

CONSTANTINE'S DONATION^{1/}

Background

Early in the development of the Church there arose five centers of leadership: Jerusalem, Antioch, Alexandria, Byzantium – all in the East, and Rome in the West. Soon, the Roman Empire began shifting power to Byzantium in the East from Rome and by the third century, Byzantium had become equal or more powerful than Rome. Most of the resources, financial, military and intellectual were in the East. Rome became a backwater. And so it was with the Church. Most of the spiritual and intellectual resources of the Church existed in the East, and Rome, the home of the communities of Peter and of Paul, was reduced to a few churches overseen by the bishop of Rome.

When Constantine became emperor in 312 C.E., he made Christianity the religion of the Empire and contributed several buildings for the use of the Church, including the Lateran Palace in Rome. But for four centuries after Constantine recognized Christianity, Rome was dominated, both spiritually and temporally by the East. At first this meant in the spiritual realm accepting the orthodox faith hammered out at the major councils – all in the East. But popes were also compromised by the need to get along with emperors who flirted with Arianism, or Monophysitism. Some of the temporal control was relaxed when the Goths and the Lombards took over much of Italy from the Empire. But the need to strike bargains with the invaders meant that partial freedom from Constantinople came at a high price, and popes had to keep asking for aid from their former master.

In the 8th century the popes made a brilliant move. Connecting with their missionary activities north of the Alps, they decided to introduce a third force into the centuries-old seesaw game that kept them suspended between two masters. They appealed to the Franks. In 739 Pope Gregory II invited Charles Martel to become the pope's protector in Italy. In 753 Stephen II went north for two years. He anointed Pepin, the successor to Charles Martel, "Rome's Father Figure" (*Patricius*). Pepin promised to restore Rome to some of its independence. Now the destinies of the papacy and the Frankish Empire were intertwined, giving birth – in 750s or 760s – to a fake document whose influence would outlive the Empire – the Donation of Constantine.

The Donation of Constantine

Forgeries were an important part of life in late antiquity and the Middle Ages. The basic code of Canon Law, Gratian's *Decretum*, contains some 500 forged legal texts.^{2/} Forgeries were often used to spell out what were considered true circumstances. Forgeries supplied a basis for the desired circumstances as if these had been formally mandated. Some of the epistles in the New Testament by followers of Peter, Paul or John, who believed they were acting as if under the apostles' guidance, enough to sign the apostles' names to these epistles. Classical historians, like Herodotus, wrote speeches for persons in the story as if those speeches had actually been delivered.

The papacy, in order to claim rights that were not generally recognized, found it useful to put those claims in the form of forged legal documents. For example, in the 6th century there was a forging of papal privileges for Pope Symmachus (498-514). He believed he had to declare the papacy beyond interference from Theodorid, so a body of phony precedents was prepared for him in legal form. In the 9th century a body of Spanish forgeries was created to protect bishops from their metropolitan superiors by invoking papal privilege. These came to be known as the False Decretals, as they were as successful as any of the forgeries, with the single exception of the Donation of Constantine.

The Donation of Constantine purports to be Constantine's own grant of spiritual and temporal authority to Pope Sylvester and to all his successor popes. The folktale miracle by which Sylvester cured Constantine of leprosy was widely accepted on the authority of the popular *Legenda Sancti Silvestri*. The legend included the baptism of Constantine by Sylvester in 312, rather than Constantine's actual baptism by Eusebius, which occurred in 337 when Constantine was on his deathbed.

The Donation was meant not merely to persuade others, but to formulate the exact nature of the grave step the popes were trying to take as they entirely severed themselves, for the first time, from

Eastern domination. The forger was saying that this was not a real break with history, or even the East, since it was only what Constantine himself decreed before setting up his new city of Constantinople. To the Franks the Donation signaled that Constantine had already given what Pepin was only restoring to the pope. The Donation has five main parts:

- Creed. Constantine begins with a profession of faith. This was meant to dispel the notion that Constantine's conversion to Christianity was partial, gradual, or not entirely orthodox, or that he had derived his creed from the council he presided over at Nicea. Here, Constantine spells out his proper Trinitarian views, and he attributes them to the personal instruction given him before Nicea was even thought of.
- Cure. The occasion for the pope's instruction is narrated. Having contracted leprosy, Constantine consulted the pagan priests in Rome, who said that he could be cured only by bathing in the blood of slaughtered children. When he refused to murder the young innocents, Peter and Paul rewarded him with a joint appearance in a dream, telling him to seek a cure from the pope, who was hiding from him on Mt. Soracte. When Sylvester was brought to him, Constantine verified his dream by looking at pictures of Peter and Paul entrusted to the pope – they were the very visages he had seen in his sleep. At this the emperor submitted to a course of fasting and penance in his Lateran palace, before being baptized. At the moment of his baptism, he saw a hand from heaven touch him, and the leprosy disappeared.
- Spiritual supremacy. After Constantine's cure, the pope interpreted for the new convert Matthew's text on Peter as the stone, who was given the keys of heaven. On this basis, Constantine declared that the church he would build for Peter – at his Lateran palace, not at St. Peter's – must be the "head and peak of all churches on the entire globe." This church would establish the authority of the apostles in the churches of Antioch, Alexandria, Constantinople and Jerusalem by exercising its own sway over "Judea, Greece, Asia, Thrace, Africa, Italy and the islands besides."
- Temporal supremacy. After calling the Lateran Church the head of all churches, Constantine gave Sylvester the Lateran Palace to be "placed over and above all palaces in the entire globe." To signify this temporal eminence, Constantine bestowed on the pope the imperial insignia, and held the reins as he walked beside Sylvester's horse – a symbol of vassalage. This is a breakthrough grant. It goes even beyond Gelasius's assertion of autonomy, since Gelasius claimed only spiritual supremacy, not temporal.
- Limits of supremacy. But Constantine, while conferring spiritual supremacy over all the churches, limited the pope's temporal supremacy to one half of the world, keeping the rest for himself. Sylvester's sway extended to "Rome, and all the sectors of Italy and western lands, their territory and cities." Constantine withdraws from these to set up a new city in his name, far from Rome, since "it is not right for an earthly emperor to have power in the place where priestly authority and supremacy of the Christian Church has been established by heaven's emperor."

The Application of the Donation of Constantine

The document once drawn up lay dormant for some time. The reason is that the Franks were not ready to play by these unilaterally formulated rules. When Charlemagne succeeded Pepin, he made it clear that he would set the rules. Charlemagne thought he should exercise all the authority that Constantine had in declaring Church teaching and ruling Church procedures. The grand vision of the Donation had to bide its time while popes underwent humiliation at the pleasure of the "third Rome" of the Carolingians. The Western Emperors, like the Eastern ones, called councils, seated and unseated bishops, and judged popes. After the Carolingian empire fell apart, the world of the popes contracted. The papacy came under the control of one or another of the families of Rome. Not until the papacy was put back on a sound moral and financial basis could it finally take the move that was signaled by the drafting, two centuries back, of the Donation of Constantine, and break free of imperial control, whether Eastern or Western.

Finally, in the new millennium, something like the plentitude of power claimed for the papacy was about to become a reality under the reforming popes, Leo IX (1049-1054) and Gregory VII (1073-1085). Now the project envisioned when the Donation of Constantine was forged could be pushed forward. Leo and Gregory concluded that spiritual primacy could never succeed unless temporal primacy was claimed as well. After all, emperors of both the East and the West had not made a distinction between the two. When they exercised their secular rule over Rome, they presumed to speak on dogmatic matters as well. They believed that the only way to prevent that was to agree with the emperors that temporal and spiritual power go together – but to maintain that, only the Church should exercise them. But, of course, the actual seizure of power could not have taken place on such rational grounds. A powerful myth was needed to sway opinion – a myth of the sort the Donation was deliberately tailored to provide. The means to the end was neither honest nor honorable. The only excuse for the popes is that, by this time, some of them had come to believe the myth themselves. A great deal of belief can come from wanting to believe. Whatever the motives of the popes at that time, they built a huge system on a substrate of falsehood. And it would last for centuries.

In 1054 Leo IX sent his most trusted counselor, Humbert of Moyenmoutier, to Constantinople with a defense of Roman primacy, expressly quoting the Donation and the Decretals.^{3/} When the patriarch of Constantinople would not submit, Humbert excommunicated him, placing the bull of excommunication on the altar of Hagia Sophia. The donation was finally doing that for which it was designed – to break the authority of the Eastern Empire over Rome. The schism between the Eastern and Western churches dates from this event.

When Gregory VII came to the papacy in 1073, he was in a hurry to assert his authority over almost everything within his ken, and he grasped at any tool for accomplishing it. His sweeping claims were not confined to spiritual primacy. In his *Dictatus Papae*, Gregory asserted that the pope alone can bear imperial insignia and that princes should kiss no one's feet but the pope's. He stated that the pope has a right to depose emperors – an act Gregory performed in 1080, a clear reference to the Donation of Constantine and a direct challenge to Henry IV.^{4/} When Henry challenged the pope's prerogative to appoint bishops – it had been the monarch's privilege – Gregory excommunicated Henry and dispensed his subjects from any obligation to obey him. Henry went to the pope at Matilda's castle in Canossa and performed public penance.

Gregory had set a standard for later popes, who tried to live up to the Donation of Constantine and other forgeries. There pontiffs would be inspired by his example to believe that papal armies are the sword of Peter, that political subjects can be dispensed from their obligations to any state out of communion with Rome, that only an imperial church can be Christ's Church. His followers constructed an ideal derived from what they claimed was the primitive church. The irony was that most of the material being used was the product of 9th century forgery, and they were reconstructing not the apostolic age but a church order designed for polemic purposes by the imagination of a Carolingian author. Gregory bequeathed to his successors the papacy of the forgeries.

Boniface VIII (1294-1303) had a great gift for making people hate him. The most famous hater is Dante. Boniface issued a papal bull, *Unam Sanctam* (1302), introducing the popular "two swords" theory of papal power. He asserted that the spiritual and physical swords are subject to the Church, though the spiritual is to be wielded by the Church, the physical for the Church; the former in the hand of God's priest, the latter in the hand of kings or generals acting by direction and permission of the priest.

Dante responded by arguing from Aristotle's definition of freedom as "that which exists for its own sake," to assert the competence of the free state to establish and reach its own earthly goals, or in choosing the means to reach them Peter's keys were given him to deal with what belongs to him, and the state does not belong to him. Dante admits that Constantine thought he could donate the state to Pope Sylvester – like most of his contemporaries, Dante did not know that the Donation was a forgery; but he says that Constantine was a fool, and the gift is self-contradictory. If Constantine had the realm to give, then it could not have been derived from the pope's in the first place. Besides, no ruler can give away his kingdom. He exists for it, not it for him.^{5/}

In the Renaissance period the popes used painters and sculptors to promote propaganda for them. Raphael is a classical example of this. He painted several portraits in frescoes. In one, *The Coronation*, Raphael shows Charlemagne kneeling to Leo III, in accord with Charlemagne accepting the terms of the Donation of Constantine. This was a prelude to what Raphael began before his death – a whole room devoted to the fraudulent myth of the Donation. His pupil, Guiliano Romano, working from Raphael's sketches, completed these frescos in the Sala di Costantino, showing the emperor's miraculous cure from leprosy and his gift of temporal realms to the pope. Another fresco cycle telling the same story was painted for the Lateran Palace by 1585.

These trumpetings of fraud were mounted without any reference to the fact that Lorenzo Valla had proved conclusively in 1440 that the Donation was forged. No matter. The Donation would continue to be the theme of Vatican art into the Baroque period, when it was commemorated by Bernini in the grand staircase connecting St. Peter's with the pope's palace.⁶⁷

Alexander VI in 1493, a half century after Vala's revelation, used the Donation to authorize the apportionment of territories in the New World. The line he drew consigning separate areas to Portugal and Spain is reflected even today in the Portuguese language in Brazil and Spanish in the rest of South America.

Pius IX came to the papacy in 1846, a liberal and a supporter of the unification of Italy. He expected Italy to be under his paternal authority. When Pius IX realized that the liberals meant to take away his states and secularize them, his disillusionment caused a violent reaction. His *Syllabus of Errors* (1864), denouncing the vast left-wing conspiracy he saw taking hold of the world is viewed as a stupid act of defiance. At a Catholic conference in 1863, the Dominican leader, Charles Forbes Montalembert, called for separation of Church and state based on freedom of conscience. This set off alarm bells in Rome.⁷¹ Pius IX, Leo XIII and Pius X continued to struggle with the loss of the Papal States, relying on the papal understanding contained in the Donation of Constantine, especially the need to control territory to be effective in directing spiritual authority. Until Vatican II every attempt was made by the Vatican to suppress any and all discussion of separation of church and state, and freedom of conscience.

Pius X invented a heresy he called "Modernism" in an effort to control Catholic thought. The last part of his encyclical *Pascendi* (1907), called for a vigilante movement throughout the Church. Certain books were not to be available to seminarians. Bishops were to prevent the reading and if possible the publication of these works, even by decree of excommunication. Finally, Pius X imposed a loyalty oath on everyone advanced to clerical orders. This practice was abandoned during Vatican II.

These suppressions bring to mind the case of the Jesuit John Courtney Murray. John Courtney Murray was considered dangerous early on because he took part in and praised ecumenical gatherings with non-Catholics. The papal position was that Catholicism, the only true religion, should be recognized as a religion of state.⁸¹ In 1955, Vincent McCormick, the Jesuit superior in Rome, refused to give permission to Murray for an article he had written on church-state relations, not wanting to expose Murray or the Jesuits to censorship that he knew would come. The Holy Office was on edge because Murray had criticized its presiding officer, Cardinal Alfredo Ottaviani on the traditional position of church-state relations. Cardinal Ottaviani asked New York's Cardinal Francis Spellman to question why Catholic University in Washington allowed Murray to criticize Ottaviani. Murray was instructed by Vincent McCormick to cease further activities in church-state relations.

Cardinal Ottaviani led the planning for Vatican II which began in 1960. Many of the great theologians of the day, Karl Rahner, Yves Congar, Edward Schillebeeckx, Bernard Haring, Henri de Lubac, Marie-dominic Chenu, Jean Danielou and John Courtney were not invited as consultants (periti). The Curia let religious superiors of liberal theologians know that such troublemakers were to be kept away. Some bishops, in need of theological help and fearing that they were being manipulated, called for informal advice from some of the theologians the preparatory bodies had snubbed. These theologians saw what was wrong with the document that had been prepared.

Something else happened. In 1960 John Fitzgerald Kennedy, a Catholic, was the Democratic Party's candidate for president. Kennedy through Ted Sorensen, consulted John Courtney Murray about church-state relations. The Vatican, wanting very much the success of a Catholic candidate for president of the United States removed the restrictions on John Courtney Murray, much to the chagrin of Cardinal Ottaviani.

In the opening session, Cardinal Achille Lienart of Lille, France moved for a delay so that the bishops could propose their own candidates for committee chairmanships controlled by the Curia. The progressives prevailed and the council was on. During the second session, Cardinal Spellman invited John Courtney Murray as his periti to come to Rome.^{9/} John Courtney Murray was instrumental in drafting the Document on Religious Freedom. At the Third Session it had been completely rewritten, substituting the ideas of John Courtney Murray from those of Cardinal Ottaviani. Cardinal Ottaviani and the block of conservatives managed to kill the bill by a secret vote in the coordinating committee of the council. Paul VI intervened on the side of the declaration on religious liberty. He announced "on higher authority" ordering a secret vote on whether to take up the declaration after all, despite the committee's cancellation of it. The outcome was certain, and it was generally agreed that Paul VI, who was about to make a journey to the United Nations to plead for world peace, could not afford the embarrassment of a defeat for the principle of freedom of conscience on the eve of his speech.

In *Dignatatis Humanae*, the separation of church and state is not only permissible but necessary:

"This Vatican Council declares that the human person has a right to religious freedom. This freedom means that all men are immune from coercion on the part of individuals or social groups and of any human powers...A wrong is done when government imposes upon its people, by force or fear or other means, the profession or repudiation of any religion, or when it hinders men from joining or leaving a religious community."^{10/}

The views for which Fr. Murray was silenced were now the official doctrine of the Church.

Vatican II documents further asserted that the freedom of the Spirit in leading humans to God through various paths cannot be limited by making the pope or Curia the gatekeepers to every salvation transaction.^{11/} The documents declared on Church teaching that Christ teaches through his whole Church, not just through one part of it. The pope leads but is within the apostolic body of bishops. The laity share in the priesthood of Christ; infallibility belongs to the whole body of Christ:

"The entire body of the faithful, anointed as they are by the Holy One, cannot err in matters of belief. They manifest this special property by means of the whole people's supernatural discernment in matters of faith when from the bishops down to the last of the lay faithful, they show universal agreement in matters of faith and morals. That discernment in matters of faith is aroused and sustained by the Spirit of truth. It is exercised under the guidance of the sacred teaching authority, in faithful and respectful obedience to which the People of God accepts that which is not just the word of men but truly the word of God."^{12/}

Conclusion

For more than half of the history of the Church, Rome did not have primacy over the Catholic Church. It was only in 1054 when Pope Leo IX tried to use the Donation of Constantine to establish the pope's primacy over the Patriarch of Constantinople. Pope Gregory, a.k.a., Hildebrand, asserted his and Rome's primacy from 1078. Vatican II provided the doctrinal basis to put the Donation of Constantine away in many of its aspects. Unfortunately, most Catholics are unaware that the basis of the primacy of the pope and Rome over other bishops and dioceses is based on forged documents. We might call this a structure of deceit.

Many bishops around the world are lobbying for structural changes in the Church to allow governance on a local level. The African bishops are calling for this. The Asian bishops are as well. In fact, Vatican II called for decentralization of church structures. Perhaps the time has come for the Church in America to look to alternatives to episcopal leadership with the understanding how Rome came to supremacy through the forgery of the Donation of Constantine. But if the people remain silent, likely not much will change.

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Notes

- 1/ Adapted from *Why I am a Catholic*, Garry Wills, Mariner Books, NY, NY; © 2002.
- 2/ Anthony Grafton, *Forgers and Critics*, Princeton University Press, © 1990, pp. 224-225.
- 3/ Domenico Maffie, *La Donazione Costantino nei giuristi medievali*, Guiffre Editore, ©1964, pp. 16-17.
- 4/ Domenico Maffie, *La Donazione Costantino nei giuristi medievali*, Guiffre Editore, ©1964, p. 18.
- 5/ See Dante's *Inferno*, Chapter 19, 116-117.
- 6/ Bernini's great statue, *The Conversion of Constantine*, was recognized as a reference to the Donation at its unveiling in 1670; see T.A. Marder, *Bernini's Scala Regia at the Vatican Palace*, Cambridge University Press, 1997, p. 209. Pope Sylvester's cure of the emperor's leprosy is shown in a roundel-relief on the stairway itself.
- 7/ Giacomo Martina, *Pio Nono (1851-1866)*, Ponteficia Universita Gregoriana, 1985, pp. 321-330.
- 8/ Donald Pelotte, S.S.S., *John Courtney Murray, Theologian in Conflict*, Paulist Press, © 1975, p. 52.
- 9/ Donald Pelotte, S.S.S., *John Courtney Murray, Theologian in Conflict*, Paulist Press, © 1975, p. 82
- 10/ Dignitatus Humanae 2,5.
- 11/ Lumen Gentium 15.
- 12/ Lumen Gentium 12.