 498, 24 et seqq.