

The *Donatio Constantini* and Valla's *Oratio* Confronted[†]

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*Non ridere, non lugere
neque detestari, sed intelligere*
Spinoza

The current scholarly opinion expressed in textbooks of medieval history, in reference works, and in monographs dealing with church-state relations is that the text of a document referred to as the Donation of Constantine is “the most famous forgery in history by which the Emperor Constantine was supposed to have resigned his crown and the empire (in the West) into the hands of Pope Sylvester as compensation for having been cured of leprosy by the Pope. . . . The Donation became a powerful weapon in the spiritual armory of the medieval papacy and the foundation of papal ideology. . . . It was accepted as a genuine document until centuries after its manufacture.”¹ It is normally Lorenzo Valla, the erudite humanist scholar, who is given the credit for “establishing incontrovertibly that the notorious Donation of Constantine was a huge fraud.”²

The controversial text of the *Donatio* is actually the final part of a larger medieval text referred to currently as *Constitutum Constantini*.³ The text of the *Donatio* was

[†]This essay was published in Italian translation as Imre Boba, “*La Donatio Constantini e L’oratio del Valla a Confronto*.” *Angelicum: Periodicum Trimestre Pontificiae Studiorum Universitatis a Sancto Thoma Aquinate in Urbe*. 67.2 (1990): 215-239. Professor Boba gave me a copy of this essay in English when he first wrote it in the 1980s. Because the Italian publication is probably not easily accessible to many readers of English, and because I think Professor Boba’s research merits a wider audience, I am posting the original English version of the essay here on my web site, with the permission of his widow, Elizabeth Boba.

—Eugene Webb

¹*The Medieval World*. Edited by Norman F. Cantor. Second edition, London 1968, 131-32.

²Walter Ullmann, *A Short History of the Papacy in the Middle Ages*. London 1972, 317.

³Only recently have several hundred extant manuscripts of the *Donatio*’s text been assembled, scrutinized, and a stemma established. The two oldest texts, dating from the ninth century, provided the basis for the currently accepted recension. The manuscript of the text used by Valla has not yet been located, but it resembles the most corrupt forms known from the thirteenth and fourteenth centuries.

The *Donatio*, in the form of a document, first appears as part of a larger hagiographic text referred to currently as *Constitutum Constantini*. The first part of the *Constitutum* is known in hagiography as *Vita Silvestri*. The second part, the *Donatio*, has also been copied separately, and was included in the revised versions of Gratian’s *Decretum*.

included in a revised version of Gratian's *Decretum*,⁴ possibly by a pupil of his, sometime in the latter part of the twelfth century. During the growing controversy between the proponents and opponents of papal claims for authority in matters secular, the already divergent manuscripts of the *Donatio* became the subject of criticism. The authenticity of the text, construed to be an imperial document, was, in fact, brought into question by Cusanus⁵ some seven years earlier than Valla. It was, nevertheless, Valla's work that found broad dissemination during the Reformation and thereafter. As indicated, it became a commonplace to refute the validity of the *Donatio* with reference only to Valla, without an independent evaluation of the incriminated text or a critical re-reading of Valla's refutation of it. A simple confrontation of the text of the *Donatio* and Valla's criticism would, *e.g.*, reveal that despite current opinions, the *Donatio* had nothing to say about Emperor Constantine's compensating Sylvester for having been cured of leprosy.

Valla's extensive study aimed at refuting the *Donatio*'s validity was written in 1440. The oldest extant manuscript of his work, dated in 1451, bears the title *De falso credita et ementita Constantini Donatione*.⁶ Valla referred to this work of his as *Oratio*, and said of it: *nihil magis oratorium scripsi*. In his *Oratio* Valla included the *caveat*:

And those who think he [*i.e.*, the author of the *Donatio*] has told the truth, and defend him—whoever they are—make themselves abettors and accessories in his stupidity and madness. (Latin text: Valla: 37*, 40 and 38*, 1)

These words of Valla may be the reason why, for the past five hundred years or so, scholars have not subjected to scrutiny the proposition that the *Donatio Constantini* is a forgery, nor studied critically the more scholarly objections to the text raised by Cusanus. Occasionally, scholars have voiced the opinion that there are some passages in hagiography, in Canon Law, and in the history of the church to support the authenticity of at least some parts of the *Donatio* but without any impact on prevailing opinion.

Some scholars at the time of Valla understood that historical facts indicated that Constantine did, in fact, divide his territorial empire, even if illegally. Valla, however,

There are several editions of the *Constitutum*, the most recent editions being, *e.g.*, in *Fontes Iuris Germanici Antiqui*, vol. 10 (1968), 106 pp., introduction and recension by Horst Fuhrmann, followed by an extensive study of a variety of texts and a recension by Johanna Petersmann, "Die kanonistische Ueberlieferung des *Constitutum* bis zum Dekret Gratians," *Deutsches archiv*, 30 (1974), 356-449.

In the present study all quotations from the *Constitutum* are from Fuhrmann's recension, and only the lines of the text are indicated, *e.g.*, CC. 157-160.

⁴ The standard edition of the text of the *Donatio* only, as used in the *Decretum*, with variants in notes, is available in *Corpus Iuris Canonici*, edited by A. Friedberg, Leipzig 1879, Dis. XCVI, c.13 and c.14.

⁵ Nicolas of Cusa, *De Concordantia Catholica*, ed. G. Keller, 1959, 328-37.

⁶ The most recent edition of Valla's work is by Wolfram Setz, *Lorenzo Vallas Schrift gegen die Konstantinische Schenkung*, Tuebingen, 1975, 207 pages of bibliography and introduction followed by 50 pages of Valla's text paginated separately (page numbers with an asterisk). Quotations from Valla's text in the present study are from the recension by Setz, and are indicated by references to pages and lines, *e.g.*, Valla:27*, 18-31.

went a step further and argued that Constantine could not have legally divided the empire, that he did not do so, and that, consequently, the whole *Donatio* was a forgery, specifically, a forgery devised by the papacy to bolster its claims of temporal authority over the western half of the former Roman Empire.

A scrutiny of representative samples from among the several hundred extant copies of the *Donatio* reveals, however, that the text used for inclusion in the *Decretum* and the texts criticized by Cusanus and Valla were rather late, abridged, and distorted versions of extant texts from the ninth century. The text used by Valla contains even more alteration than the already spurious forms in the *Decretum*. The forgery theory as currently formulated, nevertheless, is still based solely on Valla's opinion, without recourse to an independent perusal of the archetype of the *Donatio* now available. Unfortunately, the copy of the *Donatio* used by Valla has not yet been located, and we have to assume that his quotations have been copied properly, even if from a distorted text.

Valla's understanding of the text at his disposal was that with the *Donatio*, Emperor Constantine gave Sylvester, at that time bishop of Rome, spiritual supremacy over the four patriarchal sees, handed over to him the insignia of imperial authority, and relinquished to him secular supremacy over the western half of the empire, while he himself moved to Constantinople, his new capital. One may note already here that the Latin equivalents of the terms "spiritual supremacy," "patriarchal sees," "secular supremacy" do not occur in any of the texts of the *Donatio*, not even in the version used by Valla—but were introduced by him into the discussion of the text.

When one reads the oldest texts of the *Donatio* against the historical background of the fourth century Rome and the Latin legal terminology of the time, it becomes clear that the statements made in it are for the most part highly plausible, clearly nonpolitical in nature, and similar to other well-attested concessions made by Constantine in favor of Christians in the city of Rome and elsewhere. On the other hand, when one rereads the *Oratio*, one is struck by the author's limited knowledge of Roman history and of fourth century government-related terminology. Comparing any of the texts of the *Donatio*, even the version used by Valla, with that of the *Oratio*, one cannot escape the conclusion that the *Donatio* has been criticized, ridiculed, and rejected by generations of scholars who have understood and used in their evaluation of the text the meanings of administrative terms, legal definitions and political references prevailing during the Renaissance and subsequent centuries.

Consider, for instance, Valla's interpretation, on occasion, of the term *imperium* as "territory" ("*meliolem a se imperii alienasse partem; imperii optima parte se abdicaret*") rather than as "power" or "sovereignty." As a result of this misunderstanding, the transfer of the center from which Emperor Constantine would exercise his political power (*imperium*) became for Valla the division of a territorial empire with two heads and two distinct administrations. Similarly, Valla interprets *princeps*, *principatus* to mean "sovereign ruler," "sovereign absolute rule," as was for him the *il principe* and form of government in Renaissance Italy during his own lifetime (note Valla's phrase: *principes ac reges*). In the fourth century the term *princeps* could be used, and was

used, for any person in a position of leadership or supervision a *primus inter pares*, as for instance, the head of a governmental division, *e.g.*, the foreman of the scribes. Furthermore, the title *princeps*, as used for the emperors, had no constitutional significance; in fact it was not an official title.⁷

In the first part of his *Oratio* Valla expresses his views concerning the *Donatio* by means of fictitious speeches delivered supposedly by Constantine's sons, senators, and friends, and by Sylvester, bishop of Rome, all of whom argue against the stipulations of the *Donatio*. They interpret its content as amounting to a sharing of the emperorship and a total alienation of the western half of the empire (*"imperium deposuisse sacerdotibusque donasse; optima maximaque Imperii parte exuere; Silvestro Imperium largire, tunc unum corpus in duas secabis partes, et ex uno duo efficies regna, dua capita, dua voluntates...; partem regni donare...; partem Imperii cum regina orbis, Roma, alteri tradere..."*), from which it follows that all Roman officials in the western half of the empire would have been removed (*"a patris laribus, a conspectu natalia soli, ab assueta aura, a vetusta consuetudine relegamus. Penates, fana sepulchra exules relinquemus, nescio ubi aut qua terrarum regione victuri... omnes ne revocamur"*). Sylvester himself argues, in Valla's words, that Constantine was entitled to give the realm only to his sons and that, therefore, he, Sylvester, declines to accept "the kingdom of the world."

Having proved by these fictitious speeches that the *Donatio* is concerned with a division of the realm and with the creation of a *Silvestrianum Imperium*, Valla then presents one of his own arguments, that the *Donatio* is a forgery on the grounds that the donation, *i.e.*, the bestowal of the western half of the realm, was never formally accepted by the papacy (*"quia non fit mentio de acceptatione, dicendum est non fuisse donatum"*). Surprisingly enough, there is no relation between the opinions expressed in Valla's speeches and the text of the *Donatio*. The texts, even the one used by Valla, never mention the division of the realm, a transfer of Roman officials, or the creation of two kingdoms. It is evident that since none of the extant texts of the *Donatio* uses such terms as *dividere, deponere, abdicare, donare, exuere, largiri* (all used by Valla), nor refers to any transfer of titles like *Caesar, Dominus, Augustus, Maiestas* or *Imperator* (which would have been prerequisites for any *Silvestrianum Imperium*), the document—whether forged or genuine—could hardly have stated what Valla understood it to say.

It is unfortunate that Valla, despite his present-day reputation as a textual critic, did not follow his own methodology. Instead of collecting a number of divergent manuscripts and establishing a more reliable version of the text, as he was accustomed to do in other enquiries, he based his conclusions, as already mentioned, upon one of the most corrupt versions of the *Donatio*. Significant differences between the text used by Valla and the archetype reconstructed only recently, occur already in the very first sentence of the paragraph that introduces the specific stipulations of the *Donatio*. Valla's text reads:

In eo privilegio ita inter cetera legitur: [Nos Constantinus] utile iudicavimus

⁷ All legal terms appearing in the text of the *Donatio* are adequately defined in Pauly-Wissowa's *Realencyclopaedie der klassischen Altertumwissenschaften*.

una cum omnibus satrapis nostris et universo senatu, optimatibus etiam et cuncto populo imperio Romane ecclesie subiacenti, ut, sicut beatus Petrus in terris vicarius Dei videtur esse constitutus, etiam et pontifices ipsius principis apostolorum vicem, principatus potestatem amplius, quam terrene imperialis nostre serenitatis mansuetudo habere videtur, concessam a nobis nostroque imperio optineant. (Valla: p. 22*, 13-19)

But the phrase suggesting submission of all people to the power of the Roman Church (“*imperio Romane ecclesie subiacenti*”) does not appear either in the oldest versions of the *Donatio* or in the manuscript or printed versions of the *Decretum*. The oldest texts state:

...utile iudicavimus una cum omnibus nostris satrapibus et universo senatu, optimatibus etiam et cuncto populo Romano gloriae imperii nostri subiacenti... (C.C., 157-160)

In the already corrupted text in the *Decretum* the emphasis has been shifted from a subjection to the glory of Constantine’s *imperium* toward a subjection to the *imperium* of the Glory of Rome:

et cuncto populo R o m a n a e g l o r i a e
i m p e r i o subiacenti. (Dis. XCVI, c.14.)

Since the differences between:

- a. *gloriae imperii nostri subiacenti* of the oldest texts,
- b. *Romanae gloriae imperio subiacenti* of the *Decretum* and
- c. *imperio Romanae ecclesiae subiacenti*,

as quoted by Valla are rather substantial, one may legitimately ask whether Valla would have written his *Oratio* had he had access to one of the oldest texts of the *Donatio* or even to a text in the *Decretum*.

The ambiguity of the text used by Valla allowed him to draw the conclusion that the people who were already subject to the Roman Church could not have had the power to decide their own subjugation to the church: “How is it that they are said to have decreed this very thing, that they should be subject and that he to whom they are, already subject should have them as his subjects?” From this question follows one of several accusations by Valla directed against the unnamed, but implied, perpetrator of a hoax:

What else do you do, you wretch (*infelix*), other than admit that you have the will to commit forgery, but not the ability? (Valla: 23*, 23-24)

On closer scrutiny even the text used by Valla could not have led to such a drastic accusation if one realizes that *imperium* was not necessarily the “supreme authority of

an emperor,” but also the delegated authority exercised by any official in the governmental structure or the personal authority (prestige) of any citizen according to his standing in the society. Thus any official and any pontifex had his *imperium*. Consequently, the “*imperium Romanae ecclesiae*” is simply the ecclesiastical authority of the *praesbiterium* of the *Romana ecclesia* over the members of that *ecclesia*, and not over all the people of Rome and certainly not over all the people of the Roman Empire, as implied by Valla.

In the entire opening statement of the *Donatio* (as transmitted in the more complete texts), the emperor formulated the decision reached by himself, his officials, the senate and the Christian community of Rome, that the vicars of St. Peter should receive from Constantine’s *imperium* (*i.e.*, by his imperial authority) more of the power of a principate (*principatus potestas*) than had already been conceded. Valla’s understanding of the first statement of the introductory paragraph of the *Donatio* led to his comments on the subsequent fragment that, as quoted by him, reads:

Eligentes nobis ipsum principem apostolorum vel eius vicarios firmos apud Deum esse patronos. Et sicut nostra est terrena imperialis potentia eius sacrosanctam Romanam ecclesiam decrevimus veneranter honorare et amplius, quam nostrum *imperium* et terrenum thronum sedem sacratissimam beati Petri gloriose exaltari, tribuentes ei potestatem et gloriam et dignitatem, atque vigorem et honorificentiam imperialem. (Valla: p.23*, 25-30)

Valla subjected this fragment to a philological analysis, and concluded that the use of some terms and of faulty Latin grammar reveal that the text was a forgery. Valla suggested that the correct form should be “Constantine elected for himself patrons,” instead of “Constantine elected himself to be patrons” (“*Elegit sibi illos Constantinus non patronos, sed esse patronos, interposuit illud esse, ut numerum redderet concinuiorem.*” Valla 23*, 35-37). Valla is wrong, however, if one notes that the text of the *Donatio*, as quoted by himself, refers to the election of Peter and his vicars, and not of patrons. They were elected *to be patrons* before God. Valla objected also to naming the bishops of Rome “vicars of Peter.” His argument was that the term ‘vicar’ implied that Peter was still alive, or, at best that the bishops of Rome are inferior to Peter (“*Et pontifices Romanos appellat vicarios Petri, quasi vel vivat Petrus, vel minori dignitate sint ceteri quam Petrus fuit.*” Valla 23*, 40f.) Valla understood that in the phrase “*terrena imperialis potentia*” there should be a conjunction between the two adjectives. He evidently did not realize that “*terrena*” goes with the phrase “*imperialis potentia.*”

Apparently the text quoted by Valla did not lend itself to criticism of substance. But even Valla’s philological comments on that fragment or on any subsequent fragment of the *Donatio* cannot be sustained if one reads the text with the tools and achievements of modern classical philology and textual criticism. The statement begins with Constantine asserting his secular authority: “. . .ours is the earthly imperial power.” Therefore, the concrete concessions that follow could not diminish his secular “imperial” power, but could only enhance the honors of the Church of Rome and the power of the throne of blessed Peter above the honors and power of the earthly throne

that remained in the control of the Emperor. None of the transferred attributes carried political authority or a specific function. The text only expresses the view that Constantine relinquished the supreme attributes of pagan Rome which were associated with his predecessors' "*Gloria*" and title "*Dominus et Deus*," all this in favor of the God of the Christians, the blessed Peter and his successors. In fact Constantine ceased to be represented on Roman coins with divine symbols in 325, the year of the Nicene Council. The concessions were made to all successors of St. Peter with the clear understanding that the pontiffs of Rome would have the task of interceding with God ("*firmos apud Deum esse patronos*") for the welfare of Constantine and, obviously, of Constantine's successors, the emperors.

The third, and final, fragment of the Introduction to the *Donatio* reads in Valla's rendering as follows:

Atque, decernentes sancimus, ut [sedes sacratissima beati Petri] principatum teneat tam super quatuor sedes, Alexandrinam, Antiochenam, Ierosolimitanam, Constantinopolitanam, quam etiam super omnes in universo orbe terrarum dei ecclesias. Etiam pontifex, qui per tempora ipsius sacrosancte Rome ecclesie existerit, celsior et princeps cunctis sacerdotibus et totius Mundi existat, et eius iudicio, que ad cultum Dei et fidem christianorum vel stabilitatem procurandam fuerint, disponantur. (Valla, 24*, 17-23)

Valla's version of the fragment, as quoted, contains another, this time less ambiguous, deviation from the "standard" text. Where the oldest texts and even the version in the *Decretum* read: "*pontifex . . . princeps sacerdotibus totius mundi*," Valla's version reads: "*pontifex princeps sacerdotibus et totius mundi*." Furthermore, Valla questioned the grammatical correctness of the phrase *princeps sacerdotibus* ("first among sacerdotibus") and suggested that it should read *princeps sacerdotum* ("prince over the sacerdotibus"). Thus in place of: "bishop . . . first among all the clergy of the whole world," Valla suggested that the text should correctly read and mean: "prince of the clergy and of the whole world." Valla agreed, however, that the See of Rome held a primacy over the four enumerated churches, but argued that this primacy was given not by Constantine, but by Christ himself. (Note that Valla assumed that the See of Rome existed during the times of Christ: ". . . a Christo primatum acceperit Romana sedes . . ." Valla 24*, 33-34). Valla referred to the four sees as patriarchal, while none of the texts of the *Donatio*, including the one used by Valla, ever mentions "patriarchal" sees. But Valla's insertion into the discussion of the term "patriarchal" allowed him to view the entire document as an obvious forgery. ("*Quid, quod multo est absurdius, capit ne rerum natura, ut quis de Constantinopoli loqueretur tanquam una patriarchalium sedium, que nondum esset, nec patriarchalis nec sedes, nec urbs christiana nec sic nominata, nec condita nec ad condendum destinata?*") None of Valla's objections is valid—certainly not his criticism of the use of the term *patriarchalis* or reference to *Constantinople*, both construed to be applied anachronistically. As for the reference to *Constantinople*, the city had been known under that name at least since May 11th, 330, and, possibly, already since the festive inauguration of public works in the ancient episcopal city of Byzantium in 324 or the new capital's *consecratio* in 328.

Thus the entire introductory statement of the *Donatio* provides no support for political or “imperial” claims by the bishops of Rome and, in fact, contradicts all the extreme interpretations of Valla. The paragraph distinctly separates the terrestrial imperial authority (“*nostra est terrena imperialis potentia . . . nostrum imperium et terrenus thronus*”) from the supervision of ecclesiastical functions, now transferred to the Church of Rome. It is self-evident that the author of the *Donatio*’s text did not imply that the Church of Rome or the bishop of Rome would have political functions. Any function envisaged for the bishop of Rome was strictly ecclesiastical; he would be “first among equals” (*princeps*), and as such, he would be the arbiter among the sacerdoties in controversies affecting worship (liturgy), belief (Christology) and firmness (unity).

As it appears from the introductory statement of the *Donatio*, the intent of its author was to separate the sacral from the secular. Most of the remaining text consists of specific stipulations, similar to executive orders, implementing the concessions envisaged in the introductory statement. The first substantive paragraph of the *Donatio*, numbered as such in the *Decretum*, is quoted here from Valla’s version, with corrections supplied from the archetype:

Ecclesiis beatorum apostolorum Petri et Paulo pro continuatione (*recte*: concinnatione) luminarium possessionum predia contulimus, et rebus diversis eas ditavimus, et per nostram imperialem iussionem (*recte*: per nostras imperialium iussionum sacras) tam in oriente quam in occidente quam etiam a septentrione et meridionali plaga, videlicet in Iudea, Grecia, Asia, Trachia, Africa et Italia vel diversis insulis, nostra[m] largitate[m] eis concessimus, ea prorsus ratione, ut per manus beatissimi patris nostri Silvestri summi pontificis [*summi* not in the C.C.] successorumque eius omnia disponentur. (Valla: 25*, 31-37)

Valla rejected the content of that paragraph with the argument that there were no churches of Peter and Paul in Rome at the time of Constantine and that Christians worshipped in private houses with no need for great lights (“*O furcifer, ecclesie ne, idest templa Rome erant Petro et Paulo dicat? Quis eas extruerat?*”) (Valla: 26*, 1-2). Valla, apparently was not aware of Constantine’s personal involvement in constructing churches in Rome, among them churches of Peter and Paul. Most of Valla’s objections are, however, philological and all of them misplaced. He understood *luminaria* (= lamps) to be a wrong usage in the context, and he suggested *lumina* (= lights). The logic is on the side of the *Donatio*’s author: one provides oil for lamps and the lamps produce the light.

This paragraph remains immune to Valla’s criticism. It simply enumerates gifts of landed possessions given to the churches of blessed Peter and Paul in Rome, and indicates the purpose of such benefactions. In this paragraph the author of the *Donatio* made use of such terms as *nostra largitas* (largesse, abundance, bounty, liberality), *possessio*, *praedium* (a farm, estate, manor). All such terms imply private ownership, and not regions or provinces that would carry secular administrative prerogatives or

duties and, obviously, not “half of the Empire.” The possessions were scattered all over the four regions of the (Roman) world: “in Judea, Graecia, Asia, Thracia, Africa et Italia.” All these geographic terms, however, were used in the text in their Roman usage as names of dioceses, and not of continents or countries, as understood by Valla. (“Africa” during the time of Constantine was an administrative subdivision consisting of a narrow strip along the Mediterranean coast of Africa, while “Asia” was the westernmost diocese of what is today Asia Minor.) Furthermore, most of the gifts of landed properties were scattered in the “East” of the Roman territory, and not in the “West,” as would have been expected if Constantine had parted with the western half of his territorial empire. But even in the “West,” the landed estates given are limited in size. They are mere possessions *in Italia*.

Although the estates and farms donated may have been numerous, these were the only tangible donations that Constantine gave to the Church of Rome. The author of the *Donatio*’s text must have been aware of the nonpolitical, and even nonadministrative nature of the transfer of the possessions when he noted that these possessions were given explicitly to SS. Peter and Paul for the purpose of provisioning the lamps used for the illumination (*pro concinnatione luminariorum*) of the saints’ churches.

It also seems evident that the transfer of landed estates was in the nature of an endowment for the churches: votive gifts from Constantine’s *res privata*. In fact, the term *donatio*, used as title for the text under scrutiny, is a precisely defined legal concept of Roman law limited to private transactions (*donatio inter vivos*) related to the transfer of tangible assets. The enumeration of the donation of landed estates occurring in the text immediately after the introductory, statement (in the first numbered paragraph in the *Decretum* as well as in the text used by Valla) may have prompted one of the transcribers of the document to provide for it the title: *Donatio Constantini*. The document in its oldest form, forged or genuine, obviously had no title. That the title is an addition to the lost prototype is evident because most of the copies available actually appear under a variety of titles. The scribe who associated the entire document with an act of a *donatio* was probably interested in the legality of the claims to landed estates by the Church of Rome. In the latter part of the twelfth century, when the text of the *Donatio* was included in the *Decretum*, there was no special need to bolster Rome’s claims for political authority, but there were disputes concerning ownership of landed estates, especially in Italy. This observation seems to be corroborated by the brief summary of the *Donatio* that was added by one of the earliest editors of the *Decretum*. The marginal note reads:

Palea ista non legitur in scholis, in qua continetur privilegium, quod Constantinus concessit Romanae Ecclesiae, scilicet ut primatum inter omnes Ecclesias obtineret, et in quo possessiones, et insignia dignitatis ei concessit. Et hoc fecit eo tempore, quo Constantinus ad partes Orientales se transtulit, cum in eodem loco duo Pontifices non bene morarentur, et statuit, ut nullus contra hoc privilegium veniret, et poenam minatur contra facientibus. (*Decretum Gratiani, Lugduni, 1613*)

This summary evidently expresses the view of the person who placed the text of the

Donatio into the *Decretum* and, certainly, of the medieval commentators.

Paragraphs two and three of the *Donatio* (numbered as such in the *Decretum* and quoted in that order by Valla) enumerate additional gifts, as well as specific honors and privileges, given to the bishop and clergy of Rome. Paragraph two in Valla's version reads:

Beato Silvestro, eius vicario, de presenti tradimus palatium imperii nostri Lateranense, deinde diadema, videlicet coronam capitis nostri, simulque phrygium necnon et superhumeralis, videlicet lorum quod Imperiale circumdare solet collum, verum etiam chlamydem purpuream atque tunicam cocineam et omnia imperialia indumenta seu etiam dignitatem imperialem presidentium equitum, conferentes etiam ei imperialia sceptrum simulque cuncta signa atque banna et diversa ornamenta imperialia et omnem processionem imperialis culminis et gloriam potestatis nostre. (Valla: 27*, 11-18)

It would suffice to read only the last statement of the paragraph—the phrase in which Constantine transferred to Sylvester only the glory of his power (“*gloriam potestatis nostre*”) and not the power itself. Constantine gave also all the external symbols of that glory. In addition to the *Gloria* and its symbols, the paraphernalia, Sylvester received the dignity equal to that of the person presiding over the imperial administration, but not the *dignitas* of the emperor himself. Finally, Constantine transferred the ownership of the Lateran palace only, thus obviously excluding from the transfer other places in Rome and Rome itself. The gift of the Lateran palace represents a transfer of *dominium utile*, excluding any interpretation that would suggest the transfer of *dominium eminens* over half of the empire or the sharing of imperial authority with the bishop of Rome. Compared to the more complete texts of the *Donatio*, the version used by Valla, as quoted above, contains minor omissions, the most significant being the sentence stating that the concessions are not necessarily for Sylvester, but for the blessed Peter and Paul and their successors in perpetuity (“*beatissimis Petro et Paulo et per eos etiam beato Silvestro . . . et omnibus eius successoribus pontificibus qui usque in finem mundi in sede beati Petri erunt sessuri*”). The scribe of the oldest text conveyed only the concept that the successors of Sylvester would be *pontifices* for all times to come, and not sovereign rulers over a share of the empire. The nonpolitical nature of the concessions is evident also from the subsequent fragment of the *Donatio* (numbered as paragraph three in the *Decretum*). The following rendering of Valla's text of this fragment in two columns is made in order to juxtapose the “secular and political” with the “sacral and ecclesiastical.” Corrections and additions are based on the *Donatio*'s archetype:

[Nos Constantinus. . .]

Viris etiam diversi ordinis, reverendissimis clericis sancte Romane ecclesie servientibus, illud culmen, singularis potentie et precellentie (recte: precellentiam) habere sancimus,

cuius amplissimus noster senatus videtur gloria adornari, id est patricios [atque] consules effici, necnon in ceteris dignitatibus imperialibus

eos promulgavimus (promulgantes) decorari.

Et sicut imperialis extat decorata militia,

ita clerum sancte Romane ecclesie ornari decrevimus.

Et quemadmodum imperialis potentia diversis officiis, cubiculariorum nempe et hostiariorum atque omnium concubitorum (recte: excubitorum), ordinatur,

ita et sanctam Romanam ecclesiam decorari volumus. Et ut amplissime pontificale (-is) decus prefulgeat, decernimus et, ut clerici sancti eiusdem sancte Romane ecclesie mapulis et linteaminibus, idest candidissimo colore, decoratos equos equitent (recte: eorum decorari equos, et ita equitari),

et, sicut noster senatus calciamentis (-a) utitur, cum udonibus, idest candido linteamine, illustrentur (recte: illustrari),

et ita celestia

sicut terrena

ad laudem Dei decorentur.

(Valla: 27*, 18-31)

Again, the last statement of the paragraph—“*ita celestia sicut terrena ad laudem Dei decorentur*”—expresses the whole purpose of the concessions; to equate the clerics of the heavenly order with the officials of the earthly order, for the glory of God.

Valla's criticism of the paragraph is based on glaring misinterpretations of the otherwise straightforward text. Thus in his comments the *equites* became *equitatus*, *i.e.*, the Roman cavalry given over to the pontiff, and not a social class of actual and prospective administrators and officeholders that remained under imperial authority. Valla understood *imperialis militia* to mean *milites*, soldiers, while, in fact, *militia* was the class of all servants of the emperor, civilian as well as military. Since the administrative reforms of Valentinian I, civil servants were ranked as soldiers; the distinction, if necessary, was expressed by the terms *militia armata* and *militia officialis*, respectively. Finally, Valla apparently did not know that in pagan Rome the *pontifices* formed part of the imperial administration with appropriate *dignitates*, and corresponding *honores* and *vestes*. The paragraph unequivocally expresses the recognition by Constantine of the ecclesiastical Christian hierarchy in Rome and in Rome alone (“... *clericis sancte Romane ecclesie servientibus*...; *clerum sancte Romane ecclesie adornari decrevimus*...; *sanc-tam Romanam ecclesiam decorari volumus*.”) The paragraph actually corroborates the concessions credited to Constantine in the *Gesta Silvestri*, in which one reads:

...patere volumus christianis ecclesias, ut privilegia que sacerdotes templo-rum habere noscuntur, antistites christiane legis assumant.⁸

With the decisions contained in this fragment of the *Donatio*, the Bishop of Rome and the clergy of the Christian assembly in Rome (*sancta Romana Ecclesia*), many of them non-Romans, non-citizens, or not yet “honorable” Romans, now received the honors of the non-Christian *sacerdotes* of the Roman temples and of other officials of the imperial administration, the highest recognition going to Bishop Sylvester (he was made equal in dignity with the head of the *equites*). Thus the author of the *Donatio*, whoever he may have been, must have been very familiar with the Roman system of administration in the fourth century and the reforms effected under Constantine. In other words, if he indeed forged the document, he reported something that appears to be valid also without the document. The purpose of the forger could not have been the creation of supporting evidence for papal claims of political supremacy and even less so of imperial authority in the West.

The paragraph of the *Donatio* that follows (#5 in the *Decretum*) refers to a crown's being offered to Sylvester and his successors in honor of blessed Peter. This paragraph contains the famous passage according to which Constantine took upon himself the function of a groom (*strator*) to Sylvester. The paragraph concludes with the statement that a skullcap (*phrygium*) should be worn by Sylvester and his successors in imitation of Constantine's *imperium* (*ad imitationem imperii nostri*). Although the phrase *imitatio imperii* and reference to a crown could have been utilized in arguments supporting Valla's contention, he did not attach to them any political significance. Perhaps he realized that the *imitatio* referred only to the wearing of the *phrygium* in festive processions and did not imply transfer or dividing of the imperial authority itself. The *imitatio imperii* appears to have been restricted to festive processions and

⁸ Quoted from Christopher B. Coleman's *Constantine the Great and Christianity*, New York 1914, p. 226.

was, therefore, another concession of honors, and not of functions. Evidently the *phrygium*, and not the crown, symbolized Constantine's *imperium*. Nevertheless, medieval and modern historiography became concerned mainly with the concept of transfer of an imperial crown.

Valla himself, as already mentioned, did not see any significance in the offer of a crown. He probably understood the relevant text to read as it was written, that the crown was offered in honor of blessed Peter but, probably because of that, Sylvester refused the acceptance of it. Valla, aware of the interpretations current during his own time concerning an alleged imperial crown, simply denied (correctly) that emperors in the fourth century were crowned. He raised the question, nevertheless, as to why the crown was offered in honor of blessed Peter, and not of Christ, and if it was offered to honor Peter, then "why did Constantine not dedicate the episcopal temple in Rome to him, rather than to John the Baptist?" These questions, construed to be rhetorical, have obviously no impact on the political significance of the crown, but were formulated by Valla to show that the author of the *Donatio* did not know history and, hence, his document was a forgery.

As it turns out, Constantine did indeed build a temple in honor of blessed Peter, as well as one in honor of Jesus, and even more, but even if we had no documentary evidence for a Constantinian church of Peter, the edifice still contains the bricks bearing the emperor's initials. The episcopal temple in Rome was, in fact, dedicated to Christ, as Valla expected, and not to John the Baptist, as he apparently knew for a fact. This temple, the Basilica of the Lateran, was renamed in honor of John only at the time of a new consecration of the rebuilt edifice after it had been damaged during the earthquake of 896. (Valla in his last years was a canon of St. John the Lateran!)

The problem of Constantine's gift of the crown in honor of blessed Peter and not of Christ arises from the corrupt version of the text used by Valla. His text did not include the phrase *ad laudem Dei*, which in the more complete texts precedes the phrase *pro honore beati Petri*. Valla's text also lacked the statement that associated the symbols of honor with episcopal functions only: "*Silvestrio patri nostro, summo pontifici et universalis urbis Romae papae, et omnibus eius successoribus pontificibus, qui usque in finem mundi in sede beati Petri erunt sessuri. . .*" (C.C., 216-218). Be it noted here that many of the omissions from Valla's text and from the text in the *Decretum* are references to the episcopal functions of the bishop of Rome and his successors.

The subsequent paragraph quoted by Valla (#6 in the *Decretum*) may have been the crucial one in forming his overall opinion, but, surprisingly enough, he did not analyze the substance of the text, but only the allegedly poor choice of terms. Again, the text, quoted here from Valla, is provided with some of the alternate readings in parentheses, and the omissions, supplied here from the archetype, in brackets:

Unde ut pontificalis apex non vilescat, sed magis [amplius] quam imperii terreni dignitas gloria et potentia (recte: terreni dignitas et gloriae potentia) decoretur, ecce tam palatium nostrum quamque Romanam urbem et omnes Italiae sive occidentalium regionum provincias (recte: Romanae urbis et omnes Italiae seu occidentalium regionum provincias), loca [et] civitates

beatissimo pontifici et universali pape Silvestro tradimus atque relinquimus et ab eo et a successoribus eius [pontificum potestati et ditioni firma imperialis censura per hanc nostram divalem sacram] et per pragmaticum constitutum decrevimus disponendas (*recte*: decernimus disponenda) atque iuri sancte Romane ecclesie permanendas (*recte*: concedimus permanenda). (Valla: 33*, 24-30)

In his comments, Valla questioned the adequacy of the geographic definitions of the “ceded” territories. In his view the terms are anachronistic, thus the text reveals the work of a clumsy forger. The contrary seems to be the case. Valla apparently was not familiar with the administrative reorganizations that took place under Diocletian and Constantine and, consequently, he did not know the precise names of administrative units as of the fourth century. The small units of *provinciae* under Constantine, construed as such also by the author of the *Donatio*, in Valla’s understanding were “provinces which now have separate kings or rulers equal to kings, and more than one to each.” Valla did not know that in the fourth century the *diocesis* was the larger administrative unit and not the *provincia* as in his own times. Valla noticed a contradiction in the use of references to provinces of Rome and provinces of Italia, but he was not aware that there was a *Romae Urbis Dioecesis* and that *Italia* was not Italy of his own times, but the northern provinces of present-day Italy, Noricum, the Pannonias, and Dalmatia. The reference to Western Regions remains to be analyzed, but most probably they were the provinces in the western part of Illyricum, claimed by the papacy for ecclesiastical jurisdiction throughout the Middle Ages.

Valla’s text is distorted in part where it describes the territories transferred to papal *potestas* and *dicio* according to the “*iura sanctae Romanae ecclesiae*.” While Valla has listed *urbs Roma* as being made only now subject to the Pope’s jurisdiction, the archetype does not refer to jurisdiction over the city of Rome, but to jurisdiction over the provinces of Rome (*Romae urbis . . . provincias*). The distinction is important because the Christian community of Rome was already subject to the “*ius Romanae ecclesiae*” and, therefore, it would not be placed under its own jurisdiction again. Furthermore, the *provinciae* at the time of Constantine were what we call today dioceses, hence the *Romae urbis provinciae* could only have been the suburbicarian bishoprics of the *dioceseos* of Rome. In fact, there was in the fourth century a *Romae urbis dioecesis*, as well as *Romae urbis provinciae*. What remains the only tangible concession in the paragraph is the gift of the Lateran palace. Since the Lateran was part of the city of Rome, Rome’s legal status in the empire remained unchanged. The right of disposition in the various territories according to the *ius ecclesiae Romanae* refers, therefore, to nonproprietary, ecclesiastical administration of what will be known as church provinces (in modern terms: dioceses).

The decision to place the suburbicarian bishoprics officially under the jurisdiction of the bishop of Rome was made by the Council of Nicaea in 325. The bishop of Rome, like the bishops of Alexandria, Jerusalem, Antioch, and Byzantium, became a metropolitan bishop or *archi-episcopus*, an arch-supervisor residing in the mother city of a diocese. The preeminence in this case was only in matters legal and administrative,

in matters spiritual all bishops remaining equal till modern times.

The imperial recognition of the extended jurisdiction of the Church of Rome gave Sylvester and his successors, the bishops of Rome, the right of control (*disponere* = to attend regularly the affairs) over other Christian communities, as already indicated, in accordance with *ius* (justice) as developed and administered by Christians in the Church of Rome. One should note that the term *ius Ecclesiae Romanae* is not an ecclesiastical law (*lex*, canon) peculiar to the Church in Rome, because the Christians in Rome did not have their own ecclesiastical law, but followed, like any other Christian community, the universal laws as defined by the synods, by the Council of Nicaea or by sundry pronouncements of arbitration (decretals) of bishops of Rome. The *ius* did not, therefore, refer to the canon laws, but to the sum of legal practices in civil cases that had developed in Rome at the civil court of the bishops who acted as judges in litigations between Christians (*audientia episcopalis*), a long-standing practice of all bishops (*cf.* Corinthians 6, 1-5) recognized by Constantine in 318. Although the terms *disponere* and *ius* had secular and nonspiritual connotations, they did not carry supreme political, or even delegated, political authority as envisaged by Valla.

Thus, whoever is the author of the *Donatio*, the text expresses without any ambiguity that Constantine, as *Pontifex Maximus*, or the head of the state, confirmed and made official what was already the tradition: the suburbicarian bishops in the dioceses of the province of Rome and the bishops of the province of *Italia* and of the Regions of the West would adhere to the use of the laws of the Church of Rome. Such “self-government” of Christian communities of the suburbicarian Roman provinces and in some other territories in the West, under the coordinating and supervising efforts of the Church of Rome, had been exercised since the times of Saint Peter either illegally (during the persecutions) or through the Act of Toleration (after 311). Now the Christians in the core territories of the Roman Empire were given the status enjoyed already by such Christian communities as Alexandria, Antioch, and Jerusalem, which had developed autonomous status outside territories governed by *lex Romana* or *ius Italicum*.

Mainly philological comments are provided by Valla also to the subsequent fragment of the *Donatio* (in parentheses are the alternate readings in the archetype, in brackets the omissions).

Unde congruum perspeximus nostrum imperium et regiam (regni) potestatem orientalibus transferri regionibus et in Byzantie provincie (provincia) [in] optimo loco nomini nostro civitatem edificari et illic nostrum constitui imperium; quoniam ubi princeps (principatus) sacerdotum et christiane religionis caput constitutum est ab imperatore celesti iustum non est, ut illic imperator terrenus habeat potestatem. Hec vero omnia, que per hanc [nostram] imperialem sacram et per alia divalia decreta statuimus et firmamus, usque in finem mundi illabita et inconcussa permanere decrevimus (permanenda decernimus). (Valla: 34*, 18-20, 29-31; and 35*, 1-3)

There are only two discrepancies between the archetype and the version of the text used by Valla. Both are, however, significant. The oldest texts mention the trans-

fer of “*imperium et regni potestas*,” while Valla quoted “*imperium et regia potestas*.” In Constantine’s time the archetype’s text conveyed the meaning that the “imperial authority and power to govern” would be exercised from a new capital, while Rome would remain the capital of spiritual authority. Valla’s version was actually a text “corrected” by a scribe of the later Middle Ages. Since at that time the *imperium* had already the connotation of “territory,” the scribe corrected the *regni potestas* to *regia potestas*; thus, instead of transfer of imperial authority and executive power to a new center, Valla could read and understand: transfer of royal authority to a new territorial empire distinct from an “empire” under the bishop of Rome.

The paragraph, otherwise, seems to be straightforward: the first among the sacerdotes, the head of the Christian religion, would remain in Rome, while the earthly emperor moved to the province of Byzantium. Nevertheless, Valla had to exclaim: “And you [the forger] call him [the Pope] a ‘heavenly emperor’ because he accepted a worldly empire; unless by that term you mean God—for you speak ambiguously—and mean that an earthly sovereignty of priests was established by him over the city of Rome and other places, in which case you lie.” The text, even Valla’s, has nothing of the facts he understood to be stated. The text very clearly formulates the concept that the celestial emperor, *i.e.*, God, had decreed that the headship (*principatus*) of the sacerdotes should reside in Rome. Valla also misunderstood the last statement in the paragraph, and accused the author of the text of calling Constantine once “earthly,” then “divine” and “holy” (“*Modo terrenum te vocaveras, Constantine, nunc divum sacrumque vocas*”). Valla apparently did not know that *sacra* and *divalia decreta* were names used for imperial letters. As in the case of the previously presented quotation here too one can clearly see the underlying principle of the *Donatio*: to separate the secular functions from the spiritual, the earthly governmental functions from the ecclesiastical.

Somewhat puzzling is Valla’s treatment of the last statements of the *Donatio*: “. . .this page of the imperial decree we placed, with our own hands, upon the venerable body of the blessed Peter” (*Huius vero imperialis decreti paginam propriis manibus roborantes super venerandum corpus beati Petri posuimus*. Valla, 36*, 15-16). Valla’s comment on that fragment is that since the document had been “laid away above the body of the blessed Peter,” and since the document itself would have already rotted away, nobody can know what was in the document if, indeed, the document had ever been written. Hence, Valla’s earlier conclusions are confirmed once again: the document must have been a forgery. What remains puzzling is that Valla did not seem to know that solemn oaths often were made over the graves of saints or loved ones in confirmation of oral or written agreements. In fact, all ecclesiastically administered oaths were (and still are) taken over the relics of a saint, enshrined in an altar. Such were the practices also during Valla’s lifetime. Valla must have known that Pepin’s representatives confirmed his *donatio* of landed estates (and of political authority) to the Church of Rome over the grave of St. Peter. Charlemagne in person placed a document confirming his father’s *donatio* on the same tomb. This entire digression appears to be superfluous, however, if one reads the more complete texts of the *Do-*

natio: “...confirming the page ... we placed it upon the body of ... Peter; and we command our successors, emperors, to preserve it, ... we hand it over to Sylvester and his successors, pontiffs, for safekeeping ...” (C.C., 277ff., abbreviated).

This brief confrontation of the *Donatio* with Valla’s *Oratio* shows that his criticism was directed against a spurious version of the document. The friends and foes of the papacy during the latter part of the Middle Ages used some distorted versions of the *Donatio* although there were hundreds of copies of more complete and less distorted texts. The recension of the *Donatio*’s text established by recent scholarship does not offer any basis for papal claims to political supremacy, secular authority, or for exercising imperial authority in the West. In fact, the papacy never claimed such prerogatives, be it with reference to the text of the *Donatio* or to any other argument. The papacy always insisted on the Gelasian principle of joint leadership of the Christian society by the “*auctoritas sacra pontificum et regalis potestas.*” The document, even the version used by Valla—forgery or not—when analyzed *sine ira et studio*, amounts to nothing more than a recognition of the existing self-government of the Church of Rome in the framework of the still pagan Roman state, under the special preferential treatment by Emperor Constantine. Constantine relinquished some of his “divine” honors as *Pontifex Maximus*, his personal honors and some of the official dignities (but not functions) to the honor and glory of God and the blessed Peter. He also gave some private landed estates to the churches of Peter and Paul and confirmed the ecclesiastical jurisdiction of the bishop of Rome over the Christians in several dioceses in the West, thus sanctioning, and possibly extending, the rights of the Church of Rome recognized by the Ecumenical Council of bishops in 325.

The story of the *Donatio* has not yet been fully told. The *Decretum* did not claim it to be a “document,” but a quotation from the *Gesta beati Silvestri*. The *Gesta Silvestri* itself is a compilation of hagiographic writings and fragments of documents. There are indications in historiography that parts of the *Gesta Silvestri* can be credited to Eusebius, bishop and church historian, friend of Constantine, and contemporary of bishop Sylvester.