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

St-Denis and Corbie now play a central part in all further considerations. 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 methods – 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 831, is surely also an indication of a 9th century date; 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 matter\textsuperscript{233}, 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\textsuperscript{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.\textsuperscript{235} Unlike the somewhat younger Latin B1 version, the manuscript tradition of the A1-version does not go back as far as the 8\textsuperscript{th} century\textsuperscript{236}. However the former, as well as the Greek translation which already existed in the 6\textsuperscript{th} century (the oldest manuscript is from the 10\textsuperscript{th} century) and the Syrian “Historia Ecclesiastica” attributed to the Zacharias Rhetor that used excerpts from the “Actus”, mention the “Lateran Palace”\textsuperscript{237}. All told, their

\begin{footnotes}
\item[235] Cf. above pp. 7 seqq.
\item[236] The oldest trace of the “Actus” is to be found in a 5\textsuperscript{th}-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-8\textsuperscript{th} 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-9\textsuperscript{th} century, cf. Pohlkamp, Textfassungen, (as above, note 24), pp. 128-9. Cf. above, note 24.
\item[237] Levison, Konstantinische Schenkung und Silvesterlegende (as above, note 7), p. 447. François Combeffis, Illustrium Christi Martyrum lecti triumpfi: vetustis Graecorum monumentis consignati; latine redditit et notis illustrati, Paris 1660 (the Latin translation included is by the ed.): έν τῷ παλατίῳ αὐτοῦ τῷ λειμομένῳ Λατερανησίῳ, c. 1, p. 283 (the Codex Velseri, as
\end{footnotes}
textual tradition is too homogenous for the name to be a later, eventually Carolingian inclusion by the copyists\textsuperscript{238}. And the fact that the copyists repeatedly compared existing versions of this “historical novel”\textsuperscript{239}, as Wilhelm Levison described the “\textit{Actus}”\textsuperscript{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” text\textsuperscript{241}. Without doubt the \textit{Palatium Lateranense} was indeed an original element in the “\textit{Actus}” (from the 5\textsuperscript{th} century). But this is not without consequences when we come to consider the papal residence and the papal Lateran \textit{Palace}.

The “\textit{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 5\textsuperscript{th} century, more than a hundred years after the first Christian emperor\textsuperscript{242}. Constantine was thought to have had his sole residence in the Lateran Palace, had himself baptised in the palace \textit{piscina}, and founded a \textit{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 Apostles\textsuperscript{243}.

The details in the “\textit{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 \textit{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

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 10\textsuperscript{th}/11\textsuperscript{th}-13\textsuperscript{th} centuries) he examined (one each of the A1-, the B2- and the C-version) have “\textit{intra palatium suum Lateranensi basilice fabricam cepit}; \textit{in palatio suo Lateranensi basilicae fabricam coepit}; and \textit{intra palatium quoque suum Lateranensi basilicae fabricam coepit}” (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.


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

242 There is also a vague allusion in the apocryphal “\textit{Vindicta Salvatoris}” c. 27 (BHL 4221), the story of the miraculous cure of Emperor Titus, who then conquered Jerusalem. It has a messenger sent “\textit{ad dominum suum Lateranensem Tiberium imperatorem}”. The later version from England makes of this the “\textit{Castellum quod vocatur Lateranenum}” of Tiberius: Evangelia apocrypha. Adhibitis plurimis codicibus graecis et latinis maximam partem nunc primum consulitis atque ineditorum copia insignibus, ed. by Konstantin von Tischendorf, Leipzig ²1876 [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 “\textit{Actus b. Silvestri}”.

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 public. Both buildings, church and palace, were geographically separate, for the Augustus “returned” to the Palatium from the Basilica. 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 theory. What is more, it seems quite impossible when we look at the “Actus b.
Silvestri”); for when the “hagiographic” novel was composed it was inconceivable for an imperial residence to be turned into a bishop’s residence\(^\text{247}\); 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 5\(^{th}\) 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-1\(^{st}\) and early-2\(^{nd}\) centuries. In the 1\(^{st}\) 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 case\(^\text{248}\). 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.


the North and Northwest of this extensive area\textsuperscript{249}. The \textit{Castra Nova Equitum Singularium} was also situated here, but there was no Neronian \textit{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 \textit{Lateranensis} in his information referred to the previous owner, and not to the area \textit{iuxta Lateranis}.

At the time the new guards’ barracks were built, at the end of the 2\textsuperscript{nd} century, an \textit{Aedes} (or \textit{Domus}) \textit{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 2\textsuperscript{nd}-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 “\textit{Epitome de Caesariibus}”\textsuperscript{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” (“\textit{In amicos inimicosque pariter vehemens [sc. Septimius], quippe qui Lateranum, Citonem, Annullium, Bassum ceterosque aliquot aedibus quoque memoratu dignis, quarum praecipuas videmus Parthorum quae dicuntur ac Laterani}”). Since the \textit{aedes} in question were being returned, it is highly unlikely that they got their names from their new owners\textsuperscript{251}. But if the \textit{Aedes Parthorum} (so named from its decoration or previous occupants) could also be called the \textit{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 \textit{Historia Augusta} and others in Rome and elsewhere assumed in the 4\textsuperscript{th}/5\textsuperscript{th} century, and

\textsuperscript{249} On the location of these houses cf. Liverani, Dalle “\textit{Aedes Laterani}” (as above, note 233) and idem, L’\textit{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’\textit{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?


\textsuperscript{251} Here I do not follow the interpretation by Liverani, Dalle “\textit{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.
VI. The date and context of the composition of the “Constitutum Constantini”

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 centuries. 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 palace. 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 right. This Patriarchium can in no way be connected with the structure or the institution of the Aedes or Domus Laterani, but was situated nearby, iuxta Lateranis. 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 Pontifici), 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”).


257 Cf. below, p. 82, with note 265.
of the “Actus”\textsuperscript{258}, mentions neither the (papal) Lateran nor a (papal) Lateran palace, although it had cause enough to do so\textsuperscript{259}. 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, Épiscopium Lateranense is found from the mid-7th century, and in the 8th century it was known as the Sacrum patriarchium Lateranense\textsuperscript{260}.

But another old idea can also be resurrected. The earliest reference that connects the Bishop of Rome with the Latera is a brief mention in the diatribe against the Donatists written by Optatus of Mileve in 365\textsuperscript{261}. 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 House of Fausta in the Lateran” (“\textit{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 century\textsuperscript{262}. 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

\textsuperscript{258} Cf. Liber Pontificalis 1, ed. by Duchesne, p. 170, 2-4.

\textsuperscript{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 \textit{Palatium Sessorianum} is mentioned (S. Croce in Gerusalemme) (ibid., p. 179, 10).

\textsuperscript{260} 501: above, note 246. The “\textit{Liber Pontificalis}” first mentions the \textit{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 \textit{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.

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

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

presented the house (as imperial property) to his wife after his victory, 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 date.

Be that as it may, in the 6th, 7th and 8th centuries the episcopal buildings were described as being iuxta Lateranis or simply Lateranis, 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). 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”. 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 palace. 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).

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 lavet 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 7\(^{th}\) century and were still (at least partly) functioning\(^{270}\) (cf. plate 2). There is no mention of an imperial “Lateran Palace”, and a pope Lateran Palace does not feature in any way. The latter was first mentioned in 813, and then on a number of occasions in the 9\(^{th}\) century\(^{271}\).

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 him\(^{272}\)) 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 813\(^{273}\). According to the early sources, including the “Actus”, at no time was the first Palatium presented to the Bishop of Rome\(^{274}\). 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-2\(^{nd}\) century; in the 5\(^{th}\) 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


\(^{270}\) 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 praefertur atque praecellet palatii” (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


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 matters 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 plan. 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 today. There is no evidence that like his predecessors Zachary needed the permission of the emperor or the exarch in order to re-use 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 monastery. It was Leo who

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 distruzzione 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 treason\(^{282}\), and carried out an extravagant programme of extensions to the papal residence\(^{283}\). 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 9\(^{th}\) 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)

---


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 used\textsuperscript{287}. 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 authority\textsuperscript{288}. Thus it would appear that Leo IV was the first to draft the “Rules of the Palace”\textsuperscript{289}, and invited the nobles “to hurry to the Lateran Palace so that plaintiffs and supplicants might receive judgement and justice”, “\textit{omnes nobiles ad Lateranense palatium recurrant et querentibus ac petentibus legem ac iustitiam faciant}”\textsuperscript{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 \textit{Lateranensi palatio}\textsuperscript{291}, while Hadrian II (867-872) again is only attested in the Patriarchium. And although in the 9\textsuperscript{th} 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-10\textsuperscript{th} 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 City\textsuperscript{292}. 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 \textit{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.

\begin{itemize}
\item \textsuperscript{288} The only exception until the middle of the 9\textsuperscript{th} 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).
\item \textsuperscript{289} Liber Pontificalis 2, ed. by Duchesne, p. 109; his vita connects it with the renovation of the “hall” (\textit{accubitum}) of Leo III, probably the famous “\textit{triclinium}”.
\item \textsuperscript{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 \textit{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: “\textit{consistorium id est domus in palatio magna et ampla, ubi lites et causae audiebantur(...)”}
\item \textsuperscript{291} Liber Pontificalis 2, ed. by Duchesne, p. 166, 23-5.
\item \textsuperscript{292} Elze, Das “Sacrum palatium Lateranense” (as above, note 101), pp. 27-9.
\end{itemize}
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 above?293?

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 priesthood. 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 Empire.

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 book. 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, Jessè of Amiens or Halitgar of Cambrai, as well as bishops

295 For a summary of the events, see Bernhard Simson, Jahrbücher des Fränkischen Reiches unter Ludwig dem Frommen (JDTG 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.


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 “Anserus (...) 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 Rome. 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 Authorities.

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 full. 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 assume – he was the initiator of the forgery, or at least one of the forger’s team. 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

---

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.


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 “Hispania”, 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 approval\textsuperscript{304}. 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 intentions\textsuperscript{305}. 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 Italy\textsuperscript{306}. 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 factor\textsuperscript{307}. 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 high\textsuperscript{308}. It is only known from one single manuscript from Corbie, written at the time the work was composed (Paris BN lat. 13909)\textsuperscript{309}. It was intended for the monastery and its convent, and appears

\textsuperscript{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.

\textsuperscript{305} Radbért’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.


\textsuperscript{307} The very first sentence refers to this: Paschasius Radbertus Epitaphium Arsenii, ed. by Dümmel, p. 18.

\textsuperscript{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).

\textsuperscript{309} David Ganz, Corbie (as above, note 162), pp. 112-20, also on the Epitaphium.
VI. The date and context of the composition of the “Constitutum Constantini”

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 Corbie.

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 father. 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-


311 This follows if we reject, as we must, the usually accepted opinion and assume that the decretales 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 part. 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. 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).

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 pronounced. Monasteries had been affected, but above all (tunc plurimum) bishoprics, for they had been assigned without regard for canon law. The latter was soon to attract the particular attention of Pseudo-Isidore. 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 ruin. 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”). 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 well. 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 canonicitam auctoritatem non rite darentem”.
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 licet, pro talibus et hujusmodi causis peccata regni, que necdum completa sunt, quod cotidie in peius commulcuntur, sicque restat, quod in multis factum comperimus, ut destructur”.
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 (Teofratus): “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 time\textsuperscript{320}. 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 reformers\textsuperscript{321}. If monks were not significant for false Isidore\textsuperscript{322}, 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 \textit{aecclesiasticus ordo}\textsuperscript{323}. This was the intention of the original Church, on which – as Pseudo-Isidore explicitly states – he based his programme of reforms\textsuperscript{324}. 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 tendencies\textsuperscript{325}. 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 Nicaea\textsuperscript{326}. 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 canonical 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

\textsuperscript{320} On the events cf. Boshof, Ludwig der Fromme (as above, note 295), pp. 183-7.
\textsuperscript{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.
\textsuperscript{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.
\textsuperscript{323} Decretales Pseudo-Isidorianae et Capitula Angilramni, ed. by Hinschius, Praefatio c. iv-v, p. 18.
\textsuperscript{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 (...)”
\textsuperscript{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 829\(^{327}\), where Hilduin, and probably Wala too, although they were not bishops, had been among the leading propagators of imperial and ecclesiastic reform\(^{328}\).

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, *iudiciarius 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 decretals\(^{330}\), 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 demands\(^{331}\). 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


\(^{329}\) 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”)\textsuperscript{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”)\textsuperscript{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”\textsuperscript{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 Matthew\textsuperscript{335}.

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 visonary 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 necessary\textsuperscript{336}.

\textsuperscript{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, Ludwiger der Fromme (as above, note 295), pp. 192-212.
\textsuperscript{333} Epitaphium Arsenii, ed. by Dümmler, pp. 64-5.
\textsuperscript{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 (...)”
\textsuperscript{335} “Unde nescio, si tempus esset martyrii, utrum fidelem servaret, qui modo quidquid pro justitia non audent.” (Paschasius Radbertus, Expositio in Evangelium Matthaei. 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).
\textsuperscript{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 matus 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.
VI. The date and context of the composition of the “Constitutum Constantini”

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’ side. They warned him, and threatened him with banishment and excommunication, even deposition. “The pope was shocked and frightened.” “Then we gave him some decretsals 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 decretsals with gratitude, and saw that they strengthened his position.”

The tenor of the pope’s answer to the attacks of Louis’ bishops, which had probably been penned by Archbishop Agobard of Lyon, 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” – 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 vistas 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 decretsals 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 See.\footnote{342}

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-Julius.\footnote{343} 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 demanded.\footnote{344}

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 primacy.\footnote{345} 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 of,\footnote{346} probably included the first elaborate creation from the forger’s workshop, if indeed it wasn’t the entire product.\footnote{347}

\footnote{344} Hartmann, Der Primat (as above, note 321), passim.
\footnote{345} Cf. Hartmann, Der Primat (as above, note 321), esp. p. 52 et seqq. and p. 69 et seqq.
\footnote{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.
\footnote{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 847, 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). Something other than the history of the forgery’s composition and its gradual dissemination may however be responsible for the last objection.

But there is no need to assume that by 833 all of Pseudo-Isidore’s works (Hispana Gallica Augustodunensis, Benedictus Levita, 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 ecclesia agere debent” and Radbert’s Epitaphium Arsenii, ed. by Dümmler, 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.


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 banished. 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 exile. 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 appeared. 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).
VI. The date and context of the composition of the “Constitutum Constantini”

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 part.\textsuperscript{355} 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 Aldric.\textsuperscript{356} One of Gregory’s decretal in fact corresponds to Pseudo-Isidore or the “Collectio Hispaña Gallica Augustodunensis”, which the forger edited.\textsuperscript{357} That is not particularly surprising

\textsuperscript{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 10\textsuperscript{th} 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.

\textsuperscript{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.

\textsuperscript{357} The correspondence with the Augustodunensius 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 eccesiology 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”. 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 infavour of Aldric of LeMans – were very different. But the “authors” of the forgeries need not 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.

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

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 amusing – 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”, and Wolfgang Stürner showed how the same technique was used to create Constantine’s creed. 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 798; 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), and closed with a phrase from the Roman Synod of 769. The scattered snippets from the “Codex Carolinus”, if indeed they are to be interpreted as such, 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 Church. 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 below, 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; “Ludovicianum”: 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 *subtalares* 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 formular 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 shown\(^ {369}\), 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 described\(^ {370}\), 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 East\(^ {371}\), 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”\textsuperscript{372}? 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 “\textit{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 826\textsuperscript{372} and it was during Leo’s reign that the papal \textit{Palatium Lateranense} was mentioned for the first time\textsuperscript{373}. 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’s\textsuperscript{374}. 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 him\textsuperscript{375}. 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)\textsuperscript{376}. This could explain why the


\textsuperscript{373} Cf. above p. 84-86.

\textsuperscript{374} Cf. above, notes 224 and 226, formula 6.


\textsuperscript{376} The identification of Hilduin of St-Denis with the “\textit{Coloniæ ecclesiæ vocatus archiepiscopus}” and Lothair’s chancellor is controversial; for a summary of the discussion, cf. Theodor Schieffer, \textit{Die Urkunden Lothars I}. In: \textit{MGH DD Karolinorum 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” (I. 8, 217-8, 278), which was normal in papal letters of the 8th century381.

365, here pp. 19-21; also Ernst Tremp, 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 (Päste 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).


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

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 Constitution \(^{383}\). 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. 11611 \(^{384}\), 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 decretals \(^{385}\). 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.


\(^{384}\) 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 admitted\(^{387}\).

---

\(^{386}\) Cf. above, note 385.  